

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

JEFFREY S. SUTTON
CHAIR

JONATHAN C. ROSE
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

STEVEN M. COLLOTON
APPELLATE RULES

EUGENE R. WEDOFF
BANKRUPTCY RULES

DAVID G. CAMPBELL
CIVIL RULES

REENA RAGGI
CRIMINAL RULES

SIDNEY A. FITZWATER
EVIDENCE RULES

MEMORANDUM

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

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

DATE: May 6, 2014

RE: Report of the Advisory Committee on Bankruptcy Rules

I. Introduction

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

First, the Advisory Committee took action on the proposed rule and form amendments that were published for comment in August 2013. One hundred and sixty-four comments were submitted in response to the publication, some of which addressed multiple rules and forms. The comments were considered in a series of subcommittee and working group conference calls prior to the spring meeting and in Committee discussions in Austin. The Advisory Committee now seeks the Standing Committee's final approval of some of the published items: one rule amendment and 29 revised or new forms, most of which were products of the Forms Modernization Project. Because the Committee made significant changes after publication to the chapter 13 plan form and related rules, it requests that the revised form and rules be republished.

The Committee voted not to proceed further with the electronic signature amendment to Rule 5005(a). The reasons for the Committee's decision to withdraw the proposed amendment are discussed below under Information Items.

Second, the Advisory Committee took action on new proposed rule and form amendments. The Committee requests publication for public comment of (1) the remaining group of modernized forms; (2) a new chapter 15 petition and related rule amendments; (3) an amendment to clarify the scope of Rule 3002.1; (4) an amendment to Rule 9006(f) that parallels amendments proposed by other Advisory Committees to eliminate the three-day rule following electronic service; and (5) a revised proof-of-claim attachment form for claims secured by home mortgages.

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

(A1) matters published in August 2013 for which the Advisory Committee seeks approval for transmission to the Judicial Conference—amendments to Rule 9006(f) and Official Forms 17A, 17B, 17C, 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, 22C-2, 101, 101A, 101B, 104, 105, 106Sum, 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106Dec, 107, 112, 119, 121, 318, 423, 427;

(A2) minor amendments to Official Forms 3A and 3B, for which the Advisory Committee seeks approval for transmission to the Judicial Conference without publication;

(B1) amendments to Rules 2002, 3002, 3007, 3012, 3015, 4003, 5009, 7001, 9009, and Official Form 113, for which the Committee seeks approval for republication in August 2014; and

(B2) matters for which the Advisory Committee seeks approval for publication in August 2014—amendments to Rules 1010, 1011, 2002, 3002.1, 9006(f), and new Rule 1012; modernized Official Forms 106J, 106J-2, 201, 202, 204, 205, 206Sum, 206A/B, 206D, 206E/F, 206G, 206H, 207, 309A, 309B, 309C, 309D, 309E, 309F, 309G, 309H, 309I, 312, 313, 314, 315, 401, 410, 410A, 410S1, 410S2, 416A, 416B, 416D, 424, and instructions; and the abrogation of Official Forms 11A and 11B.

Part III of this report discusses two information items.

II. Action Items

A. Items for Final Approval

A1. Amendments Published for Comment in August 2013. The Advisory Committee recommends that the Standing Committee approve the proposed rule and form

amendments that were published for comment in August 2013 and are discussed below.

The discussion of each action item indicates its proposed effective date. Appendix A includes the text of the amended rule and forms that are in this group.

Action Item 1. **Rule 9006(f)** would be amended to change the words “after service” to “after being served,” so that the rule would begin, “When there is a right or requirement to act or undertake some proceedings within a prescribed period after being served,” The amendment, which parallels an amendment to Civil Rule 6(d) that was published at the same time, is intended to clarify that only the party that is served by mail or under the specified provisions of Civil Rule 5—and not the party making service—is permitted to add three days to any prescribed period for taking action after service is made

No comments were submitted in response to the publication, and the Advisory Committee unanimously approved it as published. Because the Advisory Committee is requesting publication this summer of an additional amendment to Rule 9006(f) (see Action Item 10), the Committee expects that, if the pending amendment is approved, the Standing Committee will hold it in abeyance to allow both amendments to be sent together to the Judicial Conference. Following this course would likely result in a December 1, 2016, effective date for both amendments.

Action Item 2. **Official Forms 17A, 17B, and 17C** were proposed in connection with the revision of the bankruptcy appellate rules. Form 17A (Notice of Appeal and Statement of Election) would be amended and renumbered, and Forms 17B (Optional Appellee Statement of Election to Proceed in District Court) and 17C (Certificate of Compliance With Rule 8015(a)(7)(B) or 8016(d)(2)) would be new.

Proposed Form 17A and new Form 17B would implement the provisions of 28 U.S.C. § 158(c)(1) that permit an appellant and an appellee to elect to have an appeal heard by the district court in districts for which appeals to a bankruptcy appellate panel have been authorized. New Form 17C would be used by a party to certify compliance with the provisions of the bankruptcy appellate rules that prescribe limitations on brief length based on number of words or lines of text (the “type-volume limitation”).

No comments were submitted in response to the publication of these forms, and the Advisory Committee unanimously approved them at the spring meeting. The Committee requests that the Standing Committee approve these forms and forward them to the Judicial Conference, with the recommendation that they go into effect on December 1, 2014, the presumptive effective date of the revised Part VIII bankruptcy rules. These forms will be renumbered as Official Forms 417A, 417B, and 417C when the remaining modernized forms go into effect.

Action Item 3. **Official Forms 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, and 22C-2** are the modernized “means test” forms that were initially published in 2012 as part of the first phase

of the Forms Modernization Project (“FMP”). The Advisory Committee revised these forms after their initial publication, and the Standing Committee republished them in 2013. In response to the republication, six comments were submitted.

Commenters generally viewed the revisions of the means test forms positively. The National Conference of Bankruptcy Judges (“NCBJ”), for example, thought that the reorganization and revision of the forms made them easier to read and understand, thereby making them easier for debtors to complete and providing clearer information to creditors and trustees.

The comments made a number of detailed suggestions about the wording or content of specific provisions of the means test forms. In response the Advisory Committee made several changes. The changes of greatest significance include the following:

- An instruction about asking for help at the clerk’s office was revised to make it clear that the clerk’s office could help a filer locate means test data, but that it could not help in completing the form. In addition, the applicable web address for accessing the necessary data was moved to the instructions, where it can be updated as necessary without having to go through the form amendment process.
- The instruction about the grounds for denying chapter 7 relief was revised to state more accurately that “Chapter 7 relief can be denied to a person who has primarily consumer debts if the court finds that the person has enough income to repay creditors an amount that, under the Bankruptcy Code, would be a sufficient portion of their claims.”
- An error on line 33 of Form 22A-2 was corrected by removing the instruction “Do not deduct mortgage payments previously deducted as an operating expense in Line 9.”
- The omission of a space on Form 22B for claiming a marital deduction if the debtor has a non-filing spouse was corrected by adding space for the marital deduction on lines 12-14 of the revised form.

Some of the comments raised issues that had previously been debated and resolved by the Advisory Committee in promulgating the existing forms. The Advisory Committee voted not to revisit those legal issues in the context of modernizing the forms. The proposed forms would therefore continue the existing treatment with respect to the following issues:

- Whether the income of a nondebtor spouse not used for household expenses of the debtor or the debtor’s dependents is included in current monthly income as defined by §101(10A).

- Whether a chapter 7 debtor who completes the means-test-exemption form (B22A-1Supp) must also complete the Statement of Your Current Monthly Income (B22A-1).
- Whether the means test exemption for reservists and National Guard members is temporary.
- Whether space should be provided in Forms 22A-2 and 22C-2 for a debtor to deduct additional expenses beyond those already listed.
- Whether business expenses should be deducted before, rather than after, calculation of the applicable commitment period.
- Whether the forms should expressly provide a debtor the option of using a different method for determining the number of dependents, along with an explanation of why a different method was used.
- In Forms 22A-2 and 22C-2, whether taxes and insurance included in the mortgage payment should be identified on line 9b (monthly amounts due for debts secured by debtor's residence) rather than on line 33 (deductions for debt payments).
- Whether vehicle ownership expenses should be a predetermined allowance based on the IRS Standards rather than the debtor's actual expenses.
- Whether the debtor should be allowed to deduct ongoing retirement plan contributions as specified in § 541(b)(7).

In drafting revised Form 22C-2, the Advisory Committee made a substantive change in addition to the stylistic and formatting changes proposed by the FMP. It added Part 3 in response to the Supreme Court's decision in *Hamilton v. Lanning*, 560 U.S. 505 (2010), which held that changes to income or expenses reported elsewhere on the 22C forms that have occurred by the time of confirmation or are virtually certain to occur must be considered by the court in determining the debtor's projected disposable income. One comment suggested that debtors should be required to report expected changes only if they are virtually certain to occur within one year of the filing. The Advisory Committee rejected the suggestion because *Lanning* did not specify any time limit for changes that are virtually certain to occur.

The Advisory Committee requests that the Standing Committee approve Official Forms 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, and 22C-2 and send them to the Judicial Conference for approval, with an effective date of December 1, 2014. When the remaining modernized forms become effective, the means test forms will be renumbered Official Forms 108-1, 108-1Supp, 108-2, 109, 110-1, and 110-2.

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

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

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

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

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

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

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

- The language regarding fee waivers on line 8 of Form 101 was clarified to explain that a judge has discretion regarding whether to waive fees.
- The description of a sole proprietorship on line 12 of Form 101 was revised to make clearer that a sole proprietor is not a separate entity.
- Among the statements in Part 7 of Form 101 that a chapter 7 debtor must sign under penalty of perjury is the statement that the debtor is aware of the option to proceed under chapters 7, 11, 12, and 13. This statement was revised to limit it to chapters for which the debtor is eligible.
- Space was added to Form 101A for a debtor to indicate whether an eviction judgment had been entered against him and to provide information about the landlord who obtained the judgment.
- The debtor's certifications in Forms 101A and 101B were revised to clarify that the debtor is required to pay only the amount in default, not the entire amount that would ultimately be owed on the lease.

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

Schedule A/B: Property

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

Schedule C: The Property You Claim as Exempt

The published version of this form included a substantive change in response to *Schwab v. Reilly*, 560 U.S. 770 (2010). In that decision the Supreme Court stated that "Where . . . it is important to the debtor to exempt the full market value of the asset or the asset itself, our decision will encourage the debtor to declare the value of her claimed exemption in a manner that makes the scope of the exemption clear, for example, by listing the exempt value as 'full fair market value (FMV)' or '100% of FMV.'" *Id.* at 792-93.

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

A later revision of the form that the FMP proposed was previewed by the Standing Committee at the January 2013 meeting. Some members found that attempt unclear. They

suggested ways that the form might be improved, including highlighting the instructions about the *Schwab* option and allowing a debtor to claim as exempt “100% of fair market value, up to any applicable statutory limit.” That wording was incorporated into the proposed draft of Schedule C that was published last summer.

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

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

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

Many of the comments on Schedules D and E/F addressed narrow wording or technical issues. One comment objected to requiring claims to be listed in the alphabetical order of the creditors’ names. The Committee revised the instruction to require an alphabetical listing “as much as possible.” Another comment objected to the instruction to list creditors holding multiple claims separately for each claim and to list the last four digits of the account number for each claim. The Committee concluded that this information facilitates claims audits and assists creditors in identifying the debtor. Because some creditors are abandoning the practice of using social security numbers to identify account holders, they need account numbers. The Bankruptcy Clerks Advisory Group suggested the deletion in Part 4 of the explanation that certain totals from Schedule E/F are needed for statistical reasons. The Committee rejected this suggestion because Congress requires the collection and submission to it of the data, and debtors should be informed why the information is being sought.

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

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

Official Form 106Dec

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

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

- In response to comments about the omission of the debtor's marital status from the published form, the Advisory Committee added new question 1, which asks the debtor's current marital status. It does not ask, as some wanted, whether the debtor has previously been married or for the name of any former spouse. The Committee concluded that, if that information might be significant, the trustee can ask the debtor for it without having the information on forms in the public record.
- The NABT commented that line 5, which asked about whether the debtor's debts are primarily consumer debts, failed to recognize that the response for Debtor 1 and Debtor 2 in a jointly administered case could be different. As a result of this comment, line 6 (formerly line 5) was changed from "My debts are not primarily consumer debts" to "Neither Debtor 1 nor Debtor 2 has primarily consumer debts."
- At the suggestion of NCBJ, on line 18 an example of a transfer made as security was inserted in order to clarify the information requested.
- On line 22, the instruction that the debtor not include information about storage units that are part of the building where the debtor lives was deleted in response to NCBJ's comment that a debtor should provide information about storage units located elsewhere in his apartment building.
- At NCBJ's suggestion, and in order to be consistent throughout the forms, a warning to the debtor about the consequences of a false statement was added to Part 12.

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

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

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

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

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

Official Form 427—Cover Sheet for Reaffirmation Agreement. The Advisory Committee made a change to the Cover Sheet after publication in response to Suggestion 13-BK-K submitted by Mike Bates. Agreeing with his suggestion, the Committee revised line 3 of the form to clarify that § 524(k)(3)(E)(i)(I) and (ii)(I) allows, under some circumstances, disclosure of the simple rate of interest rather than the annual percentage rate.

The Advisory Committee requests that the Standing Committee approve Official Forms 101, 101A, 101B, 104, 105, 106Sum, 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106Dec, 107, 112, 119, 121, 318, 423, and 427 but that the forms not be forwarded to the Judicial Conference until the Standing Committee gives final approval to the modernized forms that will be published this summer (see Action Item 13). Because of the new numbering system for the forms and because there will be separate case-opening forms for individual and non-individual cases rather

than the current unified forms, both groups of forms need to take effect on the same date. The Advisory Committee recommends that the effective date be December 1, 2015, or as soon thereafter as is technologically feasible.

A2. Amendments for Which Final Approval Is Sought Without Publication. **The Advisory Committee recommends that amendments to Official Forms 3A and 3B be approved and forwarded to the Judicial Conference and that the amended forms become effective on December 1, 2014.** Because the amendments are minor, technical changes, the Advisory Committee concluded that publication for comment is not required. The text of the amended forms is set out in Appendix A.

Action Item 5. **Official Form 3A** is filed by individual debtors who request to pay the filing fee in installments, as authorized by 28 U.S.C. § 1930(a). **Official Form 3B** is filed by individual chapter 7 debtors who request to have the filing fee waived, as authorized by § 1930(f). The modernized version of Form 3A, which went into effect on December 1, 2013, includes at line 1 the filing fee amount for each chapter. The version of 3B that went into effect at the same time refers to the specific chapter 7 filing fee amount in the order that is part of the form. Because these amounts are subject to periodic change by the Judicial Conference, the Advisory Committee voted unanimously to remove them from the forms. Filing fee amounts will continue to be stated in Director's Forms that are used by clerk's offices to provide information about bankruptcy to individual debtors (current Director's Form 200 and 201). The proposed change will permit fee information provided to debtors to remain current without having to go through the formal forms amendment process.

B. Items for Publication in August 2014

The Advisory Committee recommends that the proposed rule and form amendments that are discussed below be published for public comment. The texts of the amended rules and official forms are set out in Appendix B.

B1. Rule and Form Amendments for Which Republication Is Sought

Action Item 6. **Rules 2002, 3002, 3007, 3012, 3015, 4003, 5009, 7001, and 9009**

As the Advisory Committee has previously reported, it has undertaken a multi-year project to create an official form for plans in chapter 13 cases. The chapter 13 plan form project is intended to eliminate the current anomaly of a major aspect of consumer bankruptcy practice not having a national form for presenting essential information to parties in interest. The Committee sees the adoption of a form for chapter 13 plans as bringing greater coherence to the presentation of information in chapter 13 cases and improving the procedures for preparing, reviewing, and confirming chapter 13 plans. The form (Official Form 113) was published for public comment in August 2013 along with related amendments to nine of the Bankruptcy Rules (Rules 2002, 3002, 3007, 3012, 3015, 4003, 5009, 7001, and 9009). After considering the public

comments, the Advisory Committee has proposed a number of changes to the plan form and rule amendments. Accordingly, the Advisory Committee seeks republication of both the plan form and the package of accompanying rule amendments.

The Advisory Committee anticipated that the plan form and related rule amendments would generate significant interest, and, as expected, a large number of comments were submitted. The Advisory Committee received approximately 150 public comments related to the chapter 13 plan form project. In addition, two witnesses testified about the project at a public hearing in January 2014. The Advisory Committee's Chapter 13 Plan Form Working Group exhaustively reviewed and discussed the comments received. In all, the Working Group convened for nine multi-hour conference calls to consider issues and concerns raised by the comments.

The current proposals for changes to the plan form are discussed below at Action Item 7. The principal comments and resulting changes to the rule amendments are discussed in this section.

Rule 2002

The published amendment to Rule 2002 would require giving 21 days' notice of the time to object to confirmation of a chapter 13 plan and 28 days' notice of the date of the confirmation hearing. Few comments were submitted on this amendment, and the Advisory Committee made no changes to the published rule. One comment suggested altering Rule 2002 to limit the required notice of pre-confirmation plan modifications. The Working Group, however, recommended against making changes to the basic notice provisions already included in the Bankruptcy Rules. A more comprehensive project on noticing may be undertaken by the Advisory Committee, and reconsideration of these issues would be more appropriate in that context.

Rule 3002

The published amendment to Rule 3002 included two significant changes to the rule. The first would alter Rule 3002(a) to state that the holder of a secured claim must file a proof of claim in order to have an allowed claim. The second would alter Rule 3002(c) principally to shorten the bar date—that is, the deadline by which a creditor must file a timely proof of claim—to 60 days after the petition is filed. The published amendment to Rule 3002(c) would provide an additional period of 60 days after the initial 60-day bar date. This additional 60-day period would allow holders of mortgage claims to file the supplemental documents required by Bankruptcy Rule 3001(c)(1) and (d). These changes drew a large number of comments.

Although in general the comments supported the thrust of the amended rule, they raised a number of issues. A comment from the NCBJ urged the removal of language stating that the failure of an entity to file a proof of claim does not void a creditor's lien. Apart from criticism of the phrasing of the statement, the comment objected that the provision strayed into an area of substantive law. Nevertheless, the Advisory Committee retained the language, which makes

clear that the change in Rule 3002(a) to require secured creditors to file proofs of claim is not in tension with the general rule that a secured creditor's lien survives bankruptcy even if no proof of claim is filed. The language used in the published amendment is drawn directly (and intentionally) from § 506(d)(2) of the Bankruptcy Code. Several comments took issue with the bifurcated bar date for mortgage claims on the ground that a 120-day period gave unwarranted favored treatment to mortgage creditors. By contrast, a comment by a group of large mortgage servicers expressed the concern that a bifurcated bar date might give rise to new disputes about proofs of claim. The Advisory Committee is satisfied that the general 60-day bar date will usually be sufficient time for filing proofs of claim. The bifurcated bar date for mortgage claims reflects the concern that retrieval of required supporting documents for those claims may take longer than 60 days. This proposal was generated through discussions at a mini-conference held in Chicago in January 2013 in which representatives from a number of stakeholders in the chapter 13 process (including mortgage servicers) participated. The Advisory Committee believes that the additional supporting documents to be filed by the end of the 120-day period will generate significant disputes in very few cases.

The Advisory Committee has approved two changes to the language of amended Rule 3002(c). One is a wording change to ensure consistency of terminology throughout the rule with respect to the starting point for calculating the bar date. The second clarifies that the listed exceptions to Rule 3002(c) apply to all cases—and not only involuntary chapter 7 cases— included in the subdivision.

Rule 3007

The Advisory Committee received a limited number of comments on the published amendment to Rule 3007, which governs objections to claims. Some of the comments offered stylistic suggestions that the Advisory Committee did not adopt. Others were more substantive and touched on service requirements. The Advisory Committee addressed service requirements for objections to claims at its fall 2013 meeting, when it approved amendments to Rule 3007(a) that were published for comment in 2011. Under amended Rule 3007(a), service of a claim objection would be made on most claimants by mailing notice to the person listed on the proof of claim. Service on federal government and insured depository institution claimants, however, would be made according to the applicable provisions of Rule 7004. The amended rule would also clarify that a hearing need not be held on every claim objection, so long as the claimant received notice and an opportunity for a hearing. Finally, the Committee voted at the fall 2013 meeting to delete the following language that was included in the proposed amendment to Rule 3007(a) published for comment last summer: “Except to the extent that the amount of a claim is determined under Rule 3012 in connection with plan confirmation in a chapter 12 or 13 case, a” This deletion was made because Rule 3012 does not address objections to claims, which is the subject of Rule 3007. Thus no exception to the latter rule is required.

Rule 3012

Amended Rule 3012 would govern the valuation of secured claims and priority claims. The published amendment drew support and opposition. A number of comments endorsed the

key change in the rule—an express provision permitting a chapter 13 plan to include a request for the determination of allowed secured claim values. Other comments opposed this change to the rules on various grounds, including concerns about due process and concerns about the amended rule’s treatment of claims by governmental units. The Advisory Committee did not find the due process objections persuasive in light of the heightened service requirements the amended rules would impose when a request for valuation is made through a chapter 13 plan. The objection to the treatment of governmental units (their secured claims could not be valued in a plan) was also unpersuasive. The different treatment of these claims is driven by the statutory grant of a longer bar date for the claims of governmental units.

The Advisory Committee approved a change to the published Rule 3012(c) to clarify that a request to determine the amount of a secured claim of a governmental unit may be made only by motion or in a claim objection after the governmental unit files a proof of claim. The Advisory Committee also approved amendments to Rule 3012(b) at the fall 2013 meeting. With the amendments, Rule 3012(b) would require service in the manner provided in Rule 7004 for a chapter 12 or 13 plan that requests determination of the amount of a secured claim, but would leave to Rules 3007(a) and 9014(b) the method of service for claim objections and motions to determine the amount of a secured claim, respectively.

Rule 3015

The published amendments to Rule 3015 proposed several changes in the rule. Amended Rule 3015(c) would require that plans filed in chapter 13 cases must “be prepared as prescribed by the appropriate Official Form” and that provisions deviating from the Official Form are effective only if they are placed in the part of the form reserved for nonstandard provisions. Amended Rule 3015(f) would require that objections to plan confirmation be made at least seven days before the confirmation hearing. Amended Rule 3015(g) would make clear that the valuation of a secured claim in a confirmed plan is binding on the holder of the claim. And Amended Rule 3015(h) governs the service of a plan modified after confirmation.

Most of the comments critical of the amended rule objected to the provision in Rule 3015(c) requiring use of the Official Form for chapter 13 plans. The Advisory Committee’s consideration of the question whether to go forward with the chapter 13 plan form is discussed below in Action Item 7. Although the Advisory Committee has decided to continue pursuing a mandatory plan form, the published amended rule does not account for the possibility that a national plan form might not be adopted at a time when the rule is in effect. The Advisory Committee altered the language of Rule 3015(c) to account for this possibility.

The Advisory Committee made two other changes to the published version of Rule 3015. First, language has been added to Rule 3015(f) to require objections to be filed “at least seven days before the *date set for the* hearing on confirmation.” This change responds to comments pointing out that some districts, while setting confirmation hearing dates, ordinarily confirm plans without a hearing if there are no objections. Under the new language, a deadline for objections would be clear even if no hearing is held. Second, prompted by a comment from the

IRS's Office of General Counsel, the Advisory Committee has made a small change to Rule 3015(g). The language of amended Rule 3012(g) has been altered to provide that any "determination made *in accordance with Rule 3012*"—rather than "under Rule 3012"—will be binding.

Finally, the Advisory Committee has added a sentence to the Committee Note for Rule 3015 to make clear that service under Rule 3015(h) does not necessarily require heightened Rule 7004 service. Another change to the Committee Note regarding Rule 3015(h) was made to point out that the option to serve a summary of a proposed plan modification remains in the rule.

Rule 4003

The published amendment to Rule 4003(d) would permit a lien avoidance proceeding under § 522(f) of the Bankruptcy Code to be commenced through a chapter 13 plan as well as by motion. Several comments raised questions about an ambiguity in the amended rule as to the requirements for service of a plan seeking lien avoidance. The Advisory Committee added clarifying language stating that only the affected creditors need to receive the heightened service provided under Rule 7004.

Rule 5009

Several comments raised concerns about the published amendment to Rule 5009(d). That provision would permit a debtor to request "an order determining that the lien on" property of the estate "has been satisfied." The final sentence of the amended rule provides further than an "order entered under this subdivision is effective as a release of the lien." The comments questioned whether the terms "satisfied" and "release" were used appropriately, while other comments questioned whether a bankruptcy court has the authority to enter the order contemplated by the amended rule.

The Advisory Committee decided to alter the amendment. The phrase "an order declaring that the secured claim has been satisfied and the lien has been released under the terms of a confirmed plan" has been substituted in the first sentence of the rule. This language clarifies that the order would merely seek a declaration of the effects of a confirmed plan. Furthermore, the Advisory Committee decided to remove the final sentence as unnecessary.

Rule 7001

Few comments addressed the amendment to Rule 7001, which makes clear that an adversary proceeding is not needed for proceedings under Rule 3012 or 4003(d). Although a number of comments supported the amendment, the NCBJ expressed reservations. In particular, the NCBJ viewed Rule 3012 as addressing relief by motion, which would not be a "proceeding" that would need to be excluded from Rule 7001(2). The Advisory Committee understood the meaning of proceedings to be broader than adversary proceedings—in other words, something could be called a proceeding and not be categorized as an adversary proceeding. Accordingly, the additional clarity of amended Rule 7001 was deemed worthwhile.

The Advisory Committee decided to make a change to the wording of the amendment, however. The published amendment referred to “a proceeding to determine the validity, priority, or extent of a lien or other interest in property, not including a proceeding under Rule 3012 or Rule 4003(d).” The Advisory Committee concluded that it would be more accurate to substitute “but not a proceeding under Rule 3012 or Rule 4003(d)” at the end of the amended sentence.

Rule 9009

The published amendment to Rule 9009, which governs the use and alteration of Official Forms, would have effected significant changes to the current rule. In general, current Rule 9009 requires only substantial compliance with Official Forms and expressly provides that “[f]orms may be combined and their contents rearranged to permit economies in their use.” The published amendment to Rule 9009 is more restrictive and would require the use of Official Forms “without alteration, except as otherwise provided in these rules or in a particular Official Form.” This more restrictive version of Rule 9009 was prompted by the confluence of the Advisory Committee’s Forms Modernization Project and the publication of the chapter 13 plan form project. For each project, the Advisory Committee had devoted a great deal of attention to the format, sequencing, and presentation of information. In particular, the chapter 13 plan form requires nonstandard provisions to appear only in one portion of the form, and it would defeat the purpose of this feature if the form could be rearranged freely.

The amended rule drew approximately twenty comments. Many of the comments opposed the amended rule principally out of opposition to the chapter 13 plan form. Even comments that expressed support for the plan form, however, raised concerns about the amended rule. These comments read the amended rule as requiring nearly “pixel by pixel” reproduction of an Official Form, which would be impractical in many circumstances—particularly when forms are generated (as is increasingly common) by bankruptcy preparation software or by court electronic case filing systems. The Working Group and the Subcommittee on Forms, after reviewing the comments, agreed that the rule should permit a greater degree of flexibility in the use and reproduction of forms. The revised amendment would allow deviations from an Official Form if permitted by the national instructions for the form in addition to those deviations permitted by the Bankruptcy Rules or the form itself. It would also allow “minor changes not affecting wording or the order of presenting information” on a form. The five specified exceptions to the general rule in the published amendment have accordingly been pared down to three, and these are now given as examples of permissible “minor changes” to a form.

Action Item 7. Official Form 113

As noted above, the chapter 13 plan form generated a large number of public comments. Although few of the comments submitted early in the public comment period expressed outright opposition to adoption of any national plan form, later comments more commonly expressed general opposition to a national form. The expressions of opposition prompted the Working Group to question whether the Advisory Committee should consider abandoning the project or proposing a plan form merely as an option that might be adopted by individual bankruptcy courts

or judges. After thorough deliberation, the Working Group concluded that the chapter 13 plan form and rule amendments should be recommended as currently structured and that it would defeat the goal of greater uniformity in chapter 13 practice if the form were turned into an optional one.

At the same time, the Working Group proposed a number of significant changes to the published form in response to the concerns raised by the comments. The Advisory Committee agreed with the Working Group's recommended changes and seeks republication of the form in light of these changes.

Public Comments on the Plan Form

A significant number of negative comments criticized the plan form for diminishing the freedom of debtors to propose lawful chapter 13 plans and infringing upon the authority of bankruptcy judges to adjudicate and administer chapter 13 cases. This concern was—by far—the most commonly expressed criticism of the project. For example, a significant number of comments opposed the plan form because it presents the option (in a choice of checkboxes) for a debtor to make ongoing payments directly to secured creditors rather than through the “conduit” of a chapter 13 trustee. This point was made in concrete form by Chief Judge Robert Nugent (D. Kan.), on behalf of the bankruptcy judges of the district, who objected that the form would disrupt his court's policy of requiring debtors to make ongoing mortgage payments through the chapter 13 trustee—a policy that Chief Judge Nugent believes has led to the successful administration of chapter 13 cases in the district. Many comments from similar “conduit” districts echoed Chief Judge Nugent's concern. On the other hand, Judge S. Martin Teel (Bankr. D.D.C.) expressed the inverse concern—that the form gave debtors the option of making ongoing payments to secured creditors through the trustee, even though his court is not a conduit district.

The Working Group decided that this concern rested on a misapprehension of the purpose and function of the chapter 13 plan form. The form is merely that—a form. It is not, in itself, a plan. Rather, it presents features typically found in chapter 13 plans in an ordered sequence. Nothing in the form diminishes the debtor's ability to propose a plan of the debtor's choosing. Similarly, the form does not mandate that a court accept the debtor's choice of a particular option included on the form. The Working Group recommended the addition of an explicit warning to the form—as the first item of the form text—to remind debtors of this point, and the Advisory Committee accepted that recommendation. The proposed warning states: “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 circumstances or that it is permissible in your judicial district.”

Three other concerns were most commonly expressed by the public comments. First, a number of comments objected that the plan form would be too long and complex, which would mean increased attorney time (and cost) to complete the form, increased court time to review it, increased confusion and litigation, and a costly transition period from current practices. Second,

some comments objected that the form should *not* seek to promote greater uniformity, because local variations are valuable—and perhaps inevitable—in chapter 13. Third, comments raised the related concern that the plan form was an unwise attempt by the Advisory Committee to regionalize or nationalize consumer bankruptcy practice. The Advisory Committee concluded that these concerns, while understandable, were misplaced.

First, the length of the form as published would not reflect the length of the form when used to file a typical chapter 13 plan. The various parts of the form, as explicitly stated on the document, need not be reproduced if the debtor does not include information in a particular section. For that reason, the Advisory Committee intends to include in a revised committee note a partially “collapsed” form showing the length of a typical plan in practice. The Working Group also received feedback from “real world” implementations of the form. Debra Miller, a chapter 13 trustee (N.D. Ind.), reported in a comment and in testimony at the public hearing that her district had adopted the draft plan form a year ago. Although Ms. Miller provided suggestions for clarifying and streamlining the form, she explained that it had not led to confusion or an increase in litigation.

Second, the Advisory Committee continues to see great value in encouraging more uniformity in chapter 13 procedures. A national plan form would benefit debtors, creditors, and courts by simplifying the preparation and review of chapter 13 plans and by allowing lower cost software programs and legal education programs for attorneys practicing in chapter 13 cases. Similarly, although the Advisory Committee cannot abridge, enlarge, or modify substantive rights in bankruptcy, more uniform procedures would have the beneficial effect of encouraging the clarification of open questions of law in chapter 13 cases. Because current chapter 13 procedures across the country are so fragmented, an appeal in one case arising in a particular district has limited persuasive force elsewhere. Having a common plan form would thereby lead to greater clarity in the law governing chapter 13 cases.

Third, the Advisory Committee believes the concerns about regionalize or nationalized consumer bankruptcy practice are unwarranted. The Advisory Committee did not set out to restructure the consumer debtor bar. And it does not believe that any such restructuring would be the likely outcome of adopting a national plan form. Other areas of consumer debtor practice in which forms are more uniform (most significantly, in chapter 7) have not been transformed in the manner feared by these comments.

Changes to the Published Form

In addition to the changes discussed above, the Advisory Committee has altered a number of parts of the plan form. Three changes are particularly worthy of note. First, the revised plan form provides for greater flexibility as to the manner in which a debtor funds a chapter 13 plan, including the provision of payments by multiple “steps” of varying durations and the provision of more options concerning the commitment of a debtor’s tax refund. Second, the Advisory Committee altered Part 7 of the plan form, which sets forth the order of distribution of payments to creditors. As published, Part 7 listed payments of the trustee’s fee, followed by payments to

secured creditors, with the remaining spaces left blank. Part 7 generated a heavy volume of comments, with a split between those seeking a more detailed order of distributions, those seeking no order of distributions at all (in favor of having the trustee determine the order), and those seeking a completely blank order of distributions. The Advisory Committee decided to leave this part blank with the exception of the provision of payment of the trustee's fee. The revised Committee Note, however, now states that the debtor may choose to leave the order of distribution to the trustee's direction. Third, the Advisory Committee altered the signature box (Part 10). As published, this part of the plan form required only debtors' attorneys and pro se debtors to sign the form. On further reflection, the Advisory Committee has decided to make signatures by represented debtors optional. A number of comments noted that debtors' attorneys might want their clients to sign the plan, both to increase the evidentiary value of the plan in the proceedings and also to verify that the debtor has reviewed the plan's contents.

Republication of the Plan Form and Rule Amendments as a Package

The Advisory Committee wishes to republish both the plan form and rule amendments, with many members supporting the adoption of the rule amendments only in conjunction with a national plan form. The Committee recommends soliciting public comment on whether the form and rules should be considered as an integrated package. Two members of the Committee dissented from this aspect of the republication request.

B2. Rule and Form Amendments for Which Publication Is Sought

Action Item 8. Rules 1010, 1011, 1012, 2002

The Advisory Committee will seek permission to publish amendments to the Bankruptcy Rules in order to improve procedures for international bankruptcy cases. Under chapter 15 of the Bankruptcy Code, a representative of a foreign debtor may petition a United States court to recognize a foreign proceeding in a cross-border insolvency case. If the recognition petition is granted, certain provisions of the Bankruptcy Code will apply to assist the foreign representative in administering the debtor's assets or in pursuing other relief. Shortly after chapter 15 was added to the Bankruptcy Code in 2005, the Bankruptcy Rules were amended to insert new provisions governing cross-border cases. Among the new provisions were changes to Rules 1010 and 1011, which previously governed only involuntary bankruptcy cases, and Rule 2002, which governs notice. The proposed amendments to the Bankruptcy Rules would make three changes: (i) remove the chapter 15-related provisions from Rules 1010 and 1011; (ii) create a new Rule 1012 to govern responses to a chapter 15 petition; and (iii) augment Rule 2002 to clarify the procedures for giving notice in cross-border proceedings.

The explanation for these amendments requires a brief background on the chapter 15 process. Chapter 15 defines two categories of foreign proceeding. Section 1502(4) defines a "foreign main proceeding" as a foreign proceeding pending in the country where the debtor has the "center of its main interests." Section 1502(5), on the other hand, defines a "foreign nonmain proceeding," as a foreign proceeding (other than a foreign main proceeding) pending in a country

“where the debtor has an establishment.” Section 1517(c) requires that a petition for recognition be decided “at the earliest possible time” after notice and a hearing. Section 1520(a) provides that upon recognition of a foreign main proceeding, the automatic stay under § 362 applies to the debtor and the property of the debtor in the United States. With a foreign nonmain proceeding, however, the foreign representative must apply for a grant of “any appropriate relief,” including a stay of actions against the debtor and the property of the debtor. § 1521(a).

The Advisory Committee’s Subcommittee on Technology and Cross-Border Insolvency noted a number of oddities in the Bankruptcy Rules’ treatment of the two types of foreign proceedings. Rule 1010 requires the clerk to issue a summons for service when a petition for the recognition of a foreign *nonmain* proceeding is filed—but not when a petition for the recognition of a foreign main proceeding is filed. Yet Rule 1011, which governs responses to a petition for recognition of a foreign proceeding, appears to contemplate that service of the summons will be made in all cases. Rule 1011(b) provides that “[d]efenses and objections to the petition shall be presented in the manner prescribed by Rule 12 F.R.Civ.P. and shall be filed and served within 21 days *after service of the summons.*” (emphasis added). Thus, under Rule 1011(b), service of the summons triggers the time period for responding to a petition for recognition of a foreign main or nonmain proceeding, yet no summons issues with a foreign main proceeding under Rule 1010. Rule 2002(q) further complicates the picture. That rule requires service of at least 21 days’ notice of the hearing on a recognition petition. But the rule does not explicitly address when the court should set the hearing. This raises the concern that if the court must wait until the expiration of the response times under Civil Rule 12 (generally 21 days), as possibly indicated by Rule 1011(b), then an unnecessary delay may occur between the petition’s filing and the recognition hearing date. That delay would be contrary to the Code’s requirement of prompt adjudication of a petition for recognition. Rule 2002(q) also contains another gap. It does not address how courts should treat requests for provisional relief—a commonplace part of chapter 15 practice—in advance of a recognition hearing.

The Subcommittee concluded that the Bankruptcy Rules contain procedures that are ill suited for chapter 15 cases. The amendments would drop the requirement of issuing a summons after the filing of a petition for recognition—a requirement that appears to be honored in the breach in some courts entertaining chapter 15 cases. Procedures for objections and other responses to a petition would be governed by a new Rule 1012. Rule 2002(q) would be amended in three respects. First, the rule would expressly require a prompt hearing on a petition for recognition. Second, the rule would indicate the contents of the hearing notice. Third, the rule would permit the court to combine a hearing on provisional relief with the recognition hearing in a manner similar to that contemplated by Rule 65 of the Civil Rules (made applicable in bankruptcy under Rules 1018 and 7065). These changes are intended to ensure that the Bankruptcy Rules set forth more accurate and effective procedures for the adjudication of chapter 15 cases.

Acting on the Subcommittee’s recommendation, the Advisory Committee voted to seek permission to publish these amendments to the Bankruptcy Rules. The amendments would be

published together with a new form for chapter 15 petitions (Official Form 401), discussed separately in Action Item 11.

Action Item 9. Rule 3002.1 applies in chapter 13 cases and requires creditors whose claims are secured by a security interest in the debtor's principal residence to provide the debtor and trustee certain information about the mortgage while the bankruptcy case is pending. It requires the creditor to give notice of any changes in the periodic payment amount and notice of any fees, expenses, or charges that are incurred after the bankruptcy case is filed. The proposed amendments would clarify when the rule applies and when its requirements cease.

Since the rule went into effect in 2011, a conflict in the case law has arisen over whether the rule applies to a case in which the debtor is not curing a prepetition mortgage default under the plan but is maintaining mortgage payments while the case is pending. The source of the confusion is the rule's reference to "claims . . . provided for under § 1322(b)(5) of the Code in the debtor's plan." That statutory provision authorizes a chapter 13 plan to "provide for the curing of any default within a reasonable time and maintenance of payments while the case is pending." Some courts have read that provision as not applying unless the debtor has defaulted on the mortgage prior to commencement of the chapter 13 case. As a result, they have held that the reporting obligations under Rule 3002.1 do not apply if no default is being cured. *See, e.g., In re Weigel*, 485 B.R. 327, 328 (Bankr. E.D. Va. 2012); *In re Walleth*, 2012 WL 4062657 at * 2 (Bankr. D. Vt. 2012). Other courts have interpreted § 1322(b)(5) as authorizing maintenance of mortgage payments even when there is no need to cure a default. Based on that view, they have applied Rule 3002.1 to cases with a maintenance-only plan. *See, e.g., In re Tollios*, 491 B.R. 886 (Bankr. N.D. Ill. 2013); *In re Cloud*, 2013 WL 441543 at * 2 (Bankr. S.D. Ga. 2013).

The Advisory Committee concluded unanimously that a creditor's obligations under Rule 3002.1 to keep a debtor informed about the status of a mortgage should apply whenever a chapter 13 plan provides for continuing payments on the mortgage while the bankruptcy case is pending. The goal of Rule 3002.1 is to allow a debtor to be current on a home mortgage at the end of a successful chapter 13 case. Whether or not there was a prepetition default, proper payment of the mortgage during the case requires accurate information about any changes in payment amounts and the assessment of any fees and charges. The Committee therefore acted positively on the suggestion of Bankruptcy Judge Carol Doyle (N.D. Ill.) (Suggestion 13-BK-E) that the rule be amended to clarify that it applies to any chapter 13 plan that provides for the maintenance of home mortgage payments. The proposed amendment would remove the reference to § 1322(b)(5) in subdivision (a) and add in its place the requirement that the plan "provides that either the trustee or the debtor will make contractual installment payments."

In proposing that amendment, the Advisory Committee is also attempting to resolve another case conflict—whether Rule 3002.1 applies only when the chapter 13 trustee makes the ongoing mortgage payments (sometimes incorrectly referred to as "payments under the plan") or whether the rule also applies when the debtor makes the mortgage payments directly (sometimes incorrectly referred to as "payments outside the plan"). The Committee's intent in promulgating

the rule was for the rule to apply in either situation, and the Committee Note so stated. Because a few courts have limited the rule's applicability to trustee-payment cases, however, the Committee voted unanimously to clarify in the proposed amendment that the rule applies to plans in which either the trustee or the debtor will maintain mortgage payments.

Finally, the Advisory Committee voted to propose an amendment of Rule 3002.1(a) to address an issue on which the rule is currently silent—when do the creditor's obligations under the rule cease? If during a chapter 13 case a creditor obtains relief from the automatic stay in order to foreclose on the home mortgage, there would generally be no reason to continue to inform the debtor about changes in payment amounts or assessment of fees, since payment will usually be discontinued. Based on the current rule's silence, however, some courts have concluded that there is no basis for relieving the creditor of its obligations under the rule in that situation. *See, e.g., In re Kraska*, 2012 WL 1267993 (Bankr. N.D. Ohio 2012); *In re Full*, 2012 Bankr. LEXIS 4704 (Bankr. D.S.C. 2012).

The Committee voted, with 3 dissents, to propose the addition of the following sentence at the end of Rule 3002.1(a): "Unless the court orders otherwise, the notice requirements of this rule cease to apply when an order terminating or annulling the automatic stay becomes effective with respect to the residence securing the claim." Members who opposed the amendment noted that in some cases debtors have a continuing need for the mortgage information because they will seek to cure their postpetition default or obtain a mortgage modification. A paragraph was added to the Committee Note to encourage courts in appropriate situations to be open to requests to continue the reporting requirements after stay relief is granted.

Action Item 10. Rule 9006(f) is proposed to be amended in response to a recommendation of the Standing Committee's CM/ECF Subcommittee. The amendment would eliminate the three-day extension to time periods when service is effected electronically. It would therefore parallel amendments to Civil Rule 6(d), which was presented to the Standing Committee at its January meeting, and Appellate Rule 26(c) and Criminal Rule 45(c), which are being proposed for publication at this meeting.

The Advisory Committee agreed with the CM/ECF Subcommittee's rationale for eliminating the three-day rule in the case of electronic service. Now that electronic service is widely used, reliable, and generally instantaneous, there is no reason to extend the time in which the party served must take action following service. Elimination of the three additional days when electronic service is used also facilitates day-of-the-week counting, which the Time Computation Project brought to the rules.

The Advisory Committee discussed whether the amendment should go beyond electronic service and either eliminate the three-day rule altogether or eliminate it for some additional methods of service. In the end the Committee voted unanimously to propose an amendment that is limited to electronic service. Members concluded that it is important to have uniformity in

how time is computed under the various federal rules, and the Committee therefore favored proposing an amendment that is consistent with the CM/ECF Subcommittee's recommendation.

Action Item 11. Official Form 401

The Advisory Committee will seek publication of an Official Form for chapter 15 petitions. The creation of the form arose from the ongoing work of the Forms Modernization Project. While drafting a new voluntary petition form for non-individual debtors, the FMP received comments suggesting that a separate chapter 15 petition form should be drafted. In particular, the U.S. Trustee Program recommended the creation of a separate form to allow the deletion of information on the voluntary petition form that is relevant only to chapter 15 cases.

A draft chapter 15 petition form, designated as Official Form 401, was presented to the Advisory Committee for preliminary discussion at its fall 2013 meeting. The Subcommittee on Technology and Cross-Border Insolvency then sought further input from a group of outside reviewers with expertise in chapter 15 cases. These reviewers—from judicial, academic, and practice backgrounds—noted a number of suggested changes to the draft form. On the whole, the reviewers' comments are positive and helpful, and the Subcommittee found a number of their suggested changes to be improvements that were incorporated into a revised draft. The Advisory Committee accepted the Subcommittee's recommendation and voted to seek publication of the form.

As described in Action Item 8, the Advisory Committee anticipates that the new petition form will be published together with the chapter 15-related amendments to the Bankruptcy Rules.

Action Item 12. Official Form 410A (currently Form 10A) is the Mortgage Proof of Claim Attachment. The form is required to be filed in an individual debtor case with the proof of claim of a creditor that asserts a security interest in the debtor's principal residence. 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.

When the Advisory Committee was considering the promulgation of Official Form 10A, it heard from some commenters that a full or partial mortgage account history should be required. The Committee concluded then that a more summary form would better convey the necessary information, but it determined to reconsider the issue after a period of experience with the new form.

The Committee held a mini-conference of interested entities in September 2012. There was general agreement among participants on the following suggestions for revision of the attachment form:

- A detailed payment history should be attached to the proof of claim. The payment history should be in a form that can be automated.
- Disclosure requirements should be uniform nationwide; local variations should be prohibited.
- The proof of claim attachment should include the amount of the regular mortgage payment applicable as of the petition date.
- The proof of claim attachment should show the calculation of the total claim as of the petition date.

The Advisory Committee later created a Mortgage Forms Working Group to follow up on suggestions that emerged at the mini-conference. The Group consists of several members of the Committee, an invited bankruptcy judge, a chapter 13 trustee, and an attorney for a mortgage lender and servicer. The Working Group drafted a new attachment form and presented it to the Advisory Committee at the spring meeting, where it was unanimously approved for publication.

The new form would require a home mortgage claimant to provide a history of the loan account starting with the “First Date of Default.” As explained in the Committee Note and Instructions, that date 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. The loan history would 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 the various components of the loan after amounts were received or fees and charges were incurred. Advocates of requiring a loan history have stated that disclosure of this information would enable a debtor to see the basis for a mortgage claim and the arrearage amount, thereby facilitating resolution of disputes about mortgage amounts in some cases and providing a basis for objecting to claim amounts in others.

From the mortgage claimant’s perspective, the proposed attachment form has the advantage of being in a format that can be automated, unlike the existing form that must be completed by hand. Outreach to various lenders indicated that automation of the form would be feasible for them. The pending amendments to Rule 9009 would require the uniform implementation of the new form in all districts, thereby allowing creditors to develop universally applicable software for form completion.

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.

The Advisory Committee requests that the proposed form be published this summer, along with its Instructions and a sample form that shows how the form would be completed in an illustrative case.

Action Item 13. The nearly final installment of the Forms Modernization Project.

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”).¹ This group of forms consists primarily of case opening forms for non-individual cases, chapter 11-related forms, the proof of claim form and supplements, and orders and court notices for use in all types of cases. Also to be published are two revised individual debtor forms and the announcement of the proposed abrogation of two Official Forms.

Specifically, the modernized forms for which publication is sought are the following (in addition to the three forms that were separately discussed in Action Items 7, 11, and 12):

| | |
|---------------|---|
| 11A | General Power of Attorney (Abrogated) |
| 11B | Special Power of Attorney (Abrogated) |
| 106J | Schedule J: Your Expenses |
| 106J-2 | Schedule J-2: Expenses for Separate Household of Debtor 2 |
| 201 | Voluntary Petition for Non-Individuals Filing for Bankruptcy |
| 202 | Declaration Under Penalty of Perjury for Non-Individual Debtors |
| 204 | Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders |
| 205 | Involuntary Petition Against a Non-Individual |
| 206Sum | Summary of Assets and Liabilities for Non-Individuals |
| 206A/B | Schedule A/B: Assets—Real and Personal Property |
| 206D | Schedule D: Creditors Who Have Claims Secured by Property |
| 206E/F | Schedule E/F: Creditors Who Have Unsecured Claims |
| 206G | Schedule G: Executory Contracts and Unexpired Leases |
| 206H | Schedule H: Codebtors |
| 207 | Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy |
| 309A | Notice of Chapter 7 Bankruptcy Case—No Proof of Claim Deadline (For Individuals or Joint Debtors) |

¹ The forms that remain to be restyled are current Official Forms 25A (Plan of Reorganization in Small Business Case Under Chapter 11), 25B (Disclosure Statement in Small Business Case Under Chapter 11), 25C (Small Business Monthly Operating Report), and 26 (Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor’s Estate Holds a Substantial or Continuing Interest).

| | |
|--------------|---|
| 309B | Notice of Chapter 7 Bankruptcy Case—Proof of Claim Deadline Set (For Individuals or Joint Debtors) |
| 309C | Notice of Chapter 7 Bankruptcy Case—No Proof of Claim Deadline (For Corporations or Partnerships) |
| 309D | Notice of Chapter 7 Bankruptcy Case—Proof of Claim Deadline Set (For Corporations or Partnerships) |
| 309E | Notice of Chapter 11 Bankruptcy Case (For Individuals or Joint Debtors) |
| 309F | Notice of Chapter 11 Bankruptcy Case (For Corporations or Partnerships) |
| 309G | Notice of Chapter 12 Bankruptcy Case (For Individuals or Joint Debtors) |
| 309H | Notice of Chapter 12 Bankruptcy Case (For Corporations or Partnerships) |
| 309I | Notice of Chapter 13 Bankruptcy Case |
| 312 | Order and Notice for Hearing on Disclosure Statement |
| 313 | Order Approving Disclosure Statement and Fixing Time for Filing Acceptances and Rejections of Plan, Combined With Notice Thereof |
| 314 | Class [] Ballot for Accepting or Rejecting Plan of Reorganization |
| 315 | Order Confirming Plan |
| 410 | Proof of Claim |
| 410S1 | Notice of Mortgage Payment Change |
| 410S2 | Notice of Postpetition Mortgage Fees, Expenses, and Charges |
| 416A | Caption (Full) |
| 416B | Caption (Short Title) |
| 416D | Caption for Use in Adversary Proceeding |
| 424 | Certification to Court of Appeals by All Parties |

An instruction booklet for non-individuals is also included for comment.

Before the spring 2012 meeting of the Advisory Committee, the FMP adopted the following guidelines for drafting the non-individual debtor forms:

- Eliminate requests for information that pertain only to individuals.
- To the extent possible, parallel how businesses commonly keep their financial records.
- Include information identifying where and how the requested information departs from information maintained according to standard accounting practices.
- Provide better instructions about how to value assets listed in the schedules, and provide a valuation methodology that will allow people who commonly sign schedules to respond without needing expert asset valuations.
- Revise the secured debt schedule to clarify when debts are cross-collateralized and the relative priority of secured creditors.

- Require responsive information to be set out in the forms themselves and not simply included as attachments.
- Use a more open-ended response format, as compared to the draft individual debtor forms.
- Keep interdistrict variations to a minimum, particularly with respect to the mailing matrix.

The drafting of the modernized non-individual forms was done using an iterative approach. A drafting group of the FMP prepared drafts of the non-individual forms. Then, with assistance of Beth Wiggins and Molly Johnson from the Federal Judicial Center, research was done on ways in which the non-individual forms could be improved. They obtained input from the groups of professionals who reviewed the individual forms, as well as 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 also had an opportunity to review the forms and make suggestions at its fall 2013 meeting. After additional revisions were made, the forms were presented to the Advisory Committee at the spring meeting. The Committee unanimously approved them for publication.

The proposed revisions to this group of forms consist primarily of creating separate case-opening forms for non-individual cases, renumbering all of the forms, and making changes to style and format. In addition, the Advisory Committee is proposing the changes noted below to a few of the forms in this group.

Official Forms 11A and 11B. The Committee is proposing the abrogation of these Official Forms and their replacement with Director's Forms. Parties routinely modify these power of attorney forms to conform to state law, the needs of the case, or local practice. There is no reason that the exact language of these forms needs to be used. Because the proposed amendment to Rule 9009 would restrict alteration of Official Forms, except as provided in the rules, form instructions, or in a particular Official Form, the Committee determined that the subject of these forms would be better handled by Director's Forms. The latter forms may be altered as needed, and their use is not mandatory unless required by a local rule.

Official Forms 106J and 106J-2. These forms are part of the debtors' schedules in a joint case. Official Form 106J-2 (Schedule J-2: Expenses for Separate Household of Debtor 2) is new. It would be used only in a joint case in which the spouses maintain separate households. Debtor 2's monthly expenses would be itemized and totaled on Form 106J-2, and then that total would be listed on line 22b of Form 106J (Schedule J: Your Expenses) to be used in the calculation of

the debtors' total monthly expenses. Form 106J would be amended to add line 22b and to include references to Official Form 106J-2 at lines 1 and 22b.

Combination of Forms. In four instances, the Advisory Committee has combined two existing forms into one. Official Form 206A/B (Schedule A/B: Assets—Real and Personal Property) is a combination of existing Forms 6A and 6B for use in non-individual cases. Similarly, Official Form 206E/F (Schedule E/F: Creditors Who Have Unsecured Claims) is a combination of existing Forms 6E and 6F for use in non-individual cases. Two sets of notices of a bankruptcy case filing were also merged. Official Form 309E (Notice of Chapter 11 Bankruptcy Case (For Individuals or Joint Debtors)) combines existing Forms 9E and 9E(Alt), and Official Form 309F (Notice of Chapter 11 Bankruptcy Case (For Corporations or Partnerships)) does the same for existing Forms 9F and 9F(Alt).

Publication of this last group of modernized forms this summer means that they could go into effect on December 1, 2015, if no further publication is required and the Judicial Conference approves them. The timing of the implementation of the next generation of the CM/ECF system, however, may require a delayed implementation of the modernized forms to ensure that it is technologically feasible to capture the data reported on them. For that reason the Advisory Committee suggests that the effective date of these forms and the ones discussed under Action Item 4 be December 1, 2015, or as soon thereafter as the available technology allows.

III. Information Items

A. Withdrawal of Rule 5005 Amendment. On the Advisory Committee's recommendation, the Standing Committee last August published an amendment to Rule 5005(a) to govern electronic signatures. As proposed, this national rule would have replaced local rules and permitted the filing of a scanned signature page of a document bearing the signature of an individual who is not a registered user of the CM/ECF system. That scanned signature could have been used with the same force and effect as an original signature, and retention of the original document with the wet signature would not have been required.

The rule was published with alternative provisions suggested by the CM/ECF Subcommittee for ensuring the integrity of a scanned signature. Alternative 1 deemed the filing attorney's act of filing the document and the scanned signature to certify that the signature was part of the original document, and Alternative 2 required the acknowledgment of a notary public that the scanned signature was part of the original document. The publication package contained a note that called attention to the alternative provisions and specifically sought comment on whether one of the provisions was preferable.

Nineteen comments were submitted on the Rule 5005(a) amendment. Everyone who commented on the alternatives preferred Alternative 1. Most of those comments explained the reasons for the preference without commenting more broadly on the desirability of the overall amendment. Seven comments expressed opposition to adoption of the amendment. Included in

that group was the detailed comment submitted by the Deputy Attorney General. Among the reasons for the commenters' opposition were that current procedures work fine and scanning of signatures would be more complicated, scanned documents would require greater electronic storage capacity, there is or soon will be superior technology that will assure the validity of electronic signatures, and elimination of the retention requirement would make prosecutions and civil enforcement actions for bankruptcy fraud and abuse more difficult. Four of the comments gave suggestions for revising the wording or scope of the amendment.

Several of the comments favoring Alternative 1 stated that requiring the acknowledgment of a notary public would be at odds with 28 U.S.C. § 1746, which dispenses with notarization. Some also stated that the requirement would entail additional delay and expense and would be infeasible because many law offices no longer have notaries readily available. Clerks commented that Alternative 2 would impose additional work on the clerk's office, as they would be required to perform a new quality assurance step for each filing covered by the rule. The general view expressed was that Alternative 2 would be awkward, cumbersome, and a step backwards.

Commenters who said that using scanned signature pages would require more work than current procedures require appeared to be accustomed to using an s/ electronic signature for debtors, and they did not express any dissatisfaction with having to retain documents with an original signature. They said the current procedures work well and have streamlined the filing of documents in bankruptcy courts. A couple of these comments stated that some debtors' attorneys do not have scanners or do not know how to merge scanned and electronically created documents. One clerk questioned whether software packages allow the use of scanned pages and asserted that a majority of attorneys probably do not know how to file documents using the CM/ECF system. An attorney stated that filing a 50-page petition and related documents would require the scanning of a number of signature pages, which would be a burden on the filing attorney and the court. One comment stated that the clerk's office in her district has been discouraging the uploading of scanned signatures for years.

The main basis for the Department of Justice's opposition to the proposed rule was that eliminating the requirement for retaining original signatures would adversely affect the Department's ability to successfully prosecute bankruptcy crimes and to pursue civil enforcement actions for bankruptcy fraud and abuse. The Deputy Attorney General's comment was informed by a poll of federal prosecutors who are involved in prosecuting white collar crime. Ninety-two percent of respondents indicated that they saw no problem that needs fixing, and 57% said that eliminating the retention of original signatures would make their job of prosecuting bankruptcy crimes more difficult. They expressed concern that debtors' repudiation of signatures is more likely with electronic signatures and that proving that a signature belongs to the defendant would be more difficult. Circumstantial proof of authenticity would be required because the FBI will not provide conclusive expert testimony on handwriting analysis without the original signatures.

The Department of Justice comment also questioned the need for a change in the procedure regarding electronic signatures. The Deputy Attorney General argued that the adverse impact on law enforcement would outweigh the reasons given for the proposed amendment. He stated that any concern that the retention requirement could be inconsistent with a lawyer's duty to the client is unwarranted, that having different retention periods among the districts is no different than other local rule differences, and that the burden on attorneys to retain documents is a fairly constant one, as older documents can be destroyed each year as their retention period expires.

The issue of the retention of documents that are filed electronically with the debtor's signature was initially brought to the Advisory Committee by the Forms Modernization Project. It raised the issue in response to concerns expressed by debtors' attorneys about their need to retain petitions, schedules, and other individual-debtor filing documents that will be lengthier in the proposed restyled format. Representatives of the Department of Justice also expressed concerns about the retention of original documents by debtors' attorneys and the lack of uniformity regarding the retention period. The Department made a recommendation to the Next Gen's Additional Stakeholders Functional Requirements Group that documents bearing wet signatures, signed under penalty of perjury, be retained by the clerk of court for five years—the statute of limitations for fraud and perjury proceedings—unless a national rule were adopted declaring that electronic copies of such documents in the court's ECF system constitute legally sufficient best evidence in the absence of an original signed document. In response to that request, in August 2012 the Committee on Court Administration and Case Management ("CACM") requested the various rules committees to consider creating "a federal rule regarding electronic signatures and the retention of paper documents containing original signatures." CACM's preferred approach was the promulgation of a national rule specifying that an electronic signature in the CM/ECF system is *prima facie* evidence of a valid signature.

After reviewing the comments submitted in response to publication, the Advisory Committee voted unanimously to withdraw the amendment to Rule 5005(a). Comments from attorneys did not indicate dissatisfaction with current procedures. No comment expressed relief that retention would no longer be required, and some attorneys said that the current procedures work well. While the concerns of the Department of Justice about existing procedures for the retention of documents with wet signatures had prompted the Committee's pursuit of an amendment to Rule 5005(a), the Department's current position is one of opposition to the proposed amendment. The Committee attached significant weight to the Department's views and concluded that, given the lack of indication of a need for change, the Committee should not proceed further with the amendment.

B. Announcement of New Advisory Committee Chair. The Advisory Committee welcomed the news that current Committee member Judge Sandra Ikuta (9th Cir.) will become its chair beginning on October 1.

THIS PAGE INTENTIONALLY BLANK

TAB 7B

THIS PAGE INTENTIONALLY BLANK

The draft minutes of the April 22-23, 2014 meeting of the Advisory Committee on Bankruptcy Rules will be distributed separately.

THIS PAGE INTENTIONALLY BLANK

APPENDIX A

THIS PAGE INTENTIONALLY BLANK

APPENDIX A.1

THIS PAGE INTENTIONALLY BLANK

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

Rule 9006. Computing and Extending Time

* * * * *

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

* * * * *

COMMITTEE NOTE

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

Changes Made After Publication

No changes were made after publication.

Summary of Public Comment

No comments were submitted.

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

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

The amounts of the bankruptcy filing fees for various chapters listed on page one of the form were removed from the form. The correct fee amounts are listed on Director's Forms 200 and 201A where they can be updated as necessary without having to go through the official form amendment process.

THIS PAGE INTENTIONALLY BLANK

APPENDIX A.2

THIS PAGE INTENTIONALLY BLANK

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 B 3A

Application for Individuals to Pay the Filing Fee in Installments

12/14

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

Part 1: Specify Your Proposed Payment Timetable

1. Which chapter of the Bankruptcy Code are you choosing to file under?

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

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

You must propose to pay the entire fee no later than 120 days after you file this bankruptcy case. If the court approves your application, the court will set your final payment timetable.

You propose to pay...

| | | |
|------------|--|----------------|
| \$ _____ | <input type="checkbox"/> With the filing of the petition | _____ |
| | <input type="checkbox"/> On or before this date..... | MM / DD / YYYY |
| \$ _____ | On or before this date..... | _____ |
| | | MM / DD / YYYY |
| \$ _____ | On or before this date..... | _____ |
| | | MM / DD / YYYY |
| + \$ _____ | On or before this date..... | _____ |
| | | MM / DD / YYYY |

Total \$ _____

◀ Your total must equal the entire fee for the chapter you checked in line 1.

Part 2: Sign Below

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

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

| | | |
|-----------------------|-----------------------|---|
| x _____ | x _____ | x _____ |
| Signature of Debtor 1 | Signature of Debtor 2 | Your attorney's name and signature, if you used one |
| Date _____ | Date _____ | Date _____ |
| MM / DD / YYYY | MM / DD / YYYY | MM / DD / YYYY |

Fill in this information to identify the case:

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Chapter filing under:
 Chapter 7
 Chapter 11
 Chapter 12
 Chapter 13

Order Approving Payment of Filing Fee in Installments

After considering the *Application for Individuals to Pay the Filing Fee in Installments* (Official Form B 3A), the court orders that:

The debtor(s) may pay the filing fee in installments on the terms proposed in the application.

The debtor(s) must pay the filing fee according to the following terms:

| <u>You must pay...</u> | <u>On or before this date...</u> |
|--|----------------------------------|
| \$ _____ | _____ Month / day / year |
| \$ _____ | _____ Month / day / year |
| \$ _____ | _____ Month / day / year |
| + \$ _____ | _____ Month / day / year |
| Total | |
| \$ _____ | |

Until the filing fee is paid in full, the debtor(s) must not make any additional payment or transfer any additional property to an attorney or to anyone else for services in connection with this case.

Month / day / year

By the court: _____
United States Bankruptcy Judge

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 B 3B

Application to Have the Chapter 7 Filing Fee Waived

12/14

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

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

1. What is the size of your family?

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

Check all that apply:

- You
- Your spouse
- Your dependents

_____ How many dependents?

_____ Total number of people

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

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

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

Add your income and your spouse's income. Include the value (if known) of any non-cash governmental assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.

If you have already filled out *Schedule I: Your Income*, see line 10 of that schedule.

That person's average monthly net income (take-home pay)

You \$ _____

Your spouse ... + \$ _____

Subtotal..... \$ _____

Subtract any non-cash governmental assistance that you included above. - \$ _____

Your family's average monthly net income Total..... \$ _____

3. Do you receive non-cash governmental assistance?

- No
- Yes. Describe.....

Type of assistance

4. Do you expect your family's average monthly net income to increase or decrease by more than 10% during the next 6 months?

- No
- Yes. Explain.

5. Tell the court why you are unable to pay the filing fee in installments within 120 days. If you have some additional circumstances that cause you to not be able to pay your filing fee in installments, explain them.

Part 2: Tell the Court About Your Monthly Expenses

6. Estimate your average monthly expenses.

Include amounts paid by any government assistance that you reported on line 2. \$

If you have already filled out Schedule J, Your Expenses, copy line 22 from that form.

7. Do these expenses cover anyone who is not included in your family as reported in line 1?

- No
Yes. Identify who.....

Empty box for identifying family members.

8. Does anyone other than you regularly pay any of these expenses?

- No
Yes. How much do you regularly receive as contributions? \$ monthly

If you have already filled out Schedule I: Your Income, copy the total from line 11.

9. Do you expect your average monthly expenses to increase or decrease by more than 10% during the next 6 months?

- No
Yes. Explain.....

Empty box for explaining expense changes.

Part 3: Tell the Court About Your Property

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

10. How much cash do you have?

Examples: Money you have in your wallet, in your home, and on hand when you file this application

Cash: \$

11. Bank accounts and other deposits of money?

Examples: Checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, and other similar institutions. If you have more than one account with the same institution, list each. Do not include 401(k) and IRA accounts.

Table with columns: Institution name, Amount. Rows for Checking account, Savings account, and Other financial accounts.

12. Your home? (if you own it outright or are purchasing it)

Examples: House, condominium, manufactured home, or mobile home

Form fields for Number, Street, City, State, ZIP Code, Current value, Amount you owe on mortgage and liens.

13. Other real estate?

Form fields for Number, Street, City, State, ZIP Code, Current value, Amount you owe on mortgage and liens.

14. The vehicles you own?

Examples: Cars, vans, trucks, sports utility vehicles, motorcycles, tractors, boats

Form fields for Make, Model, Year, Mileage, Current value, Amount you owe on liens (repeated for multiple vehicles).

15. Other assets?

Describe the other assets:

Do not include household items and clothing.

[Empty box for describing other assets]

Current value: \$

Amount you owe on liens: \$

16. Money or property due you?

Who owes you the money or property?

How much is owed?

Do you believe you will likely receive payment in the next 180 days?

Examples: Tax refunds, past due or lump sum alimony, spousal support, child support, maintenance, divorce or property settlements, Social Security benefits, Workers' compensation, personal injury recovery

Who owes you the money or property?

How much is owed?

No

Yes. Explain:

[Empty box for explaining payment likelihood]

Part 4: Answer These Additional Questions

17. Have you paid anyone for services for this case, including filling out this application, the bankruptcy filing package, or the schedules?

No

Yes. Whom did you pay? Check all that apply:

An attorney

A bankruptcy petition preparer, paralegal, or typing service

Someone else

How much did you pay?

\$

18. Have you promised to pay or do you expect to pay someone for services for your bankruptcy case?

No

Yes. Whom do you expect to pay? Check all that apply:

An attorney

A bankruptcy petition preparer, paralegal, or typing service

Someone else

How much do you expect to pay?

\$

19. Has anyone paid someone on your behalf for services for this case?

No

Yes. Who was paid on your behalf? Check all that apply:

An attorney

A bankruptcy petition preparer, paralegal, or typing service

Someone else

Who paid?

Check all that apply:

Parent

Brother or sister

Friend

Pastor or clergy

Someone else

How much did someone else pay?

\$

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

No

Yes. District When Case number

District When Case number

District When Case number

Part 5: Sign Below

By signing here under penalty of perjury, I declare that I cannot afford to pay the filing fee either in full or in installments. I also declare that the information I provided in this application is true and correct.

Signature of Debtor 1

Signature of Debtor 2

Date MM / DD / YYYY

Date MM / DD / YYYY

THIS PAGE INTENTIONALLY BLANK

Fill in this information to identify the case:

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(if known)

Order on the Application to Have the Chapter 7 Filing Fee Waived

After considering the debtor's *Application to Have the Chapter 7 Filing Fee Waived* (Official Form B 3B), the court orders that the application is:

Granted. However, the court may order the debtor to pay the fee in the future if developments in administering the bankruptcy case show that the waiver was unwarranted.

Denied. The debtor must pay the filing fee according to the following terms:

| <u>You must pay...</u> | <u>On or before this date...</u> |
|------------------------|---|
| \$ _____ | _____ / _____ / _____ Month / day / year |
| \$ _____ | _____ / _____ / _____ Month / day / year |
| \$ _____ | _____ / _____ / _____ Month / day / year |
| + \$ _____ | _____ / _____ / _____ Month / day / year |
| Total | _____ |

If the debtor would like to propose a different payment timetable, the debtor must file a motion promptly with a payment proposal. The debtor may use *Application for Individuals to Pay the Filing Fee in Installments* (Official Form B 3A) for this purpose. The court will consider it.

The debtor must pay the entire filing fee before making any more payments or transferring any more property to an attorney, bankruptcy petition preparer, or anyone else in connection with the bankruptcy case. The debtor must also pay the entire filing fee to receive a discharge. If the debtor does not make any payment when it is due, the bankruptcy case may be dismissed and the debtor's rights in future bankruptcy cases may be affected.

Scheduled for hearing.

A hearing to consider the debtor's application will be held

on _____ at _____ AM / PM at _____.
Month / day / year Address of courthouse

If the debtor does not appear at this hearing, the court may deny the application.

Month / day / year **By the court:** _____
United States Bankruptcy Judge

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

The amount of the chapter 7 filing fee is no longer preprinted on the blank order attached to the form. If the request for a fee waiver is denied, and the court instead orders payment by installments, the court or clerk will prepare the order with correct fee amount.

THIS PAGE INTENTIONALLY BLANK

[Caption as in Form 16A, 16B, or 16D, as appropriate]

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): _____

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- Plaintiff
- Defendant
- Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- Debtor
- Creditor
- Trustee
- Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: _____

2. State the date on which the judgment, order, or decree was entered: _____

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: _____ Attorney: _____

2. Party: _____ Attorney: _____

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Date: _____

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

COMMITTEE NOTE

The form is amended and renumbered. It is amended to add to the Notice of Appeal an optional Statement of Election to have the appeal heard by the district court rather than by the bankruptcy appellate panel. Current Rule 8005(a) eliminates the requirement, imposed by former Rule 8001(e), that a separate document be used in making an election to have an appeal heard by the district court rather than the bankruptcy appellate panel. It instead requires a statement that conforms substantially to the Official Form for such an election. Form 17A effectuates Rule 8005(a)'s requirement for election by an appellant by combining the notice of appeal and statement of election. It thereby facilitates compliance with the statutory requirement that an appellant wishing to make an election do so at the time of filing the appeal. 28 U.S.C. § 158(c)(1)(A).

The statement of election in Part 4 is applicable only in districts for which appeals to a bankruptcy appellate panel have been authorized. If an appeal is being taken from a bankruptcy court located in a circuit that does not have a bankruptcy appellate panel or in a district that has not authorized appeals to be heard by the circuit's bankruptcy appellate panel, the appellant should not complete Part 4.

When a bankruptcy appellate panel is available to hear an appeal, completion of Part 4 is optional. An appellant that wants its appeal heard by the bankruptcy appellate panel should not complete this part.

The form is renumbered as Official Form 17A because a new companion form—Optional Appellee Statement of Election to Proceed in the District Court—is designated as Official Form 17B, and another bankruptcy appellate form—Certificate of Compliance with Rule 8015(a)(7)(B) or 8016(d)(2)—is designated as Official Form 17C.

The fixed caption has been deleted because the short title caption on the current form is not appropriate if the debtor is the appellant or if the appeal is in an adversary proceeding. *See* 11 U.S.C. § 342(c); Rule 7008; Rule 9004(b). The form should be captioned as in Official Form 16A, Caption (Full); Official Form 16B, Caption (Short Title); or Official Form 16D, Caption for Use in Adversary proceeding, as appropriate.

Changes Made After Publication

No changes were made after publication.

Summary of Public Comments

There were no comments.

Draft: May 10, 2013

[Caption as in Form 16A, 16B, or 16D, as appropriate]

OPTIONAL APPELLEE STATEMENT OF ELECTION TO PROCEED IN DISTRICT COURT

This form should be filed only if all of the following are true:

- this appeal is pending in a district served by a Bankruptcy Appellate Panel,
- the appellant(s) did not elect in the Notice of Appeal to proceed in the District Court rather than in the Bankruptcy Appellate Panel,
- no other appellee has filed a statement of election to proceed in the district court, and
- you elect to proceed in the District Court.

Part 1: Identify the appellee(s) electing to proceed in the District Court

1. Name(s) of appellee(s):

2. Position of appellee(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- Plaintiff
- Defendant
- Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- Debtor
- Creditor
- Trustee
- Other (describe) _____

Part 2: Election to have this appeal heard by the District Court (applicable only in certain districts)

I (we) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 3: Sign below

Signature of attorney for appellee(s) (or appellee(s) if not represented by an attorney)

Date: _____

Name, address, and telephone number of attorney (or appellee(s) if not represented by an attorney):

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

This form is new. It is the Official Form for an appellee to state its election to have an appeal heard by the district court rather than by the bankruptcy appellate panel. If an appellee desires to make that election and the appellant or another appellee has not already done so, the appellee must file a statement that conforms substantially to this form within 30 days of service of the Notice of Appeal. 28 U.S.C. § 158(c)(1)(B).

The form is applicable only in districts for which appeals to a bankruptcy appellate panel have been authorized. If an appeal is being taken from a bankruptcy court located in a circuit that does not have a bankruptcy appellate panel or in a district that has not authorized appeals to be heard by the circuit's bankruptcy appellate panel, the appellee should not complete this form.

When a bankruptcy appellate panel is available to hear an appeal, completion of the form is optional. An appellee that wants its appeal heard by the bankruptcy appellate panel should not complete this form.

The form should be captioned as in Official Form 16A, Caption (Full); Official Form 16B, Caption (Short Title); or Official Form 16D, Caption for Use in Adversary proceeding, as appropriate. *See* 11 U.S.C. § 342(c); Rule 7008; Rule 9004(b).

Changes Made After Publication

No changes were made after publication.

Summary of Public Comments

There were no comments.

THIS PAGE INTENTIONALLY BLANK

[This certification must be appended to your brief if the length of your brief is calculated by maximum number of words or lines of text rather than number of pages.]

Certificate of Compliance With Rule 8015(a)(7)(B) or 8016(d)(2)

This brief complies with the type-volume limitation of Rule 8015(a)(7)(B) or 8016(d)(2) because:

- this brief contains [*state the number of*] words, excluding the parts of the brief exempted by Rule 8015(a)(7)(B)(iii) or 8016(d)(2)(D), or
- this brief uses a monospaced typeface having no more than 10½ characters per inch and contains [*state the number of*] lines of text, excluding the parts of the brief exempted by Rule 8015(a)(7)(B)(iii) or 8016(d)(2)(D).

Signature

Date: _____

Print name of person signing certificate of compliance:

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

This form is new. When the length of a brief is calculated by the maximum number of words or lines of text rather than by number of pages, Rules 8015(a)(7)(C) and 8016(d)(3) require an attorney or unrepresented party to certify that the brief complies with the applicable type-volume limitation. Completion of this form satisfies that certification requirement. This form is not needed if the brief meets the applicable page limitation under Rule 8015(a)(7)(A) or 8016(d)(1).

The form does not include a caption because it is included in the brief.

Changes Made After Publication

No changes were made after publication.

Summary of Public Comments

There were no comments.

THIS PAGE INTENTIONALLY BLANK

Instructions for the Chapter 7 Statement of Your Current Monthly Income and Means Test Calculation

If you are filing under chapter 11, 12, or 13, do not fill out this form.

How to fill out these forms

Official Forms 22A-1 and 22A-2 determine whether your income and expenses create a presumption of abuse that may prevent you from obtaining relief from your debts under chapter 7 of the Bankruptcy Code. Chapter 7 relief can be denied to a person who has primarily consumer debts if the court finds that the person has enough income to repay creditors an amount that, under the Bankruptcy Code, would be a sufficient portion of their claims.

You must file 22A-1, the *Chapter 7 Statement of Your Current Monthly Income* (Official Form 22A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income for households of the same size in your state. If your income is not above the median, there is no presumption of abuse and you will not have to fill out the second form.

Similarly, *Statement of Exemption from Presumption of Abuse Under § 707(b)(2)* (Official Form 22A-1Supp) determines whether you may be exempted from the presumption of abuse because you do not have primarily consumer debts or because you have provided certain military or homeland defense services. If one of these exemptions applies, you should file a supplement, Form 22A-1Supp, and verify the supplement by completing Part 3 of Form 22A-1. If you qualify for an exemption, you are not required to fill out any part of Form 22A-1 other than the verification. If the exemptions do not apply, you should complete all of the parts of Form 22A-1 and file it without the supplemental form.

If you and your spouse are filing together, you and your spouse may file a single Form 22A-1. However, if an exemption on Form 22A-1Supp applies to only one of you, separate forms may be required.

11 U.S.C. § 707(b)(2)(C).

If your completed Form 22A-1 shows income above the median, you must file the second form, *Chapter 7 Means Test Calculation* (Official Form 22A-2). The calculations on this form—sometimes called the *Means Test*—reduce your income by living expenses and payment of certain debts, resulting in an amount available to pay other debts. If this amount is high enough, it will give rise to a *presumption of abuse*. A presumption of abuse does not mean you are actually trying to abuse the bankruptcy system. Rather, the presumption simply means that you are presumed to have enough income that you should not be granted relief under chapter 7. You may overcome the presumption by showing special circumstances that reduce your income or increase your expenses.

If you cannot obtain relief under chapter 7, you may be eligible to continue under another chapter of the Bankruptcy Code and pay creditors over a period of time.

Read each question carefully. You may not be required to answer every question on this form. For example, your military status may determine whether you must fill out the entire form. The instructions will alert you if you may skip questions.

If you have nothing to report for a line, write \$0.

Information for completing the forms

To fill out several lines of the forms, you must look up information provided on websites or from other sources. For information to complete line 13 of Form 22A-1 and lines 6-15, 30, and 36 of Form 22A-2, go to: www.justice.gov/ust/eo/bapcpa/meanstesting.htm.

For the *Bankruptcy Basics* information referred to on line 36 of Form 22A-2, go to: www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyBasics.aspx.

If you do not have a computer with internet access, you may be able to use a public computer at the bankruptcy clerk's office or at a public library.

Understand the terms used in the form

This form uses *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, this form uses *you* to ask for information from both debtors. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Things to remember when filling out these forms

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

Do not include these instructions when you submit your bankruptcy forms to the court. Keep them for your records.

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 22A-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 22A-2).

3. The Means Test does not apply now because of qualified military service but it could apply later.

Check if this is an amended filing

Official Form 22A-1

Chapter 7 Statement of Your Current Monthly Income

12/14

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 22A-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 For you | 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 | | |
| 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 | | |
| 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 | \$ _____ | \$ _____ |

Column A For you Column B Debtor 2 or non-filing spouse

8. Unemployment compensation

Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: ...

For you \$ For your spouse \$

\$ \$

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

\$ \$

10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total on line 10c.

10a. \$ 10b. \$

10b. \$

10c. 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 \$ x 12 12b. The result is your annual income for this part of the form. \$

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. \$ 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 22A-2. Go to Part 3 and fill out Form 22A-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 22A-2.

If you checked line 14b, fill out Form 22A-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 22A-1Supp

Statement of Exemption from Presumption of Abuse Under § 707(b)(2) 12/14

File this supplement together with Chapter 7 Statement of Your Current Monthly Income (Official Form 22A-1), if you believe that you are exempted from a presumption of abuse. Be as complete and accurate as possible. If two married people are filing together, and any of the exclusions in this statement applies to only one of you, the other person should complete a separate Form 22A-1 if you believe that this is required by 11 U.S.C. § 707(b)(2)(C).

Part 1: Identify the Kind of Debts You Have

1. Are your debts primarily consumer debts? Consumer debts are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." Make sure that your answer is consistent with the "Nature of Debts" box on page 1 of the Voluntary Petition (Official Form 1).
- No. Go to Form 22A-1; on the top of page 1 of that form, check box 1, There is no presumption of abuse, and sign Part 3. Then submit this supplement with the signed Form 22A-1.
 - Yes. Go to Part 2.

Part 2: Determine Whether Military Service Provisions Apply to You

2. Are you a disabled veteran (as defined in 38 U.S.C. § 3741(1))?
- No. Go to line 3.
 - Yes. Did you incur debts mostly while you were on active duty or while you were performing a homeland defense activity? 10 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1).
 - No. Go to line 3.
 - Yes. Go to Form 22A-1; on the top of page 1 of that form, check box 1, There is no presumption of abuse, and sign Part 3. Then submit this supplement with the signed Form 22A-1.
3. Are you or have you been a Reservist or member of the National Guard?
- No. Complete Form 22A-1. Do not submit this supplement.
 - Yes. Were you called to active duty or did you perform a homeland defense activity? 10 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1)
 - No. Complete Form 22A-1. Do not submit this supplement.
 - Yes. Check any one of the following categories that applies:
 - I was called to active duty after September 11, 2001, for at least 90 days and remain on active duty.
 - I was called to active duty after September 11, 2001, for at least 90 days and was released from active duty on _____, which is fewer than 540 days before I file this bankruptcy case.
 - I am performing a homeland defense activity for at least 90 days.
 - I performed a homeland defense activity for at least 90 days, ending on _____, which is fewer than 540 days before I file this bankruptcy case.

If you checked one of the categories to the left, go to Form 22A-1. On the top of page 1 of Form 22A-1, check box 1, There is no presumption of abuse, and sign Part 3. Then submit this supplement with the signed Form 22A-1. You are not required to fill out the rest of Official Form 22A-1 during the exclusion period. The exclusion period means the time you are on active duty or are performing a homeland defense activity, and for 540 days afterward. 11 U.S.C. § 707(b)(2)(D)(ii).

If your exclusion period ends before your case is closed, you may have to file an amended form later.

THIS PAGE INTENTIONALLY BLANK

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(if known)

Check the appropriate box as directed in lines 40 or 42:

According to the calculations required by this Statement:

- 1. There is no presumption of abuse.
 - 2. There is a presumption of abuse.
- Check if this is an amended filing

Official Form 22A-2 Chapter 7 Means Test Calculation

12/14

To fill out this form, you will need your completed copy of *Chapter 7 Statement of Your Current Monthly Income* (Official Form 22A-1).

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

Part 1: Determine Your Adjusted Income

1. **Copy your total current monthly income.** Copy line 11 from Official Form 22A-1 here → 1. \$ _____

2. **Did you fill out Column B in Part 1 of Form 22A-1?**

- No. Fill in \$0 on line 3d.
- Yes. Is your spouse filing with you?
 - No. Go to line 3.
 - Yes. Fill in \$0 on line 3d.

3. **Adjust your current monthly income by subtracting any part of your spouse's income not used to pay for the household expenses of you or your dependents.** Follow these steps:

On line 11, Column B of Form 22A-1, was any amount of the income you reported for your spouse NOT regularly used for the household expenses of you or your dependents?

- No. Fill in 0 on line 3d.
- Yes. Fill in the information below:

| State each purpose for which the income was used For example, the income is used to pay your spouse's tax debt or to support people other than you or your dependents | Fill in the amount you are subtracting from your spouse's income |
|--|--|
| 3a. _____ | \$ _____ |
| 3b. _____ | \$ _____ |
| 3c. _____ | + \$ _____ |
| 3d. Total. Add lines 3a, 3b, and 3c. | \$ _____ |

Copy total here → 3d. — \$ _____

4. **Adjust your current monthly income.** Subtract line 3d from line 1.

\$ _____

Part 2: Calculate Your Deductions from Your Income

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 6-15. To find the IRS standards, go online using the link specified in the separate instructions for this form. This information may also be available at the bankruptcy clerk's office.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not deduct any amounts that you subtracted from your spouse's income in line 3 and do not deduct any operating expenses that you subtracted from income in lines 5 and 6 of Form 22A-1.

If your expenses differ from month to month, enter the average expense.

Whenever this part of the form refers to you, it means both you and your spouse if Column B of Form 22A-1 is filled in.

5. The number of people used in determining your deductions from income

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

[Empty box for line 5]

National Standards You must use the IRS National Standards to answer the questions in lines 6-7.

6. Food, clothing, and other items: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items. \$ _____

7. Out-of-pocket health care allowance: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories—people who are under 65 and people who are 65 or older—because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

People who are under 65 years of age

7a. Out-of-pocket health care allowance per person \$ _____

7b. Number of people who are under 65 X _____

7c. Subtotal. Multiply line 7a by line 7b. \$ _____ Copy line 7c here → \$ _____

People who are 65 years of age or older

7d. Out-of-pocket health care allowance per person \$ _____

7e. Number of people who are 65 or older X _____

7f. Subtotal. Multiply line 7d by line 7e. \$ _____ Copy line 7f here → + \$ _____

7g. Total. Add lines 7c and 7f.....

[Box for line 7g subtotal]

Copy total here → [Box for line 7g total]

Local Standards You must use the IRS Local Standards to answer the questions in lines 8-15.

Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:

- Housing and utilities – Insurance and operating expenses
- Housing and utilities – Mortgage or rent expenses

To answer the questions in lines 8-9, use the U.S. Trustee Program chart.

To find the chart, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

8. **Housing and utilities – Insurance and operating expenses:** Using the number of people you entered in line 5, fill in the dollar amount listed for your county for insurance and operating expenses. \$ _____

9. **Housing and utilities – Mortgage or rent expenses:**

9a. Using the number of people you entered in line 5, fill in the dollar amount listed for your county for mortgage or rent expenses. 9a. \$ _____

9b. Total average monthly payment for all mortgages and other debts secured by your home.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

| Name of the creditor | Average monthly payment |
|-----------------------------------|-------------------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | + \$ _____ |
| 9b. Total average monthly payment | \$ _____ |

Copy line 9b here → - \$ _____ Repeat this amount on line 33a.

9c. Net mortgage or rent expense. Subtract line 9b (total average monthly payment) from line 9a (mortgage or rent expense). If this amount is less than \$0, enter \$0. 9c. \$ _____ Copy line 9c here → \$ _____

10. If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing is incorrect and affects the calculation of your monthly expenses, fill in any additional amount you claim. \$ _____

Explain why: _____

11. **Local transportation expenses:** Check the number of vehicles for which you claim an ownership or operating expense.

- 0. Go to line 14.
- 1. Go to line 12.
- 2 or more. Go to line 12.

12. **Vehicle operation expense:** Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the *Operating Costs* that apply for your Census region or metropolitan statistical area. \$ _____

13. Vehicle ownership or lease expense: Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments on the vehicle. In addition, you may not claim the expense for more than two vehicles.

Vehicle 1 Describe Vehicle 1: _____

13a. Ownership or leasing costs using IRS Local Standard 13a. \$ _____

13b. Average monthly payment for all debts secured by Vehicle 1. Do not include costs for leased vehicles.

To calculate the average monthly payment here and on line 13e, add all amounts that are contractually due to each secured creditor in the 60 months after you filed for bankruptcy. Then divide by 60.

| Name of each creditor for Vehicle 1 | Average monthly payment |
|-------------------------------------|-------------------------|
| _____ | \$ _____ |

Copy 13b here → - \$ _____

Repeat this amount on line 33b.

13c. Net Vehicle 1 ownership or lease expense Subtract line 13b from line 13a. If this amount is less than \$0, enter \$0.

13c. \$ _____

Copy net Vehicle 1 expense here →

\$ _____

Vehicle 2 Describe Vehicle 2: _____

13d. Ownership or leasing costs using IRS Local Standard 13d. \$ _____

13e. Average monthly payment for all debts secured by Vehicle 2. Do not include costs for leased vehicles.

| Name of each creditor for Vehicle 2 | Average monthly payment |
|-------------------------------------|-------------------------|
| _____ | \$ _____ |

Copy 13e here → - \$ _____

Repeat this amount on line 33c.

13f. Net Vehicle 2 ownership or lease expense Subtract line 13e from 13d. If this amount is less than \$0, enter \$0.

13f. \$ _____

Copy net Vehicle 2 expense here →

\$ _____

14. Public transportation expense: If you claimed 0 vehicles in line 11, using the IRS Local Standards, fill in the Public Transportation expense allowance regardless of whether you use public transportation. \$ _____

15. Additional public transportation expense: If you claimed 1 or more vehicles in line 11 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for Public Transportation. \$ _____

Other Necessary Expenses In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

16. **Taxes:** The total monthly amount that you will actually owe for federal, state and local taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. You may include the monthly amount withheld from your pay for these taxes. However, if you expect to receive a tax refund, you must divide the expected refund by 12 and subtract that number from the total monthly amount that is withheld to pay for taxes. \$ _____

Do not include real estate, sales, or use taxes.

17. **Involuntary deductions:** The total monthly payroll deductions that your job requires, such as retirement contributions, union dues, and uniform costs. \$ _____

Do not include amounts that are not required by your job, such as voluntary 401(k) contributions or payroll savings.

18. **Life insurance:** The total monthly premiums that you pay for your own term life insurance. If two married people are filing together, include payments that you make for your spouse's term life insurance. Do not include premiums for life insurance on your dependents, for a non-filing spouse's life insurance, or for any form of life insurance other than term. \$ _____

19. **Court-ordered payments:** The total monthly amount that you pay as required by the order of a court or administrative agency, such as spousal or child support payments. \$ _____

Do not include payments on past due obligations for spousal or child support. You will list these obligations in line 35.

20. **Education:** The total monthly amount that you pay for education that is either required:
 as a condition for your job, or
 for your physically or mentally challenged dependent child if no public education is available for similar services. \$ _____

21. **Childcare:** The total monthly amount that you pay for childcare, such as babysitting, daycare, nursery, and preschool. Do not include payments for any elementary or secondary school education. \$ _____

22. **Additional health care expenses, excluding insurance costs:** The monthly amount that you pay for health care that is required for the health and welfare of you or your dependents and that is not reimbursed by insurance or paid by a health savings account. Include only the amount that is more than the total entered in line 7. Payments for health insurance or health savings accounts should be listed only in line 25. \$ _____

23. **Optional telephones and telephone services:** The total monthly amount that you pay for telecommunication services for you and your dependents, such as pagers, call waiting, caller identification, special long distance, or business cell phone service, to the extent necessary for your health and welfare or that of your dependents or for the production of income, if it is not reimbursed by your employer. + \$ _____

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

24. **Add all of the expenses allowed under the IRS expense allowances.** Add lines 6 through 23. \$ _____

Additional Expense Deductions

These are additional deductions allowed by the Means Test.
Note: Do not include any expense allowances listed in lines 6-24.

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

Health insurance \$ _____
Disability insurance \$ _____
Health savings account + \$ _____

Total \$ _____ Copy total here → \$ _____

Do you actually spend this total amount?

No. How much do you actually spend? \$ _____
 Yes

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

27. **Protection against family violence.** The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply. \$ _____
By law, the court must keep the nature of these expenses confidential.

28. **Additional home energy costs.** Your home energy costs are included in your non-mortgage housing and utilities allowance on line 8.
If you believe that you have home energy costs that are more than the home energy costs included in the non-mortgage housing and utilities allowance, then fill in the excess amount of home energy costs. \$ _____
You must give your case trustee documentation of your actual expenses, and you must show that the additional amount claimed is reasonable and necessary.

29. **Education expenses for dependent children who are younger than 18.** The monthly expenses (not more than \$156.25* per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school. \$ _____
You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 6-23.
* Subject to adjustment on 4/01/16, and every 3 years after that for cases begun on or after the date of adjustment.

30. **Additional food and clothing expense.** The monthly amount by which your actual food and clothing expenses are higher than the combined food and clothing allowances in the IRS National Standards. That amount cannot be more than 5% of the food and clothing allowances in the IRS National Standards. \$ _____
To find a chart showing the maximum additional allowance, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.
You must show that the additional amount claimed is reasonable and necessary.

31. **Continuing charitable contributions.** The amount that you will continue to contribute in the form of cash or financial instruments to a religious or charitable organization. 26 U.S.C. § 170(c)(1)-(2). \$ _____

32. **Add all of the additional expense deductions.** Add lines 25 through 31. \$ _____

Deductions for Debt Payment

33. For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33g.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Mortgages on your home:

33a. Copy line 9b here ➔ **Average monthly payment**
\$ _____

Loans on your first two vehicles:

33b. Copy line 13b here. ➔ \$ _____

33c. Copy line 13e here. ➔ \$ _____

| Name of each creditor for other secured debt | Identify property that secures the debt | Does payment include taxes or insurance? | |
|--|---|---|---|
| 33d. _____ | _____ | <input type="checkbox"/> No <input type="checkbox"/> Yes | \$ _____ |
| 33e. _____ | _____ | <input type="checkbox"/> No <input type="checkbox"/> Yes | \$ _____ |
| 33f. _____ | _____ | <input type="checkbox"/> No <input type="checkbox"/> Yes | + \$ _____ |
| 33g. Total average monthly payment. Add lines 33a through 33f..... | | | <div style="border: 1px solid black; padding: 2px;">\$ _____</div> Copy total here ➔ <div style="border: 1px solid black; padding: 2px;">\$ _____</div> |

34. Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?

- No. Go to line 35.
- Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 34, to keep possession of your property (called the *cure amount*). Next, divide by 60 and fill in the information below.

| Name of the creditor | Identify property that secures the debt | Total cure amount | Monthly cure amount |
|----------------------|---|-------------------|---|
| _____ | _____ | \$ _____ ÷ 60 = | \$ _____ |
| _____ | _____ | \$ _____ ÷ 60 = | \$ _____ |
| _____ | _____ | \$ _____ ÷ 60 = | + \$ _____ |
| Total | | | <div style="border: 1px solid black; padding: 2px;">\$ _____</div> Copy total here ➔ \$ _____ |

35. Do you owe any priority claims such as a priority tax, child support, or alimony – that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507.

- No. Go to line 36.
- Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 19.

Total amount of all past-due priority claims \$ _____ ÷ 60 = \$ _____

36. Are you eligible to file a case under Chapter 13? 11 U.S.C. § 109(e). For more information, go online using the link for Bankruptcy Basics specified in the separate instructions for this form. Bankruptcy Basics may also be available at the bankruptcy clerk's office.

- No. Go to line 37.
Yes. Fill in the following information.

Projected monthly plan payment if you were filing under Chapter 13 \$

Current multiplier for your district as stated on the list issued by the Administrative Office of the United States Courts (for districts in Alabama and North Carolina) or by the Executive Office for United States Trustees (for all other districts). X

To find a list of district multipliers that includes your district, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

Average monthly administrative expense if you were filing under Chapter 13 \$ Copy total here \$

37. Add all of the deductions for debt payment. Add lines 33g through 36.

\$

Total Deductions from Income

38. Add all of the allowed deductions.

Copy line 24, All of the expenses allowed under IRS expense allowances \$

Copy line 32, All of the additional expense deductions \$

Copy line 37, All of the deductions for debt payment + \$

Total deductions \$ Copy total here \$

Part 3: Determine Whether There Is a Presumption of Abuse

39. Calculate monthly disposable income for 60 months

39a. Copy line 4, adjusted current monthly income \$

39b. Copy line 38, Total deductions - \$

39c. Monthly disposable income. 11 U.S.C. § 707(b)(2). Subtract line 39b from line 39a. \$ Copy line 39c here \$

For the next 60 months (5 years) x 60

39d. Total. Multiply line 39c by 60. 39d. \$ Copy line 39d here \$

40. Find out whether there is a presumption of abuse. Check the box that applies:

- The line 39d is less than \$7,475*. On the top of page 1 of this form, check box 1, There is no presumption of abuse. Go to Part 5.
The line 39d is more than \$12,475*. On the top of page 1 of this form, check box 2, There is a presumption of abuse. You may fill out Part 4 if you claim special circumstances. Then go to Part 5.
The line 39d is at least \$7,475*, but not more than \$12,475*. Go to line 41.

* Subject to adjustment on 4/01/16, and every 3 years after that for cases filed on or after the date of adjustment.

41. 41a. Fill in the amount of your total nonpriority unsecured debt. If you filled out A Summary of Your Assets and Liabilities and Certain Statistical Information Schedules (Official Form 6), you may refer to line 3b on that form.

38a. \$

x .25

41b. 25% of your total nonpriority unsecured debt. 11 U.S.C. § 707(b)(2)(A)(i)(I) Multiply line 41a by 0.25.

Calculation box with dollar signs and a 'Copy here' arrow pointing to a result box.

42. Determine whether the income you have left over after subtracting all allowed deductions is enough to pay 25% of your unsecured, nonpriority debt.

Check the box that applies:

- Line 39d is less than line 41b. On the top of page 1 of this form, check box 1, There is no presumption of abuse. Go to Part 5.
Line 39d is equal to or more than line 41b. On the top of page 1 of this form, check box 2, There is a presumption of abuse. You may fill out Part 4 if you claim special circumstances. Then go to Part 5.

Part 4: Give Details About Special Circumstances

43. Do you have any special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative? 11 U.S.C. § 707(b)(2)(B).

- No. Go to Part 5.
Yes. Fill in the following information. All figures should reflect your average monthly expense or income adjustment for each item. You may include expenses you listed in line 25.

You must give a detailed explanation of the special circumstances that make the expenses or income adjustments necessary and reasonable. You must also give your case trustee documentation of your actual expenses or income adjustments.

Table with 2 columns: Give a detailed explanation of the special circumstances, Average monthly expense or income adjustment. Includes four rows for data entry.

Part 5: Sign Below

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

Signature of Debtor 1

Signature of Debtor 2

Date MM/DD / YYYY

Date MM/DD / YYYY

THIS PAGE INTENTIONALLY BLANK

Official Form 22B

Instructions for the Chapter 11 Statement of Your Current Monthly Income

United States Bankruptcy Court

12/01/14

If you are filing under chapter 7, 12, or 13, do not fill out this form.

How to Fill Out this Form

You must file the *Chapter 11 Statement of Your Current Monthly Income* (Official Form 22B) if you are an individual filing for bankruptcy under Chapter 11.

If you have nothing to report for a line, write \$0.

Understand the terms used in the form

This form uses *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, this form

uses *you* to ask for information from both debtors. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Things to remember when filling out this form

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

Do not include these instructions when you submit your bankruptcy forms to the court. Keep them for your records.

THIS PAGE INTENTIONALLY BLANK

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 22B

Chapter 11 Statement of Your Current Monthly Income

12/14

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 Average 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> For Debtor 1 | <i>Column B</i> Debtor 2 or non-filing spouse |
|--|---|

| | | |
|--|---|---|
| <p>2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).</p> <p>3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.</p> <p>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.</p> <p>5. Net income from operating a business, profession, or farm</p> <p>Gross receipts (before all deductions) \$ _____</p> <p>Ordinary and necessary operating expenses - \$ _____</p> <p>Net monthly income from a business, profession, or farm \$ _____</p> | <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> | <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> |
| <p>6. Net income from rental and other real property</p> <p>Gross receipts (before all deductions) \$ _____</p> <p>Ordinary and necessary operating expenses - \$ _____</p> <p>Net monthly income from rental or other real property \$ _____</p> | <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> | <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> |

| Column A For 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: ↓

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 on line 10c.

10a. _____ \$ _____

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

10b. _____ \$ _____

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

10c. 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: Deduct any applicable marital adjustment

12. **Copy your total average monthly income from line 11.**

\$ _____

13. **Calculate the marital adjustment.** Check one:

- You are not married. Fill in 0 in line 13d.
- You are married and your spouse is filing with you. Fill in 0 in line 13d.
- 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.

In lines 13a-c, 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 on line 13d.

13a. _____ \$ _____

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

13b. _____ \$ _____

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

13c. _____ + \$ _____

| | |
|------------|------------|
| + \$ _____ | + \$ _____ |
|------------|------------|

13d. Total \$ _____

| | | | | |
|----------|--------------|------------|---|----------|
| \$ _____ | Copy here. → | 13d. _____ | = | \$ _____ |
|----------|--------------|------------|---|----------|

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

14. \$ _____

Debtor 1 _____
First Name Middle Name Last Name

Case number (if known) _____

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

THIS PAGE INTENTIONALLY BLANK

Official Forms 22C–1 and 22C–2

Instructions for the Chapter 13 Statement of Your Current Monthly Income, Calculation of Commitment Period and Chapter 13 Calculation of Your Disposable Income

United States Bankruptcy Court

12/01/14

If you are filing under chapter 7, 11, or 12, do not fill out this form.

How to Fill Out these Forms

Official Forms 22C–1 and 22C–2 determine the commitment period for your payments to creditors, how the amount you may be required to pay to creditors is established, and, in some situations, how much you must pay.

You must file 22C–1, the *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 22C–1) if you are an individual and you are filing under chapter 13. This form will report your current monthly income and determine whether your income is at or below the median income for households of the same size in your state. If your income is equal to or less than the median, you will not have to fill out the second form. Form 22C–1 also will determine your applicable commitment period—the time period for making payments to your creditors, unless the court orders otherwise.

If your income is above the median, you must file the second form, 22C–2, *Chapter 13 Calculation of Your Disposable Income*. The calculations on this form—sometimes called the *Means Test*—reduce your income by living expenses and payment of certain debts, resulting in an amount available to pay unsecured debts. Your chapter 13 plan may be required to provide for payment of this amount toward unsecured debts.

Read each question carefully. You may not be required to answer every question on this form. The instructions will alert you if you may skip questions.

Some of the questions require you to go to other sources for information. In those cases, the form has instructions for where to find the information you need.

Generally, if you and your spouse are filing together, you should file one statement together.

Understand the terms used in these forms

These forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. When information is needed about the spouses separately, the forms use *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Information for completing the forms

To fill out several lines of the forms, you must look up information provided on websites or from other sources. For information to complete line 16c of Form 22C-1 and lines 6-15, 30, and 36 of Form 22C-2, go to: www.justice.gov/ust/eo/bapcpa/meanstesting.htm.

If you do not have a computer with internet access, you may be able to use a public computer at the bankruptcy clerk's office or at a public library.

Things to remember when filling out this form

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

Do not include these instructions when you submit your bankruptcy forms to the court. Keep them for your records.

THIS PAGE INTENTIONALLY BLANK

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 22C-1

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

12/14

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 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> For Debtor 1 | <i>Column B</i> 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 | | |
| 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 | | |
| Gross receipts (before all deductions) | \$ _____ | |
| Ordinary and necessary operating expenses | – \$ _____ | |
| Net monthly income from rental or other real property | \$ _____ | |
| | Copy here → | \$ _____ |

| | |
|----------------------------------|---|
| Column A For 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: ↓
 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 on line 10c.
- 10a. _____ \$ _____
- 10b. _____ \$ _____
- 10c. 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 in line 13d.
 You are married and your spouse is filing with you. Fill in 0 in line 13d.
 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.
 In lines 13a-c, 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 on line 13d.

| | |
|------------------|------------|
| 13a. _____ | \$ _____ |
| 13b. _____ | \$ _____ |
| 13c. _____ | + \$ _____ |
| 13d. Total | \$ _____ |

Copy here. → 13d. — _____

14. **Your current monthly income.** Subtract line 13d from line 12. 14. \$ _____

15. **Calculate your current monthly income for the year.** Follow these steps:

15a. Copy line 14 here → 15a. \$ _____
 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. 15b. \$ _____

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.....16c. \$ _____
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 22C-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 22C-2).** On line 35 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. 18. \$ _____

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 13d.

If the marital adjustment does not apply, fill in 0 on line 19a. 19a. — \$ _____

Subtract line 19a from line 18. 19b. \$ _____

20. Calculate your current monthly income for the year. Follow these steps:

20a. Copy line 19b..... 20a. \$ _____

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. 20b. \$ _____

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 22C-2.

If you checked 17b, fill out Form 22C-2 and file it with this form. On line 35 of that form, copy your current monthly income from line 14 above.

THIS PAGE INTENTIONALLY BLANK

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 22C-2

Chapter 13 Calculation of Your Disposable Income

12/14

To fill out this form, you will need your completed copy of *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (Official Form 22C-1)*.

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

Part 1: Calculate Your Deductions from Your Income

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 6-15. To find the IRS standards, go online using the link specified in the separate instructions for this form. This information may also be available at the bankruptcy clerk's office.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not include any operating expenses that you subtracted from income in lines 5 and 6 of Form 22C-1, and do not deduct any amounts that you subtracted from your spouse's income in line 13 of Form 22C-1.

If your expenses differ from month to month, enter the average expense.

Note: Line numbers 1-4 are not used in this form. These numbers apply to information required by a similar form used in chapter 7 cases.

5. The number of people used in determining your deductions from income

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

National Standards You must use the IRS National Standards to answer the questions in lines 6-7.

6. Food, clothing, and other items: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items.

\$ _____

7. Out-of-pocket health care allowance: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories—people who are under 65 and people who are 65 or older—because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

People who are under 65 years of age

7a. Out-of-pocket health care allowance per person \$

7b. Number of people who are under 65 X

7c. Subtotal. Multiply line 7a by line 7b. \$ Copy line 7c here -> \$

People who are 65 years of age or older

7d. Out-of-pocket health care allowance per person \$

7e. Number of people who are 65 or older X

7f. Subtotal. Multiply line 7d by line 7e. \$ Copy line 7f here -> + \$

7g. Total. Add lines 7c and 7f. \$ Copy total here -> 7g. \$

Local Standards

You must use the IRS Local Standards to answer the questions in lines 8-15.

Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:

- Housing and utilities - Insurance and operating expenses
Housing and utilities - Mortgage or rent expenses

To answer the questions in lines 8-9, use the U.S. Trustee Program chart. To find the chart, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

8. Housing and utilities - Insurance and operating expenses: Using the number of people you entered in line 5, fill in the dollar amount listed for your county for insurance and operating expenses. \$

9. Housing and utilities - Mortgage or rent expenses:

9a. Using the number of people you entered in line 5, fill in the dollar amount listed for your county for mortgage or rent expenses. \$

9b. Total average monthly payment for all mortgages and other debts secured by your home.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Next divide by 60.

Table with 2 columns: Name of the creditor, Average monthly payment. Includes input lines for creditor names and payment amounts.

9b. Total average monthly payment \$ Copy line 9b here -> \$ Repeat this amount on line 33a.

9c. Net mortgage or rent expense.

Subtract line 9b (total average monthly payment) from line 9a (mortgage or rent expense). If this number is less than \$0, enter \$0. \$ Copy 9c here -> \$

10. If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing is incorrect and affects the calculation of your monthly expenses, fill in any additional amount you claim. \$

Explain why: _____

11. Local transportation expenses: Check the number of vehicles for which you claim an ownership or operating expense.

- 0. Go to line 14.
1. Go to line 12.
2 or more. Go to line 12.

12. Vehicle operation expense: Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the Operating Costs that apply for your Census region or metropolitan statistical area. \$

13. Vehicle ownership or lease expense: Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments on the vehicle. In addition, you may not claim the expense for more than two vehicles.

Vehicle 1 Describe Vehicle 1: [Blank line]

13a. Ownership or leasing costs using IRS Local Standard 13a. \$

13b. Average monthly payment for all debts secured by Vehicle 1. Do not include costs for leased vehicles.

To calculate the average monthly payment here and on line 13e, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Table with 2 columns: Name of each creditor for Vehicle 1, Average monthly payment. Includes a 'Copy 13b here' instruction and a 'Repeat this amount on line 33b' instruction.

13c. Net Vehicle 1 ownership or lease expense 13c. \$ Copy net Vehicle 1 expense here \$

Vehicle 2 Describe Vehicle 2: [Blank line]

13d. Ownership or leasing costs using IRS Local Standard 13d. \$

13e. Average monthly payment for all debts secured by Vehicle 2. Do not include costs for leased vehicles.

Table with 2 columns: Name of each creditor for Vehicle 2, Average monthly payment. Includes a 'Copy here' instruction and a 'Repeat this amount on line 33c' instruction.

13f. Net Vehicle 2 ownership or lease expense 13f. \$ Copy net Vehicle 2 expense here \$

14. Public transportation expense: If you claimed 0 vehicles in line 11, using the IRS Local Standards, fill in the Public Transportation expense allowance regardless of whether you use public transportation. \$

15. Additional public transportation expense: If you claimed 1 or more vehicles in line 11 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for Public Transportation. \$

Other Necessary Expenses In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

- 16. Taxes: The total monthly amount that you actually pay for federal, state and local taxes... \$
17. Involuntary deductions: The total monthly payroll deductions that your job requires... \$
18. Life insurance: The total monthly premiums that you pay for your own term life insurance... \$
19. Court-ordered payments: The total monthly amount that you pay as required by the order of a court... \$
20. Education: The total monthly amount that you pay for education that is either required... \$
21. Childcare: The total monthly amount that you pay for childcare... \$
22. Additional health care expenses, excluding insurance costs: The monthly amount that you pay for health care... \$
23. Optional telephones and telephone services: The total monthly amount that you pay for telecommunication services... + \$
24. Add all of the expenses allowed under the IRS expense allowances. Add lines 6 through 23. \$

Additional Expense Deductions These are additional deductions allowed by the Means Test. Note: Do not include any expense allowances listed in lines 6-24.

- 25. Health insurance, disability insurance, and health savings account expenses. The monthly expenses for health insurance, disability insurance, and health savings accounts that are reasonably necessary for yourself, your spouse, or your dependents.
Health insurance \$
Disability insurance \$
Health savings account + \$
Total \$ Copy total here -> \$
Do you actually spend this total amount?
No. How much do you actually spend? \$
Yes \$

- 26. Continuing contributions to the care of household or family members. The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. \$
27. Protection against family violence. The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply. \$
By law, the court must keep the nature of these expenses confidential.

28. **Additional home energy costs.** Your home energy costs are included in your non-mortgage housing and utilities allowance on line 4.

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

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

29. **Education expenses for dependent children who are younger than 18.** The monthly expenses (not more than \$156.25* per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school. \$ _____

You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 6-23.

* Subject to adjustment on 4/01/16, and every 3 years after that for cases begun on or after the date of adjustment.

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

To find a chart showing the maximum additional allowance, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

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

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

Do not include any amount more than 15% of your gross monthly income.

32. **Add all of the additional expense deductions.**

Add lines 25 through 31.

\$ _____

Deductions for Debt Payment

33. **For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33g.**

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Average monthly payment

Mortgages on your home

33a. Copy line 9b here ➔ \$ _____

Loans on your first two vehicles

33b. Copy line 13b here. ➔ \$ _____

33c. Copy line 13e here. ➔ \$ _____

| Name of each creditor for other secured debt | Identify property that secures the debt | Does payment include taxes or insurance? | |
|--|---|--|--|
|--|---|--|--|

33d. _____ No Yes \$ _____

33e. _____ No Yes \$ _____

33f. _____ No Yes + \$ _____

33g. Total average monthly payment. Add lines 33a through 33f..... \$ _____ **Copy total here ➔** \$ _____

34. Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?

- No. Go to line 35.
- Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 34, to keep possession of your property (called the *cure amount*). Next, divide by 60 and fill in the information below.

| Name of the creditor | Identify property that secures the debt | Total cure amount | Monthly cure amount |
|----------------------|---|----------------------------|--|
| _____ | _____ | \$ _____ ÷ 60 = | \$ _____ |
| _____ | _____ | \$ _____ ÷ 60 = | \$ _____ |
| _____ | _____ | \$ _____ ÷ 60 = + \$ _____ | |
| Total | | | <div style="border: 1px solid black; padding: 2px;">\$ _____</div> |

Copy total here → \$ _____

35. Do you owe any priority claims—such as a priority tax, child support, or alimony—that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507.

- No. Go to line 36.
- Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 19.

Total amount of all past-due priority claims. \$ _____ ÷ 60 \$ _____

36. Projected monthly Chapter 13 plan payment

\$ _____

Current multiplier for your district as stated on the list issued by the Administrative Office of the United States Courts (for districts in Alabama and North Carolina) or by the Executive Office for United States Trustees (for all other districts).

x _____

To find a list of district multipliers that includes your district, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

\$ _____

 Copy total here → \$ _____

Average monthly administrative expense

37. Add all of the deductions for debt payment. Add lines 33g through 36.

\$ _____

Total Deductions from Income

38. Add all of the allowed deductions.

Copy line 24, All of the expenses allowed under IRS expense allowances..... \$ _____

Copy line 32, All of the additional expense deductions..... \$ _____

Copy line 37, All of the deductions for debt payment..... + \$ _____

Total deductions

\$ _____

 Copy total here →

\$ _____

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

39. Copy your total current monthly income from line 14 of Form 22C-1, Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period. \$

40. Fill in any reasonably necessary income you receive for support for dependent children. The monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I of Form 22C-1, that you received in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child. \$

41. Fill in all qualified retirement deductions. The monthly total of all amounts that your employer withheld from wages as contributions for qualified retirement plans, as specified in 11 U.S.C. § 541(b)(7) plus all required repayments of loans from retirement plans, as specified in 11 U.S.C. § 362(b)(19). \$

42. Total of all deductions allowed under 11 U.S.C. § 707(b)(2)(A). Copy line 38 here \$

43. Deduction for special circumstances. If special circumstances justify additional expenses and you have no reasonable alternative, describe the special circumstances and their expenses. You must give your case trustee a detailed explanation of the special circumstances and documentation for the expenses.

Table with 2 columns: Describe the special circumstances, Amount of expense. Rows 43a, 43b, 43c, 43d. Total. Add lines 43a through 43c. Copy 43d here + \$

44. Total adjustments. Add lines 40 and 43d. \$ Copy total here - \$

45. Calculate your monthly disposable income under § 1325(b)(2). Subtract line 44 from line 39. \$

Part 3: Change in Income or Expenses

46. Change in income or expenses. If the income in Form 22C-1 or the expenses you reported in this form have changed or are virtually certain to change after the date you filed your bankruptcy petition and during the time your case will be open, fill in the information below. For example, if the wages reported increased after you filed your petition, check 22C-1 in the first column, enter line 2 in the second column, explain why the wages increased, fill in when the increase occurred, and fill in the amount of the increase.

Table with 6 columns: Form, Line, Reason for change, Date of change, Increase or decrease?, Amount of change. Rows for Form 22C-1 and 22C-2 with checkboxes for Increase or Decrease.

Debtor 1 _____
First Name Middle Name Last Name

Case number (if known) _____

Part 4: Sign Below

By signing here, under penalty of perjury you declare that the information on this statement and in any attachments is true and correct.

x _____

Signature of Debtor 1

x _____

Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

COMMITTEE NOTE

Official Forms 22A-1, 22A-1Supp, 22A-2, 22C-1, and 22C-2 are new versions of the “means test” forms used by individuals in chapter 7 and 13, formerly Official Forms 22A and 22C. The original forms were substantially revised as part of the Forms Modernization Project. Official Form 22B, used by individuals in chapter 11, has also been revised as part of the project, which was designed so that the individuals completing the forms would do so more accurately and completely.

The revised versions of the means test forms present the relevant information in a format different from the original forms. For chapter 7, former Official Form 22A has been split into two forms: 22A-1 and 22A-2. The first form, Official Form 22A-1, *Chapter 7 Statement of Your Current Monthly Income*, is to be completed by all chapter 7 debtors. It calculates a debtor’s current monthly income and compares that calculation to the median income for households of the same size in the debtor’s state. The second form, Official Form 22A-2, *Chapter 7 Means Test Calculation*, is to be completed only by those chapter 7 debtors whose income is above the applicable state median. The prior version of Official Form 22A was introduced by several questions bearing on the applicability of the means test. Debtors who do not have primarily consumer debts, as well as certain members of the armed forces, are exempt from a presumption of abuse under the means test, and so are excused from completing the form. However, the great majority of individual debtors in chapter 7 do not fall within the exemptions. Accordingly, the exemptions from means testing have been placed in a separate supplement, Official Form 22A-1Supp, that will be filed only where applicable, making Form 22A present the relevant information more directly and in a manner consistent with the parallel chapter 13 form.

For chapter 13, there is a similar split of income and expense calculations. All chapter 13 debtors must complete Official Form 22C-1, *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period*, which calculates current monthly income and the plan commitment period. Debtors only need to complete the second form, Official Form 22C-2, *Chapter 13 Calculation of Your Disposable Income*, if their current monthly income exceeds the applicable median. Form 22C-2 calculates disposable income under 11 U.S.C. § 1325(b)(3), through a report of allowed expense deductions.

Line 60 of former Official Form 22C has not been repeated in Official Form 22C-2. This line allowed debtors to list, but not deduct from income, “Other Necessary Expense” items that are not included within the categories specified by the Internal Revenue Service. Because debtors are separately allowed to list—and deduct—any expenses arising from special circumstances, former Line 60 was rarely used.

Form 22C-2 also reflects the Supreme Court’s decision in *Hamilton v. Lanning*, 130 S. Ct. 2464 (2010). Adopting a forward-looking approach, the Court held in *Lanning* that the calculation of a chapter 13 debtor’s projected disposable income under § 1325(b) required consideration of changes to income or expenses reported elsewhere on former Official Form 22C that, at the time of plan confirmation, had occurred or were virtually certain to occur. Those changes could result in either an increased or decreased projected disposable income. Because only debtors whose annualized current monthly income exceeds the applicable median family income have their projected disposable income determined by the information provided on Official Form 22C-2, only these debtors are required to provide the information about changes to income and expenses on Official Form 22C-2. Part 3 of Official Form 22C-2 provides for the reporting of those changes.

In reporting changes to income a debtor must indicate whether the amounts reported in Official Form 22C-1—which are monthly averages of various types of income received during the six months prior to the filing of the bankruptcy case—have already changed or are virtually certain to change during the pendency of the case. For each change, the debtor must indicate the line of Official Form 22C-1 on which the amount to be changed was reported, the reason for the change, the date of its occurrence, whether the change is an increase or decrease of income, and the amount of the change. Similarly, in reporting changes to expenses, a debtor must list changes to the debtor’s actual expenditures reported in Part 1 of Official Form 22C-2 that are virtually certain to occur while the case is pending. With respect to the deductible amounts reported in Part 1 that are determined by the IRS national and local standards, only changed amounts that result from changed circumstances in the debtor’s life—such as the addition of a family member or the surrender of a vehicle—should be reported. For each change in expenses, the same information required to be provided for income changes must be reported.

Unlike former Official Forms 22A and 22C, Official Forms 22A-2 and 22C-2 permit, at line 23, the deduction of cell phone

expenses necessary for the production of income if those expenses have not been reimbursed by the debtor's employer or deducted by the debtor in calculating net self-employment income. The same line also states that expenses for internet service may be deducted as a telecommunication services expense only if necessary for the production of income. Under IRS guidelines adopted in 2011, expenses for home internet service used for other purposes are included in the Local Standards for Housing and utilities—Insurance and operating expenses. Also, Official Forms 22A-2 and 22C-2 now provide, at line 18, for deductions of the premiums paid by one jointly filing debtor on term life insurance policies of the other joint debtor as well for premium payments on the debtor's own policies.

Changes Made After Publication

Official Form 22A-1

The statement for Option 2 at the top of the form was changed to “The calculation to determine if a presumption of abuse applies will be made under *Chapter 7 Means Test Calculation* (Official Form 22A-2).”

The title of Official Form 22A-1Supp, “Statement of Exemption from Presumption of Abuse Under §707(b)(2)” was added to the text above Part 1.

A reference at line 13 to a web address was removed and added to the separate instructions.

References in Part 3 to Official Form 22A-2 were shortened to the form number.

Official Form 22A-1Supp

Stylistic changes were made.

Official Form 22A-2

References throughout the form to web addresses were removed and added to the separate instructions.

The instruction and check boxes at line 9b pertaining to whether the listed payments include taxes or insurance was removed.

Line 10 was reworded.

The title of line 23 was changed to “Optional telephones and telephone services” and stylistic changes were made.

At line 33, the instruction “Do not deduct mortgage payments previously deducted as an operating expense at line 9” was removed.

A direction was added to second sentence under the “yes” check box at line 36 explaining that chapter 13 expense multipliers for districts in Alabama and North Carolina are maintained by the Administrative Office of the United States Courts, not the Executive Office for United States Trustees.

Official Form 22B

The heading for Part 1 was changed to “Calculate Your Average Monthly income.”

Stylistic changes were made to the instructions after the check boxes in line 1.

Line 11 was changed to “Calculate your total average monthly income.”

Part 2, “Deduct any applicable marital adjustment,” consisting of lines 12 – 14, was added.

Official Form 22C-1

Stylistic changes were made to the instructions after the check boxes in line 1.

A reference at line 16c to a web address was removed and added to the separate instructions.

References in Part 4 to Official Form 22-C2 were shortened to the form number.

Official Form 22C-2

References throughout the form to web addresses were removed and added to the separate instructions.

Line 10 was reworded.

The title of line 23 was changed to “Optional telephones and telephone services” and stylistic changes were made.

A direction was added at line 36 explaining that chapter 13 expense multipliers for districts in Alabama and North Carolina are maintained by the Administrative Office of the United States Courts, not the Executive Office for United States Trustees.

Summary of Public Comment on Official Forms 22A-1 and 22A-1Supp.

13-BK-42. Henry Sommer, NACBA. The language in the box at the upper right hand corner of 22A-1 should be revised to recognize that the debtor may disagree with the way the means test is calculated on the forms.

Form 22A-1 is also inaccurate in stating that it is a calculation of current monthly income (CMI) because CMI does not include income of a nondebtor spouse unless it used for the household expenses of the debtor or the debtor’s dependents.

Form 22A-1 repeats an error in the current form by including nondebtor spousal income in calculating the section 707(b)(7) exemption.

As to the Form 22A-1 supplement, if a debtor completes this form, at least if a verification is added to it, why is Form 22A-1 necessary at all? The NACBA also does not believe an exemption from the means test for reservists or National Guard members is only temporary.

13-BK-56. Scott Ford, Bankruptcy Clerks’ Advisory Group. All references on the forms that encourage the debtor to “ask for help at the clerks’ office of the bankruptcy court” should be replaced with “consult your attorney.”

13-BK-59. National Conference of Bankruptcy Judges.

Suggested several formatting, punctuation and stylistic changes.

Summary of Public Comment on Official Form 22A-2

13-BK-42. Henry Sommer, NACBA. Form 22A-2 continues the error in the current forms of providing no space for a debtor to deduct other expenses permitted by the Internal Revenue Service Expense standards.

Line 33. What is meant by “Do not deduct mortgage payments previously deducted as an operating expense in Line 9”? If we don’t understand it, no pro se debtor will understand it.

13-BK-56. Scott Ford, Bankruptcy Clerks’ Advisory Group. All references on the forms that encourage the debtor to “ask for help at the clerks’ office of the bankruptcy court” should be replaced with “consult your attorney.”

Summary of Public Comment on Official Form 22B

13-BK-42. Henry Sommer, NACBA. This form contains the same error as Official Form 22A-1. Although labeled as a calculation of current monthly income, it does not take into account the “marital deduction” necessary to calculate the debtor’s current monthly income when there is a nonfiling spouse whose income is listed in Column B. Without that deduction, the calculation simply does not conform to the definition of “current monthly income.”

Summary of Public Comment on Official Forms 22C-1 and 22C-2

13-BK-24. Chapter 13 trustees, Central District of California. The revised form at line 5 and possibly line 6 perpetuate an error in the current form by allowing debtors to deduct business expenses before determining the applicable commitment period, contrary to case law in many districts. See, *In re Weigand*, 386 B.R. 238 (9th Cir. B.A.P. 2008). Same issue raised by **13-BK- 35**, Chapter 13 trustee, Robert G. Drummond, **13-BK-153**, Attorney James M. Davis.

13-BK-24. Chapter 13 trustees, Central District of California. The form continues to tie the vehicle ownership expense to the IRS Local Standards, in violation of 11 U.S.C. 707(b)(2)(A)(ii)(I) which provides: “. . . Notwithstanding any other provision of this clause, the monthly expenses of the debtor

[to be determined by reference to the IRS Standards] shall not include any payments for debts.”

13-BK- 35, Chapter 13 trustee, Robert G. Drummond. Part 2, Line 41 of Form 22C-2 allows the debtor to deduct ongoing retirement plan contributions "as specified in 11 U.S.C. § 541(b)(7)." The Ninth Circuit Bankruptcy Appellate Panel in *Parks v. Drummond (In re Parks)*, 475 B.R. 703 (9th Cir. B.A.P. 2012) held that deductions for a debtor's post-petition voluntary 401(k) contributions are not allowed by Section 541(b)(7) when calculating projected disposable income. The proposed Form 22C-1 incorrectly instructs debtors to deduct voluntary contributions to retirement plans when calculating projected disposable income. See also, *Burden v. Sea/art (In re Sea/art)*, 669 F.3d 662 (6th Cir. 2012).

13-BK-42. Henry Sommer, NACBA. The language added in Part 3 of the form in response to the Lanning decision covers a time period that is far too long. It is neither possible nor appropriate to predict the debtor's financial situation several years into the case based simply on a change in 1 or 2 items of income or expense.

13-BK-56. Scott Ford, Bankruptcy Clerks' Advisory Group. All references on the forms that encourage the debtor to "ask for help at the clerks' office of the bankruptcy court" should be replaced with "consult your attorney."

13-BK-59. National Conference of Bankruptcy Judges.

Suggested several formatting, punctuation and stylistic changes.

13-BK-153, Attorney James M. Davis. The proposed forms' distinction and line 5 between "household size" and the number of people used in determining deductions from income is an excellent revision. I also agree that the number of tax exemptions is a reasonable reference point for establishing the number of people used in determining deductions from income. I would suggest, however, revising the instructions to remove the implications about the proper number, an issue on which courts disagree.

I would suggest adding check boxes to indicate whether the payments listed on Line 9b includes taxes and insurance.

I think the language at line 10 is imprecise and would suggest the following rewrite: “If you claim that the U.S. Trustee Program’s division of the IRS Local Standard for housing ~~does not accurately compute the amount that applies to you~~, **is incorrect and affects the calculation of your monthly expenses**, fill in any additional amount you claim.”

It would be helpful if the form required debtors to show the calculation when estimating taxes using withholding and estimated tax refunds.

At line 23, I would suggest mirroring the language of the IRS Collection Financial Standards in the 1st sentence of the 2nd paragraph – in particular, adding cable television to the list of telecommunications services that should not be included.

I would suggest including an itemization for line 41. It would be helpful, at a minimum, to break out the amount claimed as retirement contributions from the amount claimed as retirement loan payments. The statutory basis for these deductions is different, and some courts have reached different conclusions about the permitted deductions. See, e.g., *Seafort v. Burden* (In re Seafort), 669 F.3d 662, 674 n.7 (6th Cir. 2012).

I would suggest revising Line 46 so that it provides a final calculation of monthly projected disposable income.

Fill in this information to identify your case:

United States Bankruptcy Court for the:

_____ District of _____
(State)

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

Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/15

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

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

Part 1: Identify Yourself

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

About Debtor 1:

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

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

Include trade names and doing business as names

I have not used any business names or EINs.

Business name

Business name

EIN

EIN

I have not used any business names or EINs.

Business name

Business name

EIN

EIN

5. Where you live

Number Street

City State ZIP Code

County

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

Number Street

P.O. Box

City State ZIP Code

If Debtor 2 lives at a different address:

Number Street

City State ZIP Code

County

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

Number Street

P.O. Box

City State ZIP Code

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

Check one:

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

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

Four horizontal lines for explanation.

Check one:

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

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

Four horizontal lines for explanation.

Part 2: Tell the Court About Your Bankruptcy Case

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

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

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

8. How you will pay the fee

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

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

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

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

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

11. Do you rent your residence?

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

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

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

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

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

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

Name of business, if any
Number Street
City State ZIP Code

Check the appropriate box to describe your business:

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

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

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

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

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

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

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

- No
Yes. What is the hazard?

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

If immediate attention is needed, why is it needed?

Where is the property? Number Street

City State ZIP Code

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

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

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

About Debtor 1:

You must check one:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

You must check one:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?

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

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

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

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

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

17. Are you filing under Chapter 7?

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

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

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

- No
Yes

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

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

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

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

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

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

Part 7: Sign Below

For you

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

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

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

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

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

X

Signature of Debtor 1

Executed on MM / DD / YYYY

X

Signature of Debtor 2

Executed on MM / DD / YYYY

For your attorney, if you are represented by one

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

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

X

Signature of Attorney for Debtor Date
MM / DD / YYYY

Printed name

Firm name

Number Street

City State ZIP Code

Contact phone Email address

Bar number State

For you if you are filing this bankruptcy without an attorney

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

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

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

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

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

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

- No
- Yes

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

- No
- Yes

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

- No
- Yes. Name of Person _____

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

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

x

Signature of Debtor 1

Date _____
MM / DD / YYYY

Contact phone _____

Cell phone _____

Email address _____

x

Signature of Debtor 2

Date _____
MM / DD / YYYY

Contact phone _____

Cell phone _____

Email address _____

COMMITTEE NOTE

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

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

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

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

Part 3, *Report About Any Businesses You Own as a Sole Proprietor*, line 12, incorporates options from the “nature of

business” box from page 1 of Official Form 1 that would apply to individual debtors, thus eliminating checkboxes for railroads and clearing banks. Part 3, line 13, also eliminates a checkbox to report whether a plan was filed with the petition, or if plan acceptances were solicited prepetition. Additionally, line 13 rephrases the question relating to whether a debtor filing under Chapter 11 is a small business debtor.

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

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

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

Part 7, *Sign Here*, deletes from the debtor’s declaration the phrase “to the best of my knowledge, information, and belief” in order to conform to the language of 28 U.S.C. § 1746. *See* Rule 1008. This part combines the two attorney signature blocks into one certification and eliminates signature lines for corporations/partnerships and chapter 15 Foreign Representative. The declaration and signature section for a non-attorney bankruptcy petition preparer (BPP) has also been removed as unnecessary. The same declaration, required under 11 U.S.C. § 110, is contained in Official Form 119. That form must be completed and signed by the BPP and filed with each document prepared by a BPP.

Changes Made After Publication

The term “bankruptcy filing package” was replaced with either “petition,” “bankruptcy,” or “forms.” The box containing the fee amounts was removed from Part 2, Line 8. Also in Line 8, the modifying language “but is not required to” was added to the explanation that a judge may waive the filing fee. The following instruction was added to Part 3, Line 13: “If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).” “A building that needs urgent repairs” was added as an example to Part 4, Line 14. The signature line in Part 7 was changed to revise the warning language. Other stylistic changes were made throughout the form.

Summary of Public Comment

13-BK-59 – National Conference of Bankruptcy Judges.

The explanation about waiver of the filing fee may create unrealistic expectations on the part of debtors about the probability that the fee will be waived.

The explanation of what constitutes a “sole proprietorship” in Line 12 would be more accurate if it referred to a sole proprietorship as a business “operated” by the debtor rather than one “owned” by him.

In Line 14, the examples under the initial question should be expanded to include something more common than perishable goods or hungry livestock, such as a building that urgently needs repairs.

The phrase “bankruptcy filing package” should not be used in Line 15 or elsewhere in the proposed forms. The phrase should be replaced by the words “this bankruptcy case” or perhaps “this bankruptcy petition.”

THIS PAGE INTENTIONALLY BLANK

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

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

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

Case number _____
 (If known)

Official Form 101A

Initial Statement About an Eviction Judgment Against You

12/15

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

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

Landlord's name _____

Landlord's address _____
 Number Street

_____ City _____ State _____ ZIP Code _____

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

Certification About Applicable Law and Deposit of Rent

I certify under penalty of perjury that:

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

X _____
 Signature of Debtor 1

X _____
 Signature of Debtor 2

Date _____
 MM / DD / YYYY

Date _____
 MM / DD / YYYY

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

Check the Bankruptcy Rules (www.uscourts.gov/rulesandpolicies/rules.aspx) and the local court's website (to find your court's website, go to www.uscourts.gov/Court_Locator.aspx) for any specific requirements that you might have to meet to serve this statement. 11 U.S.C. §§ 362(b)(22) and 362(l)

THIS PAGE INTENTIONALLY BLANK

The debtor's declarations about awareness of the criminal penalties for making false statements should be worded consistently throughout the forms.

In Part 7, a debtor filing under chapter 7 is obliged to state that he is "aware that I may proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under Chapter 7." Although this text appears in the current form, it should be narrowed or deleted. For many debtors, the statement will be untrue: a debtor without regular income, for example, is eligible to file a chapter 7 case but not a case under chapter 13. Pro se debtors, moreover, are unlikely to understand the relief available under other chapters and cannot truthfully make the statement. No purpose is served in forcing them to make it, and the statement is redundant. The debtor is required to state that he has obtained and read the section 342(b) notice (which the clerk of the court is obligated to provide). That notice contains a description of the other chapters.

THIS PAGE INTENTIONALLY BLANK

Fill in this information to identify your case:

Draft February 28, 2014

Debtor 1 _____
 First Name Middle Name Last Name

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

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

Case number _____
 (if known)

Official Form 101B

Statement About Payment of an Eviction Judgment Against You

12/15

Fill out this form only if:

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

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

Certification About Applicable Law and Payment of Eviction Judgment

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

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

X _____
Signature of Debtor 1

X _____
Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

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

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

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

Official Form 101A, *Initial Statement About an Eviction Judgment Against You*, and Official Form 101B, *Statement About Payment of an Eviction Judgment Against You*, are new forms promulgated as part of the Forms Modernization Project. They replace the “*Certification by a Debtor Who Resides as a Tenant of Residential Property*” section on Official Form 1, *Voluntary Petition*. The forms apply only in cases of individual debtors.

Official Form 101A explains that debtors need to complete and file the form only if their landlord has a judgment for possession or an eviction judgment against them and they rent their residence. The form further explains that if the debtor wishes to stay in their residence for 30 days after filing their bankruptcy petition, the certification must be completed. The form adds references to the provisions in the Bankruptcy Code that specify when debtor-tenants subject to eviction may remain in their residence after filing for bankruptcy.

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

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

Official Form 101B is new. If debtors wish to stay in their residence for more than 30 days after filing the petition, they must complete, file, and serve the form within 30 days after the petition is filed. Under Official Form 101B, debtors certify under penalty of perjury that they have the right to stay in their residence under state law or other

nonbankruptcy law by paying their landlord the entire delinquent amount and that they have paid their landlord the entire amount owed as stated in the judgment for possession or in the eviction judgment.

Changes Made After Publication

Official Form 101A

The instructions were changed to state that the debtor should file the form and serve a copy on the landlord if the debtor rents a residence and the landlord obtained a judgment for possession in an eviction, unlawful detainer action, or similar proceeding against the debtor to possess the residence. The form was changed to first require the landlord's name and address. Then the form requires the debtor to complete a certification about applicable law and deposit of rent if the debtor wishes to stay in the residence. The phrase "amount I owe" was changed to "entire delinquent amount." Stylistic changes were made throughout the form.

Official Form 101B

The full title of Official Form 101A was added to the reference to that form in the instructions. The phrase "amount I owe" was changed to "entire delinquent amount."

Summary of Public Comment

13-BK-59 – National Conference of Bankruptcy Judges.

Form 101A should be redesigned to permit the form to perform two required functions: (1) provide a place for a debtor to indicate that he has a pre-petition judgment against him, and (2) provide a way for the debtor comply with the requirements for remaining in the property during the first 30 days post-petition. As drafted, Form 101A only performs the second function. But section 362(l)(5)(A) of the Code requires a debtor to indicate "on the bankruptcy petition" whether "there was a judgment for possession of the residential real property in which the debtor resides" regardless of whether the debtor wants to remain in the property.

Form 101A does not offer the debtor a place to give the required statutory indication.

Forms 101A and 101B should indicate more plainly—in large, bold type—the different functions of each form.

The second sentence in each form requires the debtor to certify that he has the right to stay in his residence by paying the landlord “the entire amount I owe.” The phrase is inconsistent with section 362(l) which uses the phrase “entire monetary default.” See 11 U.S.C. § 362(l)(1)(A). To avoid misinterpretation and make the provision consistent with the statutory language, replace the words “I owe” with “in default.”

The instructional note in bold below the line at the bottom of Form 101A should be turned into an expression of the debtor’s awareness of what he must do to take advantage of the statute.

THIS PAGE INTENTIONALLY BLANK

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

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

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

Case number _____
 (If known)

Check if this is an amended filing

Official Form 104

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

12/15

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

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

Part 1: List the 20 Unsecured Claims in Order from Largest to Smallest. Do Not Include Claims by Insiders.

| | | Unsecured claim |
|----------|--|-----------------|
| 1 | <p>What is the nature of the claim? _____ \$ _____</p> <p>Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Contact _____</p> <p>Contact phone _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p><input type="checkbox"/> None of the above apply</p> <p>Does the creditor have a lien on your property?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Total claim (secured and unsecured): \$ _____</p> <p>Value of security: - \$ _____</p> <p>Unsecured claim \$ _____</p> | |
| 2 | <p>What is the nature of the claim? _____ \$ _____</p> <p>Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Contact _____</p> <p>Contact phone _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p><input type="checkbox"/> None of the above apply</p> <p>Does the creditor have a lien on your property?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Total claim (secured and unsecured): \$ _____</p> <p>Value of security: - \$ _____</p> <p>Unsecured claim \$ _____</p> | |

Unsecured claim

3

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

4

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

5

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

6

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

7

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

Unsecured claim

8

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

\$
Value of security:
Unsecured claim

9

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

\$
Value of security:
Unsecured claim

10

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

\$
Value of security:
Unsecured claim

11

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

\$
Value of security:
Unsecured claim

12

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

\$
Value of security:
Unsecured claim

Unsecured claim

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

Creditor's Name _____

Number Street _____

City State ZIP Code _____

Contact _____

Contact phone _____

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

Contingent

Unliquidated

Disputed

None of the above apply

Does the creditor have a lien on your property?

No

Yes. Total claim (secured and unsecured): \$ _____

Value of security: - \$ _____

Unsecured claim \$ _____

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

Creditor's Name _____

Number Street _____

City State ZIP Code _____

Contact _____

Contact phone _____

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

Contingent

Unliquidated

Disputed

None of the above apply

Does the creditor have a lien on your property?

No

Yes. Total claim (secured and unsecured): \$ _____

Value of security: - \$ _____

Unsecured claim \$ _____

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

Creditor's Name _____

Number Street _____

City State ZIP Code _____

Contact _____

Contact phone _____

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

Contingent

Unliquidated

Disputed

None of the above apply

Does the creditor have a lien on your property?

No

Yes. Total claim (secured and unsecured): \$ _____

Value of security: - \$ _____

Unsecured claim \$ _____

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

Creditor's Name _____

Number Street _____

City State ZIP Code _____

Contact _____

Contact phone _____

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

Contingent

Unliquidated

Disputed

None of the above apply

Does the creditor have a lien on your property?

No

Yes. Total claim (secured and unsecured): \$ _____

Value of security: - \$ _____

Unsecured claim \$ _____

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

Creditor's Name _____

Number Street _____

City State ZIP Code _____

Contact _____

Contact phone _____

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

Contingent

Unliquidated

Disputed

None of the above apply

Does the creditor have a lien on your property?

No

Yes. Total claim (secured and unsecured): \$ _____

Value of security: - \$ _____

Unsecured claim \$ _____

Unsecured claim

18

Creditor's Name _____
Number Street _____
City State ZIP Code _____
Contact _____
Contact phone _____

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

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

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

Does the creditor have a lien on your property?

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

19

Creditor's Name _____
Number Street _____
City State ZIP Code _____
Contact _____
Contact phone _____

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

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

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

Does the creditor have a lien on your property?

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

20

Creditor's Name _____
Number Street _____
City State ZIP Code _____
Contact _____
Contact phone _____

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

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

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

Does the creditor have a lien on your property?

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

Part 2: Sign Below

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

X _____

Signature of Debtor 1

X _____

Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

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

Form 104 is reformatted to make it easier to complete and understand and to be more visually appealing. Blanks and checkboxes are provided for specific information about each claim, replacing columns for listing information. A separate, numbered section is provided for each of the 20 claims.

The instruction not to include fully secured claims is restated in less technical terms. Debtors are instructed to include a secured creditor only if the creditor has an unsecured claim resulting from inadequate collateral value that is among the 20 largest unsecured claims. Blanks are provided to calculate the value of the unsecured portion of a partially secured claim.

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

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

Changes Made After Publication

No changes were made after publication.

Summary of Public Comment

No public comments were submitted.

Fill in this information to identify the case:

United States Bankruptcy Court for the:
 _____ District of _____
 (State)
 Case number (if known): _____ Chapter _____

Check if this is an amended filing

Official Form 105

Involuntary Petition Against an Individual

12/15

Use this form to begin a bankruptcy case against an individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against a non-individual, use the *Involuntary Petition Against a Non-individual (Official Form 205)*. Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write name and case number (if known).

Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed

- 1. Chapter of the Bankruptcy Code** *Check one:*
- Chapter 7
- Chapter 11

Part 2: Identify the Debtor

2. Debtor's full name

_____ First name

_____ Middle name

_____ Last name

_____ Suffix (Sr., Jr., II, III)

3. Other names you know the debtor has used in the last 8 years

Include any assumed, married, maiden, or trade names, or *doing business as* names.

4. Only the last 4 digits of debtor's Social Security Number or federal Individual Taxpayer Identification Number (ITIN)

Unknown

XXX - XX - _____ OR 9 XX - XX - _____

5. Any Employer Identification Numbers (EINs) used in the last 8 years

Unknown

____ - ____ - _____ EIN

____ - ____ - _____ EIN

6. Debtor's address

Principal residence

Number Street

City State ZIP Code

County

Principal place of business

Number Street

City State ZIP Code

County

Mailing address, if different from residence

Number Street

City State ZIP Code

7. Type of business

Debtor does not operate a business

Check one if the debtor operates a business:

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

8. Type of debt

Each petitioner believes:

- Debts are primarily consumer debts.** Consumer debts are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- Debts are primarily business debts.** Business debts are debts that were incurred to obtain money for a business or investment or through the operation of the business or investment.

9. Do you know of any bankruptcy cases pending by or against any partner, spouse, or affiliate of this debtor?

- No
- Yes. Debtor _____ Relationship _____
District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY
Debtor _____ Relationship _____
District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY

Part 3: Report About the Case

10. Venue

Check one:

Reason for filing in this court.

- Over the last 180 days before the filing of this bankruptcy, the debtor has resided, had the principal place of business, or had principal assets in this district longer than in any other district.
- A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.
- Other reason. Explain. (See 28 U.S.C. § 1408.) _____

11. Allegations

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).
 The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

At least one box must be checked.

- The debtor is generally not paying such debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
- Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?

- No
- Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

13. Each petitioner's claim

| Name of petitioner | Nature of petitioner's claim | Amount of the claim above the value of any lien |
|--------------------|------------------------------|---|
| | | \$ _____ |
| | | \$ _____ |
| | | \$ _____ |
| Total | | \$ _____ |

If more than 3 petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's (or representative's) signature under the statement, along with the signature of the petitioner's attorney, and the information on the petitioning creditor, the petitioner's claim, the petitioner's representative, and the attorney following the format on this form.

Part 4: Request for Relief

Petitioners request that an order for relief be entered against the debtor under the chapter specified in Part 1 of this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioners declare under penalty of perjury that the information provided in this petition is true and correct to the best of their knowledge, information, and belief. Petitioners understand that if they make a false statement, they could be fined up to \$250,000 or imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571. If relief is not ordered, the court may award attorneys' fees, costs, damages, and punitive damages. 11 U.S.C. § 303(i).

Petitioners or Petitioners' Representative

X _____
Signature of petitioner or representative, including representative's title

Printed name of petitioner

Date signed _____
MM / DD / YYYY

Mailing address of petitioner

Number Street

City State ZIP Code

If petitioner is an individual and is not represented by an attorney:

Contact phone _____

Email _____

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

Attorneys

X _____
Signature of attorney

Printed name

Firm name, if any

Number Street

City State ZIP Code

Date signed _____
MM / DD / YYYY

Contact phone _____ Email _____

x

Signature of petitioner or representative, including representative's title

Printed name of petitioner

Date signed _____
MM / DD / YYYY

Mailing address of petitioner

Number Street

City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

x

Signature of Attorney

Printed name

Firm name, if any

Number Street

City State ZIP Code

Date signed _____
MM / DD / YYYY

Contact phone _____ Email _____

x

Signature of petitioner or representative, including representative's title

Printed name of petitioner

Date signed _____
MM / DD / YYYY

Mailing address of petitioner

Number Street

City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

x

Signature of Attorney

Printed name

Firm name, if any

Number Street

City State ZIP Code

Date signed _____
MM / DD / YYYY

Contact phone _____ Email _____

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

Official Form 105, *Involuntary Petition Against an Individual*, which is used only in cases of individual debtors, is revised in its entirety as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. In addition, the form is renumbered to distinguish it from the version to be used in non-individual cases, and stylistic changes were made throughout the form.

The form is derived from Official Form 5, *Involuntary Petition*. The new form separates questions into four parts likely to be more familiar to non-lawyers, groups questions of a similar nature together, and eliminates questions unrelated to individual debtors.

Part 1, *Identify the Chapter of the Bankruptcy Code Under Which Petition is Filed*, moves to the beginning of the form the question regarding the chapter of the Bankruptcy Code under which the petition is filed.

Part 2, *Identify the Debtor*, includes the questions regarding the debtor's name, prior names, Social Security Number, Individual Taxpayer Identification Number, and Employer Identification Number. Petitioners must list the address for the debtor's principal residence, mailing address (if different), and principal place of business. Petitioners must indicate whether the debtor operates a business, and, if so, use checkboxes to indicate whether the business falls into certain categories. The statutory definition of "consumer debts" is provided, as well as a definition of "business debts."

Part 3, *Report About the Case*, amends the question regarding venue to advise that venue is "the reason to file in this court" and amends the choices for venue. The first option is revised to read: "Over the last 180 days before the filing of this bankruptcy, the debtor has resided, had the principal place of business, or had principal assets in this district longer than any other district." Also, the form adds an option for "Other reason. Explain," with a statutory reference. In the question for Allegations, the exact citation to the Bankruptcy Code is provided for the second allegation, and checkboxes are provided for the last allegation. Petitioners must check "yes" or "no" to answer whether there has been a transfer of any claim against the debtor by or to a petitioner. The information regarding the petitioner's

claims is moved to this part of the form, and the portion listing the amount of the claim is amended to ask about the amount of the claim that exceeds the value of the lien, if any.

Part 4, *Request for Relief*, amends the instructions to include a warning about making a false statement, and adds a separate requirement for each petitioner's mailing address. Also, petitioners' attorneys must provide their email addresses, or if a petitioner is an individual and not represented by an attorney, the contact phone and email address of that petitioner must be provided.

Changes Made After Publication

No changes were made after publication.

Summary of Public Comment

No public comments were submitted.

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 is an owner of the property? Check one.

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

Check if this is community property (see instructions)

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

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

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 is an owner of the property? Check one.

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

Check if this is community property (see instructions)

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

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 is an owner of the property? Check one.

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

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 Hold 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 is an owner of the property? Check one.

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

Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule 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 is an owner of the property? Check one.

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

Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule 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:

[Text box for other information]

Who is an owner of the property? Check one.

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

Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule 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:

[Text box for other information]

Who is an owner of the property? Check one.

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

Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule 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:

[Text box for other information]

Who is an owner of the property? Check one.

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

Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule 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:

[Text box for other information]

Who is an owner of the property? Check one.

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

Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule 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

[Total value box]

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: | % | % |
|-----------------|-------|----------|
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |

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 (401(k), Pension plan, IRA, etc.) 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 or individual and various categories (Electric, Gas, Heating oil, etc.) 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 and 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 106C

Schedule C: The Property You Claim as Exempt

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

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

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

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

| Brief description of the property and line on <i>Schedule A/B</i> that lists this property | Current value of the portion you own | Amount of the exemption you claim | Specific laws that allow exemption |
|--|--|---|------------------------------------|
| | <small>Copy the value from <i>Schedule A/B</i></small> | <small>Check only one box for each exemption.</small> | |
| Brief description: _____ Line from <i>Schedule A/B</i> : _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from <i>Schedule A/B</i> : _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from <i>Schedule A/B</i> : _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |

3. **Are you claiming a homestead exemption of more than \$155,675?**
(Subject to adjustment on 4/01/16 and every 3 years after that for cases filed on or after the date of adjustment.)

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

Part 2: Additional Page

| Brief description of the property and line on Schedule A/B that lists this property | Current value of the portion you own | Amount of the exemption you claim | Specific laws that allow exemption |
|---|--------------------------------------|---|------------------------------------|
| | Copy the value from Schedule A/B | Check only one box for each exemption | |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |
| Brief description: _____ Line from Schedule A/B: _____ | \$ _____ | <input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |

Fill in this information to identify your case:

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

Check if this is an amended filing

Official Form 106D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

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

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

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

Part 1: List All Secured Claims

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

Table with 3 columns: Column A Amount of claim, Column B Value of collateral that supports this claim, Column C Unsecured portion If any

2.1 Describe the property that secures the claim:
Creditor's Name
Number Street
City State ZIP Code
Who owes the debt? Check one.
Date debt was incurred Last 4 digits of account number

2.2 Describe the property that secures the claim:
Creditor's Name
Number Street
City State ZIP Code
Who owes the debt? Check one.
Date debt was incurred Last 4 digits of account number

Add the dollar value of your entries in Column A on this page. Write that number here: \$

| | | | | |
|----------------|---|--|---|--------------------------|
| Part 1: | Additional Page | Column A | Column B | Column C |
| | After listing any entries on this page, number them beginning with 2.3, followed by 2.4, and so forth. | Amount of claim | Value of collateral that supports this claim | Unsecured portion |
| | | Do not deduct the value of collateral. | | If any |

| | | | | |
|---|--|--|--|--|
| □ | Describe the property that secures the claim: _____ \$ _____ \$ _____ \$ _____ _____ Creditor's Name _____ Number Street _____ _____ City State ZIP Code | | | |
| | As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> Liquidated and neither contingent nor disputed | | | |
| | Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____ | | | |
| | 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 | | | |
| | Date debt was incurred _____ | | | |
| | Last 4 digits of account number _____ | | | |

| | | | | |
|---|--|--|--|--|
| □ | Describe the property that secures the claim: _____ \$ _____ \$ _____ \$ _____ _____ Creditor's Name _____ Number Street _____ _____ City State ZIP Code | | | |
| | As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> Liquidated and neither contingent nor disputed | | | |
| | Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____ | | | |
| | 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 | | | |
| | Date debt was incurred _____ | | | |
| | Last 4 digits of account number _____ | | | |

| | | | | |
|---|--|--|--|--|
| □ | Describe the property that secures the claim: _____ \$ _____ \$ _____ \$ _____ _____ Creditor's Name _____ Number Street _____ _____ City State ZIP Code | | | |
| | As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> Liquidated and neither contingent nor disputed | | | |
| | Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____ | | | |
| | 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 | | | |
| | Date debt was incurred _____ | | | |
| | Last 4 digits of account number _____ | | | |

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

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

Use this page only if you have others to be notified 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 _____ |

THIS PAGE INTENTIONALLY BLANK

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Check if this is an amended filing

Official Form 106E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Property* (Official Form 106A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 106G). Do not include any creditors with partially secured claims that are listed in *Schedule D: Creditors Who 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. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

Part 1: List All of Your PRIORITY Unsecured Claims

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

- No. Go to Part 2.
- Yes.

2. List all of your priority unsecured claims. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If you have more than two priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3.

(For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

| | | Total claim | Priority amount | Nonpriority amount | |
|-----|--|---|-----------------|--------------------|--|
| 2.1 | <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 <input type="checkbox"/> Liquidated and neither contingent nor 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 _____ | | | |
| 2.2 | <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 <input type="checkbox"/> Liquidated and neither contingent nor 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 _____ | | | |

Part 1: Your PRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 2.3, followed by 2.4, and so forth. Total claim Priority amount Nonpriority amount

Form entry 1: Priority Creditor's Name, Last 4 digits of account number, When was the debt incurred?, As of the date you file, the claim is: Check all that apply. Who incurred the debt? Check one. Is the claim subject to offset?

Form entry 2: Priority Creditor's Name, Last 4 digits of account number, When was the debt incurred?, As of the date you file, the claim is: Check all that apply. Who incurred the debt? Check one. Is the claim subject to offset?

Form entry 3: Priority Creditor's Name, Last 4 digits of account number, When was the debt incurred?, As of the date you file, the claim is: Check all that apply. Who incurred the debt? Check one. Is the claim subject to offset?

Part 2: 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 <input type="checkbox"/> Liquidated and neither contingent nor 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 <input type="checkbox"/> Liquidated and neither contingent nor 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 <input type="checkbox"/> Liquidated and neither contingent nor 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

Input box for claim number

Nonpriority Creditor's Name, Number, Street, City, State, ZIP Code

Who incurred the debt? Check one. Debtor 1 only, Debtor 2 only, Debtor 1 and Debtor 2 only, At least one of the debtors and another. Check if this claim is for a community debt. Is the claim subject to offset? No, Yes

Last 4 digits of account number _____ \$ _____

When was the debt incurred? _____

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

- Contingent, Unliquidated, Disputed, Liquidated and neither contingent nor disputed

Type of NONPRIORITY unsecured claim:

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

Input box for claim number

Nonpriority Creditor's Name, Number, Street, City, State, ZIP Code

Who incurred the debt? Check one. Debtor 1 only, Debtor 2 only, Debtor 1 and Debtor 2 only, At least one of the debtors and another. Check if this claim is for a community debt. Is the claim subject to offset? No, Yes

Last 4 digits of account number _____ \$ _____

When was the debt incurred? _____

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

- Contingent, Unliquidated, Disputed, Liquidated and neither contingent nor disputed

Type of NONPRIORITY unsecured claim:

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

Input box for claim number

Nonpriority Creditor's Name, Number, Street, City, State, ZIP Code

Who incurred the debt? Check one. Debtor 1 only, Debtor 2 only, Debtor 1 and Debtor 2 only, At least one of the debtors and another. Check if this claim is for a community debt. Is the claim subject to offset? No, Yes

Last 4 digits of account number _____ \$ _____

When was the debt incurred? _____

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

- Contingent, Unliquidated, Disputed, Liquidated and neither contingent nor disputed

Type of NONPRIORITY unsecured claim:

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

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

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name
Number Street
City State ZIP Code

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

- Line ___ of (Check one): [] Part 1: Creditors with Priority Unsecured Claims
[] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number ___ ___ ___ ___

Name
Number Street
City State ZIP Code

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

- Line ___ of (Check one): [] Part 1: Creditors with Priority Unsecured Claims
[] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number ___ ___ ___ ___

Name
Number Street
City State ZIP Code

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

- Line ___ of (Check one): [] Part 1: Creditors with Priority Unsecured Claims
[] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number ___ ___ ___ ___

Name
Number Street
City State ZIP Code

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

- Line ___ of (Check one): [] Part 1: Creditors with Priority Unsecured Claims
[] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number ___ ___ ___ ___

Name
Number Street
City State ZIP Code

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

- Line ___ of (Check one): [] Part 1: Creditors with Priority Unsecured Claims
[] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number ___ ___ ___ ___

Name
Number Street
City State ZIP Code

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

- Line ___ of (Check one): [] Part 1: Creditors with Priority Unsecured Claims
[] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number ___ ___ ___ ___

Name
Number Street
City State ZIP Code

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

- Line ___ of (Check one): [] Part 1: Creditors with Priority Unsecured Claims
[] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number ___ ___ ___ ___

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

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

Total claims from Part 1

6a. Domestic support obligations

6a. \$ _____

6b. Taxes and certain other debts you owe the government

6b. \$ _____

6c. Claims for death or personal injury while you were intoxicated

6c. \$ _____

6d. Other. Add all other priority unsecured claims. Write that amount here.

6d. + \$ _____

6e. Total. Add lines 6a through 6d.

6e. \$ _____

Total claim

Total claims from Part 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. \$ _____

Total claim

Fill in this information to identify your case:

Debtor _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Check if this is an amended filing

Official Form 106G

Schedule G: Executory Contracts and Unexpired Leases

12/15

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

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

- No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.
- Yes. Fill in all of the information below even if the contracts or leases are listed on Schedule A/B: Property (Official Form 106A/B).

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

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

Additional Page if You Have More Contracts or Leases

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

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

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

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

Case number _____
 (If known)

Check if this is an amended filing

Official Form 106H
Schedule H: Your Codebtors

12/15

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

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)

- No
- Yes

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

- No. Go to line 3.
- Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?
 - No
 - Yes. In which community state or territory did you live? _____. Fill in the name and current address of that person.

 Name of your spouse, former spouse, or legal equivalent

 Number Street

 City State ZIP Code

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

| | | |
|------------|---|---|
| 3.1 | _____ Name _____ Number Street _____ City State ZIP Code | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |
| 3.2 | _____ Name _____ Number Street _____ City State ZIP Code | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |
| 3.3 | _____ Name _____ Number Street _____ City State ZIP Code | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |

Additional Page to List More Codebtors

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

| | | |
|--------------------------|--|---|
| <input type="checkbox"/> | Name _____ Number Street _____ City State ZIP Code _____ | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |
| <input type="checkbox"/> | Name _____ Number Street _____ City State ZIP Code _____ | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |
| <input type="checkbox"/> | Name _____ Number Street _____ City State ZIP Code _____ | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |
| <input type="checkbox"/> | Name _____ Number Street _____ City State ZIP Code _____ | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |
| <input type="checkbox"/> | Name _____ Number Street _____ City State ZIP Code _____ | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |
| <input type="checkbox"/> | Name _____ Number Street _____ City State ZIP Code _____ | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |
| <input type="checkbox"/> | Name _____ Number Street _____ City State ZIP Code _____ | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |
| <input type="checkbox"/> | Name _____ Number Street _____ City State ZIP Code _____ | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |
| <input type="checkbox"/> | Name _____ Number Street _____ City State ZIP Code _____ | <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____ |

Fill in this information to identify your case:

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

Check if this is an amended filing

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information 12/15

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

Part 1: Summarize Your Assets

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

Part 2: Summarize Your Liabilities

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

Part 3: Summarize Your Income and Expenses

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

Part 4: Answer These Questions for Administrative and Statistical Records

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

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

7. What kind of debt do you have?

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

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

\$ _____

9. Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*.

Total claim

From Part 4 on *Schedule E/F*, copy the following:

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

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

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

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

Case number _____
 (If known)

Check if this is an amended filing

Official Form 106Dec

Declaration About an Individual Debtor's Schedules

12/15

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

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

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

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

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

X _____
Signature of Debtor 1

X _____
Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

THIS PAGE INTENTIONALLY BLANK

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. 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.

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.

Changes Made After Publication

Official Form 106A/B

The \$500 limitation for listing assets was removed from the instructions. In Part 1, Line 1, an instruction was added to describe the nature of the ownership interest, with examples. Vehicle leases were added to Part 2, Line 3, and the debtor is asked to provide the approximate mileage, rather than indicating a range of mileage. In Part 6, Line 48, “machinery, fixtures, and tools of trade” were added to the question. Other minor stylistic changes were made throughout the form.

Official Form 106D

In Part 1, Line 2, the instruction to list creditors in alphabetical order was revised to require that creditors be listed in alphabetical order as much as possible. The term “major” was deleted before “creditor.” “Community claim” was changed to “community debt.” The box labeled “none” was deleted as an option for describing the claim, replaced by “liquidated and neither contingent nor disputed.” In the category of “Nature of claim,” “offset” is added to the subcategory of “other.” Other stylistic changes were made throughout the form.

Official Form 106E/F

An instruction is added: “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).” In Part 1, Line 2, the instruction to list the creditors in alphabetical order was revised to require creditors to be listed in alphabetical order as much as possible. An instruction was added: “If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts.” A question was added to indicate whether the claim is subject to offset. The box labeled “none” was deleted as an option for describing the claim, replaced by “liquidated and neither contingent nor disputed.” Other stylistic changes were made throughout the form.

Official Form 106G

The form was revised to provide new examples in Line 2.

Official Form 106H

Language was added to the instructions to define “co-debtor.” In Part 1, Line 2, “Name of your spouse” was changed to “Name of your spouse, former spouse, or legal equivalent.” The definition of co-debtor was deleted from Line 3, and an instruction to list cross-references to Official Form 106G was added. Other stylistic changes were made throughout the form.

Official Form 106Sum

Minor stylistic changes were made throughout the form.

Official Form 106Dec

The warning language in the instruction was revised. In the signature line, “forms” was changed to “summary and schedules.”

Summary of Public Comment on Official Form 106Sum

13-BK-59 – National Conference of Bankruptcy Judges. The National Conference of Bankruptcy Judges (“NCBJ”) made stylistic suggestions.

Summary of Public Comment on Official Form 106A/B

13-BK-59 –NCBJ. The instructions for Form 106A/B are confusing as a result of the different terms the instructions use for what a debtor must list. In the space of a few lines, a debtor is told to list “property,” “items,” and “assets.” An effort should be made to arrive at a uniform term. Of the possibilities, “property” is preferable since that is the term that appears in section 541(a) of the Code, 11 U.S.C. § 541(a).

The first sentence of the instructions is inaccurate. A debtor is told to list and describe items “worth more than \$500”; however, the \$500 threshold is not explained and is inconsistent with section 541(a), which contains no dollar amount in defining the “property” that makes up the bankruptcy estate, as well as with Rules 1007(b)(1)(A) and 1007(h), which also contain no dollar limit.

13-BK-89 – William Doyle. Knowing a vehicle's actual mileage at the time of filing is important, because if you know the mileage on the vehicle at the time of filing, you can run an accurate NADA estimate of the value for that date of a vehicle in normal condition. You can also subtract the mileage on the vehicle at the time of the issuance of the certificate of title and determine the average miles per month the vehicle has been driven.

13-BK-116 – Stanley Kartchner. Concurs with the NCBJ's discussion and recommendations concerning the \$500 asset disclosure threshold. For each listed asset two data fields should be added that tie into the information contained in proposed Forms 106C and 106D, either by dollar amount if such is available (which is especially helpful with real property and personal property assets such as vehicles), or at least a check box to indicate that there is a lien or exemption affecting the particular asset.

13-BK-135 – William Pierce. Concurs with the comments, concerns and recommendations of NCBJ regarding the \$500 asset disclosure. It is very important to keep any asset showing a lien on Schedule D tied to Schedule A and B assets that have liens.

13-BK-151 – National Association of Bankruptcy Trustees (“NABT”). In scheduling real property interests, the form eliminates information regarding both the Nature of the Debtor's Interest and the Amount of Secured Claim as currently provided in Official Form B6A. This will make it harder for chapter 7 trustees to assess whether there is an asset to administer without reference to other Schedules or independent documents. Concurs with NCBJ about the direction to list items “worth more than \$500.” In Part 1 the listing of a property record card number should be made mandatory. In many areas of the country, an actual deed book and page is necessary in order to determine where the property is located. It would also be helpful to have available space for the debtor to indicate out how the current value was determined, including the valuation for vehicles in Part 1.

Part 3 of the form eliminated information regarding who is the owner of the property, which is provided in Part 1 and 2. This will make it harder for chapter 7 trustees to assess whether there is an asset to administer without reference to independent information. The inclusion of ownership is necessary in a jointly administered case.

In Part 4 the form should include under “Cash” additional language to address electronic or other forms of cryptocurrency or digital currency. As to the “Deposits of Money,” in addition to the

institutional name, it is necessary to have the identifying account number (the last 4 digits) to insure all bank statements that are provided to the trustee are accounted for.

The number of shares held of publicly held stocks would be helpful, when not part of a brokerage account, as well as the identifying account number (the last 4 digits). For interests in insurance policies, in addition to the institutional name, it is necessary to have the identifying account number (the last 4 digits) to initiate verification or inquiry.

The debtor should be required to provide the name of the counsel handling the claims against third parties and that counsel's contact information, including address and telephone number.

13-BK-153 – James M. Davis. Revise the “other information” field to add a prompt for the nature of the ownership interest, if known.

The secured claim information that is required on the current Schedule A should be retained, and it would also be helpful to carry over exemption information onto Schedule A/B, so that the Schedule would provide a straightforward statement of the non-exempt equity the debtor holds in property.

Summary of Public Comment on Official Form 106C

13-BK-42 – Henry Sommer, National Association of Consumer Bankruptcy Attorneys. The new language attempting to resolve the issues raised by the Supreme Court's *Schwab v. Reilly* decision, 560 U.S. 770 (2010), fails to accomplish its goal. By limiting the claim of exemption to “100% of fair market value, up to the statutory limit,” the form does not provide the debtor finality. For every single asset subject to a monetary exemption limit, there is a possibility that a trustee could later claim that it exceeded the statutory limit. In asset cases, this possibility would exist until the case was closed, often a year or even several years. During that time, a debtor disposing of or otherwise dissipating an asset would be subject to possible sanctions or even a revocation of discharge if those assets were later claimed by the trustee. The only way for a debtor to avoid this outcome would be to file a motion for abandonment of the property, completely reversing the burdens of going forward and proof set forth in Rule 4003.

If debtors are allowed to claim 100% fmv without a limit, trustees will not have to object to every exemption. In districts where there is a firm deadline for objections on valuation issues, trustees object

only when there is a reasonable argument that the value of an asset exceeds the exemption limits.

Because the deadline for objecting to exemptions runs from the conclusion of the meeting of creditors, if a trustee wishes to investigate the value of an asset, the trustee can adjourn the meeting for that purpose, thus delaying the running of the deadline. The trustee also can seek an extension of the deadline from the court, which would routinely be granted for any reasonable cause.

Trustees have argued that debtors would just claim 100 percent of every asset as exempt, regardless of its value. This argument has no basis in past experience, makes assumptions about debtor honesty that are inconsistent with experience in the vast majority of cases, and ignores the fact that virtually every debtor with significant assets is represented by attorney bound by Rule 9011.

The schedule should list: 1) the value of the debtor's interest in the property on the petition date (see § 522(a)(2)); 2) the amount of that interest the debtor claims exempt, and 3) whether the debtor asserts that the value claimed exempt is 100 percent of the value of the debtor's interest in the asset.

13-BK-59 – NCBJ. The proposed form and its instructions conflict. The instructions better implement the spirit of *Schwab v. Reilly*. *Schwab* adopted a relatively straightforward “what-you-see-is-what-you-get” approach to a debtor's claimed exemptions. Under that approach, the debtor must express what he wants, leaving no room for interpretation.

Taken together, the instructions and the 2nd check box encourage debtors always to claim the “100% of FMV, up to any applicable statutory limit” option because the only negative consequence will be to scale back an excessive claim. Litigation is particularly likely in jurisdictions that allow people to exempt a broad category of property (such as tangible personal property) and place no dollar limit on specific types of property (such as motor vehicles) within that category.

To avoid these problems, a debtor should be required to state a particular dollar amount for an exemption that has a dollar limit, and the 100 percent of fair market value option should be restricted to exemptions that are unlimited. After the 2nd check box, the phrase “up to any applicable statutory limit” should be deleted and a parenthetical added, as follows: “100% of fair market value, up to any applicable statutory limit (for exemptions unlimited in

dollar amount). The instructions (in bold type, preceding part 1) should also be changed to delete the last sentence.

13-BK-106 – Annette Crawford, M.D. Louisiana, National Association of Chapter 13 Trustees. Form 106C does not include "totals" information needed in order to complete the required Final Account, which requires "total assets exempted".

13-BK-135 – William Pierce. 100 percent FMV should not be used on Form 106C. Trustees would be required to object to most if not all exemptions as debtors and debtors' attorneys do not put the real market value on the schedules most of the time.

13-BK-140 – Penelope Souhrada. Part 3 on page 1 asks about homestead exemptions of more than \$155,675. This applies only in jurisdictions that use the federal exemptions. Opt-out states each have different homestead exemptions, and using this number in this form will be extremely confusing for debtors.

13-BK-151 – NABT. Many of the same deficiencies with the use of a 100% FMV exemption checkbox as commented upon by NABT in 2011 still exist.

The information regarding who is the owner of the property, which is provided in Part 1 and 2 of Form 106A/B, has been eliminated from the rest of the form. This will make it harder for chapter 7 trustees to assess whether there is a proper exemption. The inclusion of ownership is necessary in a jointly administered case.

Parts 1 and 2 of the form provide two alternatives for the amount claimed as exempt. The first alternative is a dollar amount (\$_____) while the second is for "100% of fair market value, up to any applicable statutory limit." The form of the 100% FMV checkbox for dollar limited exemptions will only create confusion and increased litigation over exemptions as described in the NCBJ Comment.

The 30-day time limit in Bankruptcy Rule 4003 only applies to objections based on "three, and only three" entries on a debtor's claim of exemptions in Schedule C: (1) the description of the property claimed as exempt; (2) the Bankruptcy Code provisions governing the exemption claimed; and (3) the amount listed in the column titled "value of claimed exemption." Where the basis of the objection is on any other entry, such as the fair market value assigned to the exempt property by the debtor, the 30-day time limit does not apply.

Unless applicable federal or state law allows debtors to exempt their entire interest in an item itself regardless of value, they have no right to utilize language claiming an exemption equal to 100% of the fair market value.

Additional columns, which would clearly set forth what properties and values are subject to administration, should be added. A modified form would allow for quick verification, in summary fashion of the property, the exemption, and if there is an administrable asset, which would benefit debtors, their counsel, as well as the judiciary and chapter 7 trustees.

Summary of Official Comment on Official Form 106D

13-BK-59 – NCBJ. Part 1, line 2 requires a debtor to list secured claims in alphabetical order of “the major creditor” who holds each claim. The term “major” requires debtors to determine which creditors are “major” or “minor” and then apparently not disclose the “minor” ones. The word “major” should be deleted so that all creditors must be listed.

The meaning of the term “community claim” in line 2 is unclear. The term is not defined in the proposed form, in the instructions, in the Bankruptcy Code, or in the Bankruptcy Rules. The check box and accompanying text should either be clarified or deleted.

13-BK-5 – David S. Yen. Schedules D and E/F should not require that creditors be listed alphabetically. This will not be a problem for attorneys who use commercial software programs, but it will impose an unjustified burden on pro se debtors. They may have forgotten that a debt was owed, or mistakenly thought that a creditor did not have to be listed because the debtor does not believe that the debt is owed at all. To make the debtor redo the schedules just so that the creditors would appear in alphabetical order is a burden that is not justified by any possible benefit.

Schedules D and E/F should not require that creditors be listed repeatedly and account numbers should be optional. Many debtors receive separate bills from hospitals or other medical providers for every visit. Some creditors assign a different account number for each visit, even though they also have a unique patient identifier number. The burden of listing the creditor separately for each account number, and of sending separate notices for each account, is not justified by the benefit to creditors. Account numbers have a limited value for creditors and listing them should be optional.

Summary of Public Comment on Official Form E/F

13-BK-42 – Henry Sommer, NACBA. The instruction paragraph at the top of this schedule uses the word “priority” twice where the word “nonpriority” should be used. In addition, there is no need to list separate claims of the same creditor separately. The purpose of the schedule is to identify creditors and the amount owed to them. If a debtor has purchased several items from the same creditor, the identity of the creditor and the total debt should be sufficient for all parties. Likewise, the approach of the current forms, which makes including account number information an optional item should be retained.

13-BK-56 – Scott Ford, Bankruptcy Clerks Advisory Group. The language addressing what is needed for "statistical purposes" should be removed because this is an internal requirement for the judiciary, and it might create confusion on the part of the debtor.

13-BK-59 – NCBJ. The NCBJ’s comments on Form 106E/F, Parts 1 and 3, are identical to the its comments on proposed changes to Parts 1 and 2 of Proposed Form 106D. Also the term “community debts” is not a defined term.

Summary of Public Comments on Official Form 106G

13-BK-0059 – NCBJ – The parenthetical examples of possible contracts or leases in Line 2 are confusing, since no one contracts for or leases “rent” or a “vehicle lease.” The examples provided should be parallel, describing an item or premises contracted for or leased. The parenthetical phrase should be changed to: “an apartment, a car or truck, a cell phone.”

Summary of Public Comment on Official Form 106H

13-BK-59 – NCBJ. The proposed form would be clearer if the definition of “co-debtor” were moved from line 3 to become the first sentence in the form (before “Be as complete and accurate as possible”).

Summary of Public Comment on Official Form 106Dec

13-BK-59 – NCBJ. The third sentence misstates the criminal penalties for false statements and should be re-written.

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.

Table with 4 columns: Dates of payment, Total amount paid, Amount you still owe, Was this payment for... (Mortgage, Car, Credit card, Loan repayment, Suppliers or vendors, Other). It contains three rows of creditor information for reporting.

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

Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.

- No
- Yes. List all payments to an insider.

| | 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 |
|--|------------------|-------------------|----------------------|-------------------------|
| _____ Insider's Name _____ Number Street _____ _____ City State ZIP Code | _____ | \$ _____ | \$ _____ | Include creditor's name |
| _____ 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. | | |
| 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 <hr/> Number Street <hr/> 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 <hr/> Number Street <hr/> 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 <hr/> Number Street <hr/> 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 <hr/> Number Street <hr/> City State ZIP Code | | _____ | \$ _____ |
| | | _____ | \$ _____ |

Part 6: List Certain Losses

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

- No
- Yes. Fill in the details.

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

Part 7: List Certain Payments or Transfers

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

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

- No
- Yes. Fill in the details.

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

| | Description and value of any property transferred | Date payment or transfer was made | Amount of payment |
|--|---|-----------------------------------|----------------------|
| Person Who Was Paid 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.

Table with 2 columns: Description and value of the property transferred, Date transfer was made. Includes fields for 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?

- No
Yes. Fill in the details.

Table with 4 columns: 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. Includes fields for Name of Financial Institution, Number, Street, City, State, ZIP Code.

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.

Table with 3 columns: Who else had access to it?, Describe the contents, Do you still have it?. Includes fields for Name of Financial Institution, Name, Number, Street, City, State, ZIP Code.

22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

- No
- Yes. Fill in the details.

| Who else has or had access to it? | | Describe the contents | Do you still have it? |
|-----------------------------------|---------------------|-----------------------|---|
| Name of Storage Facility | Name | | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Number Street | Number Street | | |
| City State ZIP Code | City State ZIP Code | | |
| City State ZIP Code | City State ZIP Code | | |

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

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

- No
- Yes. Fill in the details.

| Where is the property? | Describe the property | Value |
|--|--------------------------------------|----------|
| Owner's Name Number Street City State ZIP Code | 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.

Form with columns: Governmental unit, Environmental law, if you know it, Date of notice. Includes fields for Name of site, Number Street, City State ZIP Code.

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

- No
Yes. Fill in the details.

Form with columns: Court or agency, Nature of the case, Status of the case. Includes fields for Case title, Case number, Court Name, Number Street, City State ZIP Code, and checkboxes for Pending, On appeal, Concluded.

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

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

- A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
A member of a limited liability company (LLC) or limited liability partnership (LLP)
A partner in a partnership
An officer, director, or managing executive of a corporation
An owner of at least 5% of the voting or equity securities of a corporation
No. None of the above applies. Go to Part 12.
Yes. Check all that apply above and fill in the details below for each business.

Form for business details with columns: Describe the nature of the business, Employer Identification number, Name of accountant or bookkeeper, Dates business existed. Includes fields for Business Name, Number Street, City State ZIP Code, EIN, and From To dates.

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.

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.

Changes Made After Publication

A question was added to Part 1 about the debtor's current marital status. In Part 3, Line 6, "Neither Debtor 1 nor Debtor 2" was substituted for "My debts are not" before "primarily consumer debts." Similarly, "Debtor 1 or Debtor 2 or both" was substituted for "My debts are" before "primarily consumer debts." The requirement to fill in details was eliminated from Part 4, Line 12 regarding whether there was an assignment for the benefit of creditors in the year prior to bankruptcy. In Part 7, Line 18, a security interest or mortgage on property was added as an example of types of property transfers made as security within the two years prior to bankruptcy. In Part 8, "Instruments" was added as a category for Line 20. In Line 22, the question was clarified to state that the debtor should list storage units other than their home. In Part 12, the declaration language was modified, and the warning language was revised. Other minor stylistic changes were made throughout the form.

Summary of Public Comment

13-BK-35 – Chapter 13 Trustee Robert G. Drummond. Line 18 requests information regarding transfers to self-settled trusts within the ten years prior to the filing of the bankruptcy case. The

2005 changes to the Code added 11 U.S.C. § 522(o) which reduces the value of the homestead exemption to the extent that the value is attributable to property disposed by the debtor in the prior 10 years with the intent to hinder, delay, or defraud. An additional question about dispositions that increased equity in the homestead within the prior ten years would be helpful.

13-BK-59 – The National Conference of Bankruptcy Judges.

Line 10 limits the information a debtor must provide to instances where a set-off has occurred “without your permission.” In the interest of fuller disclosure, this limitation should be removed so that parties can evaluate whether the set off was improper or otherwise avoidable.

The sentence following Line 17 instructs: “Include both outright transfers and transfers made as security.” The phrase “made as security” may be unclear to lay people. A parenthetical example would lessen the likelihood of confusion.

Line 21 requires a debtor to list the location of storage units in which the debtor has stored property within 1 year of the bankruptcy filing and instructs the debtor to not include storage units that are part of the building in which the debtor lives. In the interest of fuller disclosure, the instruction should be removed.

Line 26 should be restructured to make the provision clearer. Part 12 requires the debtor’s signature; there should be an explicit warning about the consequences of making a false statement.

13-BK-105 – Annette Crawford, National Association of Chapter 13 Trustees. The requirement to give the name of a current or ex-spouse should not be removed because marital status is important when investigating the debtor's financial situation.

13-BK-0151 – The National Association of Bankruptcy Trustees –Line 5 fails to distinguish between Debtor 1 and Debtor 2 in a jointly administered case in which the responses could be different. Inclusion of ownership or designation as between debtors is necessary in a jointly administered case. Lines 6 and 7 should include the category of “insider” that the transferee comes within.

THIS PAGE INTENTIONALLY BLANK

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

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

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

Case number _____
 (if known)

Check if this is an amended filing

Official Form 112

Statement of Intention for Individuals Filing Under Chapter 7

12/15

If you are an individual filing under chapter 7, you must fill out this form if:

- creditors have claims secured by your property, or
- you have leased personal property and the lease has not expired.

You must file this form with the court within 30 days after you file your bankruptcy petition or by the date set for the meeting of creditors, whichever is earlier, unless the court extends the time for cause. You must also send copies to the creditors and lessors you list on the form.

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

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

Part 1: List Your Creditors Who Hold Secured Claims

1. For any creditors that you listed in Part 1 of *Schedule D: Creditors Who Hold Claims Secured by Property* (Official Form 106D), fill in the information below.

| Identify the creditor and the property that is collateral | What do you intend to do with the property that secures a debt? | Did you claim the property as exempt on Schedule C? |
|--|--|---|
| Creditor's name: _____ Description of property securing debt: _____ | <input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]: _____ | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Creditor's name: _____ Description of property securing debt: _____ | <input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]: _____ | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Creditor's name: _____ Description of property securing debt: _____ | <input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]: _____ | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Creditor's name: _____ Description of property securing debt: _____ | <input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]: _____ | <input type="checkbox"/> No <input type="checkbox"/> Yes |

Part 2: List Your Unexpired Personal Property Leases

For any unexpired personal property lease that you listed in *Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G)*, fill in the information below. Do not list real estate leases. *Unexpired leases* are leases that are still in effect; the lease period has not yet ended. You may assume an unexpired personal property lease if the trustee does not assume it. 11 U.S.C. § 365(p)(2).

| | |
|---|-----------------------------------|
| Describe your unexpired personal property leases | Will the lease be assumed? |
|---|-----------------------------------|

| | |
|----------------------|------------------------------|
| Lessor's name: _____ | <input type="checkbox"/> No |
| | <input type="checkbox"/> Yes |

Description of leased property: _____

| | |
|----------------------|------------------------------|
| Lessor's name: _____ | <input type="checkbox"/> No |
| | <input type="checkbox"/> Yes |

Description of leased property: _____

| | |
|----------------------|------------------------------|
| Lessor's name: _____ | <input type="checkbox"/> No |
| | <input type="checkbox"/> Yes |

Description of leased property: _____

| | |
|----------------------|------------------------------|
| Lessor's name: _____ | <input type="checkbox"/> No |
| | <input type="checkbox"/> Yes |

Description of leased property: _____

| | |
|----------------------|------------------------------|
| Lessor's name: _____ | <input type="checkbox"/> No |
| | <input type="checkbox"/> Yes |

Description of leased property: _____

| | |
|----------------------|------------------------------|
| Lessor's name: _____ | <input type="checkbox"/> No |
| | <input type="checkbox"/> Yes |

Description of leased property: _____

| | |
|----------------------|------------------------------|
| Lessor's name: _____ | <input type="checkbox"/> No |
| | <input type="checkbox"/> Yes |

Description of leased property: _____

Part 3: Sign Below

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

X _____
 Signature of Debtor 1

X _____
 Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

COMMITTEE NOTE

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

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

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

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

Changes Made After Publication

The instruction that chapter 7 individual debtors must fill out the form was moved to the first sentence of the instructions. Various wording changes were made to Part 1 in the section regarding the debtor's intention regarding secured property. The full names of Forms 106D and 106G were added. An instruction not to list real estate leases was added to Part 2. Minor stylistic changes were made throughout the form.

Summary of Public Comment

13-BK-59 – National Conference of Bankruptcy Judges. The 1st checkbox says “give the property to the creditor.” The word “give” should be changed to “surrender.” “Surrender” is the term used in the Code, see 11 U.S.C. § 521(a)(2)(A), and courts disagree on what constitutes the “surrender” of property.

13-BK-78 – Sheryl K. Ith of Cooksey, Toolen, Gage, Duffy & Woog. The Committee Note to Official Form 112, Statement of Intention for Individuals Filing Under Chapter 7, states that the form was revised to "make it easier to read" and "uses language likely to be understandable to non-lawyers." The Note goes on to say that Part 1 "refers to signing a 'Reaffirmation Agreement' rather than asking whether the debtor intends to 'reaffirm the debt.'" If a debtor does not understand what it means to reaffirm a debt, then that same debtor is not likely to understand what it means to sign a "Reaffirmation Agreement."

Further, the change in the form allowing a debtor to state his intent to "sign a Reaffirmation Agreement" infers that, by merely signing the agreement, the debtor will have complied with the duties set forth in 11 USC §§521 and 524. However, this is not the case according to Bankruptcy Code §§ 521(a)(2)(A), 521(a)(6), 524(c), and 524(d).

13-BK-155 – David S. Yen. The form should use the word “surrender,” not the word “give.” This form is required by section 521(a)(2) of the Code. That section requires that a debtor who has debts secured by property of the estate state his or her intention with respect to “retention or surrender” of such property. Use of the word “give” may also be misconstrued as requiring the debtor to take affirmative steps and incur expenses in doing so.

13-BK-0042 – Henry Sommer, National Association of Consumer Bankruptcy Attorneys. The instructions for the Chapter 7 Statement of Intention are substantively inaccurate. They describe “surrender” as “You may give the property to the creditor.” Numerous courts have held that this is not required by the statute. In addition, the instructions diverge substantively from the language of section 365(p) regarding personal property leases. Also, it is not clear that the conditions can include cure of a default “before” the lease is assumed. The instructions should track the statute.

Fill in this information to identify the case:

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

Official Form 119

Bankruptcy Petition Preparer's Notice, Declaration, and Signature

12/15

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

Part 1: Notice to Debtor

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

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

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

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

Signature of Debtor 1 acknowledging receipt of this notice

Date _____
MM / DD / YYYY

Signature of Debtor 2, acknowledging receipt of this notice

Date _____
MM / DD / YYYY

Part 2: Declaration and Signature of the Bankruptcy Petition Preparer

Under penalty of perjury, I declare that:

- I am a bankruptcy petition preparer or the officer, principal, responsible person, or partner of a bankruptcy petition preparer;
- I or my firm prepared the documents listed below and gave the debtor a copy of them and the *Notice to Debtor by Bankruptcy Petition Preparer* as required by 11 U.S.C. §§ 110(b), 110(h), and 342(b); and
- if rules or guidelines are established according to 11 U.S.C. § 110(h) setting a maximum fee for services that bankruptcy petition preparers may charge, I or my firm notified the debtor of the maximum amount before preparing any document for filing or before accepting any fee from the debtor.

Printed name _____ Title, if any _____ Firm name, if it applies _____

Number _____ Street _____

City _____ State _____ ZIP Code _____ Contact phone _____

I or my firm prepared the documents checked below and the completed declaration is made a part of each document that I check:
(Check all that apply.)

- | | | |
|--|---|--|
| <input type="checkbox"/> Voluntary Petition (Form 101) | <input type="checkbox"/> Schedule I (Form 106I) | <input type="checkbox"/> Chapter 11 Statement of Your Current Monthly Income (Form 109) |
| <input type="checkbox"/> Statement About Your Social Security Numbers (Form 121) | <input type="checkbox"/> Schedule J (Form 106J) | <input type="checkbox"/> Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (Form 110-1) |
| <input type="checkbox"/> Your Assets and Liabilities and Certain Statistical Information (Form 106Sum) | <input type="checkbox"/> Declaration About an Individual Debtor's Schedules (Form 106Dec) | <input type="checkbox"/> Chapter 13 Calculation of Your Disposable Income (Form 110-2) |
| <input type="checkbox"/> Schedule A/B (Form 106A/B) | <input type="checkbox"/> Statement of Financial Affairs (Form 107) | <input type="checkbox"/> Application to Pay Filing Fee in Installments (Form 103A) |
| <input type="checkbox"/> Schedule C (Form 106C) | <input type="checkbox"/> Statement of Intention for Individuals Filing Under Chapter 7 (Form 112) | <input type="checkbox"/> Application to Have Chapter 7 Filing Fee Waived (Form 103B) |
| <input type="checkbox"/> Schedule D (Form 106D) | <input type="checkbox"/> Chapter 7 Statement of Your Current Monthly Income (Form 108-1) | <input type="checkbox"/> A list of names and addresses of all creditors (<i>creditor or mailing matrix</i>) |
| <input type="checkbox"/> Schedule E/F (Form 106E/F) | <input type="checkbox"/> Statement of Exemption from Presumption of Abuse Under § 707(b)(2) (Form 108-1Sup) | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Schedule G (Form 106G) | <input type="checkbox"/> Chapter 7 Means Test Calculation (Form 108-2) | |
| <input type="checkbox"/> Schedule H (Form 106H) | | |

Bankruptcy petition preparers must sign and give their Social Security numbers. If more than one bankruptcy petition preparer prepared the documents to which this declaration applies, the signature and Social Security number of each preparer must be provided. 11 U.S.C. § 110.

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner _____ Social Security number of person who signed _____ Date _____ MM / DD / YYYY

Printed name _____

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner _____ Social Security number of person who signed _____ Date _____ MM / DD / YYYY

Printed name _____

COMMITTEE NOTE

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

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

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

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

regarding an officer, principal, responsible person, or partner of the bankruptcy petition preparer.

Changes Made After Publication

The warning language in the introductory paragraph of the form was changed to advise that a bankruptcy petition preparer who fails to comply with requirements of the Bankruptcy Code or Rules “may be fined, imprisoned, or both.” Part 2’s title was changed to “Declaration and Signature,” with checkboxes to indicate the documents that were prepared by the bankruptcy petition preparer and with the added language that the completed declaration is made a part of each document checked. Minor stylistic changes were made throughout the form.

Summary of Public Comment

13-BK-0042 – Henry Sommer, National Association of Consumer Bankruptcy Attorneys –The forms omit the sections that are to be signed by a non-attorney bankruptcy petition preparer. Section 110(b)(1) requires each document prepared by a petition preparer to be signed by the preparer, with the preparer’s name, address and corporate information, if any. The statute does not permit these separate signatures to be combined into one form.

13-BK-0059 – National Conference of Bankruptcy Judges –The introductory paragraph’s final sentence concerning potential penalties for non-compliance should be rewritten to make its structure consistent with the structure of similar sentences in other forms and to be accurate. The inaccuracy is in the warning that petition preparers who do not “comply with the provisions” of title 11 or the Bankruptcy Rules may be “fined and imprisoned.” Under 18 U.S.C. § 156(b), however, the offense is committed if a case or related proceeding is “dismissed” because of a petition preparer’s “knowing attempt” to disregard the Bankruptcy Code or Rules, and the penalty is a fine, imprisonment, or both.

Fill in this information to identify your case:

United States Bankruptcy Court for the:

_____ District of _____
State

Case number (If known): _____

Draft March 14, 2014

Official Form 121

Statement About Your Social Security Numbers

12/15

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

To protect your privacy, the court will not make this form available to the public. You should not include a full Social Security Number or Individual Taxpayer Number on any other document filed with the court. The court will make only the last four digits of your numbers known to the public. However, the full numbers will be available to your creditors, the U.S. Trustee or bankruptcy administrator, and the trustee assigned to your case.

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

Part 1: Tell the Court About Yourself and Your spouse if Your Spouse is Filing With You

For Debtor 1:

For Debtor 2 (Only If Spouse Is Filing):

1. Your name

First name _____
Middle name _____
Last name _____

First name _____
Middle name _____
Last name _____

Part 2: Tell the Court About all of Your Social Security or Federal Individual Taxpayer Identification Numbers

2. All Social Security Numbers you have used

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

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

You do not have a Social Security number.

You do not have a Social Security number.

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

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

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

You do not have an ITIN.

You do not have an ITIN.

Part 3: Sign Below

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

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

x _____
Signature of Debtor 1

x _____
Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

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

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

Changes Made After Publication

The warning that full Social Security numbers may appear on some notices to creditors was deleted, and the language regarding making a false statement was revised. Other stylistic changes were made throughout the form.

Summary of Public Comment

13-BK-56 – Bankruptcy Clerks Advisory Group. Remove the sentence on the form regarding full Social Security numbers on some notices.

13-BK-89 – Scott W. Ford, Clerk of Court. The introductory language should be clarified to ensure that this form is not filed in paper but submitted in CM/ECF as a private entry available to internal court users only.

13-BK-140 – Penelope Souhrada. The instructions imply that it is legal to use more than one Social Security number.

THIS PAGE INTENTIONALLY BLANK

Information to identify the case:

Debtor 1 _____ Last 4 digits of Social Security number or ITIN _____
 First Name Middle Name Last Name
 EIN ____ - _____

Debtor 2 _____ Last 4 digits of Social Security number or ITIN _____
 (Spouse, if filing) First Name Middle Name Last Name
 EIN ____ - _____

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

Case number: _____

Order of Discharge

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

_____ [_____]
 [include all names used by each debtor, including trade names, within the 8 years prior to the filing of the petition]

MM / DD / YYYY

By the court: _____
United States Bankruptcy Judge

Explanation of Bankruptcy Discharge in a Chapter 7 Case

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

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

Creditors cannot collect discharged debts

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

Most debts are discharged

Most debts are covered by the discharge, but not all. Generally a discharge removes the debtors' personal liability for debts owed before the debtors' bankruptcy case was filed.

However, a creditor with a lien may enforce a claim against the debtors' property subject to that lien unless the lien was avoided or eliminated. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

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

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

For more information, see page 2 ►

Some debts are not discharged

Examples of some debts that are not discharged are:

- debts that are domestic support obligations;
- debts for most student loans;
- debts for most taxes;
- debts that the bankruptcy court has decided or will decide are not discharged in this bankruptcy case;
- debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- some debts which the debtors did not properly list;
- debts for certain types of loans owed to pension, profit sharing, stock bonus, or retirement plans; and
- debts for death or personal injury caused by operating a vehicle while intoxicated.

Also, debts covered by a valid reaffirmation agreement are not discharged.

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

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

COMMITTEE NOTE

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

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

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

Director's Procedural Forms 18J and 18JO are no longer needed because Form 318 specifies the names of the debtors, or debtor, to whom the discharge is issued. Any alternate names of the debtor or debtors appear in the order not in the information box at the top of the form.

Changes Made After Publication

The wording was changed to make clear that the form should be read by both debtors and creditors, and certain parts of the warning language were deleted. A requirement to list other names used by the debtor over the last eight years was added. Other stylistic changes were made throughout the form.

Summary of Public Comment

13-BK-59 – National Conference of Bankruptcy Judges. The form number should be placed at the top of the form, and the distinction between information “to the creditors” and “to the debtor” is artificial. The revised format misleadingly suggests that debtors need only read the “Notice to the debtor” and creditors should only read the “Notice to the creditors.”

13-BK-0151 – National Association of Bankruptcy Trustees – The Order of Discharge should include an explanation that the trustee’s administration of the case can extend beyond the discharge date. Further, the form should include a warning that property, even with a lien, remains property of the estate until the case is closed or the property abandoned.

Fill in this information to identify the case:

Draft February 25, 2014

Debtor 1 _____
 First Name Middle Name Last Name

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

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

Case number _____
 (If known)

Official Form 423

Certification About a Financial Management Course

12/15

If you are an individual, you must take an approved course about personal financial management if:

- you filed for bankruptcy under chapter 7 or 13, or
- you filed for bankruptcy under chapter 11 and § 1141 (d)(3) does not apply.

In a joint case, each debtor must take the course. 11 U.S.C. §§ 727(a)(11) and 1328(g).

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

- If you filed under chapter 7 and you need to file this form, file it within 60 days after the first date set for the meeting of creditors under § 341 of the Bankruptcy Code.
- If you filed under chapter 11 or 13 and you need to file this form, file it before you make the last payment that your plan requires or before you file a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Bankruptcy Code. Fed. R. Bankr. P. 1007(c).

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

Part 1: Tell the Court About the Required Course

You must check one:

I completed an approved course in personal financial management:

Date I took the course _____
MM / DD / YYYY

Name of approved provider _____

Certificate number _____

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

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

Part 2: Sign Here

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

Signature of debtor named on certificate

Printed name of debtor

Date MM / DD / YYYY

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

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

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

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

Changes Made After Publication

The instruction language was clarified regarding when an approved course about financial management must be completed, and an instruction was added that the debtor should file the certificate regarding completing the course if the provider does not file it. Other stylistic changes were made throughout the form.

Summary of Public Comment

13-BK-56 – Bankruptcy Clerks Advisory Group – The second paragraph to the introductory information to this form includes only a "does not" scenario. The Bankruptcy Clerks Advisory Group suggested adding a "does" scenario.

13-BK-59 – National Conference of Bankruptcy Judges – The National Conference of Bankruptcy Judges made stylistic suggestions.

Fill in this information to identify your case:

Draft March 31, 2014

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Official Form 427

Cover Sheet for Reaffirmation Agreement

12/14

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

Part 1: Explain the Repayment Terms of the Reaffirmation Agreement

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

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

3. **What is the Annual Percentage Rate (APR) of interest? (See Bankruptcy Code § 524(k)(3)(E).)**
 Before the bankruptcy case was filed _____ %
 Under the reaffirmation agreement _____ % Fixed rate
 Adjustable rate

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

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

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

Debtor 1

First Name Middle Name Last Name

Case number (if known)

7. Are the income amounts on lines 6a and 6e different? No Yes. Explain why they are different and complete line 10. _____

8. Are the expense amounts on lines 6b and 6f different? No Yes. Explain why they are different and complete line 10. _____

9. Is the net monthly income in line 6h less than 0? No Yes. A presumption of hardship arises (unless the creditor is a credit union). Explain how the debtor will make monthly payments on the reaffirmed debt and pay other living expenses. Complete line 10.

10. Debtor's certification about lines 7-9 I certify that each explanation on lines 7-9 is true and correct.

If any answer on lines 7-9 is Yes, the debtor must sign here. _____ _____

If all the answers on lines 7-9 are No, go to line 11. Signature of Debtor 1 Signature of Debtor 2 (Spouse Only in a Joint Case)

11. Did an attorney represent the debtor in negotiating the reaffirmation agreement? No Yes. Has the attorney executed a declaration or an affidavit to support the reaffirmation agreement?

No Yes

Part 2: Sign Here

Whoever fills out this form must sign here. I certify that the attached agreement is a true and correct copy of the reaffirmation agreement between the parties identified on this *Cover Sheet for Reaffirmation Agreement*.

_____ Date _____
Signature MM / DD / YYYY

Printed Name

Check one:
 Debtor or Debtor's Attorney
 Creditor or Creditor's Attorney

COMMITTEE NOTE

Line 3 of the form has been changed to clarify the requirement to disclose an annual percentage rate of interest. Section 524(k)(3)(E) of the Bankruptcy Code defines the “Annual Percentage Rate” to be disclosed in connection with a reaffirmation agreement. Line 3 of the form now includes a reference to that Code provision, which in appropriate circumstances permits disclosure of the simple interest rate as the Annual Percentage Rate.

COMMITTEE NOTE

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

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

Line 3 of the form has been changed to clarify the requirement to disclose an annual percentage rate of interest. Section 524(k)(3)(E) of the Bankruptcy Code defines the "Annual Percentage Rate" to be disclosed in connection with a reaffirmation agreement. Line 3 of the form now includes a reference to that Code provision, which in appropriate circumstances permits disclosure of the simple interest rate as the Annual Percentage Rate.

Changes Made After Publication

A statutory citation was added to line 3 of Part 1, and the term "counsel" was changed to "attorney" in line 11. Other stylistic changes were made throughout the form.

Summary of Public Comment

13-BK-0056 – Bankruptcy Clerks Advisory Group - The instructions before Part 1 of this form should be modified to remove "attach it to the reaffirmation agreement," and instead include "file it as one document with the reaffirmation agreement." Clarify which forms require the submission of this cover sheet.

12-BK-0059 – National Conference of Bankruptcy Judges - Use the statutory language in line 11 regarding attorney representation and the requirement of a declaration. In addition, split the inquiry in line 11 into two questions, one concerning the debtor's representation by an attorney, the other concerning the attorney's execution of the declaration.

THIS PAGE INTENTIONALLY BLANK

APPENDIX B

THIS PAGE INTENTIONALLY BLANK

APPENDIX B.1

THIS PAGE INTENTIONALLY BLANK

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

For Publication for Public Comment

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

1 (a) SERVICE OF INVOLUNTARY PETITION AND SUMMONS;
2 ~~SERVICE OF PETITION FOR RECOGNITION OF FOREIGN NONMAIN~~
3 ~~PROCEEDING.~~ On the filing of an involuntary petition ~~or a petition for~~
4 ~~recognition of a foreign nonmain proceeding,~~ the clerk shall forthwith issue a
5 summons for service. When an involuntary petition is filed, service shall be made
6 on the debtor. ~~When a petition for recognition of a foreign nonmain proceeding is~~
7 ~~filed, service shall be made on the debtor, any entity against whom provisional~~
8 ~~relief is sought under § 1519 of the Code, and on any other party as the court may~~
9 ~~direct.~~ The summons shall be served with a copy of the petition in the manner
10 provided for service of a summons and complaint by Rule 7004(a) or (b). If
11 service cannot be so made, the court may order that the summons and petition be
12 served by mailing copies to the party's last known address, and by at least one
13 publication in a manner and form directed by the court. The summons and
14 petition may be served on the party anywhere. Rule 7004(e) and Rule 4(l)
15 F.R.Civ.P. apply when service is made or attempted under this rule.

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

* * * * *

COMMITTEE NOTE

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

THIS PAGE INTENTIONALLY BLANK

Rule 1012. Responsive Pleading in Cross-Border Cases

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

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

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

COMMITTEE NOTE

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

THIS PAGE INTENTIONALLY BLANK

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

1 (a) TWENTY-ONE-DAY NOTICES TO PARTIES IN INTEREST.

2 Except as provided in subdivisions (h), (i), (l), (p), and (q) of this rule, the clerk,
3 or some other person as the court may direct, shall give the debtor, the trustee, all
4 creditors and indenture trustees at least 21 days' notice by mail of:

5 * * * * *

6 (7) the time fixed for filing proofs of claims pursuant to Rule
7 3003(c); ~~and~~

8 (8) the time fixed for filing objections and the hearing to consider
9 confirmation of a chapter 12 plan; and

10 (9) the time fixed for filing objections to confirmation of a chapter
11 13 plan.

12 (b) TWENTY-EIGHT-DAY NOTICES TO PARTIES IN INTEREST.

13 Except as provided in subdivision (l) of this rule, the clerk, or some other person
14 as the court may direct, shall give the debtor, the trustee, all creditors and
15 indenture trustees not less than 28 days' notice by mail of the time fixed

16 (1) for filing objections and the hearing to consider approval of a
17 disclosure statement or, under §1125(f), to make a final determination whether the
18 plan provides adequate information so that a separate disclosure statement is not
19 necessary; ~~and~~

20 (2) for filing objections and the hearing to consider confirmation of

21 a chapter 9, or chapter 11, or chapter 13 plan; and

22 (3) for the hearing to consider confirmation of a chapter 13 plan.

23 * * * * *

24 (q) NOTICE OF PETITION FOR RECOGNITION OF FOREIGN
25 PROCEEDING AND OF COURT'S INTENTION TO COMMUNICATE WITH
26 FOREIGN COURTS AND FOREIGN REPRESENTATIVES.

27 (1) *Notice of Petition for Recognition.* After the filing of a petition
28 for recognition of a foreign proceeding, the court shall promptly schedule and
29 hold a hearing on the petition. The clerk, or some other person as the court may
30 direct, shall forthwith give the debtor, all persons or bodies authorized to
31 administer foreign proceedings of the debtor, all entities against whom
32 provisional relief is being sought under §1519 of the Code, all parties to litigation
33 pending in the United States in which the debtor is a party at the time of the filing
34 of the petition, and such other entities as the court may direct, at least 21 days'
35 notice by mail of the hearing ~~on the petition for recognition of a foreign~~
36 ~~proceeding.~~ The notice shall state whether the petition seeks recognition as a
37 foreign main proceeding or foreign nonmain proceeding and shall include the
38 petition and any other document the court may require. If the court consolidates
39 the hearing on the petition with the hearing on a request for provisional relief, the
40 court may set a shorter notice period, with notice to the entities listed in this
41 subdivision.

COMMITTEE NOTE

Subdivisions (a) and (b) are amended and reorganized to alter the provisions governing notice under this rule in chapter 13 cases. Subdivision (a)(9) is added to require at least 21 days' notice of the time for filing objections to confirmation of a chapter 13 plan. Subdivision (b)(3) is added to provide separately for 28 days' notice of the date of the confirmation hearing in a chapter 13 case. These amendments conform to amended Rule 3015, which governs the time for presenting objections to confirmation of a chapter 13 plan. Other changes are stylistic.

Subdivision (q) is amended to clarify the procedures for giving notice in cross-border proceedings. The amended rule provides, in keeping with Code § 1517(c), for the court to schedule a hearing to be held promptly on the petition for recognition of a foreign proceeding. The amended rule contemplates that a hearing on a request for provisional relief may sometimes overlap substantially with the merits of the petition for recognition. In that case, the court may choose to consolidate the hearing on the request for provisional relief with the hearing on the petition for recognition, see Rules 1018 and 7065, and accordingly shorten the usual 21-day notice period.

THIS PAGE INTENTIONALLY BLANK

Rule 3002. Filing Proof of Claim or Interest

1 (a) NECESSITY FOR FILING. ~~An~~ A secured creditor, unsecured creditor,
2 or an equity security holder must file a proof of claim or interest for the claim or
3 interest to be allowed, except as provided in Rules 1019(3), 3003, 3004, and 3005.
4 A lien that secures a claim against the debtor is not void due only to the failure of
5 any entity to file a proof of claim.

6 (b) PLACE OF FILING. A proof of claim or interest shall be filed in
7 accordance with Rule 5005.

8 (c) TIME FOR FILING. In a voluntary chapter 7 ~~liquidation~~ case, chapter
9 12 ~~family farmer's debt adjustment~~ case, or chapter 13 ~~individual's debt~~
10 ~~adjustment~~ case, a proof of claim is timely filed if it is filed not later than ~~90~~ 60
11 days after the order for relief or the date of the order of conversion to a case under
12 chapter 12 or chapter 13. In an involuntary chapter 7 case, a proof of claim is
13 timely filed if it is filed not later than 90 days after the order for relief is entered.
14 ~~the first date set for the meeting of creditors called under § 341(a) of the Code But~~
15 in all these cases, the following exceptions apply:

16 * * * * *

17 (6) ~~If notice of the time to file a proof of claim has been mailed to~~
18 ~~a creditor at a foreign address, o~~On motion filed by ~~the~~ a creditor before or after
19 the expiration of the time to file a proof of claim, the court may extend the time
20 by not more than 60 days from the date of the order granting the motion. The

21 motion may be granted if the court finds that the notice was insufficient under the
22 circumstances to give the creditor a reasonable time to file a proof of claim

23 (A) the notice was insufficient under the circumstances to
24 give the creditor a reasonable time to file a proof of claim because the debtor
25 failed to timely file the list of creditors' names and addresses required by Rule
26 1007(a); or

27 (B) the notice was insufficient under the circumstances to
28 give the creditor a reasonable time to file a proof of claim, and the notice was
29 mailed to the creditor at a foreign address.

30 (7) A proof of claim filed by the holder of a claim that is secured
31 by a security interest in the debtor's principal residence is timely filed if:

32 (A) the proof of claim, together with the attachments
33 required by Rule 3001(c)(2)(C), is filed not later than 60 days after the order for
34 relief is entered; and

35 (B) any attachments required by Rule 3001(c)(1) and (d)
36 are filed as a supplement to the holder's claim not later than 120 days after the
37 order for relief is entered.

COMMITTEE NOTE

Subdivision (a) is amended to clarify that a creditor, including a secured creditor, must file a proof of claim in order to have an allowed claim. The amendment also clarifies, in accordance with § 506(d), that the failure of a secured creditor to file a proof of claim does not render the creditor's lien void. The inclusion of language from § 506(d) is not intended to effect any change of law with respect to claims subject to setoff under § 553. The amendment preserves the existing exceptions to this rule under Rules 1019(3), 3003, 3004, and 3005. Under Rule 1019(3), a creditor does not need to file another proof of

claim after conversion of a case to chapter 7. Rule 3003 governs the filing of a proof of claim in chapter 9 and chapter 11 cases. Rules 3004 and 3005 govern the filing of a proof of claim by the debtor, trustee, or another entity if a creditor does not do so in a timely manner.

Subdivision (c) is amended to alter the calculation of the bar date for proofs of claim in chapter 7, chapter 12, and chapter 13 cases. The amendment changes the time for filing a proof of claim in a voluntary chapter 7 case, a chapter 12 case, or a chapter 13 case from 90 days after the § 341 meeting of creditors to 60 days after the petition date. If a case is converted to chapter 12 or chapter 13, the 60-day time for filing runs from the order of conversion. In an involuntary chapter 7 case, a 90-day time for filing applies and runs from the entry of the order for relief.

Subdivision (c)(6) is amended to expand the exception to the bar date for cases in which a 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). The amendment also clarifies that if a court grants a creditor's motion under this rule to extend the time to file a proof of claim, the extension runs from the date of the court's decision on the motion.

Subdivision (c)(7) is added to provide a two-stage deadline for filing mortgage proofs of claim secured by an interest in the debtor's principal residence. Those proofs of claim must be filed with the appropriate Official Form mortgage attachment within 60 days of the order for relief. The claim will be timely if any additional documents evidencing the claim, as required by Rule 3001(c)(1) and (d), are filed within 120 days of the order for relief. The order for relief is the commencement of the case upon filing a petition, except in an involuntary case. See § 301 and § 303(h). The confirmation of a plan within the 120-day period set forth in subdivision (c)(7)(B) does not prohibit an objection to any proof of claim.

THIS PAGE INTENTIONALLY BLANK

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

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

* * * * *

COMMITTEE NOTE

Subdivision (a) is amended to clarify the applicability of the rule. Its provisions apply whenever a chapter 13 plan provides that contractual payments on the debtor's home mortgage will be maintained, whether they will be paid by the trustee or directly by the debtor. The reference to § 1322(b)(5) of the Code is deleted to make clear that the rule applies even if there is no prepetition arrearage to be cured. So long as a creditor has a claim that is secured by a security interest in the debtor's principal residence and the plan provides that contractual payments on the claim will be maintained, the rule applies.

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

THIS PAGE INTENTIONALLY BLANK

Rule 3007. Objections to Claims

1 (a) ~~OBJECTIONS TO CLAIMS~~ TIME AND MANNER OF
2 SERVICE. An objection to the allowance of a claim and a notice of
3 objection that substantially conforms to the appropriate Official Form shall
4 ~~be in writing and filed; and served at least 30 days before any scheduled~~
5 hearing on the objection or any deadline for the claimant to request a
6 hearing. A copy of the objection with notice of the hearing thereon shall be
7 ~~mailed or otherwise delivered to the claimant, the debtor or debtor in~~
8 ~~possession, and the trustee at least 30 days prior to the hearing. The~~
9 objection and notice shall be served as follows:

10 (1) on the claimant by first-class mail to the person most
11 recently designated on the claimant's original or amended proof of claim as
12 the person to receive notices, at the address so indicated; and

13 (A) if the objection is to a claim of the United States, or
14 any of its officers or agencies, in the manner provided for service of a
15 summons and complaint by Rule 7004(b)(4) or (5); or

16 (B) if the objection is to a claim of an insured depository
17 institution, in the manner provided by Rule 7004(h); and

18 (2) on the debtor or debtor in possession and on the trustee by
19 first-class mail or other permitted means.

COMMITTEE NOTE

Subdivision (a) is amended to specify the manner in which an objection to a claim and notice of the objection must be served. It clarifies that Rule 7004 does not apply to the service of most claim objections. Instead, a claimant must be served by first-class mail addressed to the person that the claimant most recently designated on its proof of claim to receive notices, at the address so indicated. If, however, the claimant is the United States, an officer or agency of the United States, or an insured depository institution, service must also be made according to the method prescribed by the appropriate provision of Rule 7004. The service methods for the depository institutions are statutorily mandated, and the size and dispersal of the decision-making and litigation authority of the federal government necessitate service on the appropriate United States attorney's office and the Attorney General, as well as the person designated on the proof of claim.

As amended, subdivision (a) no longer requires that a hearing be scheduled or held on every objection. The rule requires the objecting party to provide notice and an opportunity for a hearing on the objection, but, by deleting from the subdivision references to "the hearing," it permits local practices that require a claimant to timely request a hearing or file a response in order to obtain a hearing. The official notice form served with a copy of the objection will inform the claimant of any actions it must take. However, while a local rule may require the claimant to respond to the objection to a proof of claim, the court will still need to determine if the claim is valid, even if the claimant does not file a response to a claim objection or request a hearing.

Rule 3012. Valuation of Security Determining the Amount of Secured and Priority Claims

1 ~~The court may determine the value of a claim secured by a lien on~~
2 ~~property in which the estate has an interest on motion of any party in interest and~~
3 ~~after a hearing on notice to the holder of the secured claim and any other entity as~~
4 ~~the court may direct.~~

5 (a) DETERMINATION OF AMOUNT OF CLAIM. On request by a
6 party in interest and after notice—to the holder of the claim and any other entity
7 the court designates—and a hearing, the court may determine

8 (1) the amount of a secured claim under § 506(a) of the Code, or

9 (2) the amount of a claim entitled to priority under § 507 of the
10 Code.

11 (b) REQUEST FOR DETERMINATION; HOW MADE. Except as
12 provided in subdivision (c), a request to determine the amount of a secured claim
13 may be made by motion, in a claim objection, or in a plan filed in a chapter 12 or
14 chapter 13 case. When the request is made in a chapter 12 or chapter 13 plan, the
15 plan shall be served on the holder of the claim and any other entity the court
16 designates in the manner provided for service of a summons and complaint by
17 Rule 7004. A request to determine the amount of a claim entitled to priority may
18 be made only by motion after a claim is filed or in a claim objection.

19 (c) CLAIMS OF GOVERNMENTAL UNITS. A request to determine the
20 amount of a secured claim of a governmental unit may be made only by motion or
21 in a claim objection after the governmental unit files a proof of claim or after the
22 time for filing one under Rule 3002(c)(1) has expired.

COMMITTEE NOTE

This rule is amended and reorganized.

Subdivision (a) provides, in keeping with the former version of this rule, that a party in interest may seek a determination of the amount of a secured claim. The amended rule provides that the amount of a claim entitled to priority may also be determined by the court.

Subdivision (b) is added to provide that a request to determine the amount of a secured claim may be made in a chapter 12 or chapter 13 plan, as well as by a motion or a claim objection. When the request is made in a plan, the plan must be served on the holder of the claim and any other entities the court designates according to Rule 7004. Secured claims of governmental units are not included in this subdivision and are governed by subdivision (c). The amount of a claim entitled to priority may be determined through a motion or a claim objection.

Subdivision (c) clarifies that a determination under this rule with respect to a secured claim of a governmental unit may be made only by motion or in a claim objection, but not until the governmental unit has filed a proof of claim or its time for filing a proof of claim has expired.

Rule 3015. Filing, Objection to Confirmation, Effect of Confirmation, and Modification of a Plan in a Chapter 12 ~~Family Farmer Debt Adjustment~~ or a Chapter 13 ~~Individual's Debt Adjustment~~ Case

1 (a) FILING OF CHAPTER 12 PLAN. The debtor may file a chapter 12
2 plan with the petition. If a plan is not filed with the petition, it shall be filed
3 within the time prescribed by § 1221 of the Code.

4 (b) FILING OF CHAPTER 13 PLAN. The debtor may file a chapter 13
5 plan with the petition. If a plan is not filed with the petition, it shall be filed
6 within 14 days thereafter, and such time may not be further extended except for
7 cause shown and on notice as the court may direct. If a case is converted to
8 chapter 13, a plan shall be filed within 14 days thereafter, and such time may not
9 be further extended except for cause shown and on notice as the court may direct.

10 (c) ~~DATING~~. ~~Every proposed plan and any modification thereof shall be~~
11 ~~dated.~~ FORM OF CHAPTER 13 PLAN. If there is an Official Form for a plan
12 filed in a chapter 13 case, that form must be used. Provisions not otherwise
13 included in the Official Form or deviating from it are effective only if they are
14 included in a section of the Official Form designated for nonstandard provisions
15 and are also identified in accordance with any other requirements of the Official
16 Form.

17 (d) ~~NOTICE AND COPIES~~. If the plan ~~The plan or a summary of the plan~~
18 ~~shall be~~ is not included with the each notice of the hearing on confirmation mailed
19 pursuant to Rule 2002, the debtor shall serve the plan on the trustee and all
20 creditors when it is filed with the court. If required by the court, the debtor shall

21 ~~furnish a sufficient number of copies to enable the clerk to include a copy of the~~
22 ~~plan with the notice of the hearing.~~

23 (e) TRANSMISSION TO UNITED STATES TRUSTEE. The clerk shall
24 forthwith transmit to the United States trustee a copy of the plan and any
25 modification thereof filed pursuant to subdivision (a) or (b) of this rule.

26 (f) OBJECTION TO CONFIRMATION; DETERMINATION OF GOOD
27 FAITH IN THE ABSENCE OF AN OBJECTION. An objection to confirmation
28 of a plan shall be filed and served on the debtor, the trustee, and any other entity
29 designated by the court, and shall be transmitted to the United States trustee,
30 ~~before confirmation of the plan~~ at least seven days before the date set for the
31 hearing on confirmation. An objection to confirmation is governed by Rule 9014.
32 If no objection is timely filed, the court may determine that the plan has been
33 proposed in good faith and not by any means forbidden by law without receiving
34 evidence on such issues.

35 (g) EFFECT OF CONFIRMATION. In a chapter 12 or chapter 13 case,
36 any determination made in accordance with Rule 3012 of the amount of a secured
37 claim under § 506(a) of the Code is binding on its holder, even if the holder files a
38 contrary proof of claim under Rule 3002 or the debtor schedules that claim under
39 § 521(a) of the Code, and regardless of whether an objection to the claim has been
40 filed under Rule 3007.

41 ~~(g)~~ (h) MODIFICATION OF PLAN AFTER CONFIRMATION. A
42 request to modify a plan pursuant to § 1229 or § 1329 of the Code shall identify
43 the proponent and shall be filed together with the proposed modification. The

44 clerk, or some other person as the court may direct, shall give the debtor, the
45 trustee, and all creditors not less than 21 days notice by mail of the time fixed for
46 filing objections and, if an objection is filed, the hearing to consider the proposed
47 modification, unless the court orders otherwise with respect to creditors who are
48 not affected by the proposed modification. A copy of the notice shall be
49 transmitted to the United States trustee. A copy of the proposed modification, or a
50 summary thereof, shall be included with the notice. ~~If required by the court, the~~
51 ~~proponent shall furnish a sufficient number of copies of the proposed~~
52 ~~modification, or a summary thereof, to enable the clerk to include a copy with~~
53 ~~each notice. If a copy is not included with the notice and the proposed~~
54 ~~modification is sought by the debtor, a copy shall be served on the trustee and all~~
55 ~~creditors in the manner provided for service of the plan by subdivision (d) of this~~
56 ~~rule.~~ Any objection to the proposed modification shall be filed and served on the
57 debtor, the trustee, and any other entity designated by the court, and shall be
58 transmitted to the United States trustee. An objection to a proposed modification
59 is governed by Rule 9014.

COMMITTEE NOTE

This rule is amended and reorganized.

Subdivision (c) is amended to require use of an Official Form if one is adopted for chapter 13 plans. The amended rule also provides that nonstandard provisions in a chapter 13 plan must be set out in the section of the Official Form specifically designated for such provisions and identified in the manner required by the Official Form.

Subdivision (d) is amended to ensure that the trustee and creditors are served with the plan in advance of confirmation. Service may be made either at the time the plan is filed or with the notice under Rule 2002 of the hearing to consider confirmation of the plan.

Subdivision (f) is amended to require service of an objection to confirmation at least seven days before the hearing to consider confirmation of a plan. The seven-day notice period may be altered in a particular case by the court under Rule 9006.

Subdivision (g) is amended to provide that the amount of a secured claim under § 506(a) may be determined through a chapter 12 or chapter 13 plan in accordance with Rule 3012. That determination controls over a contrary proof of claim, without the need for a claim objection under Rule 3007, and over the schedule submitted by the debtor under § 521(a). The amount of a secured claim of a governmental unit, however, may not be determined through a chapter 12 or chapter 13 plan under Rule 3012.

Subdivision (h) was formerly subdivision (g). It is redesignated and amended to clarify that service of a proposed plan modification must be made in accordance with subdivision (d) of this rule. The option to serve a summary of the proposed modification has been retained. Unless required by another rule, service under this subdivision does not need to be made in the manner provided for service of a summons and complaint by Rule 7004.

Rule 4003. Exemptions

* * * * *

1 (d) AVOIDANCE BY DEBTOR OF TRANSFERS OF EXEMPT
2 PROPERTY. A proceeding under § 522(f) by the debtor to avoid a lien or other
3 transfer of property exempt under ~~§ 522(f)~~ of the Code shall be commenced by
4 motion in the manner provided by ~~in accordance with~~ Rule 9014, or by serving a
5 chapter 12 or chapter 13 plan on the affected creditors in the manner provided by
6 Rule 7004 for service of a summons and complaint. Notwithstanding the
7 provisions of subdivision (b), a creditor may object to a ~~motion filed request~~
8 under § 522(f) by challenging the validity of the exemption asserted to be
9 impaired by the lien.

COMMITTEE NOTE

Subdivision (d) is amended to provide that a request under § 522(f) to avoid a lien or other transfer of exempt property may be made by motion or by a chapter 12 or chapter 13 plan. A plan that proposes lien avoidance in accordance with this rule must be served as provided under Rule 7004 for service of a summons and complaint. Lien avoidance not governed by this rule requires an adversary proceeding.

THIS PAGE INTENTIONALLY BLANK

Other changes to this rule are stylistic.

THIS PAGE INTENTIONALLY BLANK

Rule 9006. Computing and Extending Time; Time for Motion Papers

* * * * *

1 (f) ADDITIONAL TIME AFTER SERVICE BY MAIL OR UNDER RULE
2 5(b)(2)(D); ~~(E)~~; OR (F) F.R. CIV. P. When there is a right or requirement to act or
3 undertake some proceedings within a prescribed period after being served¹ and that
4 service is by mail or under Rule 5(b)(2)(D) (leaving with the clerk); ~~(E)~~; or (F) (other
5 means consented to) F.R. Civ. P., three days are added after the prescribed period would
6 otherwise expire under Rule 9006(a).

* * * * *

Committee Note

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

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

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

¹ This wording anticipates adoption of the proposed amendment published in August 2013.

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

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

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

Rule 9009. Forms

1 (a) OFFICIAL FORMS. Except as otherwise provided in Rule 3016(d);
2 ~~the~~The Official Forms prescribed by the Judicial Conference of the United States
3 ~~shall be observed and used with alterations as may be appropriate without~~
4 alteration, except as otherwise provided in these rules, in a particular Official
5 Form, or in the national instructions for a particular Official Form. Forms may be
6 ~~combined and their contents rearranged to permit economies in their use.~~Official
7 Forms may be modified to permit minor changes not affecting wording or the
8 order of presenting information, including changes that

9 (1) expand the prescribed areas for responses in order to permit
10 complete responses;

11 (2) delete space not needed for responses; or

12 (3) delete items requiring detail in a question or category if the filer
13 indicates—either by checking “no” or “none” or by stating in words—that there is
14 nothing to report on that question or category.

15 (b) DIRECTOR’S FORMS. The Director of the Administrative Office of
16 the United States Courts may issue additional forms for use under the Code.

17 (c) CONSTRUCTION. The forms shall be construed to be consistent with
18 these rules and the Code.

COMMITTEE NOTE

This rule is amended and reorganized into separate subdivisions.

Subdivision (a) addresses permissible modifications to Official Forms. It requires that an Official Form be used without alteration, except when another rule, the Official Form itself, or the national instructions applicable to an Official Form permit alteration. The former language generally permitting alterations has been deleted, but the rule preserves the ability to make minor modifications to an Official Form that do not affect the wording or the order in which information is presented on a form. Permissible changes include those that merely expand or delete the space for responses as appropriate or delete inapplicable items so long as the filer indicates that no response is intended. For example, when more space will be necessary to completely answer a question on an Official Form without an attachment, the answer space may be expanded. Similarly, varying the width or orientation of columnar data on a form for clarity of presentation would be a permissible minor change. On the other hand, many Official Forms indicate on their face that certain changes are not appropriate. Any changes that contravene the directions on an Official Form would be prohibited by this rule.

The creation of subdivision (b) and subdivision (c) is stylistic.

APPENDIX B.2

THIS PAGE INTENTIONALLY BLANK

United States Bankruptcy Court

_____ District Of _____

In re _____ ,
Debtor

Case No. _____
Chapter _____

GENERAL POWER OF ATTORNEY

[Abrogated]

THIS PAGE INTENTIONALLY BLANK

2015 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.

THIS PAGE INTENTIONALLY BLANK

United States Bankruptcy Court

_____ District Of _____

In re _____ ,
Debtor

Case No. _____
Chapter _____

SPECIAL POWER OF ATTORNEY

[Abrogated]

THIS PAGE INTENTIONALLY BLANK

2015 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.

THIS PAGE INTENTIONALLY BLANK

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.

| <input type="checkbox"/> No | <input type="checkbox"/> 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? |
|-----------------------------|---|--|-----------------|---|
| | _____ | _____ | _____ | <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 6I.)

| | 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 6I).

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 ____ (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:

THIS PAGE INTENTIONALLY BLANK

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. Answer the questions on this form with respect to Debtor 2 only. If Debtor 1 and Debtor 2 have one or more dependents in common, list the dependent on both Schedule J and Schedule J-2. 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

Do you and Debtor 1 maintain separate households? Yes
 No (Do not complete this form)

| 1. Do you have dependents? | Dependent's relationship to Debtor 2: | Dependent's age | Does dependent live with you? |
|--|---------------------------------------|-----------------|---|
| <input type="checkbox"/> No <input type="checkbox"/> Yes. Fill out this information for each dependent..... | _____ | _____ | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| 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. | _____ | _____ | <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 |

2. 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 |
|--|---------------|
| 3. 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

- 4. **Additional mortgage payments for your residence**, such as home equity loans 5. \$ _____
- 5. **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. \$ _____
- 6. **Food and housekeeping supplies** 7. \$ _____
- 7. **Childcare and children's education costs** 8. \$ _____
- 8. **Clothing, laundry, and dry cleaning** 9. \$ _____
- 9. **Personal care products and services** 10. \$ _____
- 10. **Medical and dental expenses** 11. \$ _____
- 11. **Transportation.** Include gas, maintenance, bus or train fare.
Do not include car payments. 12. \$ _____
- 12. **Entertainment, clubs, recreation, newspapers, magazines, and books** 13. \$ _____
- 13. **Charitable contributions and religious donations** 14. \$ _____
- 14. **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 4 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:

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

Schedule J: Your Expenses (Official Form 106J), formally Official Form 6J, 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.

Schedule J-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.

THIS PAGE INTENTIONALLY BLANK

Debtor _____

United States Bankruptcy Court for the: _____
[Bankruptcy district]

Case number: _____

Check if this is an amended plan

Official Form 113

Chapter 13 Plan

12/16

Part 1: Notices

To Debtors: 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 circumstances or that it is permissible in your judicial district. *In the following notice to creditors, you must check each box that applies.*

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance to you. **Boxes must be checked by debtor(s) if applicable.**

- The plan seeks to limit the amount of a secured claim, as set out in Part 3, Section 3.2, which may result in a partial payment or no payment at all to the secured creditor.
- The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest as set out in Part 3, Section 3.4.
- The plan sets out nonstandard provisions in Part 9.

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make regular payments to the trustee as follows:

\$ _____ per _____ for _____ months
[and \$ _____ per _____ for _____ months.] *Insert additional lines if needed.*

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in Parts 3 through 6 of this plan.

2.2 Regular payments to the trustee will be made from future earnings in the following manner:

Check all that apply.

- Debtor(s) will make payments pursuant to a payroll deduction order.
- Debtor(s) will make payments directly to the trustee.
- Other (specify method of payment): _____.

2.3 Federal income tax refunds.

Check one.

- Debtor(s) will retain any federal tax refunds received during the plan term.
- Debtor(s) will supply the trustee with a copy of each federal tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all federal income tax refunds, other than earned income tax credits, received during the plan term.
- Debtor(s) will supply the trustee with federal tax returns filed during the plan term and will turn over to the trustee a portion of any federal income tax refunds received during the plan term as specified below.

2.4 Additional payments.

Check one.

- None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.
- Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$ _____.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of any default.

Check one.

- None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- The debtor(s) will maintain the contractual installment payments on the claims listed below, with any changes required by the applicable contract, and cure any default in payments on the secured claims listed below. The allowed claim for any arrearage amount will be paid under the plan, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor.

| Name of creditor | Collateral | Current installment payment (including escrow) | Amount of arrearage | Interest rate on arrearage (if applicable) | Monthly plan payment on arrearage | Estimated total payments by trustee |
|------------------|------------|---|---------------------|--|-----------------------------------|-------------------------------------|
| _____ | _____ | \$ _____ | \$ _____ | _____ % | \$ _____ | \$ _____ |
| | | Disbursed by: | | | | |
| | | <input type="checkbox"/> Trustee | | | | |
| | | <input type="checkbox"/> Debtor(s) | | | | |
| _____ | _____ | \$ _____ | \$ _____ | _____ % | \$ _____ | \$ _____ |
| | | Disbursed by: | | | | |
| | | <input type="checkbox"/> Trustee | | | | |
| | | <input type="checkbox"/> Debtor(s) | | | | |

Insert additional claims as needed.

3.2 Request for valuation of security and claim modification. Check one.

None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

The debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as stated below in the column headed *Amount of secured claim*. For secured claims of governmental units, unless otherwise ordered by the court, the amounts listed in proofs of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below. For each listed secured claim, the controlling amount of the claim will be paid in full under the plan with interest at the rate stated below.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

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:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) discharge under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor. See Bankruptcy Rule 3015.

| Name of creditor | Estimated amount of creditor's total claim | Collateral | Value of collateral | Amount of claims senior to creditor's claim | Amount of secured claim | Interest rate | Monthly payment to creditor | Estimated total of monthly payments |
|------------------|--|------------|---------------------|---|-------------------------|---------------|-----------------------------|-------------------------------------|
| _____ | \$ _____ | _____ | \$ _____ | \$ _____ | \$ _____ | ____% | \$ _____ | \$ _____ |
| _____ | \$ _____ | _____ | \$ _____ | \$ _____ | \$ _____ | ____% | \$ _____ | \$ _____ |
| _____ | \$ _____ | _____ | \$ _____ | \$ _____ | \$ _____ | ____% | \$ _____ | \$ _____ |

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. The final column includes only payments disbursed by the trustee rather than by the debtor.

| Name of creditor | Collateral | Amount of claim | Interest rate | Monthly plan payment | Estimated total payments by trustee |
|------------------|------------|-----------------|---------------|------------------------------------|-------------------------------------|
| _____ | _____ | \$ _____ | ____% | \$ _____ | \$ _____ |
| | | | | Disbursed by: | |
| | | | | <input type="checkbox"/> Trustee | |
| | | | | <input type="checkbox"/> Debtor(s) | |
| _____ | _____ | \$ _____ | ____% | \$ _____ | \$ _____ |
| | | | | Disbursed by: | |
| | | | | <input type="checkbox"/> Trustee | |
| | | | | <input type="checkbox"/> Debtor(s) | |

Insert additional claims as needed.

3.4 Lien avoidance.

Check one.

- None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.
The remainder of this paragraph will be effective only if the applicable box on Part 1 of this plan is checked.

The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). A judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). *If more than one lien is to be avoided, provide the information separately for each lien.*

| Information regarding judicial lien or security interest | Calculation of lien avoidance | Treatment of remaining secured claim |
|--|---|--|
| Name of creditor _____ | a. Amount of lien \$ _____ | Amount of secured claim after avoidance (line a minus line f) \$ _____ |
| | b. Amount of all other liens \$ _____ | |
| Collateral _____ | c. Value of claimed exemptions + \$ _____ | Interest rate (if applicable) _____ % |
| | d. Total of adding lines a, b, and c \$ _____ | |
| Lien identification (such as judgment date, date of lien recording, book and page number) _____ _____ | e. Value of debtor's interest in property - \$ _____ | Monthly plan payment \$ _____ |
| | f. Subtract line e from line d. \$ _____ | |
| Extent of exemption impairment (Check applicable box): | | |
| <input type="checkbox"/> Line f is equal to or greater than line a. The entire lien is avoided. (Do not complete the next column.) | | |
| <input type="checkbox"/> Line f is less than line a. A portion of the lien is avoided. (Complete the next column.) | | |

Insert additional claims as needed.

3.5 Surrender of collateral.

Check one.

- None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.
- The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) consent to termination of the stay under 11 U.S.C. § 362(a) and § 1301 with respect to the collateral upon confirmation of the plan. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

| Name of creditor | Collateral |
|------------------|------------|
| _____ | _____ |
| _____ | _____ |

Insert additional claims as needed.

Part 4: Treatment of Trustee's Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims other than those treated in § 4.5 will be paid in full without interest.

4.2 Trustee's fees

Trustee's fees are estimated to be _____% of plan payments; and during the plan term, they are estimated to total \$_____.

4.3 Attorney's fees

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$_____.

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

- None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.
- The debtor estimates the total amount of other priority claims to be _____.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

- None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.
- The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4), but not less than the amount that would have been paid on such claim if the estate of the debtor were liquidated under chapter 7, see 11 U.S.C. § 1325(a)(4).

| a. | Name of creditor | Amount of claim to be paid |
|----|------------------|----------------------------|
| | _____ | \$ _____ |
| | _____ | \$ _____ |

Insert additional claims as needed.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 General

Nonpriority unsecured claims will be paid to the extent allowed as specified in this Part.

5.2 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

- The sum of \$_____.
- _____% of the total amount of these claims.
- The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$_____. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.3 Interest on allowed nonpriority unsecured claims not separately classified. Check one.

- None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.
- Interest on allowed nonpriority unsecured claims that are not separately classified will be paid at an annual percentage rate of _____ % under 11 U.S.C. §1325(a)(4), and is estimated to total \$ _____.

5.4 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.

- None.** If "None" is checked, the rest of § 5.4 need not be completed or reproduced.
- The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. The allowed claim for the arrearage amount will be paid under the plan.

| Name of creditor | Current installment payment | Amount of arrearage to be paid | Estimated total payments by trustee |
|------------------|---|--------------------------------|-------------------------------------|
| _____ | \$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s) | \$ _____ | \$ _____ |
| _____ | \$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s) | \$ _____ | \$ _____ |

Insert additional claims as needed.

5.5 Other separately classified nonpriority unsecured claims. Check one.

- None.** If "None" is checked, the rest of § 5.5 need not be completed or reproduced.
- The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows:

| Name of creditor | Basis for separate classification and treatment | Amount to be paid on the claim | Interest rate (if applicable) | Estimated total amount of payments |
|------------------|---|--------------------------------|-------------------------------|------------------------------------|
| _____ | _____ | \$ _____ | _____ % | \$ _____ |
| _____ | _____ | \$ _____ | _____ % | \$ _____ |

Insert additional claims as needed.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Assumed items. The final column includes only payments disbursed by the trustee rather than by the debtor.

| Name of creditor | Property description | Treatment (Refer to other plan section if applicable) | Current installment payment | Amount of arrearage to be paid | Estimated total payments by trustee |
|------------------|----------------------|--|---|--------------------------------|-------------------------------------|
| _____ | _____ | _____ | \$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s) | \$ _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s) | \$ _____ | \$ _____ |

Insert additional contracts or leases as needed.

Part 7: Order of Distribution of Trustee Payments

7.1 The trustee will make the monthly payments required in Parts 3 through 6 in the following order, with payments other than those listed to be made in the order determined by the trustee:

- a. Trustee's fees
- b. _____
- c. _____ *Insert additional lines if needed.*

Part 8: Vesting of Property of the Estate

8.1 Property of the estate shall revert in the debtor(s) upon

Check the applicable box:

- plan confirmation.
- closing of the case.
- other: _____.

Debtor _____

Case number _____

Part 9: Nonstandard Plan Provisions

None. If "None" is checked, the rest of Part 9 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions are required to be set forth below.

These plan provisions will be effective only if the applicable box in Part 1 of this plan is checked.

Part 10: Signatures

X _____ Date _____

Signature of Attorney for Debtor(s)

X _____ Date _____

X _____ Date _____

Signature(s) of Debtor(s) (required if not represented by an attorney; otherwise optional)

Chapter 13 Plan Exhibit: Estimated Amounts of Trustee Payments

The trustee will make the following estimated payments on allowed claims in the order set forth in Section 7.1:

- a. **Maintenance and cure payments on secured claims** *(Part 3, Section 3.1 total):* \$ _____
- b. **Modified secured claims** *(Part 3, Section 3.2 total):* \$ _____
- c. **Secured claims excluded from 11 U.S.C. § 506** *(Part 3, Section 3.3 total):* \$ _____
- d. **Judicial liens or security interests partially avoided** *(Part 3, Section 3.4 total):* \$ _____
- e. **Administrative and other priority claims** *(Part 4 total):* \$ _____
- f. **Nonpriority unsecured claims** *(Part 5, Section 5.2 total):* \$ _____
- g. **Interest on allowed unsecured claims** *(Part 5, Section 5.3 total)* \$ _____
- h. **Maintenance and cure payments on unsecured claims** *(Part 5, Section 5.4 total)* \$ _____
- i. **Separately classified unsecured claims** *(Part 5, Section 5.5 total)* \$ _____
- j. **Arrearage payments on executory contracts and unexpired leases** *(Part 6, Section 6.1 total)* + \$ _____

Total of lines a through j.....

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

THIS PAGE INTENTIONALLY BLANK

COMMITTEE NOTE

Official Form 113 is new and is the required plan form in all chapter 13 cases. See Bankruptcy Rule 3015. Alterations to the text of the form or the order of its provisions, except as permitted by the form itself, must comply with Bankruptcy Rule 9009. As the form explains, spaces for responses may be expanded or collapsed as appropriate, and sections that are inapplicable do not need to be reproduced. Portions of the form provide multiple options for provisions of a debtor's plan, but some of those options may not be appropriate in a given debtor's situation or may not be allowed in the court presiding over the case. Debtors are advised to refer to applicable local rulings.

Part 1. This part sets out warnings to both debtors and creditors. For creditors, if the plan includes one or more of the provisions listed in this part, the appropriate boxes must be checked. For example, if Part 9 of the plan proposes a provision not included in, or contrary to, the Official Form, that nonstandard provision will be ineffective if the appropriate check box in Part 1 is not selected.

Part 2. This part states the proposed periodic plan payments, the estimated total plan payments, and sources of funding for the plan. Section 2.1 allows the debtor or debtors to propose periodic payments in other than monthly intervals. For example, if the debtor receives a paycheck every week and wishes to make plan payments from each check, that should be indicated in § 2.1. If the debtor proposes to make payments according to different "steps," the amounts and intervals of those payments should also be indicated in § 2.1. Section 2.2 provides for the manner in which the debtor will make regular payments to the trustee. If the debtor selects the option of making payments pursuant to a payroll deduction order, that selection serves as a request by the debtor for entry of the order. Whether to enter a payroll deduction order is determined by the court. See Code § 1325(c). If the debtor selects the option of making payments other than by direct payments to the trustee or by a payroll deduction order, the alternative method (*e.g.*, a designated third party electronic funds transfer program) must be specified.

Part 3. This part provides for the treatment of secured claims.

Section 3.1 provides for the treatment of claims under Code § 1322(b)(5) (maintaining current payments and curing any arrearage). For the claim of a secured creditor listed in § 3.1, an estimated arrearage amount should be given. A contrary arrearage amount listed on the creditor's proof of claim, unless contested by objection or motion, will control over the amount given in the plan.

In § 3.2, the plan may propose to determine under Code § 506(a) the value of a secured claim. For example, the plan could seek to reduce the secured portion of a creditor's claim to the value of the collateral securing it. For the secured claim of a non-governmental creditor, that determination would be binding upon confirmation of the plan. For the secured claim of a governmental unit, however, a contrary valuation listed on the creditor's proof of claim, unless contested by objection or motion, would control over the valuation given in the plan. See Bankruptcy Rule 3012. Bankruptcy Rule 3002 contemplates that a debtor, the trustee, or another entity may file a proof of claim if the creditor does not do so in a timely manner. See Bankruptcy Rules 3004 and 3005. Section 3.2 will not be effective unless the appropriate check box in Part 1 is selected.

Section 3.3 deals with secured claims that may not be bifurcated into secured and unsecured portions under Code § 506(a), but it allows for an interest rate other than the contract rate to be applied to payments on such a claim. If appropriate, a claim may be treated under § 3.1 instead of § 3.3.

In § 3.4, the plan may propose to avoid certain judicial liens or security interests encumbering exempt property in accordance with Code § 522(f). This section includes space for the calculation of the amount of the judicial lien or security interest that is avoided. A plan proposing avoidance in § 3.4 must be served in the manner provided by Bankruptcy Rule 7004 for service of a summons and complaint. See Bankruptcy Rule 4003. Section 3.4 will not be effective unless the appropriate check box in Part 1 is selected.

Section 3.5 provides for elections to surrender collateral and consent to termination of the stay under § 362(a) and § 1301 with respect to the collateral surrendered. Termination will be effective upon confirmation of the plan.

Part 4. This part provides for the treatment of trustee's fees and claims entitled to priority status. Section 4.1 provides that trustee's fees and all allowed priority claims (other than those domestic support obligations treated in § 4.5) will be paid in full. In § 4.2, the plan lists an estimate of the trustee's fees. Although the estimate may indicate whether the plan will be feasible, it does not affect the trustee's entitlement to fees as determined by statute. In § 4.3, the form requests the balance of attorney's fees owed. Additional details about payments of attorney's fees, including information about their timing and approval, are left to the requirements of local practice. In § 4.4, the plan calls for an estimated amount of priority claims. A contrary amount listed on the creditor's proof of claim, unless changed by court order in response to an objection or motion, will control over the amount given in § 4.4. In § 4.5, the plan

may propose to pay less than the full amount of a domestic support obligation that has been assigned to, or is owed to, a governmental unit, but not less than the amount that claim would have received in a chapter 7 liquidation.

Part 5. This part provides for the treatment of unsecured claims that are not entitled to priority status. In § 5.2, the plan may propose to pay nonpriority unsecured claims in accordance with several options. One or more options may be selected. For example, the plan could propose simply to pay unsecured creditors any funds remaining after disbursements to other creditors, or also provide that a defined percentage of the total amount of unsecured claims will be paid. In § 5.4, the plan may provide for the separate classification of nonpriority unsecured claims (such as co-debtor claims) as permitted under Code § 1322(b)(1).

Part 6. This part provides for executory contracts and unexpired leases. An executory contract or unexpired lease is rejected unless it is listed in this part. If the plan proposes neither to assume nor reject an executory contract or unexpired lease, that treatment would have to be set forth as a nonstandard provision in Part 9.

Part 7. This part provides an order of distribution of payments under the plan. Other than the trustee's fees, the order of distribution is left to be completed by the debtor in keeping with the requirements of the Code. The debtor may instead elect to have the trustee direct the order of distribution.

Part 8. This part defines when property of the estate will revert in the debtor or debtors. One choice must be selected—upon plan confirmation, upon closing the case, or upon some other specified event. This plan provision is subject to a contrary court order under Code § 1327(b).

Part 9. This part gives the debtor or debtors the opportunity to propose provisions that are not otherwise in, or are contrary to, the Official Form. All such nonstandard provisions must be set forth in this part and nowhere else in the plan. This part will not be effective unless the appropriate check box in Part 1 is selected. See Bankruptcy Rule 3015.

Part 10. The plan must be signed by the attorney for the debtor or debtors. If the debtor or debtors are not represented by an attorney, they must sign the plan, but the signature of represented debtors is optional.

THIS PAGE INTENTIONALLY BLANK

United States Bankruptcy Court for the District of _____

Debtor(s): John and Mary Smith

Case No.: 14 B 12345

Date: December 2, 2016

Check if this is an amended plan

Official Form 113

Chapter 13 Plan

12/15

Part 1: Notices

To Debtors: 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 circumstances or that it is permissible in your judicial district. In the following notice to creditors, you must check each box that applies.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance to you. Boxes must be checked by debtor(s) if applicable.

- The plan seeks to limit the amount of a secured claim, as set out in Part 3, Section 3.2, which may result in a partial payment or no payment at all to the secured creditor.
 The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest as set out in Part 3, Section 3.4.
 The plan sets out nonstandard provisions in Part 9.

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make regular payments to the trustee as follows:

\$ 2500 per month for 56 months

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in Parts 3 through 6 of this plan.

2.2 Regular payments to the trustee will be made from future earnings in the following manner: Check all that apply.

- Debtor(s) will make payments pursuant to a payroll deduction order.
 Debtor(s) will make payments directly to the trustee.
 Other (specify method of payment): _____

2.3 Federal income tax refunds. Check one.

- Debtor(s) will retain any federal tax refunds received during the plan term.
 Debtor(s) will supply the trustee with a copy of each federal tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all federal income tax refunds, other than earned income tax credits, received during the plan term.
 Debtor(s) will supply the trustee with federal tax returns filed during the plan term and will turn over to the trustee a portion of any federal income tax refunds received during the plan term as specified below.

2.4 Additional payments. Check one.

None If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$ 140,000.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of any default. Check one.

None If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

The debtor(s) will maintain the contractual installment payments on the claims listed below, with any changes required by the applicable contract, and cure any default in payments on the secured claims listed below. The allowed claim for any arrearage amount will be paid under the plan, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor.

| Name of creditor | Collateral | Current installment payment (including escrow) | Amount of arrearage | Interest rate on arrearage (if applicable) | Monthly plan payment on arrearage | Estimated total payments by trustee |
|-------------------------|------------------------------------|---|---------------------|--|-----------------------------------|-------------------------------------|
| Mortgage Servicer, Inc. | Home at 123 Main St City, State | \$1,500 Disbursed by: <input checked="" type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s) | \$3,000 | | 100 | \$87,000 |

3.2 Request for valuation of security and claim modification. Check one.

None If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506. Check one.

None If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. The final column includes only payments disbursed by the trustee rather than by the debtor.

| Name of creditor | Collateral | Amount of claim | Interest rate | Monthly plan payment | Estimated total payments by trustee |
|-------------------------|------------------------------|-----------------|---------------|---|-------------------------------------|
| Mortgage Servicer, Inc. | 2012 Model Make Pickup Truck | \$8,400 | 3.0% | \$150 Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s) | \$400 |

3.4 Lien avoidance. Check one.

None If "None" is checked, the rest of Section § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral. Check one.

None If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

Part 4: Treatment of Trustee's Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims other than those treated in § 4.5 will be paid in full without interest.

4.2 Trustee's fees

Trustee's fees are estimated to be 10% of plan payments; and during the plan term, they are estimated to total \$ \$14,000.

4.3 Attorney's fees

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$ 4,000.

4.4 Priority claims other than attorney's fees and those treated in § 4.5. Check one.

None If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount. Check one.

None If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 General

Nonpriority unsecured claims will be paid to the extent allowed as specified in this Part.

5.2 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

The sum of \$_____.

_____% of the total amount of these claims.

The funds remaining **after** disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$_____. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.3 Interest on allowed nonpriority unsecured claims not separately classified. Check one.

None If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

5.4 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.

None If "None" is checked, the rest of § 5.4 need not be completed or reproduced.

5.5 Other separately classified nonpriority unsecured claims. Check one.

5.6 None If "None" is checked, the rest of § 5.5 need not be completed or reproduced.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

None If checked, the rest of § 6.1 need not be completed or reproduced.

Part 7: Order of Distribution of Trustee Payments

7.1 The trustee will make the monthly payments required in Parts 3 through 6 in the following order, with payments other than those listed to be made in the order determined by the trustee:

a. Trustee's fees

b. _____

c. _____ Insert additional lines if needed.

Part 8: Vesting of Property of the Estate

8.1 Property of the estate shall revert in the debtor(s) upon (Check the applicable box):

- plan confirmation.
- closing of the case.
- other: _____.

Part 9: Nonstandard Plan Provisions

None If "None" is checked, the rest of Part 9 need not be completed or reproduced.

Part 10: Signatures

X _____ Date _____

Signature of Attorney for Debtor(s)

X _____ Date _____

X _____ Date _____

Signature(s) of Debtor(s) (required if not represented by an attorney; otherwise optional)

Chapter 13 Plan Exhibit: Estimated Amounts of Trustee Payments

The trustee will make the following estimated payments on allowed claims in the order set forth in Section 7.1:

| | |
|--|------------------|
| a. Maintenance and cure payments on secured claims (Part 3, Section 3.1 total): | \$ 87,000 |
| b. Modified secured claims (Part 3, Section 3.2 total): | 0 |
| c. Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total): | 400 |
| d. Judicial liens or security interests partially avoided (Part 3, Section 3.4 total): | 0 |
| e. Administrative and other priority claims (Part 4 total): | 18,000 |
| f. Nonpriority unsecured claims (Part 5, Section 5.2 total): | 34,600 |
| g. Interest on allowed unsecured claims (Part 5, Section 5.3 total) | 0 |
| h. Maintenance and cure payments on unsecured claims (Part 5, Section 5.4 total) | 0 |
| i. Separately classified unsecured claims (Part 5, Section 5.5 total) | 0 |
| j. Arrearage payments on executory contracts and unexpired leases (Part 6, Section 6.1 total) | \$0 |
| Total of lines a through j | \$140,000 |

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. The debtor must provide all information required.

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 pay the entire filing fee when the case is filed. 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 lose the property, 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.

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. If the case is a chapter 11 case and the amount of the creditor's unsecured claim in Column C 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 B204).

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 typically do not have liens on or other security interests in the debtor's property.

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 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 is entitled to 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 about either the validity or amount of the claim.

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 — 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 both tangible and intangible property, 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 of the debtor 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. The Bankruptcy Code gives the trustee power to avoid some but not all setoffs that are made pre-petition.

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. 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.

THIS PAGE INTENTIONALLY BLANK

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

Location of principal assets, if different from principal place of business

County

Number Street

City State ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

Partnership (excluding LLP)

Other. Specify: _____

7. Describe debtor's business

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. §101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. §781(3))
- None of the above

B. Check all that apply:

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 6-digit code that best describes debtor.
See www.naics.com/search.htm.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- Chapter 7
- Chapter 9
- Chapter 11. Check all that apply:
 - Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every 3 years after that).
 - The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).
 - A plan is being filed with this petition.
 - Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
 - The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11* (Official Form 201A) with this form.
 - The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.
- Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

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

If more than 2 cases, attach a separate list.

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

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

List all cases. If more than 1, attach a separate list.

11. Why is venue proper in this district?

Check all that apply:

- Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

- No
- Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____
- It needs to be physically secured or protected from the weather.
- It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- Other _____

Where is the property?

Number _____ Street _____

City _____ State _____ ZIP Code _____

Is the property insured?

- No
- Yes. Insurance agency _____
Contact name _____
Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- Funds will be available for distribution to unsecured creditors.
- After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

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

Debtor _____
Name

Case number (if known) _____

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

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

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

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

Executed on _____
MM / DD / YYYY

X

Signature of authorized representative of debtor

Printed name

Title

18. Signature of attorney

X

Signature of attorney for debtor

Date _____
MM / DD / YYYY

Printed name

Firm name

Number Street

City State ZIP Code

Contact phone

Email address

Bar number

State

COMMITTEE NOTE

Official Form 201, *Voluntary Petition for Non-Individuals Filing for Bankruptcy*, replaces Official Form 1, *Voluntary Petition*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 201 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

Official Form 201 has been substantially reformatted and reorganized. References to Exhibits B, C, and D, and the exhibits themselves, have been eliminated because the requested information is now asked in the form or is not applicable to non-individual debtors. Official Form 201A, *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11*, has replaced Exhibit A. The debtor is instructed to file Official Form 201A if the debtor is filing under chapter 11 and is required to file periodic reports with the Securities and Exchange Commission. A checkbox has been added to the form to indicate whether it is an amended filing.

In Question 2, *All other names debtor used in the last 8 years*, instructions pertaining only to individuals have been deleted, and an instruction to include *doing business as* names and assumed names has been added. In Question 3, *Debtor's federal Employee Identification Number (EIN)*, references to social security numbers and individual taxpayer I.D. numbers have been deleted. In Question 4, *Debtor's address*, the order of listing the various addresses for the debtor has been rearranged, and an address for the location of principal assets is required if different from the principal place of business. Also, the form has been revised to include a space for listing the debtor's website in Question 5.

In Question 6, *Type of Debtor*, options pertaining only to individual debtors have been deleted, and an instruction that the "partnership" option does not include LLPs has been added. Question 7, *Describe debtor's business*, is revised to include a statutory citation for each business type, to add an option for "none of the above," and to delete the option for "other." A new instruction requires the debtor to indicate if the debtor is an investment company, including a hedge fund or pooled investment vehicle; an investment advisor; or a tax exempt entity. The definition of "tax exempt entity" has been removed and replaced with a statutory citation. Additionally, an instruction has been added to require the debtor to list its North American Industry Classification System 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.

THIS PAGE INTENTIONALLY BLANK

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 _____
- 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

THIS PAGE INTENTIONALLY BLANK

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 included with the declaration or, if the declaration accompanies another document, 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.

THIS PAGE INTENTIONALLY BLANK

Fill in this information to identify the case:

Debtor name _____

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

Case number (If known): _____

Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

| | Name of creditor and complete mailing address, including zip code | Name, telephone number, and email address of creditor contact | Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts) | Indicate if claim is contingent, unliquidated, or disputed | Amount of unsecured claim | | |
|---|---|---|---|--|-----------------------------------|---|-----------------|
| | | | | | Total claim, if partially secured | Deduction for value of collateral or setoff | Unsecured claim |
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |

Debtor _____
Name

Case number *(if known)* _____

| | Name of creditor and complete mailing address, including zip code | Name, telephone number, and email address of creditor contact | Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts) | Indicate if claim is contingent, unliquidated, or disputed | Amount of unsecured claim <small>If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.</small> | | |
|----|---|---|---|--|---|---|-----------------|
| | | | | | Total claim, if partially secured | Deduction for value of collateral or setoff | Unsecured claim |
| 9 | | | | | | | |
| 10 | | | | | | | |
| 11 | | | | | | | |
| 12 | | | | | | | |
| 13 | | | | | | | |
| 14 | | | | | | | |
| 15 | | | | | | | |
| 16 | | | | | | | |
| 17 | | | | | | | |
| 18 | | | | | | | |
| 19 | | | | | | | |
| 20 | | | | | | | |

COMMITTEE NOTE

Official Form 204, *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders*, replaces Official Form 4, *List of Creditors Holding 20 Largest Unsecured Claims*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 204 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

Official Form 204 has been reformatted and reorganized. The instructions have been shortened and revised to include a full cite to the definition of “insider” and a revised explanation of when to include a secured creditor’s unsecured claim. The warning regarding the disclosure of a minor child’s name has been deleted as a caution has been added to the general instructions for all forms regarding listing a minor child’s name.

The heading of the second column of the form has been revised to require the “name, telephone number, and email address of creditor contact,” eliminating the need to provide a complete

mailing address for the creditor contact. Additional examples of “nature of claim” have been provided in the third column. In the fourth column, “subject to setoff” has been removed as an option.

The fifth column has been revised to include three separate potential entries to be used to list the value of the unsecured claim: the total claim, if partially secured; the deduction for value of collateral or setoff; and unsecured claim. The new instructions for the fifth column contain an explanation that if a claim is a fully unsecured claim, only the final sub-column needs to be completed, and that all of the columns must be completed if a claim is partially secured.

The signature line and the instruction to include a declaration have been deleted from the form.

Fill in this information to identify the case:

United States Bankruptcy Court for the:

_____ District of _____
(State)

Case number *(if known)*: _____ Chapter _____

Check if this is an amended filing

Official Form 205

Involuntary Petition Against a Non-Individual

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against an individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed

1. Chapter of the Bankruptcy Code

Check one:

- Chapter 7
- Chapter 11

Part 2: Identify the Debtor

2. Debtor's name _____

3. Other names you know the debtor has used in the last 8 years

Include any assumed names, trade names, or *doing business as* names.

4. Debtor's federal Employer Identification Number (EIN)

Unknown

____ - ____ - _____
 EIN

5. Debtor's address

Principal place of business

Number Street _____

City State ZIP Code _____

County _____

Mailing address, if different

Number Street _____

P.O. Box _____

City State ZIP Code _____

Location of principal assets, if different from principal place of business

Number Street _____

City State ZIP Code _____

6. Debtor's website (URL) _____

7. Type of debtor
- Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
 - Partnership (excluding LLP)
 - Other type of debtor. Specify: _____

8. Type of debtor's business
- Check one:*
- Health Care Business (as defined in 11 U.S.C. § 101(27A))
 - Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
 - Railroad (as defined in 11 U.S.C. §101(44))
 - Stockbroker (as defined in 11 U.S.C. § 101(53A))
 - Commodity Broker (as defined in 11 U.S.C. § 101(6))
 - Clearing Bank (as defined in 11 U.S.C. §781(3))
 - None of the types of business listed.
 - Unknown type of business.

9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?
- No
 - Yes. Debtor _____ Relationship _____
District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY

 - Debtor _____ Relationship _____
District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY

Part 3: Report About the Case

10. Venue
- Check one:*
- Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.
 - A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.

11. Allegations
- Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).
The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).
- At least one box must be checked.*
- The debtor is generally not paying its debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
 - Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or an agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?
- No
 - Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

Debtor _____
Name

Case number (if known) _____

13. Each petitioner's claim

Name of petitioner

Nature of petitioner's claim

Amount of the claim above the value of any lien

| | | |
|------------------------------|-------|----------|
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| Total of petitioners' claims | | \$ _____ |

If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at the top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each additional petitioning creditor, the petitioner's claim, the petitioner's representative, and the petitioner's attorney. Include the statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.

Part 4: Request for Relief

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.

I have examined the information in this document and have a reasonable belief that the information is true and correct.

Petitioners or Petitioners' Representative

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

Debtor _____
Name

Case number (if known) _____

Name and mailing address of petitioner

Name

Number Street

City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

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

Executed on _____
MM / DD / YYYY

X _____
Signature of petitioner or representative, including representative's title

Printed name

Firm name, if any

Number Street

City State ZIP Code

Contact phone _____ Email _____

Bar number _____

State _____

X _____
Signature of attorney

Date signed _____
MM / DD / YYYY

Name and mailing address of petitioner

Name

Number Street

City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

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

Executed on _____
MM / DD / YYYY

X _____
Signature of petitioner or representative, including representative's title

Printed name

Firm name, if any

Number Street

City State ZIP Code

Contact phone _____ Email _____

Bar number _____

State _____

X _____
Signature of attorney

Date signed _____
MM / DD / YYYY

COMMITTEE NOTE

Official Form 205, *Involuntary Petition Against a Non-Individual*, replaces Official Form 5, *Involuntary Petition*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 205 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

Part 1, *Identify the Chapter of the Bankruptcy Code Under Which Petition is Filed*, has been moved to the beginning of the form.

In Part 2, *Identify the Debtor*, instructions pertaining only to individuals have been deleted, and an instruction to include doing-business-as names and assumed names has been added. The references to social security numbers and individual taxpayer I.D. numbers have been deleted. The order of listing the various addresses for the debtor have been rearranged in Line 5, and an address for the location of principal assets is required if different from the principal place of business. The form has been revised to include a space for listing the debtor's website in Line 6.

Also in Part 2, the options for type of debtor that pertained only to individuals have been deleted, and an instruction that the “partnership” option does not include LLPs has been added. The options regarding the type of debtor’s business have been revised to include a statutory citation for each business type, to add an option for “none of the above,” and to delete the option for “other.” The question regarding pending bankruptcy cases has been revised to remove the reference to spouse and the requirement to list the judge in any other cases.

In Part 3, *Report About the Case*, the question regarding venue has been revised in Line 10 to read “[o]ver the 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. Is any of the property listed in Part 5 subject to or part of a possible PACA claim?
 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: Agricultural assets (other than titled motor vehicles and land)

27. Does the debtor own any agricultural 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: Livestock, poultry, farm-raised fish</i> | | | |
| _____ | \$ _____ | _____ | \$ _____ |

30. **Farm machinery and equipment** (Other than titled motor vehicles)
 _____ \$ _____ \$ _____

31. **Farm and fishing supplies, chemicals, and feed**
 _____ \$ _____ \$ _____

32. **Other farm-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 Include year, make, model, and identification numbers (i.e., VIN, HIN, or N-number) | Net book value of debtor's interest (Where available) | Valuation method used for current value | Current value of debtor's interest |
|--|--|---|------------------------------------|
|--|--|---|------------------------------------|

47. Automobiles, vans, trucks, motorcycles, trailers, and titled farm vehicles

| | | | |
|------------|----------|-------|----------|
| 47.1 _____ | \$ _____ | _____ | \$ _____ |
| 47.2 _____ | \$ _____ | _____ | \$ _____ |
| 47.3 _____ | \$ _____ | _____ | \$ _____ |
| 47.4 _____ | \$ _____ | _____ | \$ _____ |

48. Watercraft, trailers, motors, and related accessories Examples: Boats, trailers, motors, floating homes, personal watercraft, and fishing vessels

| | | | |
|------------|----------|-------|----------|
| 48.1 _____ | \$ _____ | _____ | \$ _____ |
| 48.2 _____ | \$ _____ | _____ | \$ _____ |

49. Aircraft and accessories

| | | | |
|------------|----------|-------|----------|
| 49.1 _____ | \$ _____ | _____ | \$ _____ |
| 49.2 _____ | \$ _____ | _____ | \$ _____ |

50. Other machinery, fixtures, and equipment (excluding farm machinery and equipment)

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

51. Total of Part 8.

Add lines 47 through 50. Copy the total to line 87.

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

52. Is a depreciation schedule available for any of the property listed in Part 8?

- No
 Yes

53. Has any of the property listed in Part 8 been appraised by a professional within the last year?

- No
 Yes

Part 9: Real property

54. Does the debtor own 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?

- 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)

Describe (for example, federal, state, local)

_____ Tax year _____ \$ _____
_____ Tax year _____ \$ _____
_____ Tax year _____ \$ _____

73. Interests in insurance policies or annuities

_____ \$ _____

74. Causes of action against third parties (whether or not a lawsuit has been filed)

_____ \$ _____

Nature of claim _____

Amount requested \$ _____

75. Other contingent and unliquidated claims or causes of action of every nature, including counterclaims of the debtor and rights to set off claims

_____ \$ _____

Nature of claim _____

Amount requested \$ _____

76. Trusts, equitable or future interests in property

_____ \$ _____

77. Other property of any kind not already listed *Examples: Season tickets, country club membership*

_____ \$ _____
_____ \$ _____

78. Total of Part 11.

Add lines 71 through 77. Copy the total to line 90.

\$ _____

79. Has any of the property listed in Part 11 been appraised by a professional within the last year?

- No
- Yes

Part 12: Summary

In Part 12 copy all of the totals from the earlier parts of the form.

| Type of property | Current value of personal property | Current value of real property |
|---|------------------------------------|--------------------------------|
| 80. Cash, cash equivalents, and financial assets. <i>Copy line 45, 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. Agricultural 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 lien. | Column B Value of debtor's property that secures this claim |
|---|--|
|---|--|

2.1 Creditor's name

Describe debtor's property that is subject to a lien

_____ \$ _____ \$ _____

Creditor's mailing address

Describe the lien

Creditor's email address, if known

Is the creditor an insider or related party?

- No
- Yes

Date debt was incurred _____

Is anyone else liable on this claim?

- No
- Yes. Fill out *Schedule H: Codebtors* (Official Form 206H).

Last 4 digits of account number _____

Do multiple creditors have an interest in the same property?

- No
- Yes. Specify each creditor, including this creditor, and its relative priority.

As of the petition filing date, the claim is:

Check all that apply.

- Contingent
- Unliquidated
- Disputed
- Liquidated and neither contingent nor disputed

2.2 Creditor's name

Describe debtor's property that is subject to a lien

_____ \$ _____ \$ _____

Creditor's mailing address

Describe the lien

Creditor's email address, if known

Is the creditor an insider or related party?

- No
- Yes

Date debt was incurred _____

Is anyone else liable on this claim?

- No
- Yes. Fill out *Schedule H: Codebtors* (Official Form 206H).

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.

As of the petition filing date, the claim is:

Check all that apply.

- Contingent
- Unliquidated
- Disputed
- Liquidated and neither contingent nor disputed

- Yes. The relative priority of creditors is specified on lines _____

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 | Column B |
|--|---|
| Amount of claim Do not deduct the value of lien. | Value of debtor's property that secures 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 _____ **Describe the lien** _____

Last 4 digits of account number _____ **Is the creditor an insider or related party?**
 No
 Yes

Do multiple creditors have an interest in the same property?
 No
 Yes. Have you already specified the relative priority?
 No. Specify each creditor, including this creditor, and its relative priority.

As of the petition filing date, the claim is:
 Check all that apply.
 Contingent
 Unliquidated
 Disputed
 Liquidated and neither contingent nor disputed

Is anyone else liable on this claim?
 No
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H).

Yes. The relative priority of creditors is specified on lines _____

2. **Creditor's name** _____ **Describe debtor's property that is subject to a lien** _____ \$ _____ \$ _____

Creditor's mailing address _____

Creditor's email address, if known _____

Date debt was incurred _____ **Describe the lien** _____

Last 4 digits of account number _____ **Is the creditor an insider or related party?**
 No
 Yes

Do multiple creditors have an interest in the same property?
 No
 Yes. Have you already specified the relative priority?
 No. Specify each creditor, including this creditor, and its relative priority.

As of the petition filing date, the claim is:
 Check all that apply.
 Contingent
 Unliquidated
 Disputed
 Liquidated and neither contingent nor disputed

Is anyone else liable on this claim?
 No
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H).

Yes. The relative priority of creditors is specified on lines _____

THIS PAGE INTENTIONALLY BLANK

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: 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 at least partially entitled to priority. If the debtor has more than 3 creditors with priority unsecured claims, fill out and attach the Additional Page of Part 1.

| | | Total claim | Priority amount |
|---|--|-------------|-----------------|
| <p>2.1 Priority creditor's name and mailing address</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Date or dates debt was incurred _____</p> <p>Last 4 digits of account number _____</p> <p>Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (____)</p> | <p>As of the petition filing date, the claim is: _____</p> <p><i>Check all that apply.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> Liquidated and neither contingent nor disputed <p>Basis for the claim: _____</p> <p>Is the claim subject to offset?</p> <ul style="list-style-type: none"> <input type="checkbox"/> No <input type="checkbox"/> Yes | \$ _____ | \$ _____ |
| <p>2.2 Priority creditor's name and mailing address</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Date or dates debt was incurred _____</p> <p>Last 4 digits of account number _____</p> <p>Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (____)</p> | <p>As of the petition filing date, the claim is: _____</p> <p><i>Check all that apply.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> Liquidated and neither contingent nor disputed <p>Basis for the claim: _____</p> <p>Is the claim subject to offset?</p> <ul style="list-style-type: none"> <input type="checkbox"/> No <input type="checkbox"/> Yes | \$ _____ | \$ _____ |
| <p>2.3 Priority creditor's name and mailing address</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Date or dates debt was incurred _____</p> <p>Last 4 digits of account number _____</p> <p>Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (____)</p> | <p>As of the petition filing date, the claim is: _____</p> <p><i>Check all that apply.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> Liquidated and neither contingent nor disputed <p>Basis for the claim: _____</p> <p>Is the claim subject to offset?</p> <ul style="list-style-type: none"> <input type="checkbox"/> No <input type="checkbox"/> Yes | \$ _____ | \$ _____ |

Part 1. Additional Page

Copy this page if more space is needed. Continue numbering the lines sequentially from the previous page. If no additional PRIORITY creditors exist, do not fill out or submit this page.

Total claim

Priority amount

2. Priority creditor's name and mailing address

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
- Liquidated and neither contingent nor disputed

Basis for the claim:

Is the claim subject to offset?

- No
- Yes

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
- Liquidated and neither contingent nor disputed

Basis for the claim:

Is the claim subject to offset?

- No
- Yes

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
- Liquidated and neither contingent nor disputed

Basis for the claim:

Is the claim subject to offset?

- No
- Yes

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
- Liquidated and neither contingent nor disputed

Basis for the claim:

Is the claim subject to offset?

- No
- Yes

Part 2: List All Creditors with NONPRIORITY Unsecured Claims

3. Do any creditors have unsecured claims not listed on Part 1 of this form or on Schedule G?

- No. Go to Part 3.
- Yes. Go to line 4.

4. 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

4.1 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 _____

Is the claim subject to offset?

Last 4 digits of account number _____

- No
- Yes

4.2 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 _____

Is the claim subject to offset?

Last 4 digits of account number _____

- No
- Yes

4.3 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 _____

Is the claim subject to offset?

Last 4 digits of account number _____

- No
- Yes

4.4 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 _____

Is the claim subject to offset?

Last 4 digits of account number _____

- No
- Yes

4.5 Nonpriority creditor's name and mailing address

As of the petition filing date, the claim is:

Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above

\$ _____

Basis for the claim: _____

Date or dates debt was incurred _____

Is the claim subject to offset?

Last 4 digits of account number _____

- No
- 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

| | | | |
|--------|--|---|----------|
| 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 <input type="checkbox"/> Liquidated and neither contingent nor disputed | \$ _____ |
| | Date or dates debt was incurred _____ Last 4 digits of account number _____ | Basis for the claim: _____ Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes | |

| | | | |
|--------|--|---|----------|
| 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 <input type="checkbox"/> Liquidated and neither contingent nor disputed | \$ _____ |
| | Date or dates debt was incurred _____ Last 4 digits of account number _____ | Basis for the claim: _____ Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes | |

| | | | |
|--------|--|---|----------|
| 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 <input type="checkbox"/> Liquidated and neither contingent nor disputed | \$ _____ |
| | Date or dates debt was incurred _____ Last 4 digits of account number _____ | Basis for the claim: _____ Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes | |

| | | | |
|--------|--|---|----------|
| 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 <input type="checkbox"/> Liquidated and neither contingent nor disputed | \$ _____ |
| | Date or dates debt was incurred _____ Last 4 digits of account number _____ | Basis for the claim: _____ Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes | |

| | | | |
|--------|--|---|----------|
| 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 <input type="checkbox"/> Liquidated and neither contingent nor disputed | \$ _____ |
| | Date or dates debt was incurred _____ Last 4 digits of account number _____ | Basis for the claim: _____ Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes | |

Part 3: List Others to Be Notified About Unsecured Claims

5. Does the debtor want to notify additional parties about the claims listed in Parts 1 and 2 or for some other reason?

Examples of entities that may be listed are collection agencies, assignors or assignees of claims listed above, and attorneys for unsecured creditors.

- No. If no others are to be notified of the debtor's unsecured debts, go to Part 4.
- Yes. Fill in the information below.

| 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 |
|-------------------------------|--|---|
| 5.1. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.2. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.3. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.4. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.1. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.5. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.6. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.7. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.8. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.9. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.10. _____ _____ _____ | Line ____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5.11. _____ _____ _____ | 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 |
|----------------------------|--|---|
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |
| 5. _____ _____ _____ | Line _____ <input type="checkbox"/> Not listed. Explain _____ _____ | ____ - ____ - ____ - ____ |

Part 4:

Total Amounts of the Priority and Nonpriority Unsecured Claims

6. Add the amounts of priority and nonpriority unsecured claims.

Total of claim amounts

6a. **Total claims from Part 1** 6a. \$ _____

6b. **Total claims from Part 2** 6b. + \$ _____

6c. **Total of Parts 1 and 2** 6c. \$ _____
Lines 6a + 6b = 6c.

| |
|--|
| |
|--|

THIS PAGE INTENTIONALLY BLANK

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: 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 | <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> | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
| 2.2 | <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> | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
| 2.3 | <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> | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
| 2.4 | <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> | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
| 2.5 | <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> | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |

Additional Page if Debtor Has More Executory Contracts or Unexpired Leases

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page.

| List all contracts and unexpired leases | State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease |
|---|--|
| 2. State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____ | _____ _____ _____ _____ _____ |
| 2. State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____ | _____ _____ _____ _____ _____ |
| 2. State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____ | _____ _____ _____ _____ _____ |
| 2. State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____ | _____ _____ _____ _____ _____ |
| 2. State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____ | _____ _____ _____ _____ _____ |
| 2. State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____ | _____ _____ _____ _____ _____ |
| 2. State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____ | _____ _____ _____ _____ _____ |

Fill in this information to identify the case:

Debtor name _____
 United States Bankruptcy Court for the: _____ District of _____
 (State)
 Case number (If known): _____

Check if this is an amended filing

Official Form 206H

Schedule H: Codebtors

12/15

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

1. Does the debtor have any codebtors?

- No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.
- Yes

2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G. Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.

| Column 1: Codebtor | | Column 2: Creditor | |
|--------------------|--|--------------------|--|
| Name | Mailing address | Name | Check all schedules that apply: |
| 2.1 _____ | Street _____ _____ City _____ State _____ ZIP Code _____ | _____ | <input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G |
| 2.2 _____ | Street _____ _____ City _____ State _____ ZIP Code _____ | _____ | <input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G |
| 2.3 _____ | Street _____ _____ City _____ State _____ ZIP Code _____ | _____ | <input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G |
| 2.4 _____ | Street _____ _____ City _____ State _____ ZIP Code _____ | _____ | <input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G |
| 2.5 _____ | Street _____ _____ City _____ State _____ ZIP Code _____ | _____ | <input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G |
| 2.6 _____ | Street _____ _____ City _____ State _____ ZIP Code _____ | _____ | <input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G |

Additional Page if Debtor Has More Codebtors

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

\$ _____

THIS PAGE INTENTIONALLY BLANK

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 (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 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 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.

THIS PAGE INTENTIONALLY BLANK

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 _____ | _____ | Name _____ Street _____ City _____ State _____ ZIP Code _____ | <input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded |
| 7.2. Case title _____ Case number _____ | _____ | Court or agency's name and address Name _____ Street _____ City _____ State _____ ZIP Code _____ | <input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded |

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 |
|-------------|----------------------------------|--------------------|------------------------------------|
| _____ | _____ | _____ | <input type="checkbox"/> Pending |
| Case number | Name | _____ | <input type="checkbox"/> On appeal |
| _____ | Street | _____ | <input type="checkbox"/> Concluded |
| _____ | _____ | _____ | |
| _____ | City State ZIP Code | _____ | |

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

- No
 Yes. Provide details below.

| Site name and address | Governmental unit name and address | Environmental law, if known | Date of notice |
|-----------------------|------------------------------------|-----------------------------|----------------|
| _____ | _____ | _____ | _____ |
| Name | Name | _____ | |
| Street | Street | _____ | |
| _____ | _____ | _____ | |
| City State ZIP Code | City State ZIP Code | _____ | |

24. Has the debtor notified any governmental unit of any release of hazardous material?

- No
 Yes. Provide details below.

| Site name and address | Governmental unit name and address | Environmental law, if known | Date of notice |
|---------------------------------------|---------------------------------------|-----------------------------|----------------|
| Name _____ | Name _____ | _____ | _____ |
| Street _____ | Street _____ | _____ | |
| _____ | _____ | | |
| City _____ State _____ ZIP Code _____ | City _____ State _____ ZIP Code _____ | | |

Part 13: Details About the Debtor's Business or Connections to Any Business

25. Other businesses in which the debtor has or has had an interest

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

- None

| Business name and address | Describe the nature of the business | Employer Identification number Do not include Social Security number or ITIN. |
|--|-------------------------------------|--|
| 25.1. _____ Name _____ Street _____ _____ | _____ _____ _____ | EIN: _____ - _____ Dates business existed From _____ To _____ |
| 25.2. _____ Name _____ Street _____ _____ | _____ _____ _____ | EIN: _____ - _____ Dates business existed From _____ To _____ |
| 25.3. _____ Name _____ Street _____ _____ | _____ _____ _____ | EIN: _____ - _____ Dates business existed From _____ To _____ |

26. Books, records, and financial statements

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

None

| Name and address | | Dates of service | |
|------------------|-----------------|------------------|-------------------|
| 26a.1. | _____ Name | From _____ | To _____ |
| | _____ Street | | |
| | _____ City | _____ State | _____ ZIP Code |

| Name and address | | Dates of service | |
|------------------|-----------------|------------------|-------------------|
| 26a.2. | _____ Name | From _____ | To _____ |
| | _____ Street | | |
| | _____ City | _____ State | _____ ZIP Code |

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

None

| Name and address | | Dates of service | |
|------------------|-----------------|------------------|-------------------|
| 26b.1. | _____ Name | From _____ | To _____ |
| | _____ Street | | |
| | _____ City | _____ State | _____ ZIP Code |

| Name and address | | Dates of service | |
|------------------|-----------------|------------------|-------------------|
| 26b.2. | _____ Name | From _____ | To _____ |
| | _____ Street | | |
| | _____ City | _____ State | _____ ZIP Code |

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

None

| Name and address | | If any books of account and records are unavailable, explain why |
|------------------|-------------------|--|
| 26c.1. | _____ Name | _____ |
| | _____ Street | _____ |
| | _____ City | _____ |
| | _____ State | |
| | _____ ZIP Code | |

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 of the person who supervised the taking of the inventory

Date of inventory

The dollar amount and basis (cost, market, or other basis) of each inventory

_____ \$ _____

Name and address of the person who has possession of inventory records

27.2.

Name _____
Street _____
City _____ State _____ ZIP Code _____

28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

| Name | Address | Position and nature of any interest | % of interest, if any |
|-------|---------|-------------------------------------|-----------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

- No
- Yes. Identify below.

| Name | Address | Position and nature of any interest | Period during which position or interest was held |
|-------|---------|-------------------------------------|---|
| _____ | _____ | _____ | From ____ To ____ |
| _____ | _____ | _____ | From ____ To ____ |
| _____ | _____ | _____ | From ____ To ____ |
| _____ | _____ | _____ | From ____ To ____ |

30. Payments, distributions, or withdrawals credited or given to insiders

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

- No
- Yes. Identify below.

| Name and address of recipient | Amount of money or description and value of property | Dates | Reason for providing the value |
|--|--|-------|--------------------------------|
| 30.1. _____ Name _____ Street _____ City _____ State _____ ZIP Code _____ | _____ | _____ | _____ |
| Relationship to debtor _____ | _____ | _____ | _____ |

Debtor _____
Name

Case number (if known) _____

Name and address of recipient

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 – 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.

THIS PAGE INTENTIONALLY BLANK

| 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. Read it 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 to object to exemptions:Filing deadline: 30 days after the *conclusion* of the meeting of creditors

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

10. Proof of claim

Please do not file a proof of claim unless you receive a notice to do so.

No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.

11. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

12. Exempt property

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.

| Information to identify the case: | |
|--|---|
| Debtor 1 _____ First Name Middle Name Last Name | Last 4 digits of Social Security number or ITIN _____ EIN _____ |
| Debtor 2 (Spouse, if filing) _____ First Name Middle Name Last Name | Last 4 digits of Social Security number or ITIN _____ EIN _____ |
| United States Bankruptcy Court for the: _____ District of _____ (State) | [Date case filed for chapter 7 _____ 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 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. Read it 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</p> <p>Documents in this case may be filed at this address.</p> <p>You may inspect all records filed in this case at this office or online at www.pacer.com.</p> | <p>Hours open _____</p> <p>Contact phone _____</p> |
| <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.</p> <p>Creditors may attend, but are not required to do so.</p> | <p>_____ at _____ Date Time</p> <p>Location: _____</p> <p>The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p> |
| <p>8. Presumption of abuse</p> <p>If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.</p> | <p>[The presumption of abuse does not arise.]</p> <p>[The presumption of abuse arises.]</p> <p>[Insufficient information has been filed to permit the clerk to determine whether the presumption of abuse arises. If more complete information is filed and shows that the presumption has arisen, the clerk will notify creditors.]</p> |
| <p>9. 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>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). <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>Deadlines for filing proof of claim:</p> <p>A proof of claim is a signed statement describing a creditor's claim. If a proof of claim form is not included with this notice, obtain one 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.</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>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. 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. Liquidation of the debtor's property and payment of creditors' claims</p> | <p>The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property that is not exempt. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them in the order specified by the Bankruptcy Code. To ensure you receive any share of that money, you must file a proof of claim as described above.</p> |
| <p>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 _____ 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. Read it 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. |

THIS PAGE INTENTIONALLY BLANK

| | |
|--|---|
| Information to identify the case: | |
| Debtor _____ Name | EIN _____ |
| United States Bankruptcy Court for the: _____ District of _____ (State) | [Date case filed for chapter 7 _____ MM / DD / YYYY OR [Date case filed in chapter _____ MM / DD / YYYY Date case converted to chapter 7 _____] MM / DD / YYYY |
| Case number: _____ | |

Official Form 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. Read it 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. If a proof of claim form is not included with this notice, obtain one 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 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 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 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. Read it 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 ►

6. Meeting of creditors

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.

Creditors may attend, but are not required to do so.

_____ at _____
Date Time

Location:

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

7. Deadlines

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:

You must file a complaint:

- if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3) or
- if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

First date set for hearing on confirmation of plan. The court will send you a notice of that date later.

Filing deadline for dischargeability complaints: _____

Deadline for filing proof of claim:

[Not yet set. If a deadline is set, the court will send you another notice.] or
[date, if set by the court]]

A proof of claim is a signed statement describing a creditor's claim. If a proof of claim form is not included with this notice, obtain one at www.uscourts.gov or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

Deadline to object to exemptions:

Filing deadline: 30 days after the conclusion of the meeting of creditors

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

8. Creditors with a foreign address

If you are a creditor receiving mailed notice at a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

9. Filing a Chapter 11 bankruptcy case

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate the debtor's business.

10. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of a debt. See 11 U.S.C. § 1141(d). However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you believe that a particular debt owed to you should be excepted from the discharge under 11 U.S.C. § 523 (a)(2), (4), or (6), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1141 (d)(3), you must file a complaint and pay the filing fee in the clerk's office by the first date set for the hearing on confirmation of the plan. The court will send you another notice telling you of that date.

11. Exempt property

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 7.

| | | | |
|---|-----------------------------------|-------|-------------------|
| Information to identify the case: | | | |
| Debtor _____ <small style="margin-left: 40px;">Name</small> | EIN | _____ | |
| United States Bankruptcy Court for the: _____ District of _____ <small style="margin-left: 100px;">(State)</small> | [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. Read it 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. If a proof of claim form is not included with this notice, obtain one at www.uscourts.gov or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

8. Exception to discharge deadline

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 1141(d)(6)(A).

Deadline for filing the complaint: _____**9. Creditors with a foreign address**

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. Filing a Chapter 11 bankruptcy case

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.

11. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge under 11 U.S.C. § 1141(d)(6)(A), you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

| Information to identify the case: | |
|--|--|
| Debtor 1 First Name _____ Middle Name _____ Last Name _____ | Last 4 digits of Social Security number or ITIN _____ EIN _____ |
| Debtor 2 (Spouse, if filing) First Name _____ Middle Name _____ Last Name _____ | Last 4 digits of Social Security number or ITIN _____ EIN _____ |
| United States Bankruptcy Court for the: _____ District of _____ (State) | [Date case filed for chapter 12 _____ MM / DD / YYYY OR [Date case filed in chapter _____ MM / DD / YYYY Date case converted to chapter 12 _____ MM / DD / YYYY] |
| Case number: _____ | |

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. Read it 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 ►

7. Meeting of creditors

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.

Creditors may attend, but are not required to do so.

_____ at _____
Date Time

Location: _____

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

8. Deadlines

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

Deadline to file a complaint to challenge dischargeability of certain debts:

Filing deadline: _____

You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

Deadline for all creditors to file a proof of claim (except governmental units):

Filing deadline: _____

Deadline for governmental units to file a proof of claim:

Filing deadline: _____

Deadlines for filing proof of claim:

A proof of claim is a signed statement describing a creditor's claim. If a proof of claim form is not included with this notice, obtain one 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:

Filing deadline: 30 days after the conclusion of the meeting of creditors

The law permits debtors to keep certain property as exempt.

If you believe that the law does not authorize an exemption claimed, you may file an objection.

9. Filing of plan

[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held on: _____ at _____ Location: _____
Date Time]

Or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]

Or [The debtor has not filed a plan as of this date. A copy of the plan or summary and a notice of the hearing on confirmation will be sent separately.]

10. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

11. Filing a Chapter 12 bankruptcy case

Chapter 12 allows family farmers and family fishermen to reorganize according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan. You may object to confirmation of the plan and attend the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business unless the court orders otherwise.

12. Discharge of debts

Confirmation of a chapter 12 plan may result in a discharge of debts, which may include all or part of your debt. Unless the court orders otherwise, the discharge will not be effective until all payments under the plan are made. A discharge means that you may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt excepted under 11 U.S.C. § 523(a)(2), (4), or (6), you must start a judicial proceeding by filing a complaint and paying the filing fee in the clerk's office by the deadline.

13. Exempt property

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.

| | |
|--|--|
| Information to identify the case: | |
| Debtor _____ Name | EIN _____ - _____ - _____ |
| United States Bankruptcy Court for the: _____ District of _____ (State) | [Date case filed for chapter 12 _____ MM / DD / YYYY OR |
| 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. Read it 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 ►

7. Meeting of creditors

The debtor's representative must attend the meeting to be questioned under oath.

Creditors may attend, but are not required to do so.

_____ at _____
Date Time

Location: _____

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

8. Exception to discharge deadline

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

Deadline for filing the complaint: _____

9. Filing of plan

[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held on: _____ at _____ Location: _____
Date Time]

Or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]

Or [The debtor has not filed a plan as of this date. A copy of the plan or summary and a notice of the hearing on confirmation will be sent separately.]

10. Deadlines

Deadline for all creditors to file a proof of claim (except governmental units):

Filing deadline: _____

Deadline for governmental units to file a proof of claim:

Filing deadline: _____

A proof of claim is a signed statement describing a creditor's claim. If a proof of claim form is not included with this notice, obtain one 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.

11. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

12. Filing a chapter 12 bankruptcy case

Chapter 12 allows family farmers and family fishermen to reorganize according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan. You may object to confirmation of the plan and attend the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business.

13. Discharge of debts

Confirmation of a chapter 12 plan may result in a discharge of debts, which may include all or part of your debt. Unless the court orders otherwise, the discharge will not be effective until all payments under the plan are made. A discharge means that you may never try to collect the debt from the debtor except as provided in the plan.

If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6), you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

| | | |
|---|----------------------------------|---|
| Information to identify the case: | | |
| Debtor 1 | _____ | 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 13 _____ |
| | (State) | MM / DD / YYYY OR |
| Case number: _____ | | [Date case filed in chapter _____ |
| | | MM / DD / YYYY |
| | | Date case converted to chapter 13 _____ |
| | | MM / DD / YYYY |

Official Form 309I

Notice of Chapter 13 Bankruptcy Case

12/15

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees. Read it 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:

Filing deadline: _____

You must file:

a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f), or
 a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).

Deadline for all creditors to file a proof of claim (except governmental units):

Filing deadline: _____

Deadline for governmental units to file a proof of claim:

Filing deadline: _____

Deadlines for filing proof of claim:

A proof of claim is a signed statement describing a creditor's claim. If a proof of claim form is not included with this notice, obtain one 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:

Filing deadline: 30 days after the conclusion of the meeting of creditors

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

9. Filing of plan

[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held on: _____ at _____ Location: _____
 Date Time]

Or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]

Or [The debtor has not filed a plan as of this date. A copy of the plan or summary and a notice of the hearing on confirmation will be sent separately.]

10. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

11. Filing a chapter 13 bankruptcy case

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan [is included with this notice] or [will be sent to you later], and [the confirmation hearing will be held on the date shown in line 9 of this notice] or [the court will send you a notice of the confirmation hearing]. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

12. Exempt property

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. 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.

THIS PAGE INTENTIONALLY BLANK

[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

THIS PAGE INTENTIONALLY BLANK

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.

THIS PAGE INTENTIONALLY BLANK

[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

[If the court directs that a copy of the opinion should be transmitted in lieu of or in addition to the summary thereof, the appropriate change should be made in paragraph C of this order.]

THIS PAGE INTENTIONALLY BLANK

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.

THIS PAGE INTENTIONALLY BLANK

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.

THIS PAGE INTENTIONALLY BLANK

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

THIS PAGE INTENTIONALLY BLANK

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.

THIS PAGE INTENTIONALLY BLANK

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

THIS PAGE INTENTIONALLY BLANK

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.

THIS PAGE INTENTIONALLY BLANK

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.**
- **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 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. 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 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.

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 with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

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 certain large creditors use to facilitate electronic payment in chapter 13 cases.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part if 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 Jan. 17, 2014

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. Use this form to make 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.

The law requires that 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?** \$ _____ **For leases state only the amount of default.**

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 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 involve a right to setoff?** No
 Yes. Explain: _____

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 _____

THIS PAGE INTENTIONALLY BLANK

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 Civil 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 used to identify the mortgage loan number (i.e., the last 4 digits of the loan account number or any other information 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*.

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*.

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.

THIS PAGE INTENTIONALLY BLANK

Mortgage Proof of Claim Attachment

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

| Part 1: Mortgage and Case Information | | Part 2: Total Debt Calculation | | Part 3: Arrearage as of Date of the Petition | | Part 4: Monthly Mortgage Payment | |
|--|---------------------|---------------------------------------|--------------|--|------------|----------------------------------|----------|
| Case number: | 14-00001 | Principal balance: | \$103,000.00 | Principal & interest due: | \$2,000.00 | Principal & interest: | \$500.00 |
| Debtor 1: | John Smith | Interest due: | \$1900.00 | Prepetition fees due: | \$1,000.00 | Monthly escrow: | \$200.00 |
| Debtor 2: | Jane Smith | Fees, costs due: | \$1,000.00 | Escrow deficiency for funds advanced: | \$1,600.00 | Private mortgage insurance: | n/a |
| Last 4 digits to identify: | 6789 | Escrow deficiency for funds advanced: | \$1,600.00 | Projected escrow shortage: | \$1,000.00 | Total monthly payment: | \$700.00 |
| Creditor: | Mortgage Trust 2012 | Less total funds on hand: | – \$200.00 | Less funds on hand: | – \$200.00 | | |
| Servicer: | Mortgage Servicer A | Total debt: | \$107,900.00 | Total prepetition arrearage: | \$5,400.00 | | |
| Fixed accrual/daily simple interest/other: | Fixed Accrual | | | | | | |

Part 5 : Loan Payment History from First Date of Default

| | | Account Activity | | | | How Funds Were Applied/Amount Incurred | | | | | | Balance After Amount Received or Incurred | | | | |
|---------|----------------------------|------------------|-----------------|------------------|----------------------|--|---------------------|--------------------|------------------|---------------------------|-----------------|---|--------------------------|----------------|------------------------|-------------------------|
| A. | B. | C. | D. | E. | F. | G. | H. | I. | J. | K. | L. | M. | N. | O. | P. | Q. |
| Date | Contractual payment amount | Funds received | Amount incurred | Description | Contractual due date | Prin, int & esc past due balance | Amount to principal | Amount to interest | Amount to escrow | Amount to fees or charges | Unapplied funds | Principal balance | Accrued interest balance | Escrow balance | Fees / Charges balance | Unapplied funds balance |
| 4/1/13 | \$700.00 | | | Monthly payment | 4/1/2013 | \$700.00 | | | | | | \$103,050 | | | 0 | |
| 4/16/13 | | | \$50.00 | Late fee | 4/1/2013 | \$700.00 | | | | \$50.00 | | \$103,050 | | | \$50.00 | |
| 4/25/14 | | | \$600.00 | Property taxes | 4/1/2013 | \$700.00 | | | \$600.00 | | | \$103,050 | | -\$600.00 | \$50.00 | |
| 5/1/13 | \$700.00 | | | Monthly payment | 4/1/2013 | \$1400.00 | | | | | | \$103,050 | | -\$600.00 | \$50.00 | |
| 5/16/13 | | | \$50.00 | Late fee | 4/1/2013 | \$1400.00 | | | | \$50.00 | | \$103,050 | | -\$600.00 | \$100.00 | |
| 6/1/13 | \$700.00 | | | Monthly payment | 4/1/2013 | \$2100.00 | | | | | | \$103,050 | | -\$600.00 | \$100.00 | |
| 6/16/13 | | | \$50.00 | Late fee | 4/1/2013 | \$2100.00 | | | | \$50.00 | | \$103,050 | | -\$600.00 | \$150.00 | |
| 6/25/13 | | | \$1200.00 | Insurance | 4/1/2013 | \$2100.00 | | | \$1200.00 | | | \$103,050 | | -\$1800.00 | \$150.00 | |
| 7/1/13 | \$700.00 | | | Monthly payment | 4/1/2013 | \$2800.00 | | | | | | \$103,050 | | \$1800.00 | \$150.00 | |
| 7/16/13 | | | \$50.00 | Late fee | 4/1/2013 | \$2800.00 | | | | | | \$103,050 | | \$1800.00 | \$150.00 | |
| 7/25/13 | | | \$850.00 | Foreclosure fee | 4/1/2013 | \$2800.00 | | | | \$850.00 | | \$103,050 | | \$1800.00 | \$1000.00 | |
| 7/27/13 | | \$820.00 | | Payment | 5/1/2013 | \$2100.00 | \$50.00 | \$450.00 | \$200.00 | | \$120.00 | \$103,000 | | \$1600.00 | \$1000.00 | \$120.00 |
| 8/1/13 | \$700.00 | | | Monthly payment | 6/1/2013 | \$2800.00 | | | | | | \$103,000 | | \$1600.00 | \$1000.00 | |
| 8/3/13 | | | | Bankruptcy Filed | | | | | | | | | | | | |

THIS PAGE INTENTIONALLY BLANK

Fill in this information to identify the case:

Draft March 31, 2014

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 you file a claim secured by a security interest in the debtor's principal residence provided for under the debtor's plan pursuant to § 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. (Attach copy of power of attorney, if any.)

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 31, 2014

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 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 postpetition fees, expenses, and charges 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. (Attach copy of power of attorney, if any.)

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

X _____ Date ____/____/____
Signature

Print: _____ Title _____
First Name Middle Name Last Name

Company _____

Address _____
Number Street
City State ZIP Code

Contact phone (____) ____-____ Email _____

COMMITTEE NOTE

Official Form 410, *Proof of Claim*, applies in all cases. Form 410 replaces Official Form 10, Proof of Claim. It is renumbered to distinguish it from the forms used by debtors for case opening, and includes stylistic changes throughout the form. It is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. Because the goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reduce the need to produce the same information in multiple formats, many of the open-ended questions and multiple-part instructions have been replaced with more specific questions.

Official Form 410 has been substantially reorganized. A new question has been added at line 10 that solicits information about claims based on leases.

Official Form 410A, *Mortgage Proof of Claim Attachment*, is revised in its content and format. Rather than requiring a home mortgage claimant to fill in blanks with itemized information about the principal, interest, and fees due as of the petition date and the amount necessary to cure a prepetition default, the form now requires the claimant to provide a loan history that reveals when payments were received, how they were applied, when fees and charges were incurred, and when escrow charges were satisfied. Because completion of the revised form can be automated, it will permit claimants to comply with Rule 3001(c)(2)(C) with efficiency and accuracy. Attachment of a loan history with a home mortgage proof of claim will also provide transparency about the basis for the claimant's calculation of the claim and arrearage amount.

The loan history should begin with the first date on which the borrower failed to make a payment in accordance with the terms of the note and mortgage, unless the note was subsequently

brought current with no principal, interest, fees, escrow payments, or other charges immediately payable.

Official Forms 410S1 and 410S2, *Notice of Mortgage Payment Change* and *Notice of Postpetition Mortgage Fees, Expenses, and Charges*, are revised as part of the Forms Modernization Project. There are formatting changes throughout the forms.

B416A (Official Form 416A) (12/15) Form 416A. CAPTION (FULL)

Debtor [1] _____

[Debtor 2] _____

Other names used by the debtor within the last 8 years

[Other names used by the debtor within the last 8 years]

Address

[Address, if Debtor 2 lives at a different address

_____]

Last 4 digits of Social Security number or ITIN _____

Last 4 digits of Social Security number or ITIN _____

[Employer Identification Number _____]

[Employer Identification Number _____]

United States Bankruptcy Court for the _____

[Bankruptcy district]

Case number _____

Chapter you are filing under _____

[Designation of Character of Paper]

THIS PAGE INTENTIONALLY BLANK

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, and includes stylistic changes throughout the form.

THIS PAGE INTENTIONALLY BLANK

Debtor _____

United States Bankruptcy Court for the _____

[Bankruptcy district]

Case number: _____

Chapter you are filing under: _____

[Designation of Character of Paper]

THIS PAGE INTENTIONALLY BLANK

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, and includes stylistic changes throughout the form.

THIS PAGE INTENTIONALLY BLANK

B416D (Official Form 416D) (12/15) Form 416D. Caption to Use in Adversary Proceeding

Debtor 1 _____ Plaintiff _____
Defendant _____

United States Bankruptcy Court for the _____
[Bankruptcy district]

Case number: _____ Chapter you are filing under: _____ Adv. Proc. No. _____

Complaint [or other designation]

[If in a *Notice of Appeal* (see Form 417A) or other notice filed and served by a debtor, this caption must be altered to include the debtor's address and Employer's Tax Identification Numbers (EIN), last four digits of Social Security numbers, or Individual Taxpayer Identification number (ITIN) as in Form 416A.]

THIS PAGE INTENTIONALLY BLANK

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, and includes stylistic changes throughout the form.

THIS PAGE INTENTIONALLY BLANK

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 424, *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.

THIS PAGE INTENTIONALLY BLANK