SUMMARY OF THE
REPORT OF THE JUDICIAL CONFERENCE

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

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

1. Approve proposed amendments to Appellate Rule 25(a)(2)(D), Bankruptcy Rule 5005(a)(2), and Civil Rule 5(c) and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law ................................ pp. 2-3

2. Approve proposed new Appellate Rule 32.1 and transmit it to the Supreme Court for its consideration with a recommendation that it be adopted by the Court and transmitted to Congress in accordance with the law ................................ pp. 4-16

3. Approve the proposed amendments to Bankruptcy Rules 1009, 5005(c), and 7004 and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law ................................................ pp. 17-18

4. Approve the proposed amendments to Civil Rules 16, 26(a), 26(f), 33, 34, 45, and Form 35 and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law ................................................ pp. 21-28

5. Approve the proposed amendment to Civil Rule 26(h)(5) and transmit it to the Supreme Court for its consideration with a recommendation that it be adopted by the Court and transmitted to Congress in accordance with the law .... pp. 29-30
6. Approve the proposed amendment to Civil Rule 26(b)(2) and transmit it to the Supreme Court for its consideration with a recommendation that it be adopted by the Court and transmitted to Congress in accordance with the law ........ pp. 30-32

7. Approve the proposed amendment to Civil Rule 37(f) and transmit it to the Supreme Court for its consideration with a recommendation that it be adopted by the Court and transmitted to Congress in accordance with the law ........ pp. 32-35

8. Approve the proposed amendment to Civil Rule 50 and transmit it to the Supreme Court for its consideration with a recommendation that it be adopted by the Court and transmitted to Congress in accordance with the law ......................... p. 35

9. Approve the proposed amendments to Supplemental Rules A, C, E, and new Rule G and conforming amendments to Civil Rules 9, 14, 26(a)(1)(E), 65.1 and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law ........................................ pp. 35-37

10. Approve the proposed amendments to Criminal Rules 5, 6, 32.1, 40, 41, and 58 and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law ........................................ pp. 38-40

11. Approve the proposed amendments to Evidence Rules 404, 408, 606, and 609 and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law ........................................ pp. 43-47

The remainder of the report is submitted for the record, and includes the following items for the information of the Conference:

- Federal Rules of Appellate Procedure .................. pp.16-17
- Federal Rules of Bankruptcy Procedure .............. pp. 19-21
- Federal Rules of Criminal Procedure ................ pp. 40-43
- Long-Range Planning ........................................ p. 47
- Report to the Chief Justice ............................... p. 47
- Interim Bankruptcy Rules and Official Forms ........ Addendum

Rules Summary - Page 2
REPORT OF THE JUDICIAL CONFERENCE

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

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

On April 20, 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 was enacted into law (Pub. L. No. 109-8). Most of its provisions are effective October 17, 2005. Since its enactment, the Advisory Committee on Bankruptcy Rules has been engaged in an intensive effort to review the Act and determine the necessary changes to the rules and forms to implement the Act by the effective date.

The general effective date of 180 days after enactment has not provided sufficient time to promulgate National Rules to conform with the Act under the Rules Enabling Act (28 U.S.C. §§ 2071-2077). This is normally a three-year process. Accordingly, the advisory committee developed “Interim” Bankruptcy Rules that could be adopted by October 17 to implement the substantive and procedural changes mandated by the Act. The advisory committee also proposed amended and new Official Forms. The Committee approved the proposed Interim Rules and Official Forms, and it requested the Executive Committee to act on the recommendations in early August 2005 to provide timely notice to courts to prepare for the changes and to legal publishing firms to mass produce the amended and new Official Forms.
The Interim Rules supplement and in some cases deviate from the Federal Rules of Bankruptcy Procedure in response to the Act’s requirements. The Committee Notes explain the purpose of the particular Interim Rule. (With the existing Federal Rules of Bankruptcy Procedure, the Interim Rules will apply as one set of rules for cases and proceedings governed by the Act. For cases and proceedings not governed by the Act, the Federal Rules of Bankruptcy Procedure and the local rules of court will continue to apply.) The Interim Rules are drafted so that they can be adopted by a general order. The advisory committee believes that widespread adoption of the Interim Rules will provide uniform procedures for implementing the Act and at the same time supply a valuable base of experience for its ongoing work.

The advisory committee also recommended that the Judicial Conference approve amended and new Official Forms to conform to the Act. Unlike the Interim Rules, which courts are urged to adopt, the amended and new Official Forms must be observed and used with alterations as may be appropriate under Bankruptcy Rule 9009.

On August 11, 2005, the Executive Committee on behalf of the Judicial Conference approved the amended and new Official Forms and authorized distribution of the Interim Rules and Official Forms to the courts to facilitate uniformity of practice until the Federal Rules of Bankruptcy Procedure are amended. The Interim Rules and Official Forms were transmitted to the courts on August 24, 2005. They are contained in Appendix G, which also includes a memorandum summarizing the main changes to the rules and forms.

The advisory committee will continue to carefully study the new Act with the goal to publish proposed National Rules no later than August 2006, with final adoption and an effective date of December 1, 2008. In emphasizing the temporary nature of the Interim Rules, the Committee is actively seeking comments from the bench and bar relating to the use of the Interim Rules and Official Forms. The Committee anticipates that the National Rules will be
substantially in the form of the Interim Rules modified after considering input from the bench and bar as a result of the use of the Interim Rules.

Respectfully submitted,

David F. Levi, Chair

David M. Bernick Mary Kay Kane
David J. Beck Mark R. Kravitz
James B. Comey Patrick F. McCartan
Charles J. Cooper J. Garvan Murtha
Sidney A. Fitzwater Thomas W. Thrash
Harris L Hartz Charles Talley Wells

Appendix G — Interim Bankruptcy Rules, Bankruptcy Official Forms, and Memorandum from Professor Jeffrey W. Morris on the Interim Bankruptcy Rules and Official Forms
INTERIM BANKRUPTCY RULES
APPROVED BY THE ADVISORY COMMITTEE ON
BANKRUPTCY RULES AND THE COMMITTEE ON
RULES OF PRACTICE AND PROCEDURE OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES IN
AUGUST 2005
("REDLINE VERSION")
PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE’

Rule 1006. Filing Fee

1  (a) GENERAL REQUIREMENT. Every petition shall be
2  accompanied by the filing fee except as provided in
3  subdivisions (b) and (c) of this rule. For the purpose of this
4  rule, “filing fee” means the filing fee prescribed by 28 U.S.C.
5  § 1930(a)(1)-(a)(5) and any other fee prescribed by the
6  Judicial Conference of the United States under 28 U.S.C.
7  § 1933(b) that is payable to the clerk upon the commencement
8  of a case under the Code.
9  (b) PAYMENT OF FILING FEE IN INSTALLMENTS.
10  (1) Application for Permission to Pay Filing Fee in
11  Installments. A voluntary petition by an individual shall be
12  accepted for filing if accompanied by the debtor’s signed
13  application, prepared as prescribed by the appropriate Official
14  Form, stating that the debtor is unable to pay the filing fee

*New material is underlined; matter to be omitted is lined through.
FEDERAL RULES OF BANKRUPTCY PROCEDURE

except in installments. The application shall state the
proposed terms of the installment payments and that the
applicant has neither paid any money nor transferred any
property to an attorney for services in connection with the
case:

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(3) Postponement of Attorney’s Fees. The filing fee
All installments of the filing fee must be paid in full before
the debtor or chapter 13 trustee may make further payments
payable to an attorney or any other person who renders services
to the debtor in connection with the case.

(c) WAIVER OF FILING FEE. A voluntary chapter 7
petition filed by an individual shall be accepted for filing if
accompanied by the debtor’s application requesting a waiver
under 28 U.S.C. § 1930(f), prepared as prescribed by the
appropriate Official Form.
FEDERAL RULES OF BANKRUPTCY PROCEDURE

COMMITTEE NOTE

Subdivision (a) is amended to include a reference to new subdivision (c), which deals with fee waivers under 28 U.S.C. § 1930(f), which was added in 2005.

Subdivision (b)(1) is amended to delete the sentence requiring a disclosure that the debtor has not paid an attorney or other person in connection with the case. Inability to pay the filing fee in installments is one of the requirements for a fee waiver under the 2005 revisions to 28 U.S.C. § 1930(f). If the attorney payment prohibition were retained, payment of an attorney’s fee would render many debtors ineligible for installment payments and thus enhance their eligibility for the fee waiver. The deletion of this prohibition from the rule, which was not statutorily required, ensures that debtors who have the financial ability to pay the fee in installments will do so rather than request a waiver.

Subdivision (b)(3) is amended in conformance with the changes to (b)(1) to reflect the 2005 amendments. The change is meant to clarify that (b)(3) refers to payments made after the debtor has filed the bankruptcy case and after the debtor has received permission to pay the fee in installments. Otherwise, the subdivision may conflict with intent and effect of the amendments to subdivision (b)(1).

Rule 1007. Lists, Schedules, and Statements, and Other Documents; Time Limits

1 (a) LIST OF CREDITORS AND EQUITY SECURITY
2 HOLDERS, AND CORPORATE OWNERSHIP
3 STATEMENT.
4 FEDERAL RULES OF BANKRUPTCY PROCEDURE

** **

(4) **Chapter 15 Case.** Unless the court orders otherwise, a foreign representative filing a petition for recognition under chapter 15 shall file with the petition a list containing the name and address of all administrators in foreign proceedings of the debtor, all parties to any litigation in which the debtor is a party and that is pending in the United States at the time of the filing of the petition, and all entities against whom provisional relief is being sought under § 1519 of the Code.

(4) (5) **Extension of Time.** Any extension of time for the filing of list required by this subdivision may be granted only on motion for cause shown and on notice to the United States trustee and to any trustee, committee elected pursuant to § 705 or appointed pursuant to § 1102 of the Code, or other party as the court may direct.
(b) SCHEDULES, AND STATEMENTS, AND OTHER DOCUMENTS REQUIRED.

(1) Except in a chapter 9 municipality case, the debtor, unless the court orders otherwise, shall file the following schedules, statements, and other documents, prepared as prescribed by the appropriate Official Forms, if any:

(A) schedules of assets and liabilities;

(B) a schedule of current income and expenditures;

(C) a schedule of executory contracts and unexpired leases; and;

(D) a statement of financial affairs, prepared as prescribed by the appropriate Official Forms;

(E) copies of all payment advices or other evidence of payment, if any, with all but the last four digits of the debtor's social security number redacted, received by the
FEDERAL RULES OF BANKRUPTCY PROCEDURE

declares that the debtor has:

(F) a record of any interest that the debtor has in

an account or program of the type specified in § 521(c) of the

Code.

(2) An individual debtor in a chapter 7 case shall file

a statement of intention as required by § 521(a) 521(b) of the

Code, prepared as prescribed by the appropriate Official

Form. A copy of the statement of intention shall be served on

the trustee and the creditors named in the statement on or

before the filing of the statement.

(3) Unless the United States trustee has determined

that the credit-counseling requirement of § 109 does not apply

in the district, an individual debtor must file the certificate

and repayment plan, if any, required by § 521(b), a

certification under § 109(b)(3), or a request for a

determination by the court under § 109(b)(4).
Unless § 707(b)(2)(D) applies, an individual debtor in a chapter 7 case with primarily consumer debts shall file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the debtor has current monthly income greater than the applicable median family income for the applicable state and household size, the calculations in accordance with § 707(b), prepared as prescribed by the appropriate Official Form.

An individual debtor in a chapter 11 case shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form.

A debtor in a chapter 13 case shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form, and, if the debtor has current monthly income greater than the median family income for the applicable state and family size, a calculation of
(7) An individual debtor in a chapter 7 or chapter 13 case shall file a statement regarding completion of a course in personal financial management, prepared as prescribed by the appropriate Official Form.

(c) TIME LIMITS. In a voluntary case, the schedules, and statements, and other documents required by subdivision (a)(1), (a)(4), (a)(5), and (a)(6); other than the statement of intention, shall be filed with the petition; or within 15 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule. In an involuntary case, the list in subdivision (a)(2), and the schedules and statements, and other documents required by subdivision (b)(4); other than the statement of intention; shall be filed by the debtor within 15 days of the entry of the order for relief. The documents

*Include amendments that take effect on December 1, 2005.
required by subdivision (b)(3) shall be filed with the petition in a voluntary case. The statement required by subdivision (b)(7) shall be filed by the debtor within 45 days after the first date set for the meeting of creditors under § 341 of the Code in a chapter 7 case, and no later than the last payment made by the debtor as required by the plan or the filing of a motion for entry of a discharge under § 1328(b) in a chapter 13 case.

Lists, schedules, and statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3) of the Code, any extension of time for the filing of the schedules, and statements, and other documents may be granted only on motion for cause shown and on notice to the United States trustee and to any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to
103 the United States trustee and to any committee, trustee, or other party as the court may direct.

**COMMITTEE NOTE**

The title of this rule is expanded to refer to "documents" in conformity with the 2005 amendments to § 521 and related provisions of the Bankruptcy Code that include a wider range of documentary requirements.

Subdivision (a) is amended to require that any foreign representative filing a petition for recognition to commence a case under chapter 15, which was added to the Code in 2005, file a list of entities with whom the debtor is engaged in litigation in the United States. The foreign representative filing the petition for recognition also must list any entities against whom provisional relief is being sought as well as all administrators in foreign proceedings of the debtor. This should ensure that the entities most interested in the case, or their representatives, will receive notice of the petition under Rule 2002(g).

Subdivision (b)(1) addresses schedules, statements, and other documents that the debtor must file unless the court orders otherwise and other than in a case under Chapter 9. This subdivision is amended to include documentary requirements added by the 2005 amendments to § 521 that apply to the same group of debtors and have the same time limits as the existing requirements of (b)(1). Consistent with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2921 (2002), the payment advices should be redacted before they are filed.
Subdivision (b)(2) is amended to conform the renumbering of the subsections of § 521.

Subdivisions (b)(3) through (b)(7) are new. They implement the 2005 amendments to the Bankruptcy Code. Subdivision (b)(3) provides a procedure for filing documents relating to the nonprofit credit counseling requirement provided by the 2005 amendments to § 109.

Subdivision (b)(4) addresses the filing of information about current monthly income, as defined in § 101, for certain chapter 7 debtors and, if required, additional calculations of expenses required by the 2005 revisions to § 707(b).

Subdivision (b)(5) addresses the filing of information about current monthly income, as defined in § 101, for individual chapter 11 debtors. The 2005 amendments to § 1129(a)(15) condition plan confirmation for individual debtors on the commitment of disposable income as defined in § 1325(b)(2), which is based on current monthly income.

Subdivision (b)(6) addresses the filing of information about current monthly income, as defined in § 101, for chapter 13 debtors and, if required, additional calculations of expenses. These changes are necessary because the 2005 amendments to § 1325 require that determinations of disposable income start with current monthly income.

Subdivision (b)(7) reflects the 2005 amendments to §§ 727 and 1328 that condition the receipt of a discharge on the completion of a personal financial management course, with certain exceptions.

Subdivision (c) is amended to include time limits for the filing requirements added to subdivision (b) due to the 2005 amendments.
to the Bankruptcy Code, and to make conforming amendments. Separate time limits are provided for the documentation of credit counseling and for the statement of the completion of the financial management course.

Subdivision (c) of the rule is also amended to recognize the limitation on the extension of time to file schedules and statements when the debtor is a small business debtor. Section 1116(3), added to the Bankruptcy Code in 2005, establishes a specific standard for courts to apply in the event that the debtor is possession or the trustee seeks an extension for filing these forms for a period beyond 30 days after the order for relief.

Rule 1009. Amendments of Voluntary Petitions, Lists, Schedules and Statements

* * * * *

(b) STATEMENT OF INTENTION. The statement of intention may be amended by the debtor at any time before the expiration of the period provided in § 521(a) 521(a)(2)(B) of the Code. The debtor shall give notice of the amendment to the trustee and to any entity affected thereby.

* * * * *
Subdivision (b) is amended to conform to the 2005 amendments to § 521 of the Code.

Rule 1010. Service of Involuntary Petition and Summons; Petition Commencing Ancillary Case For Recognition of a Foreign Nonmain Proceeding

On the filing of an involuntary petition or a petition commencing a case ancillary to a foreign proceeding the clerk shall forthwith issue a summons for service. When an involuntary petition is filed, service shall be made on the debtor. When a petition commencing an ancillary case for recognition of a foreign proceeding is filed, service shall be made on the parties against whom relief is sought pursuant to § 304(b) debtor, any entity against whom provisional relief is sought under § 1519 of the Code, and on any other parties as the court may direct. The summons shall be served with a copy of the petition in the manner provided for service of a
FEDERAL RULES OF BANKRUPTCY PROCEEDURE

13 summons and complaint by Rule 7004(a) or (b). If service cannot be so made, the court may order that the summons and petition be served by mailing copies to the party’s last known address, and by at least one publication in a manner and form directed by the court. The summons and petition may be served on the party anywhere. Rule 7004(e) and Rule 4(i)

19 F.R.Civ.P. apply when service is made or attempted under this rule.

COMMITTEE NOTE

This rule is amended to implement the 2005 amendments to the Bankruptcy Code, which repealed § 304 of the Code and replaced it with chapter 15 governing ancillary and other cross-border cases. Under chapter 15, a foreign representative commences a case by filing a petition for recognition of a pending foreign nonmain proceeding. The amendment requires service of the summons and petition on the debtor and any entity against whom the representative is seeking provisional relief. Until the court enters a recognition order under § 1517, no stay is in effect unless the court enters some form of provisional relief under § 1519. Thus, there is no need to serve all creditors of the debtor upon filing the petition for recognition. Only those entities against whom specific provisional relief is sought need to be served. The court may direct that service be made on additional entries as appropriate.
FEDERAL RULES OF BANKRUPTCY PROCEDURE

This rule does not apply to a petition for recognition of a foreign main proceeding.

Rule 1011. Responsive Pleading or Motion in Involuntary and Ancillary Cross-Border Cases

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

*****

COMMITTEE NOTE

The rule is amended to reflect the 2005 amendments to the Bankruptcy Code, which repealed § 304 of the Code and added chapter 15. Section 304 covered cases ancillary to foreign proceedings, while chapter 15 of the Code governs ancillary and other cross-border cases and introduces the concept of a petition for recognition of a foreign proceeding.
eal Rules of Bankruptcy Procedure
Rule 1017. Dismissal or Conversion of Case; Suspension

* * * * *

e) DISMISSAL OF AN INDIVIDUAL DEBTOR'S

CHAPTER 7 CASE OR CONVERSION TO A CASE

UNDER CHAPTER 11 OR 13 FOR SUBSTANTIAL ABUSE.

The court may dismiss or, with the debtor's consent, convert

an individual debtor's case for substantial abuse under

§ 707(b) only on motion by the United States trustee or on the
court's own motion and after a hearing on notice to the debtor,

the trustee, the United States trustee, and any other entities as

the court directs.

(i) Except as otherwise provided in § 704(b)(2), a

motion to dismiss a case for substantial abuse under § 707(b)
or (c) may be filed by the United States trustee only within 60
days after the first date set for the meeting of creditors under

§ 341(a), unless, on request filed by the United States trustee

before the time has expired, the court for cause extends the
time for filing the motion to dismiss. The United States

trustee party filing the motion shall set forth in the motion all

matters to be considered submitted to the court for its

consideration at the hearing. A motion to dismiss under

§ 707(b)(1) and (3) shall state with particularity the

circumstances alleged to constitute abuse.

* * * *

COMMITTEE NOTE

Subdivisions (e) and (e)(1) are amended to implement the
2005 revisions to § 707 of the Code. These revisions permit
conversion of a chapter 7 case to a case under chapter 11 or 13,
change the basis for dismissal or conversion from "substantial abuse"
to "abuse," authorize parties other than the United States trustee to
bring motions under § 707(b) under certain circumstances, and add
§ 707(c) to create an explicit ground for dismissal based on the
request of a victim of a crime of violence or drug trafficking. The
conforming amendments to subdivision (e) preserve the time limits
already in place for § 707(b) motions, except to the extent that
§ 704(b)(2) sets the deadline for the United States trustee to act. In
contrast to the grounds for a motion to dismiss under § 707(b)(2),
which are quite specific, the grounds under § 707(b)(1) and (3) are
very general. Subdivision (e) therefore requires that motions to
dismiss under §§ 707(b)(1) and (3) state with particularity the
circumstances alleged to constitute abuse to enable the debtor to
respond.
FEDERAL RULES OF BANKRUPTCY PROCEDURE

Rule 1019. Conversion of Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to a Chapter 7 Liquidation Case

* * * *

(2) NEW FILING PERIODS. A new time period for filing claims: a motion under § 707(b) or (c), a claim, a complaint objecting to discharge, or a complaint to obtain a determination of dischargeability of any debt shall commence under pursuant to Rules 1017, 3002, 4004, or 4007, provided that a new time period shall not commence if a chapter 7 case had been converted to a chapter 11, 12, or 13 case and thereafter reconverted to a chapter 7 case and the time for filing claims: a motion under § 707(b) or (c), a claim, a complaint objecting to discharge, or a complaint to obtain a determination of the dischargeability of any debt, or any extension thereof, expired in the original chapter 7 case.

* * * *
FEDERAL RULES OF BANKRUPTCY PROCEDURE

COMMITTEE NOTE

Subdivision (2) is amended to provide a new filing period for motions under § 707(b) and (c) of the Code when a case is converted to chapter 7.

Rule 1020. Election to be Considered a Small Business in a Chapter 11 Reorganization Case

In a chapter 11 reorganization case, a debtor that is a small business may elect to be considered a small business by filing a written statement of election not later than 60 days after the date of the order for relief:

(a) SMALL BUSINESS DEBTOR DESIGNATION. In a voluntary chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor. In an involuntary chapter 11 case, the debtor shall file within 15 days after entry of the order for relief a statement as to whether the debtor is a small business debtor. Except as provided in subdivision (c), the status of the case with respect to whether it is a small business case shall be in accordance with such statement.
FEDERAL RULES OF BANKRUPTCY PROCEDURE

with the debtor's statement under this subdivision, unless and
until the court enters an order finding that the debtor's
statement is incorrect.

(b) OBJECTING TO DESIGNATION. Except as
provided in subdivision (c), the United States trustee or a
party in interest may file an objection to the debtor's
statement under subdivision (a) not later than 30 days after the
conclusion of the meeting of creditors held under § 341(a) of
the Code, or within 30 days after any amendment to the
statement, whichever is later.

(c) APPOINTMENT OF COMMITTEE OF
UNSECURED CREDITORS. If the United States trustee has
appointed a committee of unsecured creditors under
§ 1102(a)(1), the case shall proceed as a small business case
only if, and from the time when, the court enters an order
determining that the committee has not been sufficiently
active and representative to provide effective oversight of the
FEDERAL RULES OF BANKRUPTCY PROCEDURE

30 debtor and that the debtor satisfies all the other requirements
31 for being a small business. A request for a determination
32 under this subdivision may be filed by the United States
33 trustee or a party in interest only within a reasonable time
34 after the failure of the committee to be sufficiently active and
35 representative. The debtor may file a request for a
36 determination at any time as to whether the committee has
37 been sufficiently active and representative.
38
39 (d)  PROCEDURE FOR OBJECTION OR
40 DETERMINATION. Any objection or request for a
determination under this rule shall be governed by Rule 9014
and served on the debtor, the debtor’s attorney, the United
States trustee, the trustee, any committee appointed under
§ 1102 or its authorized agent, or, if no committee of
unsecured creditors has been appointed under § 1102, on the
creditors included on the list filed under Rule 1007(d), and on
such other entities as the court may direct.
Under the Bankruptcy Code, as amended in 2005, there are no provisions permitting or requiring a small business debtor to elect to be treated as a small business. Therefore, there is no longer any need for a rule on elections to be considered a small business.

The 2005 amendments to the Code include several provisions relating to small business cases under chapter 11. Section 101 of the Code includes definitions of “small business debtor” and “small business case.” The purpose of the new language in this rule is to provide a procedure for informing the parties, the United States trustee, and the court of whether the debtor is a small business debtor, and to provide procedures for resolving disputes regarding the proper characterization of the debtor. Because it is important to resolve such disputes early in the case, a time limit for objecting to the debtor’s self-designation is imposed. Rule 9006(b)(1), which governs enlargement of time, is applicable to the time limits set forth in this rule.

An important factor in determining whether the debtor is a small business debtor is whether the United States trustee has appointed a committee of unsecured creditors under § 1102 of the Code, and whether such a committee is sufficiently active and representative. Subdivision (c), relating to the appointment and activity of a committee of unsecured creditors, is designed to be consistent with the Code’s definition of “small business debtor.”

Rule 1021. Health Care Business Case

(a) HEALTH CARE BUSINESS DESIGNATION

Unless the court orders otherwise, if a petition in a case under
FEDERAL RULES OF BANKRUPTCY PROCEDURE

chapter 7, chapter 9, or chapter 11 states that the debtor is a
health care business, the case shall proceed as a case in which
the debtor is a health care business.

(b) MOTION. The United States trustee or a party in
interest may file a motion for a determination as to whether
the debtor is a health care business. The motion shall be
transmitted to the United States trustee and served on the
debtor, the trustee, any committee elected under § 705 or
appointed under § 1102 of the Code or its authorized agent,
or, if the case is a chapter 9 municipality case or a chapter 11
reorganization case and no committee of unsecured creditors
has been appointed under § 1102, on the creditors included on
the list filed under Rule 1007(d), and such other entities as the
court may direct. The motion shall be governed by Rule
9014.

COMMITTEE NOTE

Section 101(27A) of the Code, added in 2005, defines a health
care business. This rule provides procedures for identifying the debtor
as a health care business. The debtor in a voluntary case, or
petitioning creditors in an involuntary case, will usually make the
identification by checking the appropriate box on the petition. If a
party in interest or the United States trustee disagrees with the
determination by the debtor or the petitioning creditors as to whether
the debtor is a health care business, this rule provides procedures for
resolving the dispute.

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

(a) TWENTY-DAY NOTICES TO PARTIES IN

INTEREST. Except as provided in subdivisions (h), (i), and

(j), (p), and (q) of this rule, the clerk, or some other person

as the court may direct, shall give the debtor, the trustee, all

creditors and indenture trustees at least 20 days' notice by

mail of:

*** ***

(b) TWENTY-FIVE-DAY NOTICES TO PARTIES IN

INTEREST. Except as provided in subdivision (l) of this

rule, the clerk, or some other person as the court may direct,
shall give the debtor, the trustee, all creditors and indenture
trustees not less than 25 days notice by mail of (1) the time
fixed for filing objections and the hearing to consider
approval of a disclosure statement or, under § 1125(f), to
make a final determination whether the plan provides
adequate information so that a separate disclosure statement
is not necessary; and (2) the time fixed for filing objections
and the hearing to consider confirmation of a chapter 9,
chapter 11, or chapter 13 plan.

(c) CONTENT OF NOTICE.

(1) Proposed Use, Sale, or Lease of Property.

Subject to Rule 6004 the notice of a proposed use, sale, or
lease of property required by subdivision (a)(2) of this rule
shall include the time and place of any public sale, the terms
and conditions of any private sale and the time fixed for filing
objections. The notice of a proposed use, sale, or lease of
property, including real estate, is sufficient if it generally
describes the property. The notice of a proposed sale or lease
of personally identifiable information under § 363(b)(1)(A) or
(B) of the Code shall state whether the sale is consistent with
a policy prohibiting the transfer of the information.

* * * *

(1) OTHER NOTICES. Except as provided in subdivision

(i) of this rule, the clerk, or some other person as the court
may direct, shall give the debtor, all creditors, and indenture
trustees notice by mail of: (1) the order for relief; (2) the
dismissal or the conversion of the case to another chapter, or
the suspension of proceedings under § 305; (3) the time
allowed for filing claims pursuant to Rule 3002; (4) the time
fixed for filing a complaint objecting to the debtor's discharge
pursuant to § 727 of the Code as provided in Rule 4004; (5)
the time fixed for filing a complaint to determine the
dischargeability of a debt pursuant to § 523 of the Code as
provided in Rule 4007; (6) the waiver, denial, or revocation

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of a discharge as provided in Rule 4006; (7) entry of an order confirming a chapter 9, 11, or 12 plan; and (8) a summary of the trustee's final report in a chapter 7 case if the net proceeds realized exceed $1,500; (9) a notice under Rule 5008 regarding the presumption of abuse; and (10) a statement under § 704(b)(1) as to whether the debtor's case would be presumed to be an abuse under § 707(b). Notice of the time fixed for accepting or rejecting a plan pursuant to Rule 3017(c) shall be given in accordance with Rule 3017(d).

* * * *

(p) NOTICE TO A FOREIGN CREDITOR.

(1) If, at the request of a party in interest or the United States trustee, or on its own initiative, the court finds that a notice mailed within the time prescribed by these rules would not be sufficient to give a creditor with a foreign address to which notice under these rules are mailed reasonable notice under the circumstances, the court may order that the notice
be supplemented with notice by other means or that the time
prescribed for the notice by mail be enlarged.

(2) Unless the court for cause or orders otherwise, a
creditor with a foreign address to which notices under this
rule are mailed shall be given at least 30 days' notice of the
time fixed for filing a proof of claim under Rule 3002(c) or
Rule 3003(c).

(q) NOTICE OF PETITION FOR RECOGNITION OF
FOREIGN PROCEEDING AND OF COURT’S INTENTION
TO COMMUNICATE WITH FOREIGN COURTS AND
FOREIGN REPRESENTATIVES.

(1) Notice of Petition for Recognition. The clerk, or
some other person as the court may direct, shall forthwith
give the debtor, all administrators in foreign proceedings of
the debtor, all entities against whom provisional relief is
being sought under § 1519 of the Code, all parties to any
litigation in which the debtor is a party and that is pending in
the United States at the time of the filing of the petition, and such other entities as the court may direct, at least 20 days' notice by mail of the hearing on the petition for recognition of a foreign proceeding. The notice shall state whether the petition seeks recognition as a foreign main proceeding or foreign nonmain proceeding.

(2) Notice of Court's Intention to Communicate with Foreign Court and Foreign Representatives. The clerk, or some other person as the court may direct, shall give the debtor, all administrators in foreign proceedings of the debtor, all entities against whom provisional relief is being sought under § 1519 of the Code, all parties to any litigation in which the debtor is a party and that is pending in the United States at the time of the filing of the petition, and such other entities as the court may direct, notice by mail of the court's intention to communicate with a foreign court or foreign representative as prescribed by Rule 5012.
Committee Note

Subdivision (b) is amended to provide for 25 days' notice of the time for the court to make a final determination whether the plan in a small business case can serve as a disclosure statement. Conditional approval of a disclosure statement in a small business case is governed by Rule 3017.1 and does not require 25 days' notice. The court may consider this matter in a hearing combined with the confirmation hearing in a small business case.

Subdivision (c)(1) is amended to require that a trustee leasing or selling personally identifiable information under § 363(b)(1)(A) or (B) of the Code, as amended in 2005, include in the notice of the lease or sale transaction a statement as to whether the lease or sale is consistent with a policy prohibiting the transfer of the information.

Section 1514(d) of the Code, added in 2005, requires that such additional time as is reasonable under the circumstances be given to creditors with foreign addresses with respect to notices and the filing of a proof of claim. Thus, subdivision (p)(1) is added to the rule to give the court flexibility to direct that notice by other means shall supplement notice by mail, or to enlarge the notice period, for creditors with foreign addresses. If case exists, such as likely delays in the delivery of mailed notices in particular locations, the court may order that notice also be given by email, facsimile, or private courier. Alternatively, the court may enlarge the notice period for a creditor with a foreign address. It is expected that in most situations involving foreign creditors, fairness will not require any additional notice or extension of the notice period. This rule recognizes that the court has discretion to establish procedures to determine, on its own initiative, whether relief under subdivision (p) is appropriate, but that the court is not required to establish such procedures and may decide to act only on request of a party in interest.
Subdivisions (f)(9) and (10) are new. They reflect the 2005 amendments to §§ 342(d) and 704(b) of the Bankruptcy Code. Section 342(d) requires the clerk to give notice to creditors shortly after the commencement of the case as to whether a presumption of abuse exists. Subdivision (f)(9) adds this notice to the list of notices that the clerk must give. Subdivision (h)(10) implements the amendment to § 704(b) which requires the court to provide a copy to all creditors of a statement by the United States trustee or bankruptcy administraer as to whether the debtor’s case would be presumed to be an abuse under § 707(b) not later than five days after receiving it.

Subdivision (p)(2) is added to the rule to grant creditors with a foreign address to which notices are mailed at least 30 days’ notice of the time within which to file proofs of claims if notice is mailed to the foreign address, unless the court orders otherwise. If cause exists, such as likely delays in the delivery of notices in particular locations, the court may extend the notice period for creditors with foreign addresses. The court may also shorten the additional notice time if circumstances so warrant. For example, if the court in a chapter 11 case determines that supplementing the notice to a foreign creditor with notice by electronic means, such as email or facsimile, would give the creditor reasonable notice, the court may order that the creditor be given only 20 days’ notice in accordance with Rule 2002(a)(7).

Subdivision (q) is added to require that notice of the hearing on the petition for recognition of a foreign proceeding be given to the debtor, all administrators in foreign proceedings of the debtor, entities against whom provisional relief is sought, and entities with whom the debtor is engaged in litigation at the time of the commencement of the case. There is no need at this stage of the proceedings to provide notice to all creditors. If the foreign representative should take action to commence a case under another chapter of the Code, the rules
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governing those proceedings will operate to provide that notice is
given to all creditors.

The rule also requires notice of the court’s intention to
communicate with a foreign court or foreign representative under
Rule 5012.

Rule 2003. Meeting of Creditors or Equity Security
Holders

(a) DATE AND PLACE. Except as provided in § 341(e)
of the Code, in a chapter 7 liquidation or a chapter 11
reorganization case, the United States trustee shall call a
meeting of creditors to be held no fewer than 20 and no
more than 40 days after the order for relief. In a chapter 12 family
reorganization case, the United States trustee shall
call a meeting of creditors to be held no fewer than 20 and no
more than 35 days after the order for relief. In a chapter 13
individual’s debt adjustment case, the United States trustee
shall call a meeting of creditors to be held no fewer than 20
and no more than 50 days after the order for relief. If there is
an appeal from or a motion to vacate the order for relief, or if
there is a motion to dismiss the case, the United States trustee
may set a later date for the meeting. The meeting may be held
at a regular place for holding court or at any other place
designated by the United States trustee within the district
convenient for the parties in interest. If the United States
trustee designates a place for the meeting which is not
regularly staffed by the United States trustee or an assistant
who may preside at the meeting, the meeting may be held not
more than 60 days after the order for relief.

* * * *

COMMITTEE NOTE

If the debtor has solicited acceptances to a plan before
commencement of the case, § 541(e), which was added to the
Bankruptcy Code in 2005, authorizes the court, on request of a party
in interest and after notice and a hearing, to order that a meeting of
creditors not be convened. The rule is amended to recognize that a
meeting of creditors might not be held in those cases.

Rule 2007.1. Appointment of Trustee or Examiner in a
Chapter 11 Reorganization Case

* * * *
(b) ELECTION OF TRUSTEE.

* * * * *

(3) Report of Election and Resolution of Disputes.

(A) Report of Undisputed Election. If no dispute arises out of the election is not disputed, the United States trustee shall promptly file a report of certifying the election, including the name and address of the person elected and a statement that the election is undisputed. The report shall be accompanied by a verified statement of the person elected setting forth the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee. The United States trustee shall file with the report an application for approval of the appointment in accordance with subdivision (c) of this rule. The report constitutes appointment of the elected person to serve as trustee; subject
to court approval; as of the date of entry of the order
approving the appointment:

(B) Dispute Arising Out of an Disputed Election.

If a dispute arises out of an election is disputed, the United
States trustee shall promptly file a report stating that the
election is disputed, informing the court of the nature of the
dispute, and listing the name and address of any candidate
elected under any alternative presented by the dispute. The
report shall be accompanied by a verified statement by each
candidate elected under each alternative presented by the
dispute, setting forth the person's connections with the debtor,
creditors, any other party in interest, their respective attorneys
and accountants, the United States trustee, and or any person
employed in the office of the United States trustee. Not later
than the date on which the report of the disputed election is
filed, the United States trustee shall mail a copy of the report
and each verified statement to any party in interest that has
made a request to convene a meeting under § 1104(b) or to receive a copy of the report, and to any committee appointed under § 1102 of the Code. Unless a motion for the resolution of the dispute is filed not later than 40 days after the United States trustee files the report, any person appointed by the United States trustee under § 1104(d) and approved in accordance with subdivision (c) of this rule shall serve as trustee. If a motion for the resolution of the dispute is timely filed, and the court determines the result of the election and approves the person elected, the report will constitute appointment of the elected person as of the date of entry of the order approving the appointment.

(c) APPROVAL OF APPOINTMENT. An order approving the appointment of a trustee elected under § 1104(b) or appointed under § 1104(d) or the appointment of an examiner under §1104(d) of the Code, shall be made on application of the United States trustee. The application shall
state the name of the person appointed and, to the best of the
applicant's knowledge, all the person's connections with the
debtor, creditors, any other parties in interest, their respective
attorneys and accountants, the United States trustee, and of
persons employed in the office of the United States trustee.

Unless the person has been elected under § 1104(b), the The
application shall state the names of the parties in interest with
whom the United States trustee consulted regarding the
appointment. The application shall be accompanied by a
verified statement of the person appointed setting forth the
person's connections with the debtor, creditors, any other
party in interest, their respective attorneys and accountants,
the United States trustee, and or any person employed in the
office of the United States trustee.

COMMITTEE NOTE

Under § 1104(b)(2) of the Code, as amended in 2005, if an
eligible, disinterested person is elected to serve as trustee in a chapter
11 case, the United States trustee is directed to file a report certifying
the election. The person elected does not have to be appointed to the
position. Rather, the filing of the report certifying the election itself
constitutes the appointment. The section further provides that in the
event of a dispute in the election of a trustee, the court must resolve
the matter. The rule is amended to be consistent with § 1104(b)(2).

When the United States trustee files a report certifying the
election of a trustee, the person elected must provide a verified
statement, similar to the statement required of professional persons
under Rule 2014, disclosing connections with parties in interest and
certain other persons connected with the case. Although court
approval of the person elected is not required, the disclosure of the
person's connections will enable parties in interest to determine
whether the person is disinterested.

Rule 2007.2. Appointment of Patient Care Ombudsman
in a Health Care Business Case

(a) ORDER TO APPOINT PATIENT CARE

OMBUDSMAN. In a chapter 7, chapter 9, or chapter 11 case

in which the debtor is a health care business, the court shall

order the appointment of a patient care ombudsman under

§ 333 of the Code, unless the court, on motion of the United

States trustee or a party in interest filed not later than 20 days

after the commencement of the case or within another time

fixed by the court, finds that the appointment of a patient care
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ombudsman is not necessary for the protection of patients under the specific circumstances of the case.

(b) MOTION FOR ORDER TO APPOINT OMBUDSMAN. If the court has ordered that the appointment of an ombudsman is not necessary, or has ordered the termination of the appointment of an ombudsman, the court, on motion of the United States trustee or a party in interest, may order the appointment at any time during the case if the court finds that the appointment of an ombudsman has become necessary to protect patients.

(c) APPOINTMENT OF OMBUDSMAN. If a patient care ombudsman is appointed under § 333, the United States trustee shall promptly file a notice of the appointment, including the name and address of the person appointed. Unless the person appointed is a State Long-Term Care Ombudsman, the notice shall be accompanied by a verified statement of the person appointed setting forth the person’s
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connections with the debtor, creditors, patients, any other
party in interest, their respective attorneys and accountants,
the United States trustee, and any person employed in the
office of the United States trustee.

(d) TERMINATION OF APPOINTMENT. On motion
of the United States trustee or a party in interest, the court
may terminate the appointment of a patient care ombudsman
if the court finds that the appointment is not necessary for the
protection of patients.

(e) MOTION. A motion under this rule shall be governed
by Rule 9014. The motion shall be transmitted to the United
States trustee and served on the debtor, the trustee, any
committee elected under § 705 or appointed under § 1102 of
the Code or its authorized agent, or, if the case is a chapter 9
municipality case or a chapter 11 reorganization case and no
committee of unsecured creditors has been appointed under
Section 333 of the Code, added in 2005, requires the court to order the appointment of a health care ombudsman within the first 30 days of a health care business case, unless the court finds that the appointment is not necessary for the protection of patients. The rule recognizes this requirement and provides a procedure by which a party may obtain a court order finding that the appointment of a patient care ombudsman is unnecessary. In the absence of a timely motion under subdivision (a) of this rule, the court will enter an order directing the United States trustee to appoint the ombudsman.

Subdivision (b) recognizes that, despite a previous order finding that a patient care ombudsman is not necessary, circumstances of the case may change or newly discovered evidence may demonstrate the necessity of an ombudsman to protect the interests of patients. In that event, a party may move the court for an order directing the appointment of an ombudsman.

When the appointment of a patient care ombudsman is ordered, the United States trustee is required to appoint a disinterested person to serve in that capacity. Court approval of the appointment is not required, but subdivision (c) requires the person appointed, if not a State Long-Term Care Ombudsman, to file a verified statement similar to the statement filed by professional persons under Rule 2014 so that parties in interest will have information relevant to disinterestedness. If a party believes that the person appointed is not disinterested, it may file a motion asking the court to find that the person is not eligible to serve.
Rule 2015. Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status

* * * * *

(d) FOREIGN REPRESENTATIVE. In a case in which the court has granted recognition of a foreign proceeding under chapter 15, the foreign representative shall file any notice required under § 1518 of the Code within 15 days after the date when the representative becomes aware of the subsequent information.

(e) TRANSMISSION OF REPORTS. In a chapter 11 case the court may direct that copies or summaries of annual reports and copies or summaries of other reports shall be mailed to the creditors, equity security holders, and indenture trustees. The court may also direct the publication of summaries of any such reports. A copy of every report or
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summary mailed or published pursuant to this subdivision shall be transmitted to the United States trustee.

COMMITTEE NOTE

The rule is amended to fix the time for the filing of notices under § 1519 which was added to the Code in 2005. Former subdivision (d) is renumbered as subdivision (c).

Rule 2015.1. Patient Care Ombudsman

(a) REPORTS. Unless the court orders otherwise, a patient care ombudsman, at least 10 days before making a report under § 333(b)(2) of the Code, shall give notice that the report will be made to the court. The notice shall be transmitted to the United States trustee, posted conspicuously at the health care facility that is the subject of the report, and served on the debtor, the trustee, all patients, and any committee elected under § 705 or appointed under § 1102 of the Code or its authorized agent, or, if the case is a chapter 9 municipality case or a chapter 11 reorganization case and no committee of unsecured creditors has been appointed under

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§ 1102. on the creditors included on the list filed under Rule
1007(d), and such other entities as the court may direct. The
notice shall state the date and time when the report will be
made, the manner in which the report will be made, and, if the
report is in writing, the name, address, telephone number,
email address, and website, if any, of the person from whom
a copy of the report may be obtained at the debtor’s expense.

(b) AUTHORIZATION TO REVIEW CONFIDENTIAL

PATIENT RECORDS. A motion by a health care
ombudsman under § 333(c) to review confidential patient
records shall be governed by Rule 9014, served on the patient
and any family member or other contact person whose name
and address has been given to the trustee or the debtor for the
purpose of providing information regarding the patient’s
health care, and transmitted to the United States trustee
subject to applicable nonbankruptcy law relating to patient
privacy. Unless the court orders otherwise, a hearing on the
motion may be commenced no earlier than 15 days after

service of the motion.

COMMITTEE NOTE

This rule is new. It implements § 333, added to the Code in 2005. Subdivision (a) is designed to give parties in interest, including patients or their representatives, sufficient notice so that they will be able to review written reports or attend hearings at which reports are made. The rule permits a notice to relate to a single report or to periodic reports to be given during the case. For example, the ombudsman may give notice that reports will be made at specified intervals or dates during the case.

Subdivision (a) of the rule requires that the notice be posted conspicuously at the health care facility in a place where it will be seen by patients and their families or others visiting the patient. This may require posting in common areas and patient rooms within the facility. Because health care facilities and the patients they serve can vary greatly, the locations of the posted notice should be tailored to the specific facility that is the subject of the report.

Subdivision (b) requires the ombudsman to notify the patient and the United States trustee that the ombudsman is seeking access to confidential patient records so that they will be able to appear and be heard on the matter. This procedure should assist the court in reaching its decision both as to access to the records and appropriate restrictions on that access to ensure continued confidentiality. Notices given under this rule are subject to provisions under applicable federal and state law that relate to the protection of patients' privacy, such as the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 (HIPAA).
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Rule 2015.2. Transfer of Patient in Health Care Business Case

Unless the court orders otherwise, if the debtor is a health care business, the trustee may not transfer a patient to another health care business under § 704(a)(12) of the Code unless the trustee gives at least 10 days' notice of the transfer to the patient care ombudsman, if any, and to the patient and any family member or other contact person whose name and address has been given to the trustee or the debtor for the purpose of providing information regarding the patient's health care subject to applicable nonbankruptcy law relating to patient privacy.

COMMITTEE NOTE

This rule is new. Section 704(a)(12), added to the Code in 2005, authorizes the trustee to relocate patients when a health care business debtor's facility is in the process of being closed. The Code permits the trustee to take this action without the need for any court order, but the notice required by this rule will enable a patient care ombudsman appointed under § 333, or a patient who contends that the trustee's actions violate § 704(a)(12), to have those issues resolved before the patient is transferred.
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This rule also permits the court to enter an order dispensing with or altering the notice requirement in proper circumstances. The facility could be closed immediately, or very quickly, such that 10 days' notice would not be possible in some instances. In that event, the court may shorten the time required for notice.

Notices given under this rule are subject to provisions under applicable federal and state law that relate to the protection of patients' privacy, such as the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 (HIPAA).

Rule 3002. Filing Proof of Claim or Interest

* * * *

1 (c) TIME FOR FILING. In a chapter 7 liquidation,
2 chapter 12 family farmer's debt adjustment, or chapter 13
3 individual's debt adjustment case, a proof of claim is timely
4 filed if it is filed not later than 90 days after the first date set
5 for the meeting of creditors called under § 341(a) of the Code,
6 except as follows:
7
8 (1) A proof of claim filed by a governmental unit,
9 other than for a claim resulting from a tax return filed under
10 § 1308, is timely filed if it is filed not later than 180 days after
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the date of the order for relief. On motion of a governmental
unit before the expiration of such period and for cause shown,
the court may extend the time for filing of a claim by the
governmental unit. A proof of claim filed by a governmental
unit for a claim resulting from a tax return filed under § 1308
is timely filed if it is filed not later than 180 days after the
date of the order for relief or 60 days after the date of the
filing of the tax return, whichever is later.

* * * * *

(6) If notice of the time for filing a proof of claim has
been mailed to a creditor at a foreign address, on motion filed
by the creditor before or after the expiration of the time, the
court may extend the time by not more than 60 days if the
court finds that the notice was not sufficient under the
circumstances to give the creditor a reasonable time to file a
proof of claim.
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COMMITTEE NOTE

Subdivision (c)(1) is amended to reflect the addition of § 1308 to the Bankruptcy Code in 2005. This provision requires that chapter 13 debtors file tax returns during the pendency of the case, and imposes bankruptcy-related consequences if debtors fail to do so. Subdivision (c)(1) provides additional time for governmental units to file a proof of claim for tax obligations with respect to tax returns filed during the pendency of a chapter 13 case.

Paragraph (c)(6) is added to give the court discretion to extend the time for filing a proof of claim for a creditor who received notice of the time to file the claim at a foreign address, if the court finds that the notice was not sufficient, under the particular circumstances, to give the foreign creditor a reasonable time to file a proof of claim. This amendment is designed to comply with § 1514(d), which was added to the Code in 2005 and requires that the rules and orders of the court provide such additional time as is reasonable under the circumstances for foreign creditors to file claims in cases under all chapters of the Code.

Rule 3003. Filing Proof of Claim or Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases

1

* * * * *

2 (c) FILING PROOF OF CLAIM.
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(1) **Who May File.** Any creditor or indenture trustee may file a proof of claim within the time prescribed by subdivision (c)(3) of this rule.

(2) **Who Must File.** Any creditor or equity security holder whose claim or interest is not scheduled or scheduled as disputed, contingent, or unliquidated shall file a proof of claim or interest within the time prescribed by subdivision (c)(3) of this rule; any creditor who fails to do so shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution.

(3) **Time for Filing.** The court shall fix and for cause shown may extend the time within which proofs of claim or interest may be filed. Notwithstanding the expiration of such time, a proof of claim may be filed to the extent and under the conditions stated in Rule 3002(c)(2), (c)(3), and (c)(4), and (c)(6).
(4) **Effect of Filing Claim or Interest.** A proof of claim or interest executed and filed in accordance with this subdivision shall supersede any scheduling of that claim or interest pursuant to § 521(a)(1) of the Code.

(5) **Filing by Indenture Trustee.** An indenture trustee may file a claim on behalf of all known or unknown holders of securities issued pursuant to the trust instrument under which it is trustee.

* * * * *

**COMMITTEE NOTE**

The rule is amended to implement § 1514(d), which was added to the Code in 2005, by making the new Rule 3002(c)(6) applicable in chapter 9 and chapter 11 cases. Section 1514(d) requires that creditors with foreign addresses be provided such additional time as is reasonable under the circumstances to file proofs of claims.

**Rule 3016. Filing of Plan and Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case**

* * * * *

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2  (b) DISCLOSURE STATEMENT. In a chapter 9 or 11
3  case, a disclosure statement under § 1125 or evidence
4  showing compliance with § 1126(b) of the Code shall be filed
5  with the plan or within a time fixed by the court, unless the
6  plan is intended to provide adequate information under
7  § 1125(f)(1). If the plan is intended to provide adequate
8  information under § 1125(f)(1), it shall be so designated and
9  Rule 3017.1 shall apply as if the plan is a disclosure
10  statement.
11  *
12  COMMITTEE NOTE
13  Subdivision (b) is amended to recognize that, in 2005,
14  § 1125(f)(1) was added to the Code to provide that the plan proponent
15  in a small business case need not file a disclosure statement if the
16  plan itself includes adequate information and the court finds that a
17  separate disclosure statement is unnecessary. If the plan is intended
18  to provide adequate information in a small business case, it may be
19  conditionally approved as a disclosure statement under Rule 3017.1
20  and is subject to all other rules applicable to disclosure statements in
21  small business cases.
Rule 3017.1. Court Consideration of Disclosure Statement in a Small Business Case

(a) CONDITIONAL APPROVAL OF DISCLOSURE STATEMENT. If the debtor is in a small business case and has made a timely election to be considered a small business in a chapter 11 case, the court may, on application of the plan proponent or on its own initiative, conditionally approve a disclosure statement filed in accordance with Rule 3016(b). On or before conditional approval of the disclosure statement, the court shall:

(1) fix a time within which the holders of claims and interests may accept or reject the plan;

(2) fix a time for filing objections to the disclosure statement;

(3) fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and

(4) fix a date for the hearing on confirmation.
APPLICATION OF RULE 3017. Rule 3017(a), (e), (c), and (e) do not apply to a conditionally approved disclosure statement. Rule 3017(d) applies to a conditionally approved disclosure statement, except that conditional approval is considered approval of the disclosure statement for the purpose of applying Rule 3017(d).

(c) FINAL APPROVAL.

(1) Notice. Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with Rule 2002 and may be combined with notice of the hearing on confirmation of the plan.

(2) Objections. Objections to the disclosure statement shall be filed, transmitted to the United States trustee, and served on the debtor, the trustee, any committee appointed under the Code and any other entity designated by the court at
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any time before final approval of the disclosure statement or
by an earlier date as the court may fix.

(3) Hearing. If a timely objection to the disclosure
statement is filed, the court shall hold a hearing to consider
final approval before or combined with the hearing on
confirmation of the plan.

COMMITTEE NOTE

Section 101 of the Code, as amended in 2005, defines a "small
business case" and "small business debtor," and eliminates any need
to elect that status. Therefore, the reference in the rule to an election
is deleted.

As provided in the amendment to Rule 3016(b), a plan
intended to provide adequate information in a small business case
under § 1125(f)(1) may be conditionally approved and is otherwise
treated as a disclosure statement under this rule.

Rule 3019. Modification of Accepted Plan Before or After
Confirmation in a Chapter 9 Municipality or Chapter 11
Reorganization Case

(a) In a chapter 9 or chapter 11 case, after a plan has been
accepted and before its confirmation, the proponent may file
a modification of the plan. If the court finds after hearing on

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notice to the trustee, any committee appointed under the
Code, and any other entity designated by the court that the
proposed modification does not adversely change the
treatment of the claim of any creditor or the interest of any
equity security holder who has not accepted in writing the
modification, it shall be deemed accepted by all creditors and
equity security holders who have previously accepted the
plan.

(b) If the debtor is an individual, a request to modify the
plan under § 1127(c) of the Code shall identify the proponent
and shall be filed together with the proposed modification.
The clerk, or some other person as the court may direct, shall
give the debtor, the trustee, and all creditors not less than 20
days' notice by mail of the time fixed for filing objections
and, if an objection is filed, the hearing to consider the
proposed modification unless the court orders otherwise with
respect to creditors who are not affected by the proposed
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A copy of the notice shall be transmitted to the United States trustee. A copy of the proposed modification shall be included with the notice. Any objection to the proposed modification shall be filed and served on the debtor, the proponent of the modification, the trustee, and any entity designated by the court, and shall be transmitted to the United States trustee. An objection to a proposed modification is governed by Rule 9014.

COMMITTEE NOTE

Section 1127 was amended in 2005 to provide for modification of a confirmed plan in a chapter 11 case of an individual debtor. The rule is amended to establish the procedure for filing and objecting to a proposed modification of a confirmed plan.

Rule 4002. Duties of Debtor

(a) IN GENERAL. In addition to performing other duties prescribed by the Code and rules, the debtor shall;

(1) attend and submit to an examination at the times ordered by the court;

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(2) attend the hearing on a complaint objecting to

discharge and testify, if called as a witness;

(3) inform the trustee immediately in writing as to the

location of real property in which the debtor has an interest

and the name and address of every person holding money or

property subject to the debtor’s withdrawal or order if a

schedule of property has not yet been filed pursuant to Rule

1007.

(4) cooperate with the trustee in the preparation of an

inventory, the examination of proofs of claim, and the

administration of the estate; and

(5) file a statement of any change of the debtor’s

address.

(b) INDIVIDUAL DEBTOR’S DUTY TO PROVIDE

DOCUMENTATION.

(1) Personal Identification. Every individual debtor

shall bring to the meeting of creditors under § 341:
(A) a picture identification issued by a governmental unit, or other personal identifying information that establishes the debtor's identity; and

(B) evidence of social security number(s), or a written statement that such documentation does not exist.

(2) Financial Information. Every individual debtor shall bring to the meeting of creditors under § 341 and make available to the trustee the following documents or copies of them, or provide a written statement that the documentation does not exist or is not in the debtor's possession:

(A) evidence of current income such as the most recent payment advice;

(B) unless the trustee or the United States trustee instructs otherwise, statements for each of the debtor's depository and investment accounts, including checking, savings, and money market accounts, mutual funds and
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brokerage accounts for the time period that includes the date
of the filing of the petition; and

(C) documentation of monthly expenses claimed
by the debtor when required by § 707(b)(2)(A) or (B).

(3) Tax Return. At least 7 days before the first date
set for the meeting of creditors under § 341, the debtor shall
provide to the trustee a copy of the debtor’s Federal income
tax return for the most recent tax year ending immediately
before the commencement of the case and for which a return
was filed, including any attachments, or a transcript of the tax
return, or provide a written statement that the documentation
does not exist.

(4) Tax Returns Provided to Creditors. If a creditor,
at least 15 days before the first date set for the meeting of
creditors under § 341, requests a copy of the debtor’s tax
return that is to be provided to the trustee under subdivision
(b)(3), the debtor shall provide to the requesting creditor a
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copy of the return, including any attachments, or a transcript
of the tax return, or provide a written statement that the
documentation does not exist at least 7 days before the first
date set for the meeting of creditors under § 341.

(5) The debtor's obligation to provide tax returns
under Rule 4002(b)(3) and (b)(4) is subject to procedures for
safeguarding the confidentiality of tax information established
by the Director of the Administrative Office of the United
States Courts.

COMMITTEE NOTE

This rule is amended to implement the directives of § 521(a)
(1)(B)(iv) and (e)(2) of the Code, which were added by the 2005
amendments. These Code amendments expressly require the debtor
to file with the court, or provide to the trustee, specific documents.
The amendments to the rule implement these obligations and
establish a time frame for creditors to make requests for a copy of the
debtor's Federal income tax return. The rule also requires the debtor
to provide documentation in support of claimed expenses under
§ 707(b)(2)(A) and (B).

Subdivision (b) is also amended to require the debtor to
cooperate with the trustee by providing materials and documents

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necessary to assist the trustee in the performance of the trustee’s duties. Nothing in the rule, however, is intended to limit or restrict the debtor’s duties under § 521, or to limit the access of the Attorney General to any information provided by the debtor in the case. The rule does not require that the debtor create documents or obtain documents from third parties; rather, the debtor’s obligation is to bring to the meeting of creditors under § 341 the documents which the debtor possesses. Any written statement that the debtor provides indicating either that documents do not exist or are not in the debtor’s possession must be verified or contain an unsworn declaration as required under Rule 1008.

Because the amendment implements the debtor’s duty to cooperate with the trustee, the materials provided to the trustee would not be made available to any other party in interest at the § 341 meeting of creditors other than the Attorney General. Some of the documents may contain otherwise private information that should not be disseminated. For example, pay stubs and financial account statements might include the social security numbers of the debtor and the debtor’s spouse and dependents, as well as the names of the debtor’s children. The debtor should redact all but the last four digits of all social security numbers and the names of any minors when they appear in these documents. This type of information would not usually be needed by creditors and others who may be attending the meeting. If a creditor perceives a need to review specific documents or other evidence, the creditor may proceed under Rule 2004.

Tax information produced under this rule is subject to procedures for safeguarding confidentiality established by the Director of the Administrative Office of the United States Courts.
(b) OBJECTING TO A CLAIM OF EXEMPTIONS.

(1) Except as provided in paragraph (2), a party in interest may file an objection to the list of property claimed as exempt only within 30 days after the meeting of creditors held under § 341(a) is concluded or within 30 days after any amendment of the list or supplemental schedules is filed, whichever is later. The court may, for cause, extend the time for filing objections if, before the time to object expires, a party in interest files a request for an extension.

(2) An objection to a claim of exemption based on § 522(q) shall be filed before the closing of the case. If an exemption is first claimed after a case is reopened, an objection shall be filed before the reopened case is closed.
Copies of the objections shall be delivered or mailed to the trustee, the person filing the list, and the attorney for that person.

**COMMITTEE NOTE**

Subdivision (b) is amended to reflect the 2005 addition of subsection (q) to § 522 of the Bankruptcy Code. Section 522(q) imposes a $125,000 limit on a state homestead exemption if the debtor has been convicted of a felony or owes a debt arising from certain causes of action. Other revised provisions of the Bankruptcy Code, such as § 727(a)(12) and § 1328(b), suggest that the court may consider issues relating to § 522 late in the case, and the 30-day period for objections would not be appropriate for this provision. A new subdivision (b)(2) is added to provide a separate time limit for this provision.

**Rule 4004. Grant or Denial of Discharge**

1  **(c) GRANT OF DISCHARGE.**

2  (1)
FEDERAL RULES OF BANKRUPTCY PROCEDURE 65

(F) a motion to extend the time for filing a motion
to dismiss the case under Rule 1017(e)(4) is pending, or
(G) the debtor has not paid in full the filing fee
prescribed by 28 U.S.C. § 1930(a) and any other fee
prescribed by the Judicial Conference of the United States
under 28 U.S.C. § 1930(b) that is payable to the clerk up on
the commencement of a case under the Code, unless the court
has waived the fees under 28 U.S.C. § 1930(f);
(H) the debtor has not filed with the court a
statement regarding completion of a course in personal
financial management as required by Rule 1007(b)(7);
(I) a motion to delay or postpone discharge under
§ 727(a)(2) is pending, or
(J) a presumption that a reaffirmation agreement
is an undue hardship has arisen under § 524(m).

COMMITTEE NOTE

Subdivision (c)(1)(G) is amended to reflect the fee waiver
Subdivision (c)(1)(H) is new. It reflects the 2005 addition to
the Bankruptcy Code of §§ 727(a)(11) and 1328(g), which require
that individual debtors complete a course in personal financial
management as a condition to the entry of a discharge. Including this
requirement in the rule helps prevent the inadvertent entry of a
discharge when the debtor has not complied with this requirement.
If a debtor fails to file the required statement regarding a personal
financial management course, the clerk will close the bankruptcy case
without the entry of a discharge.

Subdivision (c)(1)(I) is new. It reflects the 2005 addition to
the Bankruptcy Code of § 727(a)(12). This provision is linked to
§ 522(q). Section 522(q) limits the availability of the homestead
exemption for individuals who have been convicted of a felony or
who owe a debt arising from certain causes of action within a
particular time frame. The existence of reasonable cause to believe
that § 522(q) may be applicable to the debtor constitutes grounds for
withholding the discharge.

Subdivision (c)(1)(J) is new. It reflects the 2005 revisions to
§ 524 of the Bankruptcy Code that alter the requirements for approval
of reaffirmation agreements. Section 524(m) sets forth circumstances
under which a reaffirmation agreement is presumed to be an undue
hardship. This triggers an obligation to review the presumption and
may require notice and a hearing. Subdivision (c)(1)(J) has been
added to prevent the discharge from being entered until the court
approves or disapproves the reaffirmation agreement in accordance
with § 524(m).
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Rule 4006. Notice of No Discharge

If an order is entered denying or revoking a discharge or if a waiver of discharge is filed, the clerk, after the order becomes final or the waiver is filed, or, in the case of an individual, if the case is closed without the entry of an order of discharge, shall promptly give notice thereof to all creditors and parties in interest in the manner provided in Rule 2002.

COMMITTEE NOTE

Rule 4006 is amended to reflect the 2005 revisions to the Bankruptcy Code requiring that individual debtors complete a course in personal financial management as a condition to the entry of a discharge. If the debtor fails to complete the course, no discharge will be entered, but the case may be closed. The amended rule provides notice to parties in interest, including the debtor, that no discharge was entered.

Rule 4007. Determination of Dischargeability of a Debt

* * * * *

(c) TIME FOR FILING COMPLAINT UNDER § 523(c)

IN A CHAPTER 7 LIQUIDATION, CHAPTER 11 REORGANIZATION, OR CHAPTER 12 FAMILY
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13 INDIVIDUAL'S DEBT ADJUSTMENT CASE; NOTICE

OF TIME FIXED. Except as provided in subdivision (d), a

complaint to determine the dischargeability of a debt under

§ 523(c) shall be filed no later than 60 days after the first date

set for the meeting of creditors under § 341(a). The court

shall give all creditors no less than 30 days' notice of the time

so fixed in the manner provided in Rule 2002. On motion of

a party in interest, after hearing on notice, the court may for

cause extend the time fixed under this subdivision. The

motion shall be filed before the time has expired.

(d) TIME FOR FILING COMPLAINT UNDER § 523(e)

523(a)(6) IN CHAPTER 13 INDIVIDUAL'S DEBT

ADJUSTMENT CASE; NOTICE OF TIME FIXED. On

motion by a debtor for a discharge under § 1328(b), the court

shall enter an order fixing the time to file a complaint to

determine the dischargeability of any debt under § 523(e)
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523(a)(6) and shall give no less than 30 days’ notice of the
time fixed to all creditors in the manner provided in Rule
2002. On motion of any party in interest after hearing on
notice the court may for cause extend the time fixed under
this subdivision. The motion shall be filed before the time
has expired.

***

COMMITTEE NOTE

Subdivision (c) is amended to reflect the 2005 amendments to
§ 1328(a) of the Bankruptcy Code. This revision expands the
exceptions to discharge upon completion of a chapter 13 plan.
Subdivision (c) extends to chapter 13 the same time limits applicable
to other chapters of the Code with respect to the two exceptions to
discharge that have been added to § 1328(a) and that are within
§ 523(c).

The amendment to subdivision (d) reflects the 2005
amendments to § 1328(a) that expands the exceptions to discharge
upon completion of a chapter 13 plan, including two out of three of
the provisions that fall within § 523(c). However, the 2005 revisions
to § 1328(a) do not include a reference to § 523(a)(6), which is the
third provision to which § 523(c) refers. Thus, the need for
subdivision (d) is now limited to that provision.
FEDERAL RULES OF BANKRUPTCY PROCEDURE
Rule 4008. Discharge and Reaffirmation Hearing

Not more than 30 days following the entry of an order
granting or denying a discharge, or confirming a plan in a
chapter 11 reorganization case concerning an individual
declar and on not less than 10 days notice to the debtor and
the trustee, the court may hold a hearing as provided in
§ 524(d) of the Code. A motion by the debtor for approval of
a reaffirmation agreement shall be filed before or at the
hearing. The debtor's statement required under § 524(k) shall
be accompanied by a statement of the total income and total
expense amounts stated on schedules I and J. If there is a
difference between the income and expense amounts stated on
schedules I and J and the statement required under § 524(k),
the accompanying statement shall include an explanation of
any difference.

COMMITTEE NOTE

Rule 4008 is amended to reflect the 2005 addition of
§§ 524(k)(6)(A) and 524(m) to the Bankruptcy Code. These
provisions require that a debtor file a signed statement in support of a reaffirmation agreement, and authorize a court to review the agreement if, based on the assertions on the statement, the agreement is presumed to be an undue hardship. The rule revision requires that an accompanying statement show the total income and expense amounts stated on schedules I and J and an explanation of any discrepancies. This will allow the court to evaluate the reaffirmation for undue hardship as § 524(m) requires. A corresponding change has been made to Rule 4004(c) to prevent the entry of a discharge until the court has approved or disapproved the reaffirmation agreement in accordance with § 524(m).

Rule 5003. Records Kept By the Clerk

1

(e) REGISTER OF MAILING ADDRESSES OF

2

FEDERAL AND STATE GOVERNMENTAL UNITS AND

3

CERTAIN TAXING AUTHORITIES. The United States or

4

the state or territory in which the court is located may file a

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statement designating its mailing address. The United States,

6

state, territory, or local governmental unit responsible for the

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collection of taxes within the district in which the case is

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pending may file a statement designating an address for

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service of requests under § 505(b) of the Code, and the
designation shall describe where further information
concerning additional requirements for filing such requests
may be found. The clerk shall keep, in the form and manner
as the Director of the Administrative Office of the United
States Courts may prescribe, a register that includes these the
mailing addresses designated under this subdivision, but the
clerk is not required to include in the register more than one
mailing address for each department, agency, or
instrumentality of the United States or the state or territory.
If more than one address for a department, agency, or
instrumentality is included in the register, the clerk shall also
include information that would enable a user of the register to
determine the circumstances when each address is applicable,
and mailing notice to only one applicable address is sufficient
to provide effective notice. The clerk shall update the register
annually, effective January 2 of each year. The mailing
address in the register is conclusively presumed to be a proper
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28 address for the governmental unit, but the failure to use that
29 mailing address does not invalidate any notice that is
30 otherwise effective under applicable law.

** COMMITTEE NOTE **

The rule is amended to implement the addition of § 505(b)(1)
to the Code in 2005, which allows taxing authorities to designate
addresses to use for the service of a request under that subsection.

** Rule 5008. Notice Regarding Presumption of Abuse in **

** Chapter 7 Cases of Individual Debtors **

1 In a chapter 7 case of an individual with primarily
2 consumer debts in which a presumption of abuse has arisen
3 under § 707(b), the clerk shall give to creditors notice of the
4 presumption of abuse in accordance with Rule 2002 within 10
5 days after the date of the filing of the petition. If the debtor
6 has not filed a statement indicating whether a presumption of
7 abuse has arisen, the clerk shall give notice to creditors within
8 10 days after the date of the filing of the petition that the
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debtor has not filed the statement and that further notice will
be given if a later filed statement indicates that a presumption
of abuse has arisen. If a debtor later files a statement
indicating that a presumption of abuse has arisen, the clerk
shall give notice to creditors of the presumption of abuse as
promptly as practicable.

COMMITTEE NOTE

This rule is new. The 2005 revisions to § 342 of the
Bankruptcy Code require that clerks give written notice to all
creditors not later than 10 days after the date of the filing of the
petition that a presumption of abuse has arisen under § 707(b). A
statement filed by the debtor will be the source of the clerk’s
information about the presumption of abuse. This rule enables the
clerk to meet its obligation to send the notice within the statutory time
period set forth in § 342. In the event that the court receives the
debtor’s statement after the clerk has sent the first notice, and the
debtor’s statement indicates a presumption of abuse, this rule requires
that the clerk send a second notice.

Rule 5012. Communication and Cooperation With
Foreign Courts and Foreign Representatives

Except for communications for scheduling and
administrative purposes, the court in any case commenced by
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3 a foreign representative shall give at least 20 days' notice of
4 its intent to communicate with a foreign court or a foreign
5 representative. The notice shall identify the subject of the
6 anticipated communication and shall be given in the manner
7 provided by Rule 2002(q). Any entity that wishes to
8 participate in the communication shall notify the court of its
9 intention not later than 5 days before the scheduled
10 communication.

COMMITTEE NOTE

This rule is new. It implements § 1525 which was added to the Code in 2005. The rule provides an opportunity for parties in the case to take appropriate action prior to the communication between courts or between the court and a foreign representative to establish procedures for the manner of the communication and the right to participate in the communication. Participation in the communication includes both active and passive participation. Parties wishing to participate must notify the court at least 5 days before the hearing so that ample time exists to make arrangements necessary to permit the participation.

Rule 6004. Use, Sale, or Lease of Property

* * * * *
(p) SALES OF PERSONALLY IDENTIFIABLE INFORMATION.

(1) Motion. A motion for authority to sell or lease personally identifiable information under § 363(b)(1)(B) shall include a request for an order directing the United States trustee to appoint a consumer privacy ombudsman under § 332. The motion shall be governed by Rule 9014 and shall be served on any committee elected under § 705 or appointed under § 1102 of the Code, or if the case is a chapter 11 reorganization case and no committee of unsecured creditors has been appointed under § 1102, on the creditors included on the list of creditors filed under Rule 1007(a), and on such other entities as the court may direct. The motion shall be transmitted to the United States trustee.

(2) Appointment. If a consumer privacy ombudsman is appointed under § 332, no later than 5 days before the hearing on the motion under § 363(b)(1)(B), the United States
trustee shall file a notice of the appointment, including the
name and address of the person appointed. The United States
truee’s notice shall be accompanied by a verified statement
of the person appointed setting forth the person’s connections
with the debtor, creditors, any other party in interest, their
respective attorneys and accountants, the United States
trustee, or any person employed in the office of the United
States trustee.

(§1101) STAY OF ORDER AUTHORIZING USE, SALE,
OR LEASE OF PROPERTY. An order authorizing the use,
sale, or lease of property other than cash collateral is stayed
until the expiration of 10 days after entry of the order, unless
the court orders otherwise.

COMMITTEE NOTE

This rule is amended to implement §§ 332 and 363(b)(1)(B),
which were added to the Code in 2005.
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Rule 6011. Disposal of Patient Records in Health Care Business Case

(a) NOTICE BY PUBLICATION UNDER § 351(1)(A).

A notice regarding the claiming or disposing of patient records under § 351(1)(A) shall not identify patients by name or other identifying information, but shall:

(1) identify with particularity the health care facility whose patient records the trustee proposes to destroy;

(2) state the name, address, telephone number, email address, and website, if any, of a person from whom information about the patient records may be obtained and how those records may be claimed; and

(3) state the date by which patient records must be claimed, and that if they are not so claimed the records will be destroyed.

(b) NOTICE BY MAIL UNDER § 351(1)(B). Subject to applicable nonbankruptcy law relating to patient privacy, a notice regarding the claiming or disposing of patient records...
under § 351(1)(B) shall, in addition to including the

information in subdivision (a), direct that a patient’s family

member or other representative who receives the notice

inform the patient of the notice, and be mailed to the patient

and any family member or other contact person whose name

and address have been given to the trustee or the debtor for

the purpose of providing information regarding the patient’s

health care, and to insurance companies known to have

provided health care insurance to the patient.

(c) PROOF OF COMPLIANCE WITH NOTICE

REQUIREMENT. Unless the court orders the trustee to file

proof of compliance with § 351(1)(B) under seal, the trustee

shall not file, but shall maintain, the proof of compliance for

a reasonable time.

(d) REPORT OF DESTRUCTION OF RECORDS. The

trustee shall file, not later than 30 days after the destruction of

patient records under § 351(3), a report certifying that the
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unclaimed records have been destroyed and explaining the
method used to effect the destruction. The report shall not
identify patients by name or other identifying information.

COMMITTEE NOTE

This rule is new. It implements § 351(1), which was added to the Code in 2005. That provision requires the trustee to notify patients that their patient records will be destroyed if they remain unclaimed for one year after the publication of a notice in an appropriate newspaper. The Code provision also requires that individualized notice be sent to each patient and to the patient's family member or other contact person.

The variety of health care businesses and the range of current and former patients present the need for flexibility in the creation and publication of the notices that will be given. Nevertheless, there are some matters that must be included in any notice being given to patients, their family members, and contact persons to ensure that sufficient information is provided to these persons regarding the trustee's intent to dispose of patient records. Subdivision (a) of this rule lists the minimum requirements for notices given under § 351(1)(A), and subdivision (b) governs the form of notices under § 351(1)(B). Notices given under this rule are subject to provisions under applicable federal and state law that relate to the protection of patients' privacy, such as the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 (HIPAA).

Subdivision (c) directs the trustee to maintain proof of compliance with § 351(1)(B), but it prohibits filing the proof of compliance unless the court orders the trustee to file it under seal.
because the proof of compliance may contain patient names that should or must remain confidential.

Subdivision (d) requires the trustee to file a report with the court regarding the destruction of patient records. This certification is intended to ensure that the trustee properly completed the destruction process. However, because the report will be filed with the court and ordinarily will be available to the public under § 107, the names, addresses, and other identifying information of the patient shall not be included in the report to protect patient privacy.

Rule 8001. Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals.

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(1) CERTIFICATION FOR DIRECT APPEAL TO COURT OF APPEALS.

(1) Timely Appeal Required. A certification of a judgment, order, or decree of a bankruptcy court to a court of appeals under 28 U.S.C. §158(d)(2) shall not be treated as a certification entered on the docket within the meaning of § 1233(b)(4)(A) of Public Law No. 109-8 until a timely appeal has been taken in the manner required by subdivisions
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(a) or (b) of this rule and the notice of appeal has become
effective under Rule 8002.

(2) Court Where Made. A certification that a
exists shall be filed in the court in which a matter is pending
for purposes of 28 U.S.C. § 158(d)(2) and this rule. A matter
is pending in a bankruptcy court until the docketing of the
appeal of a final judgment, order, or decree in accordance
with Rule 8007(b) or the grant of leave to appeal an
interlocutory judgment, order, or decree under 28 U.S.C.
§ 158(a). A matter is pending in a district court or bankruptcy
appellate panel after an appeal of an interlocutory judgment,
order, or decree has been docketed in accordance with Rule
8007(b) or leave to appeal has been granted under 28 U.S.C.
§ 158(a).

(b) Certification by Court on Request or Court’s
Own Initiative.
(i) Before Docketing or Grant of Leave to

Appeal. Only a bankruptcy court may make a certification on request or on its own initiative while the matter is pending in the bankruptcy court.

(ii) After Docketing or Grant of Leave to

Appeal. Only the district court or bankruptcy appellate panel involved may make a certification on request of the party or on its own initiative while the matter is pending in the district court or bankruptcy appellate panel.

(B) Certification by All Appellants and Appellees

Acting jointly. A certification by all the appellants and appellees, if any, acting jointly may be made by filing the appropriate Official Form with the clerk of the court in which the matter is pending. The certification may be accompanied by a short statement of the basis for the certification, which may include the information listed in subdivision (f)(3)(C) of this rule.
(3) Request for Certification; Filing; Service:

Contents:

(A) A request for certification shall be filed within the time specified by 28 U.S.C. § 158(a)(2), with the clerk of the court in which the matter is pending.

(B) Notice of the filing of a request for certification shall be served in the manner required for service of a notice of appeal under Rule 8004.

(C) A request for certification shall include the following:

(i) the facts necessary to understand the question presented;

(ii) the question itself;

(iii) the relief sought;

(iv) the reasons why the appeal should be allowed and is authorized by statute or rule, including why a

exists; and

(iv) an attached copy of the judgment, order, or
decree complained of and any related opinion or
memorandum.

(D) A party may file a response to a request for
certification or a cross-request within 10 days after the notice
of the request is served, or another time fixed by the court.

(E) The request, cross request, and any response
shall not be governed by Rule 9014 and shall be submitted
without oral argument unless the court otherwise directs.

(F) A certification of an appeal under 28 U.S.C.
§ 158(d)(2) shall be made in a separate document served on
the parties.

(A) A certification on Court's Own Initiative

(A) A certification of an appeal on the court’s own
initiative under 28 U.S.C. § 158(d)(2) shall be made in a
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separate document served on the parties in the manner
required for service of a notice of appeal under Rule 8004.

The certification shall be accompanied by an opinion or
memorandum that contains the information required by
subdivision (f)(3)(C)(i)-(iv) of this rule.

(B) A party may file a supplementary short
statement of the basis for certification within 10 days after the
certification.

COMMITTEE NOTE

Subdivision (f) is added to the rule to implement the 2005 amendments to 28 U.S.C. §158(d). This section authorizes appeals directly to the court of appeals, with that court's consent, upon certification that a ground for the appeal exists under §158(d)(2)(A)(ii)-(iii). Certification can be made by the court on its own initiative or in response to a request of a party. Certification also can be made by all of the appellants and appellees. An uncodified provision in Public Law No. 109-8, §1233(b)(4), requires that, not later than 10 days after a certification is entered on the docket, there must be filed with the circuit clerk a petition requesting permission to appeal. Given the short time limit to file the petition with the circuit clerk, subdivision (f)(1) provides that entry of a certification on the docket does not occur until an effective appeal is taken under Rule 8003(a) or (b).
The rule adopts a bright-line test for identifying the court in which a matter is pending. Under subdivision (f)(2), the bright-line chosen is the "docketing" under Rule 8007(b) of an appeal of a final judgment, order or decree, or the granting of leave to appeal an interlocutory judgment, order or decree, whichever is earlier.

To ensure that parties are aware of a certification, the rule requires either that it be made on the Official Form (if being made by all of the parties to the appeal) or on a separate document (whether the certification is made on the court's own initiative or in response to a request by a party). This is particularly important because the rule adopts the bankruptcy practice established by Rule 8001(a) and (b) of requiring a notice of appeal in every instance, including interlocutory orders, of appeals from bankruptcy court orders, judgments, and decrees. Because this requirement is satisfied by filing the notice of appeal that takes the appeal to the district court or bankruptcy appellate panel in the first instance, the rule does not require a separate notice of appeal if a certification occurs after a district court or bankruptcy appellate panel decision.

Rule 8003. Leave to Appeal

1

2 (d) If leave to appeal is required by 28 U.S.C. § 158(a)

3 and has not earlier been granted, the authorization of a direct

4 appeal by a court of appeals under 28 U.S.C. § 158(d)(2) shall

5 be deemed to satisfy the requirement for leave to appeal.
The rule is amended to add subdivision (d) to solve the jurisdictional problem that could otherwise ensue when a district court or bankruptcy appellate panel has not granted leave to appeal under 28 U.S.C. § 158(a)(3). If the court of appeals accepts the appeal, the requirement of leave to appeal is deemed satisfied. However, if the court of appeals does not authorize a direct appeal, the question of whether to grant leave to appeal remains a matter to be resolved by the district court or the bankruptcy appellate panel.

Rule 9006. Time

(b) ENLARGEMENT.

(1) In General. Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the person enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2)
FEDERAL RULES OF BANKRUPTCY PROCEDURE

on motion made after the expiration of the specified period
permit the act to be done where the failure to act was the
result of excusable neglect.

(2) Enlargement Not Permitted. The court may not
enlarge the time for taking action under Rules 1007(d),
2003(a) and (d), 7952, 9023, and 9024.

(3) Enlargement Limited. The court may enlarge the
time for taking action under Rules 1006(b)(2), 1007(c) with
respect to the time to file schedules and statements in a small
business case, 1017(e), 3002(c), 4003(b), 4004(a), 4007(c),
8002 and 9033, only to the extent and under the conditions
stated in those rules.

* * * *

COMMITTEE NOTE

Section 1116(3) of the Code, as amended in 2005, places
specific limits on the time for filing schedules and a statement of
affairs in small business cases. The rule is amended to recognize that
extensions of time for filing these documents are governed by Rule
1007(c), which is amended to recognize restrictions on expanding the
time to file these documents in small business cases.
The Official Forms prescribed by the Judicial Conference of the United States shall be observed and used with alterations as may be appropriate. Forms may be combined and their contents rearranged to permit economies in their use. The Director of the Administrative Office of the United States Courts may issue additional forms for use under the Code. The forms shall be construed to be consistent with these rules and the Code. References in the Official Forms to these rules shall include the Interim Rules approved by the Committee on Rules of Practice and Procedure to implement Public Law No. 109-8.

COMMITTEE NOTE

The Official Forms refer to the Federal Rules of Bankruptcy Procedure. This rule is amended so that the reference to rules in the Official Forms includes the Interim Rules that implement the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law Number 109-8).
OFFICIAL FORMS

APPROVED BY THE EXECUTIVE COMMITTEE OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES ON
AUGUST 11, 2005

[Please note that two sections of the means testing forms are under study and subject to revision.]
**United States Bankruptcy Court**

**District of:** 

**Voluntary Petition**

<table>
<thead>
<tr>
<th>Name of Debtor (of individual, case Last, First, Middle)</th>
<th>Name of first Debtor (Last, First, Middle)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other names used by the Debtor in the last 8 years (include married, maiden, and nick names)</td>
<td>All other names used by the First Debtor in the last 8 years (include married, maiden, and nick names)</td>
</tr>
<tr>
<td>Last four digits of sec. Compromise E.F.I.R. or other tax I.D. No. (if more than one, state all)</td>
<td>Last four digits of sec. Compromise E.F.I.R. or other tax I.D. No. (if more than one, state all)</td>
</tr>
<tr>
<td>Street Address of Debtor (No. &amp; Street, City, and State)</td>
<td>Street Address of First Debtor (No. &amp; Street, City, and State)</td>
</tr>
<tr>
<td>ZIPCODE</td>
<td>ZIPCODE</td>
</tr>
<tr>
<td>County of Residence or of the Principal Place of Business (if different from street address)</td>
<td>County of Residence or of the Principal Place of Business</td>
</tr>
<tr>
<td>Mailing Address of Debtor (if different from street address)</td>
<td>Mailing Address of Joint Debtor (if different from street address)</td>
</tr>
<tr>
<td>ZIPCODE</td>
<td>ZIPCODE</td>
</tr>
</tbody>
</table>

**Location of Principal Assets or Business Debt (if different from street address above)**

**Type of Debtor**
- [ ] Individual (Check one box)
- [ ] Corporation (Check one box)
- [ ] Partnership
- [ ] Joint Debtor and one of the above entities (check one box and provide information below)

**Nature of Business**
- [ ] Single Asset Real Estate as defined in 11 U.S.C. § 101(53B)
- [ ] Farm
- [ ] Dealer
- [ ] Other (Specify below)
- [ ] Nonprofit Organization as defined in 11 U.S.C. § 101(21)

**Bankruptcy Code Under Which the Petition is Filed (Check one box)**
- [ ] Chapter 7
- [ ] Chapter 9
- [ ] Chapter 11
- [ ] Chapter 13
- [ ] Chapter 15 Petition for Reorganization of a Foreign BusinessEnterprise
- [ ] Chapter 11 Petition for Reorganization of a Foreign BusinessEnterprise

**Nature of Debt (Check only one)**
- [X] Consumer
- [ ] Business
- [ ] Bankruptcy

**Chapter 11 Debtor**
- [ ] Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D)
- [ ] Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D)

<table>
<thead>
<tr>
<th>Estimated Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to $50,000</td>
</tr>
<tr>
<td>$50,001 to $100,000</td>
</tr>
<tr>
<td>$100,001 to $500,000</td>
</tr>
<tr>
<td>$500,001 to $1 million</td>
</tr>
<tr>
<td>$1 million to $10 million</td>
</tr>
<tr>
<td>$10 million to $50 million</td>
</tr>
<tr>
<td>$50 million to $1 billion</td>
</tr>
<tr>
<td>$1 billion to $5 billion</td>
</tr>
<tr>
<td>More than $5 billion</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Liabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to $50,000</td>
</tr>
<tr>
<td>$50,001 to $100,000</td>
</tr>
<tr>
<td>$100,001 to $1 million</td>
</tr>
<tr>
<td>$1 million to $10 million</td>
</tr>
<tr>
<td>$10 million to $50 million</td>
</tr>
<tr>
<td>$50 million to $1 billion</td>
</tr>
<tr>
<td>$1 billion to $5 billion</td>
</tr>
<tr>
<td>More than $5 billion</td>
</tr>
</tbody>
</table>

**Rules App. C - Page 92**
Voluntary Petition
(This step must be completed and filed in every case)

Name of Debtor(s):

Signature(s) of Debtor(s) (Individuals/Juridical)

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

[Signature of Debtor(s)]

[Printed Name of Debtor(s)]

[Date]

Signature(s) of Attorney

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

[Signature of Attorney for Debtor(s)]

[Printed Name of Attorney for Debtor(s)]

[Address]

[Telephone Number]

[Date]

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

[Signature of Authorized Individual]

[Printed Name of Authorized Individual]

[Title of Authorized Individual]

[Date]

Signature of a Foreign Representative of a
Recognized Foreign Proceeding

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign mass proceeding, and that I am authorized to file this petition. A certified copy of the order granting recognition is attached.

[Signature of Foreign Representative]

[Printed Name of Foreign Representative]

[Date]

Signature of Non-Attorney Petition Preparer

I declare under penalty of perjury that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 109.21(a) prepared this document for compensation and have provided the debtor with a copy of this document and the notice and instructions required under 11 U.S.C. § 109(a), (1930), and (1930)(2); and I or rules or guidelines have been promulgated pursuant to 11 U.S.C. § 109(a) setting a minimum fee for preparation chargeable by bankruptcy petition preparers.

I have given the debtor notice of the minimum amount before preparing any documents for filing in a case or accepting any fee from the debtor or required in the section.

[Signature of Bankruptcy Petition Preparer]

[Printed Name and title, if any, of Bankruptcy Petition Preparer]

[Address]

Social Security number of the bankruptcy petition preparer is not an individual.

[Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, partner, whose social security number is provided above]

[Names and Social Security numbers of all other individuals who performed or assisted in preparing this document against the bankruptcy petition preparer is not an individual]

If more than one person prepared the document, attach additional sheets conforming to the appropriate official forms for each person.

A bankruptcy petition preparer's failure to comply with the provisions of the 11

The Federal Rules of Bankruptcy Procedure may result in fines imposed

The form is amended to implement amendments to the Bankruptcy Code contained in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005). The period for which the debtor must provide all names used and information about any prior bankruptcy cases is now eight years to match the required time between the granting of discharges to the same debtor in § 727(a)(8) of the Code as amended in 2005. The box indicating the debtor’s selection of a chapter under which to file the case has been amended to delete “Sec. 304 - Case ancillary to foreign proceeding” and replace it with “Chapter 15 Petition for Recognition of a Foreign Main Proceeding” and “Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding” reflecting the 2005 repeal of § 304 and enactment of chapter 15 of the Code. A statement of venue to be used in a chapter 15 case also has been added.

The section of the form labeled “Type of Debtor” has been revised and subtitled “Form of Organization.” This section is revised to make it clear that a limited liability corporation (“LLC”) and limited liability partnership (“LLP”) should identify itself as a “corporation.” A new section titled “Nature of Business” has been created that includes both existing check boxes that identify certain types of debtors for which the Bankruptcy Code provides special treatment, such as stockbrokers and railroads, and a new checkbox for a “health care business” for which the 2005 amendments to the Code include specific requirements. This section of the form also contains checkboxes for single asset real estate debtors and nonprofit organizations which will be used by trustees and creditors and by the Director of the Administrative Office of the United States Courts in preparing statistical reports and analyses. The statistical section of the form also is amended to provide more detail concerning the number of creditors in a case. A check box also has been added for a debtor to indicate that the debtor is applying for a waiver of the filing fee, to implement the 2005 enactment of 28 U.S.C. § 1934(f) authorizing the bankruptcy court to waive the filing fee in certain circumstances.

Although the 2005 Act eliminated an eligible debtor’s option to elect to be treated as a “small business” in a chapter 11 case, new provisions for such debtors added to the Code in 2005 make it desirable to identify eligible debtors at the outset of the case. Accordingly, the section of the form labeled “Chapter 11 Small Business” has been revised and renamed “Chapter 11 Debtors” for this purpose. Chapter 11 debtors that meet the definition of “small business debtor” in § 101 of the Code are directed to identify themselves in this section of the form. In addition, chapter 11 debtors whose aggregate noncontingent debts owed to non-insiders or affiliates are less than $2 million are directed to identify themselves in this section.
A space is provided for individuals to certify that they have received budget and credit counseling prior to filing, as required by § 109(h) which was added to the Code in 2005, or to request a waiver of the requirement. Space also is provided for a debtor who is a tenant of residential real property to state whether the debtor's landlord has a judgment against the debtor for possession of the premises, whether under applicable nonbankruptcy law the debtor would be permitted to cure the monetary default, and whether the debtor has made the appropriate deposit with the court. This addition to the form implements § 362(i) which was added to the Code in 2005.

The signature sections and the declaration under penalty of perjury by an individual debtor concerning the notice received about bankruptcy relief, the declaration under penalty of perjury by a bankruptcy petition preparer, and the declaration and certification by an attorney all are amended to include new material mandated by the 2005 Act. A signature section also is provided for a representative of a foreign proceeding.
OFFICIAL FORM 3
United States Bankruptcy Court

District Of

In re ___________________________ Case No. ___________________________
Debtor ___________________________

Chapter ___________________________

APPLICATION TO PAY FILING FEE IN INSTALLMENTS

1. In accordance with Fed. R. Bankr. P. 1006, I apply for permission to pay the filing fee amounting to $ _____________, in installments.

2. I am unable to pay the filing fees in full.

3. Until the filing fee is paid in full, I will not make any additional payment or transfer any additional property to an attorney or pay other person for services in connection with this case.

4. I propose the following terms for the payment of the Filing Fee:

   $ __________________ Check □ With the filing of this petition, or □ On or before _____________

   $ __________________ on or before _____________

   $ __________________ on or before _____________

   $ __________________ on or before _____________

   * The number of installments proposed shall not exceed four (4), and the final installment shall be payable not later than 120 days after filing the petition. If not paid, the case may be dismissed.

5. I understand that if I fail to pay any installment when due, my bankruptcy case may be dismissed and I may not receive a discharge of my debts.

Signature of Attorney ___________________________ Date ___________________________

Signature of Debtor ___________________________ Date ___________________________

(If a joint case, both spouses must sign.)

Pace of Attorney ___________________________ Date ___________________________

Signature of Joint Debtor (if any) ___________________________ Date ___________________________

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITIONER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notice and information required under 11 U.S.C. §§ 110(b), 109(h), and 347(h); (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(b) setting a limitation for fee schedules chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount (if any) preparing any document for filing for the debtor or accepting any fee from the debtor, as required under that section; and (4) I will not accept any additional money or other property from the debtor before the filing that is paid in full.

Printed or Typed Name and Title (if any), of Bankruptcy Petition Preparer: ___________________________


Address: ___________________________

Signature of Bankruptcy Petition Preparer: ___________________________ Date: ___________________________

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signature blocks conforming to the appropriate Official Form for each person. A bankruptcy petition preparer’s failure to comply with the provisions of 11 U.S.C. § 110 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110, 18 U.S.C. § 156.

Rules App. G - Page 100
ORDER APPROVING PAYMENT OF FILING FEE IN INSTALLMENTS

☐ IT IS ORDERED that the debtor(s) may pay the filing fee in installments on the terms proposed in the foregoing application.

☐ IT IS ORDERED that the debtor(s) shall pay the filing fee according to the following terms:

$__________ Check one ☐ On or before _________
☐ With the filing of the petition, or
$__________ on or before _____________________
$__________ on or before _____________________
$__________ on or before _____________________

☐ IT IS FURTHER ORDERED that until the filing fee is paid in full the debtor(s) shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

BY THE COURT

Date: ____________________________

United States Bankruptcy Judge
The form is amended to direct the debtor to state that, until the filing fee is paid in full, the debtor will not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with the case. The declaration and certification by a non-attorney bankruptcy petition preparer in the form are amended to include material mandated by § 110 of the Code as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005). The certification by a non-attorney bankruptcy petition preparer is re-named a declaration and also is revised to include material mandated by § 116 of the Code as amended in 2005. The order is amended to provide space for the court to set forth a payment schedule other than the one proposed by the debtor.
APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE
FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE
IN FULL OR IN INSTALLMENTS

The court fee for filing a case under chapter 7 of the Bankruptcy Code is $274.

If you cannot afford to pay the full fee at the time of filing, you may apply to pay the fee
in installments. A form, which is available from the bankruptcy clerk’s office, must be
completed to make that application. If your application to pay in installments is
approved, you will be permitted to file your petition, completing payment of the fee over
the course of four to six months.

If you cannot afford to pay the fee either in full at the time of filing or in installments,
then you may request a waiver of the filing fee by completing this application and filing it
with the Clerk of Court. A judge will decide whether you have to pay the fee. By law, the
judge may waive the fee only if your income is less than 150 percent of the official
poverty line applicable to your family size and you are unable to pay the fee in
installments. You may obtain information about the poverty guidelines at
www.uscourts.gov or in the bankruptcy clerk’s office.

Required information. Complete all items in the application, and attach requested
schedules. Then sign the application on the last page. If you and your spouse are filing a
joint bankruptcy petition, you both must provide information as requested and sign the
application.
APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE
FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE IN FULL OR IN INSTALLMENTS

Part A. Family Size and Income

1. Including yourself, your spouse, and dependents you have listed or will list on Schedule I (Current Income of Individual Debtor(s)), how many people are in your family? (Do not include your spouse if you are separated AND are not filing a joint petition.)

2. Restate the following information that you provided, or will provide, on Line 16 of Schedule I. Attach a completed copy of Schedule I, if it is available.

   Total Combined Monthly Income (Line 16 of Schedule I):

   $________

3. State the monthly net income, if any, of dependents included in Question 1 above. Do not include any income already reported in Item 2. If none, enter $0.

   $________

4. Add the "Total Combined Monthly Income" reported in Question 2 to your dependents' monthly net income from Question 3.

   $________

5. Do you expect the amount in Question 4 to increase or decrease by more than 10% during the next 6 months? Yes _ No

   If yes, explain.

Part B. Monthly Expenses

6. EITHER (a) attach a computed copy of Schedule J (Schedule of Monthly Expenses), and state your total monthly expenses reported on Line 18 of that Schedule, OR (b) if you have not yet completed Schedule J, provide an estimate of your total monthly expenses.

   $________

7. Do you expect the amount in Question 6 to increase or decrease by more than 10% during the next 6 months? Yes _ No

   If yes, explain.

Part C. Real and Personal Property

EITHER (1) attach completed copies of Schedules A (Real Property) and Schedule B (Personal Property), OR (2) if you have not yet completed those schedules, answer the following questions

8. State the amount of cash you have on hand:

   $________

9. State below any money you have in savings, checking, or other accounts in a bank or other financial institution:

   Bank or Other Financial Institution: __________________________ Type of Account such as savings, checking, CD: __________________________ Amount: $________

   Bank or Other Financial Institution: __________________________ Type of Account such as savings, checking, CD: __________________________ Amount: $________

Rule: App. G - Page 104
10. State below the assets owned by you. Do not list ordinary household furnishings and clothing.

<table>
<thead>
<tr>
<th>Home</th>
<th>Address:</th>
<th>Value: $</th>
<th>Amount owed on mortgage and lien: $</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other real estate</th>
<th>Address:</th>
<th>Value: $</th>
<th>Amount owed on mortgage and lien: $</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Motor vehicle</th>
<th>Model/Year:</th>
<th>Value: $</th>
<th>Amount owed: $</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Motor vehicle</th>
<th>Model/Year:</th>
<th>Value: $</th>
<th>Amount owed: $</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other</th>
<th>Description</th>
<th>Value: $</th>
<th>Amount owed: $</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11. State below any person, business, organization, or governmental unit that owes you money and the amount that is owed.

Name of Person, Business, Or Organization that Owes You Money

<table>
<thead>
<tr>
<th>Amount Owed</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
</tr>
</tbody>
</table>

Part D. Additional Information:

12. Have you paid an attorney any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
   If yes, how much have you paid? $_______

13. Have you promised to pay or do you anticipate paying an attorney in connection with your bankruptcy case? Yes ___ No ___
   If yes, how much have you promised to pay or do you anticipate paying? $_______

14. Have you paid anyone other than an attorney (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
   If yes, how much have you paid? $_______

15. Have you promised to pay or do you anticipate paying anyone other than an attorney (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
   If yes, how much have you promised to pay or do you anticipate paying? $_______

16. Has anyone paid an attorney or other person or service in connection with this case, on your behalf? Yes ___ No ___
   If yes, explain.

Rules App. G - Page 165
17. Have you previously filed for bankruptcy relief during the past eight years? Yes __ No __

Case Number (if known) Year filed Location of filing Did you obtain a discharge? (if known)

________________________ _______ ____________ ____________ ____________ ____________

Yes __ No ___ Don't know ___

________________________ _______ ____________ ____________ ____________ ____________

Yes __ No ___ Don't know ___

18. Please provide any other information that helps to explain why you are unable to pay the filing fee in installments.

19. (I/we) declare under penalty of perjury that (I/we) cannot currently afford to pay the filing fee in full or in installments and that the foregoing information is true and correct.

Executed on:

Date ____________________________

Signature of Debtor ____________________________

Date ____________________________

Signature of Co-debtor ____________________________

DECLARATION AND SIGNATURE OF BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 1107(a), 1108, and 3420(b); and (3) if applicable, I am required pursuant to 11 U.S.C. § 1108(a) to charge a maximum fee for services chargeable to bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor accepting any fee from the debtor, as required under that section.

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer ____________________________

Social Security No. (Required by 11 U.S.C. § 118)

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs the document.

Address ____________________________

Signature of Bankruptcy Petition Preparer ____________________________

Date ____________________________

Name and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer’s failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.
ORDER ON DEBTOR'S APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE

Upon consideration of the debtor’s “Application for Waiver of the Chapter 7 Filing Fee,” the court orders that the application be:

[ ] GRANTED.

This order is subject to being vacated at a later time if developments in the administration of the bankruptcy case demonstrate that the waiver was unwarranted.

[ ] DENIED.

The debtor shall pay the chapter 7 filing fee according to the following terms:

$ ___ on or before ___

$ ___ on or before ___

$ ___ on or before ___

Until the filing fee is paid in full, the debtor shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

IF THE DEBTOR FAILS TO TIMELY PAY THE FILING FEE IN FULL OR TO TIMELY MAKE INSTALLMENT PAYMENTS, THE COURT MAY DISMISS THE DEBTOR’S CHAPTER 7 CASE.

[ ] SCHEDULED FOR HEARING.

A hearing to consider the debtor’s “Application for Waiver of the Chapter 7 Filing Fee” shall be held on ___ at ___ am/pm at ___

(address of courthouse)

IF THE DEBTOR FAILS TO APPEAR AT THE SCHEDULED HEARING, THE COURT MAY DENY SUCH FAILURE TO BE THE DEBTOR’S CONSENT TO THE ENTRY OF AN ORDER DENYING THE FEE WAIVER APPLICATION BY DEFAULT.

BY THE COURT:

DATE: ___

United States Bankruptcy Judge

Rules App. G - Page 107
COMMITTEE NOTE

This form is new. 28 U.S.C. § 1930(f), enacted as part of the Bankruptcy Abuse and
"under procedures prescribed by the Judicial Conference of the United States, the district court or
the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an
individual if the court determines that such individual has income less than 150 percent of the
income official poverty line ... applicable to a family of the size involved and is unable to pay
that fee in installments." To implement this provision, Interim Rule 1006 adds a new subdivision
(c). Official Form 3B is the form referenced in that subdivision, and is to be used by individual
chapter 7 debtors when applying for a waiver of the filing fee. A corresponding standard order
also is included.
OFFICIAL FORM 4
LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

<table>
<thead>
<tr>
<th>(1)</th>
<th>Name of creditor and complete mailing address including zip code</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td>Name, telephone number and complete mailing address, including zip code of employee, agent, or department of creditor familiar with claim who may be contacted</td>
</tr>
<tr>
<td>(3)</td>
<td>Description of claim (e.g., debt, bank loan, government contract, etc.)</td>
</tr>
<tr>
<td>(4)</td>
<td>Indicate if claim is contingent, unliquidated, disputed or subject to offset</td>
</tr>
<tr>
<td>(5)</td>
<td>Amount of claim (if secured also state value of security)</td>
</tr>
</tbody>
</table>

Date: __________________________
Debtor

[Declaration as in Form 2]
COMMITTEE NOTE

The form is amended to direct that the name of any minor child not be disclosed. The amendment implements § 112 of the Code, which was added by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109 - 8, 119 Stat. 23 (April 20, 2005).
OFFICIAL FORM 5
United States Bankruptcy Court

District of

IN RE (Name of Debtor - If Individual: Last, First, Middle)

ALL OTHER NAMES used by debtor in the last 8 years
(exclude married, maiden, and trade names)

LAST FOUR DIGITS OF SOC. SEC. NO./Complete SSN or other TAX ID.
NO. (If more than one, state all)

STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)

MAILING ADDRESS OF DEBTOR (If different from street address)

COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS

LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses)

CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED

☐ Chapter 7  ☐ Chapter 11

INFORMATION REGARDING DEBTOR (Check applicable boxes)

☐ Debts are primarily consumer debts
☐ Debts are primarily business debts

BRIEFLY DESCRIBE NATURE OF BUSINESS

☐ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the 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.

ACCOUNTING FEES (Check one box)

☐ Full Filing Fee attached
☐ Petitioner is a child support creditor or its representative, and the form specified in § 304(d) of the Bankruptcy Reform Act of 1994 is attached.

PENDING BANKRUPTCY CASE FILED BY DEBTOR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheet)

Name of Debtor

Case Number

Relationship

Date

District

Judge

ALLEGATIONS

(Check applicable boxes)

1. ☐ Petitioner(s) are eligible to file this petition pursuant to 11 U.S.C. § 303(b)
2. ☐ The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code.
3a. ☐ The debtor is generally not paying such debtor’s debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount;
3b. ☐ Within 120 days preceding the filing of this petition, a creditor, 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.

COURT USE ONLY

If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(d) of the Bankruptcy Reform Act of 1994, no fee is required.

Rules App. G - Page 113
TRANSFER OF CLAIM

☐ Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents evidencing the transfer and any statements that are required under Bankruptcy Rule 1003(c).

REQUEST FOR RELIEF

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting the appointment is attached.

X
Signature of Petitioner or Representative (State title)
Name of Petitioner
Date Signed
Name & Mailing
Address of Individual
Signing in Representative
Capacity

X
Signature of Attorney
Date
Name of Attorney Firm (If any)
Address
Telephone No.

X
Signature of Petitioner or Representative (State title)
Name of Petitioner
Date Signed
Name & Mailing
Address of Individual
Signing in Representative
Capacity

X
Signature of Attorney
Date
Name of Attorney Firm (If any)
Address
Telephone No.

X
Signature of Petitioner or Representative (State title)
Name of Petitioner
Date Signed
Name & Mailing
Address of Individual
Signing in Representative
Capacity

X
Signature of Attorney
Date
Name of Attorney Firm (If any)
Address
Telephone No.

PETITIONING CREDITORS

<table>
<thead>
<tr>
<th>Name and Address of Petitioner</th>
<th>Nature of Claim</th>
<th>Amount of Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and Address of Petitioner</td>
<td>Nature of Claim</td>
<td>Amount of Claim</td>
</tr>
<tr>
<td>Name and Address of Petitioner</td>
<td>Nature of Claim</td>
<td>Amount of Claim</td>
</tr>
</tbody>
</table>

Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.

___ continuation sheets attached
COMMITTEE NOTE

The form has been amended to delete statistical information no longer required and to add "as to liability or amount" to the language concerning debts that are the subject of a bona fide dispute, in conformity with § 103 of the Code as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109 - 8, 119 Stat. 23 (April 20, 2001). The petitioning creditors must now provide, to the extent known to them, all other names used by the debtor during the 8 years, rather than 6 years, before the filing of the petition. A new check box is provided for the petitioning creditors to identify the debtor that is a "health care business" as defined in § 101 of the Code, thereby alerting the court and the United States trustee of the necessity under § 332 to appoint an ombudsman to represent the interests of the patients of the health care business. These amendments also implement the 2005 amendments to the Code. A new checkbox also is provided for a "clearing bank," which may become a debtor upon the filing of a petition at the direction of the Board of Governors of the Federal Reserve System; this addition conforms to an amendment to § 109(b)(2) of the Code which was enacted in 2000.
FORM 6. SCHEDULES

Summary of Schedules
Statistical Summary of Certain Liabilities

Schedule A - Real Property
Schedule B - Personal Property
Schedule C - Property Claimed as Exempt
Schedule D - Creditors Holding Secured Claims
Schedule E - Creditors Holding Unsecured Priority Claims
Schedule F - Creditors Holding Unsecured Nonpriority Claims
Schedule G - Exemptions, Contracts and Unexpired Leases
Schedule H - Co-debtors
Schedule I - Current Income of Individual Debtor(s)
Schedule J - Current Expenditures of Individual Debtor(s)

Unsworn Declaration under Penalty of Perjury

GENERAL INSTRUCTIONS: The first page of the debtor's schedules and the first page of any amendments thereto must contain a caption as in Form 16B. Subsequent pages should be identified with the debtor's name and case number. If the schedules are filed with the petition, the case number should be left blank.

Schedules D, E, and F have been designed for the listing of each claim only once. Even when a claim is secured only in part or entitled to priority only in part, it should be listed only once. A claim which is secured in whole or in part should be listed on Schedule D only, and a claim which is entitled to priority in whole or in part should be listed on Schedule E only. Do not list the same claim twice. If a creditor has more than one claim, such as claims arising from separate transactions, each claim should be scheduled separately.

Review the specific instructions for each schedule before completing the schedule.
United States Bankruptcy Court

In re: __________________________

Debtor: __________________________

Case No. __________________________

Chapter: __________________________

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor’s assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor’s liabilities. Individual debtors must also complete the “Statistical Summary of Certain Liabilities.”

<table>
<thead>
<tr>
<th>AMOUNTS SCHEDULED</th>
<th>ATTACHED (YES/NO)</th>
<th>NO. OF SHEETS</th>
<th>ASSETS</th>
<th>LIABILITIES</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>A - Real Property</td>
<td></td>
<td>$</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>B - Personal Property</td>
<td></td>
<td>$</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>C - Property Claimed as Exempt</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D - Creditors Holding Secured Claims</td>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>E - Creditors Holding Unsecured Priority Claims</td>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>F - Creditors Holding Unsecured Nonpriority Claims</td>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>G - Executory Contracts and Unexpired Leases</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H - Creditors</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I - Current Income of Individual Debtor(s)</td>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>J - Current Expenditures of Individual Debtor(s)</td>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

Rules App. G - Page 1/8
United States Bankruptcy Court

In re ____________________________  Case No. ________________
Debtor

Chapter ________________

STATISTICAL SUMMARY OF CERTAIN LIABILITIES (28 U.S.C. § 159)
[Individual Debtors Only]

Summarize the following types of liabilities, as reported in the Schedule, and total them.

<table>
<thead>
<tr>
<th>Type of Liability</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Support Obligations (from Schedule F)</td>
<td>$</td>
</tr>
<tr>
<td>Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)</td>
<td>$</td>
</tr>
<tr>
<td>Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E)</td>
<td>$</td>
</tr>
<tr>
<td>Student Loan Obligations (from Schedule F)</td>
<td>$</td>
</tr>
<tr>
<td>Domestic Support, Separative Agreement, and Divorce Decree Obligations Not Exposed on Schedule E</td>
<td>$</td>
</tr>
<tr>
<td>Obligations to Pay Creditor for Services, and Other Similar Obligations (from Schedule F)</td>
<td>$</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$</td>
</tr>
</tbody>
</table>

The foregoing information is for statistical purposes only under 28 U.S.C § 159.
SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a co-tenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

<table>
<thead>
<tr>
<th>DESCRIPTION AND LOCATION OF PROPERTY</th>
<th>NATURE OF DEBTOR’S INTEREST IN PROPERTY</th>
<th>RAISING NEUTERED OR COMMUNITY</th>
<th>CURRENT VALUE OF DEBTOR’S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION</th>
<th>AMOUNT OF SECURED CLAIM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total

(Report also on Summary of Schedules.)
SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - "Property Claimed as Exempt."

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If no property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." In providing the information requested in this schedule, do not include the name or address of a minor child. Simply state "a minor child."

<table>
<thead>
<tr>
<th>TYPE OF PROPERTY</th>
<th>N</th>
<th>O</th>
<th>N</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Cash on hand.
- Checking, savings, or other financial accounts, certificates of deposit, or shares in banks, savings and loan, trust, building and loan, and home-mortgage associations, or credit unions, tenancy houses, or cooperatives.
- Security deposits with public utilities, telephone companies, landlords, and others.
- Household goods and furnishings, including audio, video, and computer equipment.
- Books, pictures, and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collectible or collectibles.
- Wearing apparel.
- Furs and jewelry.
- Furniture and sports, photographic, and other hobby equipment.
- Insurance policies, name insurance company of each policy and identify surrender or refund value of each.
- Annuities. Name and name each insurer.
- Interests in an education IRA as allowed in 26 U.S.C. § 530(b)(1) or under a qualified tuition program as defined in 26 U.S.C. § 529(b)(1). Give particulars (this completes the record) of any such interests. 11 U.S.C. § 529(c), Rule 1007(b).

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### SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

<table>
<thead>
<tr>
<th>TYPE OF PROPERTY</th>
<th>N O N E</th>
<th>DESCRIPTION AND LOCATION OF PROPERTY</th>
<th>CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>14.</td>
<td></td>
<td></td>
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<tr>
<td>15.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td></td>
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<td></td>
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<tr>
<td>17.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>18.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Rules App. G - Page 123*
<table>
<thead>
<tr>
<th>TYPE OF PROPERTY</th>
<th>DESCRIPTION AND LOCATION OF PROPERTY</th>
<th>CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25. Automobiles, trucks, trailers, and other vehicles and accessories.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27. Aircraft and accessories.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28. Office equipment, furnishings, and supplies.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29. Machinery, fixtures, equipment, and supplies used in business.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30. Inventory.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31. Animals.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32. Crop - growing or harvested. Give particulars.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33. Farm equipment and implements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34. Farm supplies, chemicals, and feed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Other personal property of any kind not already listed.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Continuation sheets attached. Total: $5

(Include amount from any continuation sheets attached. Report total also on Summary of Schedules.)
Debtor claims the exemptions to which debtor is entitled under:

☐ 11 U.S.C. § 522(b)(2)
☐ 11 U.S.C. § 522(b)(3)

☐ Check if debtor claims a homestead exemption that exceeds $72,500.

<table>
<thead>
<tr>
<th>DESCRIPTION OF PROPERTY</th>
<th>SPECIFY LAW PROVIDING EACH EXEMPTION</th>
<th>VALUE OF CLAIMED EXEMPTION</th>
<th>CURRENT VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION</th>
</tr>
</thead>
</table>

Rules App. G - Page 124
**SCHEDULE D – CREDITORS HOLDING SECURED CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the court and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(b). If all secured creditors do not fit on this page, see the continuation sheet provided.

If any entry other than a spouse is a joint case may be jointly liable on a claim, place an "X" in the column labeled "Co-debtor." Include the entity on the appropriate schedule of creditors, and complete Schedule H – Codebtor. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "V," or "C" in the column labeled "Married, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

<table>
<thead>
<tr>
<th>ACCOUNT NO.</th>
<th>VALUE $</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**SCHEDULE D – CREDITORS HOLDING SECURED CLAIMS**

(Continuation Sheet)

<table>
<thead>
<tr>
<th>ACCOUNT NO.</th>
<th>VALUE $</th>
<th>ACCOUNT NO.</th>
<th>VALUE $</th>
<th>ACCOUNT NO.</th>
<th>VALUE $</th>
<th>ACCOUNT NO.</th>
<th>VALUE $</th>
<th>ACCOUNT NO.</th>
<th>VALUE $</th>
<th>ACCOUNT NO.</th>
<th>VALUE $</th>
</tr>
</thead>
</table>

**TOTAL**

<table>
<thead>
<tr>
<th>SHEET NO. OF CONTINUATION SHEETS ENCLOSED TO SCHEDULE OF CREDITORS HOLDING SECURED CLAIMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Total of This Page)</td>
</tr>
<tr>
<td><strong>$</strong></td>
</tr>
</tbody>
</table>

(Not only on last page)
SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheet provided. Only holders of unsecured claims entitled to priority should list in this schedule. If the sheet provided or the attached sheets are insufficient, state the name, mailing address, including zip code, and last four digits of the account number, if any, if all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, indicate this by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112; Fed.R.Bankr.P. 1007(c).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing an "H," "W," "B," or "C" in the column labeled "Husband," "Wife," "Joint," or "Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Total" on each sheet. Report the total of all claims entered on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules. Report the total of all amounts entitled to priority listed on each sheet in the box labeled "Total" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. If applicable, also report this total on the Means Test form.

☐ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate boxes) below if claims in that category are listed on the attached sheets

☐ Domestic Support Obligations

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit in which such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

☐ Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of the trustee or the order for relief. 11 U.S.C. § 507(a)(3).

☐ Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to $10,000 per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

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☐ Certain farmers and fishermen

Claims of certain farmers and fishermen, up to $4,920* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

☐ Deposits by individuals

Claims of individuals up to $3,225* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

☐ Taxes and Certain Other Debts Owed to Governmental Units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ Commitments to Maintain the Capital of an Insured Depository Institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ Claims for Death or Personal Injury While Debtor Was Intoxicated

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

* Amounts are subject to adjustment on April 1, 2007, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

continuation sheets attached
<table>
<thead>
<tr>
<th>Creditors Name, Mailing Address, and Account/Number (See Instructions)</th>
<th>Type of Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account No.</td>
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<td>Account No.</td>
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<td>Account No.</td>
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</tbody>
</table>

Sheet on of pages attached to Schedule of Creditors Holding Unsecured Priority Claims

Subtotal $ and $ Total $ and $ (Use only on last page of the completed Schedule E. Report total also on Summary of Schedules)

Rules App. G - Page 129
SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, indicate that by stating "a minor child" and do not disclose the child’s name. See 11 U.S.C. § 112, Fed.R.Bankr.P. 1007(a). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled “Codebtor,” include the entity on the appropriate schedule of creditors, and complete Schedule H - Co-debtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "A," or "C" in the column labeled “Husband, Wife, Joint, or Community.”

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

<table>
<thead>
<tr>
<th>CREDITOR’S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (due instructions above)</th>
<th>CODEBOR</th>
<th>HUSBAND, WIFE, JOINT, OR COMMUNITY</th>
<th>DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETTLEMENT, SO STATE</th>
<th>CONTINGENT</th>
<th>UNLIEQUIDATED</th>
<th>DISPUTED</th>
<th>AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL</th>
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<tbody>
<tr>
<td>ACCOUNT NO.</td>
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</table>

Subtotal $ ___

Total $ ___

(Use only on last page of the completed Schedule F) (Report also on Summary of Schedules.)

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Rules App. G - Page 130
SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

<table>
<thead>
<tr>
<th>ACCOUNT NO.</th>
<th>CREDITOR</th>
<th>DEBTOR, WIFE, JOINT OR COLLABORITY</th>
<th>DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM</th>
<th>CONTINGENT</th>
<th>UNLIQUIDATED</th>
<th>DISPUTED</th>
<th>AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL</th>
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</tbody>
</table>

Sheet no. ___ of ___ sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal: $ ____________

(Use only on last page of the completed Schedule F)

(Report also on Summary of Schedules.)

Total: $ ____________

Rules App. G - Page 131
SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser," "Assignor," etc. State whether debtor is the lessee or lessor of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112; Fed R. Bankr. P. 1007(c).

☐ Check this box if debtor has no executory contracts or unexpired leases.

<table>
<thead>
<tr>
<th>NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.</th>
<th>DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST. STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OR ANY GOVERNMENT CONTRACT.</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

Rules App. G - Page 132
SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor’s spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nonresident spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, indicate that by stating “a minor child” and do not disclose the child’s name. See 11 U.S.C. § 112; Fed. Bankr. P. 1007(m).

☐ Check this box if debtor has no codebtors.

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF CODEBTOR</th>
<th>NAME AND ADDRESS OF CREDITOR</th>
</tr>
</thead>
</table>

Rules App. G - Page 133
**SCHEDULE 1 - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 7, 11, 12, or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child.

<table>
<thead>
<tr>
<th>Employment</th>
<th>DEPENDENTS OF DEBTOR AND SPOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupation</td>
<td>DEBTOR</td>
</tr>
<tr>
<td>Name of Employer</td>
<td></td>
</tr>
<tr>
<td>How long employed</td>
<td></td>
</tr>
<tr>
<td>Address of Employer</td>
<td></td>
</tr>
</tbody>
</table>

**INCOME: (Estimate of average monthly income)**

1. Gross monthly wages, salary, and commissions (Prorate if not paid monthly)
2. Estimate-monthly overtime

<table>
<thead>
<tr>
<th>DEBTOR</th>
<th>SPOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

3. **SUBTOTAL**

4. LESS PAYROLL DEDUCTIONS
   a. Payroll taxes and social security
   b. Insurance
   c. Union dues
   d. Other (Specify): ______________________

<table>
<thead>
<tr>
<th>DEBTOR</th>
<th>SPOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

5. **SUBTOTAL OF PAYROLL DEDUCTIONS**

6. **TOTAL NET MONTHLY TAKE HOME PAY**

<table>
<thead>
<tr>
<th>DEBTOR</th>
<th>SPOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

7. Regular income from operation of business or profession or firm.
   (Attach detailed statement)
8. Income from real property
9. Interest not dividends
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.
11. Social security or government assistance (Specify): ______________________
12. Pension or retirement income
13. Other monthly income (Specify): ______________________

<table>
<thead>
<tr>
<th>DEBTOR</th>
<th>SPOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

14. **SUBTOTAL OF LINES 7 THROUGH 13**

15. **TOTAL COMBINED MONTHLY INCOME:**

<table>
<thead>
<tr>
<th>DEBTOR</th>
<th>SPOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

(Report also in Summary of Schedules.)

16. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document: ________________________________

---

Rules App. G - Page 134
SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor’s family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor’s spouse maintains a separate household. Complete a separate schedule of expenditures labeled “Spouse.”

1. Rent or home mortgage payment (include lot rent for mobile home)
   a. Are real estate taxes included? Yes _______ No _______
   b. Is property insurance included? Yes _______ No _______

2. Utilities: a. Electric and heating fuel
   b. Water and sewer
   c. Telephone
   d. Other

3. Home maintenance (repairs and upkeep)

4. Food

5. Clothing

6. Laundry and dry cleaning

7. Medical and dental expenses

8. Transportation (not including car payments)

9. Recreation, clubs and entertainment, newspapers, magazines, etc.

10. Charitable contributions

11. Insurance (not deducted from wages or included in home mortgage payments)
   a. Homeowner’s or renter’s
   b. Life
   c. Health
   d. Auto
   e. Other

12. Taxes (not deducted from wages or included in home mortgage payments)
   (Specify)

13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)
   a. Auto
   b. Other
   c. Other

14. Alimony, maintenance, and support paid to others

15. Payments for support of additional dependents not living at your home

16. Regular expenses from operation of business, profession, or farm (attach detailed statement)

17. Other

18. TOTAL MONTHLY EXPENSES (Re-ent also on Summary of Schedules)

19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:

20. STATEMENT OF MONTHLY NET INCOME
   a. Total monthly income from Line 16 of Schedule I
   b. Total monthly expenses from Line 18 above
   c. Monthly net income (a minus b.)

Rules App. G - Page 135
DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of [Total shown on summary page plus 1,]
sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date ____________________________

[Signature]

Debtor

Date ____________________________

[Signature]

Debtor, or any

[If joint case, both spouses must sign.]

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (see 11 U.S.C. § 119)

I, ________, under penalty of perjury that I [list name] was a bankruptcy petition preparer as defined in 11 U.S.C. § 119. I prepared this document for compensation and have provided the debtor with a copy of this document and the notice and information required under 11 U.S.C. §§ 521, 522, and 7, if any or guidelines have been promulgated pursuant to 11 U.S.C. § 119(d), setting a maximum fee for services chargeable by bankruptcy petition preparers. I have given the debtor notice of the maximum amount before preparing the documents for filing for a debtor or receiving any fee from the debtor, as required by that section.

Printed or Typed Name of Bankruptcy Petition Preparer ____________________________

Social Security No. [Required by 11 U.S.C. § 119(b)]

If the bankruptcy petition preparer is not an individual, state the name, title if any, address, and social security number of the officer, principal, responsible person, or partner who signs this document.

Address ____________________________

Signature of Bankruptcy Petition Preparer ____________________________ Date ______

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this petition, unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer shall comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment as both, 11 U.S.C. § 119.

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, [the president, or other officer, or an authorized agent of the corporation or a member or an authorized agent of the partnership], of the [corporation or partnership], name as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of [Total shown on summary page plus 1,] sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date ____________________________

[Signature]

[Print or type name of individual signing on behalf of debtor]

[An individual signing on behalf of a partnership or corporation must indicate position or relationship of debtor.] Penalty for making a false statement or concealing property: Fine of up to $500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

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COMMITTEE NOTE

The forms of the Schedules of Assets and Liabilities are amended to implement the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23, (April 20, 2005). An amendment that directs the debtor to avoid disclosing the name of any minor child occurs in several of the schedules in conformity with § 112 which was added to the Code in 2005. Section 112 provides for the debtor to provide the name of any minor child confidentially to the court, should the trustee need the information to evaluate properly the information filed by the debtor.

The "Statistical Summary of Certain Liabilities" is added to collect information needed to prepare statistical reports required under 28 U.S.C. § 159, which was enacted as part of the 2005 Act.

Schedules A, B, C, and D are amended to delete the word "market" from the columns in which the debtor reports the value of various kinds of property. Amendments to § 506 of the Code enacted in 2005 specify that "replacement value" must be used in connection with certain property. The schedules no longer specify "market" value and permit the debtor to choose the appropriate one, whether that be replacement, market, or some other value. Valuation of property, generally, is the subject of extensive provisions in the Code, and the deletion of the word "market" from the determinations of value to be made by the debtor on the schedules is intended to remove any inference about choice of valuation standard. This deletion simply indicates that the form takes no position on which Code provision or valuation standard may be applicable in any instance.

The following paragraphs describe changes that are specific to each schedule.

Schedule B - Personal Property is amended to require the debtor to list any interests in an education IRA, as § 541(b)(5), added to the Code in 2005, makes special provision for them. The schedule also is amended to require the debtor to disclose the existence of any customer lists or

Rules App. G - Page 137
other compilations containing personally identifiable information provided by an individual to
the debtor in connection with obtaining a product or service from the debtor for personal, family,
or household purposes. This amendment implements § 332, which was added to the Code in
2005.

Schedule C - Property Claimed as Exempt is amended to delete descriptive information
concerning the length of domicile required for the debtor to qualify to claim certain exemptions.
Any summary of the amendments enacted in 2005 to § 522 of the Code concerning these
requirements might inadvertently cause the debtor to lose important rights. Accordingly, the
form now directs the debtor to indicate whether exemptions are being claimed under § 522(b)(2)
or § 522(b)(3) and whether the debtor claims a homestead exemption that exceeds $125,000.

Schedule E - Creditors Holding Unsecured Priority Claims is amended to implement the
changes in priority to which a claim may be entitled under 11 U.S.C. § 507 as amended by the
2005 Act and to add the new priority included in the Reform Act for claims for death or personal
injury while the debtor was intoxicated. “Subtotal” and “Total” boxes have been added to the
column labeled “Amount Entitled to Priority” to assist the individual debtor to complete the
Means Test form.

Schedule G - Executory Contracts and Unexpired Leases is amended by deleting the note
to the debtor advising that parties listed on this schedule may not receive notice of the filing of
the bankruptcy case unless they also are listed on one of the schedules of liabilities. The better
practice is for all parties to transactions with the debtor to receive notice of the filing of the case,
and an amendment to Rule 1007 requiring the debtor to provide a mailing list that includes these
parties is scheduled to take effect December 1, 2005.

Schedule H - Codebtors is amended to add specifics about community property
jurisdictions in connection with the requirement to provide the name of any spouse of a debtor
who resides or resided in a community property jurisdiction. This amendment also mirrors
amendments made in 1997 to Official Form 7, the Statement of Financial Affairs, and will assure
that those codebtors receive notice of the filing of the bankruptcy case. The form also is
amended to extend from six years to eight years the time period for which this information is
reported pursuant to the 2005 amendments to § 727(a)(8) of the Code.

Schedule I - Current income of Individual Debtor(s) is amended to require the income of
a nondebtor spouse to be reported in cases filed under chapters 7 and 11. Line numbers have
been added to assist the debtor at calculating and reporting totals. A new subtotal line for
income from sources other than as an employee and a new “total monthly income” line provide
for this form to be used in conjunction with Schedule J to satisfy the requirements of
§ 521(a)(1)(B)(v), which was added to the Code in 2005. The form also has been revised to
provide the statement concerning any anticipated increase or decrease in income required in §
521(a)(1)(B)(vi), which also was added to the Code in 2005.
Schedule J - Current Expenditures of Individual Debtor(s). A direction has been added to require the debtor to report any increase or decrease in expenses anticipated to occur within the year following the filing of the document, as required by § 521(a)(1)(B)(vi), which was added to the Code in 2005. The form also is amended to provide, in conjunction with Schedule I, a statement of monthly net income, itemized to show how the amount is calculated, as required by § 522(a)(1)(B)(v), which was added to the Code in 2005.

Declaration Concerning Debtor’s Schedules. The declaration by a non-attorney bankruptcy petition preparer is amended to include material mandated by § 110 of the Code as amended in 2005.
STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs. Do not include the name or address of a minor child in this statement. Indicate payments, transfers and the like to minor children by stating "a minor child." See 11 U.S.C. § 112, Fed. R. Bankr. P. 1007(a).

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. If the answer to an applicable question is "None," mark the box labeled "None." If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

I. Income from employment or operations of business

[Check the appropriate box]

- [ ] Yes

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities other than an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amount received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT

SOURCE

Rules App. G - Page 141
2. Income other than from employment or operation of business

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>AMOUNT</th>
<th>SOURCE</th>
</tr>
</thead>
</table>

3. Payments to creditors

Complete a. or b., as appropriate, and c.

**a. Individual or joint debtor(s) with primarily consumer debts:** List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within 90 days immediately preceding the commencement of this case, if the aggregate value of all property that constitutes or is affected by such transfer is not less than $600. Indicate with an asterisk (*) any payments that were made to a creditor on account of a delinquent support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF CREDITOR</th>
<th>DATES OF PAYMENTS</th>
<th>AMOUNT PAID</th>
<th>AMOUNT STILL OWING</th>
</tr>
</thead>
</table>

**b. Debtor whose debts are not primarily consumer debts:** List each payment or other transfer to any creditor made within 90 days immediately preceding the commencement of this case, if the aggregate value of all property that constitutes or is affected by such transfer is not less than $5,000. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF CREDITOR</th>
<th>DATES OF PAYMENTS/TRANSFERS</th>
<th>AMOUNT PAID OR VALUE OF TRANSFERS</th>
<th>AMOUNT STILL OWING</th>
</tr>
</thead>
</table>

**c. All debtors:** List all payments made within one year immediately preceding the commencement of this case or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR</th>
<th>DATE OF PAYMENT</th>
<th>AMOUNT PAID</th>
<th>AMOUNT STILL OWING</th>
</tr>
</thead>
</table>

Rules App. G - Page 142
4. Suit and administrative proceedings, executions, punishments and attachments

- a. List all suits and administrative proceedings in which the debtor or any party with an interest in the property is a party, and all executions, punishments, and attachments which are or were within one year immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>CAPTION OF SUIT</th>
<th>COURT OR AGENCY</th>
<th>STATUS OR DISPOSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>AND CASE NUMBER</td>
<td>AND LOCATION</td>
<td></td>
</tr>
<tr>
<td>NATURE OF PROCEEDING</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- b. Describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED</th>
<th>DATE OF SEIZURE</th>
<th>DESCRIPTION AND VALUE OF PROPERTY</th>
</tr>
</thead>
</table>

5. Repossessions, foreclosures and returns

- List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF CREDITOR OR SELLER</th>
<th>DATE OF REPOSESSION, FORECLOSURE SALE, TRANSFER OR RETURN</th>
<th>DESCRIPTION AND VALUE OF PROPERTY</th>
</tr>
</thead>
</table>

6. Assignments and receivables

- a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF ASSIGNEE</th>
<th>DATE OF ASSIGNMENT</th>
<th>TERMS OF ASSIGNMENT OR SETTLEMENT</th>
</tr>
</thead>
</table>

Rules App. G - Page 143
7. Gifts

List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than $200 in value per individual family member and charitable contributions aggregating less than $100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF GIFT
RELATIONSHIP TO DEBTOR, IF ANY
DATE OF GIFT
DESCRIPTION AND VALUE OF GIFT

8. Losses

List all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY
DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS
DATE OF LOSS

9. Payments related to debt counseling or bankruptcy

List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE
DATE OF PAYMENT, NAME OF PAYEE IF OTHER THAN DEBTOR
AMOUNT OF MONEY OR VALUE OF PROPERTY
DESCRIPTION AND

Rules App. G - Page 144
10. Other transfers

a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within two years immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR</th>
<th>DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

b. List all property transferred by the debtor within ten years immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

<table>
<thead>
<tr>
<th>NAME OF TRUST OR OTHER DEVICE</th>
<th>DATE(S) OF TRANSFER(S)</th>
<th>AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR'S INTEREST IN PROPERTY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11. Closed financial accounts

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments, shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF INSTITUTION</th>
<th>TYPE OF ACCOUNT, LAST FOUR Digits of ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE</th>
<th>AMOUNT AND DATE OF SALE OR CLOSING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. Safe deposit boxes

List each safe deposit box or other box or depository in which the debtor has or had securities, cash, or other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY</th>
<th>NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY</th>
<th>DESCRIPTION OF CONTENTS</th>
<th>DATE OF TRANSFER OR SURRENDER, IF ANY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Rules App. G - Page 145
13. Setoffs

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF CREDITOR</th>
<th>DATE OF SETOFF</th>
<th>AMOUNT OF SETOFF</th>
</tr>
</thead>
</table>

14. Property held for another person

List all property owned by another person that the debtor holds or controls.

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF OWNER</th>
<th>DESCRIPTION AND VALUE OF PROPERTY</th>
<th>LOCATION OF PROPERTY</th>
</tr>
</thead>
</table>

15. Prior address of debtor

If debtor has moved within three years immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>NAME USED</th>
<th>DATES OF OCCUPANCY</th>
</tr>
</thead>
</table>

16. Spouses and Former Spouses

If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within eight years immediately preceding the commencement of the case, identify the name of the debtor’s spouse and of any former spouses who resides or resided with the debtor in the community property state.

<table>
<thead>
<tr>
<th>NAME</th>
</tr>
</thead>
</table>
17. Environmental Information

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, surf, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law.

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Name and Address of Governmental Unit</th>
<th>Date of Notice</th>
<th>Environmental Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. List the name and address of every site by which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Name and Address of Governmental Unit</th>
<th>Date of Notice</th>
<th>Environmental Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name and Address of Governmental Unit</th>
<th>Docket Number</th>
<th>Status of Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit in which the debtor is or was a party to the proceeding, and the docket number.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

18. Nature, location and name of business

| Nature, Location and Name of Business | |
|---------------------------------------| |

| A. If the debtor is an individual, list the name, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full or part-time within six years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within six years immediately preceding the commencement of this case. |

| B. If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within six years immediately preceding the commencement of this case. |

| C. If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within six years immediately preceding the commencement of this case. |
b. Identify any business listed in response to subdivision a, above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME
ADDRESS

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within six years immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership, a sole proprietor, or self-employed in a trade, profession, or other activity, either full- or part-time.

(An individual or joint debtor should complete this portion of the statement only if the debtor is or has been in business, as defined above, within six years immediately preceding the commencement of this case. A debtor who has not been in business within past six years should go directly to the signature page.)


a. List all bookkeepers and accountants who within two years immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books or account and records of the debtor.

NAME AND ADDRESS
DATES SERVICES RENDERED

b. List all firms or individuals who within two years immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME
ADDRESS
DATES SERVICES RENDERED

c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME
ADDRESS
d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within two years immediately preceding the commencement of this case.

| NAME AND ADDRESS | DATE ISSUED |

20. Inventories

a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

| DATE OF INVENTORY | INVENTORY SUPERVISOR | DOLLAR AMOUNT OF INVENTORY | (Specify one, market or other basis) |

b. List the name and address of the person having possession of the records of each of the inventories reported in a. above.

| DATE OF INVENTORY | NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY RECORDS |

21. Current Partners, Officers, Directors and Shareholders

a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

| NAME AND ADDRESS | NATURE OF INTEREST | PERCENTAGE OF INTEREST |

b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

| NAME AND ADDRESS | TITLE | NATURE AND PERCENTAGE OF STOCK OWNERSHIP |

22. Former partners, officers, directors and shareholders

a. If the debtor is a partnership, list each member who withdrew from the partnership within one year immediately preceding the commencement of this case.

| NAME | ADDRESS | DATE OF WITHDRAWAL |
b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within one year immediately preceding the commencement of the case.

<table>
<thead>
<tr>
<th>NAME AND ADDRESS</th>
<th>TITLE</th>
<th>DATE OF TERMINATION</th>
</tr>
</thead>
</table>

23. Withdrawals from a partnership or distributions by a corporation

If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during one year immediately preceding the commencement of this case.

<table>
<thead>
<tr>
<th>NAME &amp; ADDRESS OF RECIPIENT</th>
<th>RELATIONSHIP TO DEBtor</th>
<th>DATE AND PURPOSE OF DISTRIBUTION</th>
<th>AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY</th>
</tr>
</thead>
</table>


If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within six years immediately preceding the commencement of the case.

<table>
<thead>
<tr>
<th>NAME OF PARENT CORPORATION</th>
<th>TAXPAYER IDENTIFICATION NUMBER (EIN)</th>
</tr>
</thead>
</table>

25. Pension Funds.

If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within six years immediately preceding the commencement of the case.

<table>
<thead>
<tr>
<th>NAME OF PENSION FUND</th>
<th>TAXPAYER IDENTIFICATION NUMBER (EIN)</th>
</tr>
</thead>
</table>

Rules App. G · Page 150
I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date ____________________
Signature ____________________

Date ____________________
Signature ____________________

_of Debtor
_of Print Debtor
(if any)

Date ____________________
Signature ____________________

(If completed on behalf of a partnership or corporation)

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct to the best of my knowledge, information and belief.

Date ____________________
Signature ____________________
Print Name and Title

[An individual signing on behalf of a partnership or corporation must indicate position or relationship as defined]

 verzation proof attached

[Penalty for making a false statement: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 2061]

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this statement for compensation and have provided the debtor with a copy of this document and any materials and information needed under 11 U.S.C. § 110(b)(1)(B) and 110(b)(2)(C); (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(b)(2)(B), a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing or document for filing; (4) I am required to sign this document

Printed or Typed Name and Title, Date, of Bankruptcy Petition Preparer
Social Security No. (Required by 11 U.S.C. § 1103)

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and Social Security number of the officer, principal, responsible person, or partner who signed this document.

Address

X __________________
Signature of Bankruptcy Petition Preparer
Date

Social Security numbers of all other individuals who prepared or assisted in preparing this document if the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional signed declarations conforming to the appropriate official form for each person.

A bankruptcy petition preparer may be subject to the penalties of perjury under this title and the Federal Rules of Bankruptcy Procedure may result in a fine or imprisonment or both. 18 U.S.C. § 150.

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The definition of "in business" is amended in the introductory section and in Question 1 and Question 18 to clarify that various part-time activities can result in the debtor being "in business" for purposes of the form.

Question 1 is amended to specify that, in addition to the income from the debtor's primary employment, the debtor must include income from part-time activities either as an employee or from self-employment. The debtor now also will report the source of all income from employment or operation of a business, even if there is only one source, in order to assist the trustee in reviewing the pay stubs, etc., filed by the debtor in the case.

Question 3 is amended to accommodate amendments to § 547(c) of the Code enacted in 2005 which exempt from recovery by the trustee payments by a debtor for domestic support obligation as part of an alternative repayment schedule negotiated by an approved nonprofit budgeting and credit counseling agency. In addition, Question 3 now requires a debtor with primarily non-consumer debt to report only those transfers that aggregate more than $5,000 to any creditor in the 90-day period prior to the filing of the petition, as a result of the addition of § 547(c)(9) to the Code in 2005.

In Question 10, the extension of the reachback period for transfers from one year to two years reflects the 2005 amendments to § 548(a)(1) of the Code to permit a trustee to avoid a fraudulent transfer made by the debtor within two years of the date of the filing of the petition. Question 10 also is amended to implement new § 548(e) added to the Code in 2005 to require the debtor to disclose all transfers to any self-settled asset protection trust within the ten years before the filing of the petition.

Question 15 is amended to extend from two years to three years the pretension time period for which the debtor must disclose the addresses of all premises occupied by the debtor. This information will assist the trustee, the United States trustee, and the court to ascertain whether any homestead exemption asserted by the debtor is properly claimed under § 522(v)(3)(A) as amended, and §§ 522(p) and (q) as added to the Code in 2005.
The form also is amended to extend from six years to eight years the period before the filing of the petition concerning which the debtor is required to disclose the name of the debtor’s spouse or of any former spouse who resides or resided with the debtor in a community property state. In addition, the certification by a non-attorney bankruptcy petition preparer is renamed a “declaration” and is amended to include material mandated by 11 U.S.C. § 110 as amended by the 2005 Act.
CHAPFER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

☐ I have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.
☐ I have filed a schedule of executory contracts and unexpired leases which includes personal property subject to an unexpired lease.
☐ I intend to do the following with respect to the property of the estate which secured these debts or is subject to a lease:

<table>
<thead>
<tr>
<th>Description of Secured Property</th>
<th>Creditor's Name</th>
<th>Property will be surrendered</th>
<th>Property is claimed as exempt</th>
<th>Property will be released pursuant to 11 U.S.C. § 722</th>
<th>Date will be refiled pursuant to 11 U.S.C. § 1250</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Leased Property</td>
<td>Lessee's Name</td>
<td>Lease will be assumed/purchased pursuant to 11 U.S.C. § 365(h)(6)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date: _____________________________  Signature of Debtor

DECLARATION OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 116)

I declare under penalty of perjury that, (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 116; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notice and information required under 11 U.S.C. §§ 114(b), 114(d), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 114(d), setting a maximum fee for the services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor accepting any fee from the debtor, as required in this section.

Prepared by [Typed Name of Bankruptcy Petition Preparer]
If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signed this document.

Signature of Bankruptcy Petition Preparer: _____________________________  Date: _____________________________

Names and Social Security Numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of Title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. §114; 28 U.S.C. § 150

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COMMITTEE NOTE

The form is amended to conform to § 521(a)(6), which was added to the Code by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), by adding a section covering personal property subject to an unexpired lease and an option labeled "lease will be assumed pursuant to 11 U.S.C. § 362(b)(1)(A)" to the choices a debtor may make. The certification by a non-attorney bankruptcy petition preparer in the form is renamed a "declaration" and is amended to include material mandated by the 2005 amendments to § 110 of the Code.
OFFICIAL FORM 9
NOTICE OF CHAPTER 7 BANKRUPTCY CASE, MEETING OF CREDITORS, & DEADLINES

(A chapter 7 bankruptcy case concerning the debtor(s) listed below was originally filed under chapter ___, and was converted to case under chapter 7 on ___)

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (names) and address:

Last four digits of Social Security No./Complete EIN or other Taxpayer ID No.

All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):

Bankruptcy Trustee (name and address):

Attorney for Debtor(s) (name and address):

Telephone number:

Case Number:

Meeting of Creditors

Date: / Time: ( ) A.M. Location: ( ) P.M.

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on the reverse side.

Depending on the documents filed with the petition, one of the following statements will appear.

The presumption of abuse does not arise.

Or

The presumption of abuse arises.

Insufficient information has been filed to date to permit the clerk to make any determination concerning the presumption of abuse. If more complete information, when filed, shows that the presumption has arisen, creditors will be notified.

Papers must be received by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Ineligibility of Certain Debts:

Deadline to Object to Exemption:

Thirty (30) days after the conclusion of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impair away. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File A Proof of Claim Unless You Receive A Notice To Do So.

Foreign Creditors

A creditor to whom this notice is sent at a foreign address should send the information under "Do Not File A Proof of Claim At This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:

Telephone number:

For the Court:

Clerk of the Bankruptcy Court:

Hours Open:

Date:

Rules App. G - Page 158
Filing of Chapter 7 Bankruptcy Case

A bankruptcy case under Chapter 7 of the Bankruptcy Code (Title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.

Creditors Generally May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking action to collect money or obtain property from the debtor; representing the debtor's property; starting or continuing lawsuits or other proceedings; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.

Presumption of Abuse

If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.

Meeting of Creditors

A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

Do Not File a Proof of Claim at This Time

There does not appear to be any property available to the trustee to pay creditors. You therefore should not file a proof of claim at this time. If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.

Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 727 (a) or that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2), (4), or (6), you must file a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.

Exempt Property

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.

Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

Foreign Creditors

Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Rules App. G - Page 159
Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on __________, _________.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.

NOTE: The staff of the bankruptcy clerk’s office cannot give legal advice.

<table>
<thead>
<tr>
<th>Case Number:</th>
<th>Last four digits of Social Security No./Complete EIN or other Taxpayer ID No.:</th>
</tr>
</thead>
<tbody>
<tr>
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<table>
<thead>
<tr>
<th>Debut(s) (name(s) and address):</th>
<th></th>
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<table>
<thead>
<tr>
<th>Telephone number:</th>
<th>Bankruptcy Trustee (name and address):</th>
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</table>

<table>
<thead>
<tr>
<th>Attorney for Debtor(s) (name and address):</th>
<th>Telephone number:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Date: / /</th>
<th>Time: ( ) A. M.</th>
<th>Location:</th>
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</thead>
<tbody>
<tr>
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<table>
<thead>
<tr>
<th>Meeting of Creditors</th>
<th>Telephone number:</th>
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</table>

Creditors May Not Take Certain Actions:

In some instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all. Although the debtor can request the court to extend or impose a stay, if you attempt to collect a debt or take other action in violation of the bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File A Proof of Claim Unless You Receive a Notice To Do So.

Foreign Creditors

A creditor to whom this notice is sent at a foreign address should read the information under "Please Do Not File A Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk’s Office: For the Court:

<table>
<thead>
<tr>
<th>Clerk of the Bankruptcy Court:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Telephone number:</th>
<th>Date:</th>
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<td></td>
</tr>
</tbody>
</table>

Rules App. G - Page 160
**EXPLANATIONS**

<table>
<thead>
<tr>
<th>Filing of Chapter 7 Bankruptcy Case</th>
<th>A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Advice</td>
<td>The staff of the bankruptcy clerk’s office cannot give legal advice. Consult a lawyer to determine your rights in this case.</td>
</tr>
<tr>
<td>Creditors Generally May Not Take Certain Actions</td>
<td>Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor’s property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.</td>
</tr>
<tr>
<td>Meeting of Creditors</td>
<td>A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor’s representative must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.</td>
</tr>
<tr>
<td>Do Not File a Proof of Claim at This Time</td>
<td>There does not appear to be any property available to the trustee to pay creditors. You should not file a proof of claim at this time. If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.</td>
</tr>
<tr>
<td>Bankruptcy Clerk’s Office</td>
<td>Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk’s office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor’s property and debts and the list of the property claimed as exempt, at the bankruptcy clerk’s office.</td>
</tr>
<tr>
<td>Foreign Creditors</td>
<td>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</td>
</tr>
</tbody>
</table>

Refer To Other Side For Important Deadlines and Notices

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Rules App. G - Page 161
## Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on [date] or a bankruptcy case concerning the debtor(s) listed below was originally filed under chapter [chapter] on [date] and was converted to a case under chapter 7 on [date].]

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

### See Reverse Side for Important Explanations

<table>
<thead>
<tr>
<th>Debtor(s) (name(s) and address):</th>
<th>Case Number:</th>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>Last four digits of Social Security No./Employer ID No. or other taxpayer ID No.:</th>
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<table>
<thead>
<tr>
<th>All other names used by the Debtor(s) in the last 8 years (include married, maiden, or trade names):</th>
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<tbody>
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<table>
<thead>
<tr>
<th>Bankruptcy Trustee (name and address):</th>
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</table>

<table>
<thead>
<tr>
<th>Attorney for Debtor(s) (name and address):</th>
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<table>
<thead>
<tr>
<th>Telephone number:</th>
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</tbody>
</table>

### Meeting of Creditors

**Date:** / /

**Time:** ( ) A.M. ( ) P.M.

**Location:**

**Presumption of Abuse under 11 U.S.C. § 707(b)**

See "Presumption of Abuse" on the reverse side.

Depending on the documents filed with the petition, one of the following statements will appear.

- The presumption of abuse does not arise.
- The presumption of abuse arises.

Insufficient information has been filed to date to permit the clerk to make any determination concerning the presumption of abuse. If more complete information, when filed, shows that the presumption has arisen, creditors will be notified.

**Deadline:** Papers must be received by the bankruptcy clerk's office by the following deadlines:

- **Deadline to File a Proof of Claim:** For all creditors (except a governmental unit):
  - For a governmental unit:
  - Foreign Creditors:
    - A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

- **Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts:**

- **Deadline to Object to Exemptions:**
  - Thirty (30) days after the conclusion of the meeting of creditors.

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 90 days or not at all. Although the debtor can request the court to extend or impose a stay, if you attempt to collect a debt or take other action a violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

### Address of the Bankruptcy Clerk’s Office:

**Telephone number:**

**Hours Open:**

**Date:**

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Rules App. G - Page 162
Filing of Chapter 7 Bankruptcy Case

A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.

Creditors Generally May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.

Meeting of Creditors

A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor (both spouse in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

Claims

A Proof of Claim is a signed statement describing a creditor's claim. If it's a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor receives rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. 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. Filing Deadline for a Foreign Creditor: The deadlines for filing claims set forth on this front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.

Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), or (5), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.

Exempt Property

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemption" listed on the front side.

Presumption of Abuse

If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.

Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

Liquidation of the Debtor's Property and Payment of Creditors' Claims

The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property that is not exempt. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To make sure you receive any share of that money, you must file a Proof of Claim, as described above.

Foreign Creditors

Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices
Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on (date)]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter (date) and was converted to a case under chapter 7 on ]

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk’s office at the address listed below. NOTE: The staff of the bankruptcy clerk’s office cannot give legal advice.

See Reverse Side for Important Explanations

<table>
<thead>
<tr>
<th>Data of filing (case number and address)</th>
<th>Case Number:</th>
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</thead>
<tbody>
<tr>
<td>Telephone number:</td>
<td>Last four digits of Social Security No./EIN or other Taxpayer ID No.:</td>
</tr>
<tr>
<td>All other names used by the Debtor(s) in the last 1 years (include trade names):</td>
<td>Bankruptcy Trustee (name and address):</td>
</tr>
<tr>
<td>Attorney for Debtor(s) (name and address):</td>
<td>Telephone number:</td>
</tr>
</tbody>
</table>

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location: |

Deadline to File a Proof of Claim

Papers must be received by the bankruptcy clerk’s office by the following deadlines:

For all creditors (except a governmental unit): For a governmental unit:

Foreign Creditors:

A creditor to whom this notice is sent at a foreign address should read the information under “Claims” on the reverse side.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor’s property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk’s Office: For the Court:

| Clerk of the Bankruptcy Court: |

Telephone number: Date:

Hours Open:

Rules App. G - Page 164
Filing of Chapter 7
Bankruptcy Case

A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.

Legal Advice

The staff of the bankruptcy clerk’s office cannot give legal advice. Consult a lawyer to determine your rights in this case.

Creditors Generally May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment, taking actions to collect money or obtain property from the debtor; repossessing the debtor’s property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or enjoin a stay.

Meeting of Creditors

A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor’s representative must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

Claims

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, you can obtain one at any bankruptcy clerk’s office. A secured creditor retains rights to its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the “Deadline to File a Proof of Claim” listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid, you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. 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. Filing Deadline for a Foreign Creditor: The deadline for filing claims is set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.

Liquidation of the Debtor’s Property and Payment of Creditors’ Claims

The bankruptcy trustee listed on the front of this notice will collect and sell the debtor’s property that is not exempt. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To make sure you receive any share of that money, you must file a Proof of Claim, as described above.

Bankruptcy Clerk’s Office

Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk’s office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor’s property and debts and the list of the property claimed as exempt, at the bankruptcy clerk’s office.

Foreign Creditors

Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Rules App. G - Page 165
Notice of
Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on _______________________, (date)]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter [ ] on _______________________, (date) and was converted to a case under chapter 11 on _______________________. (date)]

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.

NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Data(s) (name(s) and address) Case Number:

Last four digits of social security no./complete EIN or other taxpayer ID No.:

Telephone number:

All other names used by the debtor(s) in the last 8 years (include maiden, maiden, and trade names):

Attorney for Debtor(s) (name and address):

Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M.

Location:

Deadlines:

Papers must be received by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:
Notice of deadline will be sent at a later time.

Foreign Creditors
A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Deadline to File a Complaint Objecting to Discharge of the Debtor:
First date set for hearing on confirmation of plan
Notice of said date will be sent at a later time.

Deadline to Object to Exemption:
Thirty (30) days after the conclusion of the meeting of creditors.

Creditors May Not Take Certain Actions:

In some instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or may not exist at all. Although the debtor can request the court to extend or impose a stay, if you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Deadline to File a Complaint Objecting to Discharge of the Debtor:
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Notice of said date will be sent at a later time.

Deadline to Object to Exemption:
Thirty (30) days after the conclusion of the meeting of creditors.

Creditors May Not Take Certain Actions:

In some instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or may not exist at all. Although the debtor can request the court to extend or impose a stay, if you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:

Telephone number:

For the Court:

Chamber of the Bankruptcy Court:

Hours Open:

Date:

Rules App. G - Page 166
Filing of Chapter 11 Bankruptcy Case

A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows debtors to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be asked to make 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 be sent 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 debtor's property and may continue to operate any business.

Legal Advice
The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.

Creditors Generally May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; pressuring the debtor's property; filing or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not in effect at all, although the debtor may request the court to extend or impose a stay.

Meeting of Creditors

A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptance before filing the case.

Claims

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, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed in all or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you may not be paid any money on your claim and may be unable to vote on a plan. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim subserves the creditor's or the judiciary's bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may recover important nonmonetary rights, including the right to a jury trial. Filing Deadline for a Foreign Creditor: The deadlines for filing claims set forth on the first of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.

Discharge of Debts

Confidentiality of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141 (b). Unless the court orders otherwise, however, the discharge will not be effective until completion of all payments under the plan. A discharge means that you may no longer collect the debt from the debtor except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a)(1), (2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by the deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141 (a) (3), you must file a complaint with the required filing fee in the bankruptcy clerk's office not later than the first day set for the hearing on confirmation of the plan. You will be sent another notice informing you of the date.

Exempt Property

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection to the exemptions by the "Deadline to Object to Exemptions" listed on the front side.

Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

Foreign Creditors

Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Rule 939 - App G - Page 167
FORM 30E (ALT) (Chapter 11 Individual or Joint Debtor Case (10/05))

UNITED STATES BANKRUPTCY COURT       District of

Notice of
Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on _______________ (date) ]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter _______________ on _______________ (date) and was converted to a case under chapter 11 on _______________ (date) .]

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk’s office at the address listed below.

NOTE: The staff of the bankruptcy clerk’s office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address)

Cash Number:

Last four digits of Social Security No, Complete EIN or other Taxpayer ID No:

Telephone number:

All other names used by the Debtor(s) in the last 8 years (include married, aliases, and trade names):

Attorney for Debtor(s) (name and address):

Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A.M. ( ) P.M.

Location:

Deadlines:

Papers must be reviewed by the bankruptcy clerk’s office by the following deadlines:

Deadline to File a Proof of Claim:

For all creditors (except governmental units):

For a governmental unit:

Foreign Creditors:

A creditor to accept this notice is sent at a foreign address should read the information under “CLAIMING” on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Deadline to File a Complaint Objecting to Discharge of the Debtor:

First date for hearing on confirmation of plan.

Notice of that date will be sent at a later time.

Deadline to Object to Exemptions:

Thirty (30) days after the conclusion of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of a bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor’s property. Under certain circumstances, the stay may only be limited to 30 days or not enter at all. Although the debtor can request the court of existed or impose a stay, if you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk’s Office:

Telephone number:

Chase of the Bankruptcy Court:

For the Court:

Hours Open:

Date:

Rules App. G - Page 168
A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and as order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent 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 be sent 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 debtors will remain in possession of the debtor’s property and may continue to operate any business.

The staff of the bankruptcy clerk’s office cannot give legal advice. Consult a lawyer to determine your rights in this case.

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking steps to collect money or obtain property from the debtor; representing the debtor’s property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor’s wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.

A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor (and spouse in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting is expected to begin at 10:00 a.m. and conclude at a later date without further notice. The court, due notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptance before filing the case.

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, you can obtain one at any bankruptcy clerk’s office. You may look at the schedule that has been or will be filed at the bankruptcy clerk’s office. If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim. If your claim is not listed at all or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim by the “Deadline to File a Proof of Claim” listed on the front side. You may not be paid any money if your claim and may be unable to vote on the plan. A second creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim admits 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.

A discharge of debts in a chapter 11 plan may result in a discharge of debts, which may include all or part of your debts. See Bankruptcy Code § 1141(d). Unless the court orders otherwise, however, the discharge will not be effective until completion of a plan. A discharge means that you may not try to collect the debt from the debtor except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523(b)(2), (4), or (5), you must start a lawsuit by filing a complaint in the bankruptcy clerk’s office by the “Deadline to File a Complaint to Determine Dischargeability of Certain Debts” listed on the front side. The bankruptcy clerk’s office must receive the complaint and any required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d), you must file a complaint with the required filing fee in the bankruptcy clerk’s office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of this date.

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor’s case is converted to chapter 7. The debtor must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk’s office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk’s office must receive an objection by the “Deadline to Object to Exemptions” listed on the front side.

Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk’s office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor’s property and debts and the list of the property claimed as exempt, at the bankruptcy clerk’s office.

Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Rules App G - Page 169
## Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed as ______________ (date) ______________ (date) and was converted to another chapter under chapter 11 on _______.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy court's office at the address listed below.

NOTE: The staff of the bankruptcy court cannot give legal advice.

### See Reverse Side for Important Explanations

<table>
<thead>
<tr>
<th>Debtor(s) (name(s) and address)</th>
<th>Case Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Last four digits of Social Security No, (Complete SIN or other Taxpayer ID No.)

### All other names used by the Debtor(s) in the last 8 years (include trade names)

<table>
<thead>
<tr>
<th>Attorney for Debtor(s) (name and address)</th>
</tr>
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<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone number:</th>
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<tbody>
<tr>
<td></td>
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</tbody>
</table>

### Telephone number:

<table>
<thead>
<tr>
<th>Meeting of Creditors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

### Date: / / Time: ( ) A. M. ( ) P. M. Location: |

### Deadline to File a Proof of Claim

Proof of Claim must be received by the bankruptcy court’s office by the following deadline:

Notice of deadline will be sent at a later time.

### Foreign Creditors

A creditor to whom the notice is sent at a foreign address should read the information under “Claims” on the reverse side.

### Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor’s property. Under certain circumstances, the stay may be lifted in 30 days or not lifted at all, although the debtor can request the court to extend or impose a stay. If you are required to collect a debt or take other action in violation of the bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

### Address of the Bankruptcy Court’s Office:

For the Court:

Clerk of the Bankruptcy Court:

### Telephone number:

### Hours Open:

### Date:

Rules App. G - Page 170
### EXPLANATIONS

<table>
<thead>
<tr>
<th>Filing of Chapter 11 Bankruptcy Case</th>
</tr>
</thead>
<tbody>
<tr>
<td>A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent 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 debtor's property and may continue to operate any business.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal Advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Creditors Generally May Not Take Certain Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Meeting of Creditors</th>
</tr>
</thead>
<tbody>
<tr>
<td>A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>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, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all or if your claim is listed as disputed, contingent, or unliquidated, you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice. A secured creditor retains rights in its collateral regardless of whether that creditor files 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. Filing Deadline for a Foreign Creditor: The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discharge of Debts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1344 (a). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1344 (d) (A), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the &quot;Deadline to File a Complaint to Determine Dischargeability of Certain Debts&quot; listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bankruptcy Clerk's Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Foreign Creditors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</td>
</tr>
</tbody>
</table>

Refer To Other Side For Important Deadlines and Notices

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Rules App. G - Page 171
Notice of
Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines

[As a chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on
(date)]
or [As a bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_,
(date) and was converted to a case under chapter 11 on_]

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your
rights. All documents filed in the case may be inspected at the bankruptcy clerk’s office at the address listed below.

NOTE: The staff of the bankruptcy clerk’s office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address): 

Case Number: 

Telephone number: 

Last four digits of Social Security No./Complete EIN or other Taxpayer ID No.: 

All other names used by the Debtor(s) in the last 8 years (include trade names): 

Attorney for Debtor(s) (name and address): 

Telephone number: 

Meeting of Creditors

Date: 

Time: 

A.M. 

P.M. 

Location: 

Deadline to File a Proof of Claim

Proof of Claim must be received by the bankruptcy clerk’s office by the following deadline:

For all creditors (except government units):

For government units:

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain actions against the debtor and the debtor’s property. Under certain circumstances, the stay may be limited up to 90 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to sell a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk’s Office: 

Clerk of the Bankruptcy Court:

Telephone number:

For the Court:

Hours Open:

Date:

Replies: App. G · Page 172
### EXPLANATIONS

**Filing of Chapter 11 Bankruptcy Case**

A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and the confirmation statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent 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 retain in possession of the debtor's property and may continue to operate any business.

**Legal Advice**

The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.

**Creditor's Generally May Not Take Certain Actions**

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or other means to demand payment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not at all, although the debtor can require the court to extend or impose a stay.

A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor’s representative must be present at the meeting to be questioned under oath by the trustee and creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptance before filing the case.

**Meeting of Creditors**

A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor’s representative must be present at the meeting to be questioned under oath by the trustee and creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptance before filing the case.

**Claims**

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, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is included as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not paid in full at all or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim by the "Deadline to File Proof of Claim" listed on the front side, or you might not be paid any money on your claim and may be unable to vote on a plan. A secured creditor retains rights in its collateral regardless of whether that creditor files 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 non-priority rights, including the right to a jury trial. Filing Deadline for a Foreign Creditor: The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.

**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 Bankruptcy Code § 1328 (d). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1328 (d) (6) (A), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.

**Bankruptcy Clerk's Office**

Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

**Foreign Creditors**

Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

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**Refer To Other Side For Important Deadlines and Notices**
UNITED STATES BANKRUPTCY COURT

Notice of Chapter 12 Bankruptcy Case, Meeting of Creditors, & Deadlines

[The debtor(s) listed below filed a chapter 12 bankruptcy case on (date), or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter (date) and was converted to a case under chapter 12 on (date).] You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be viewed at the bankruptcy clerk’s office at the address listed below.

NOTE: The staff of the bankruptcy clerk’s office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):

Case Number:

TelephoneNumber:

All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):

Bankruptcy Trustee (name and address):

Attorney for Debtor(s) (name and address):

Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A.M. ( ) P.M.

Location:

Deadlines:

Papers must be received by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:

For all creditors (except governmental unit):

For a governmental unit:

Foreign Creditors

A creditor to whom this notice is sent at a foreign address should mark the information under “Claim” on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Deadline to Object to Exemptions:

Filing of Plan, Hearing on Confirmation of Plan

[The debtor has filed a plan. The plan or a summary of the plan is included. The hearing on confirmation will be held:

Date: Time: Location:

[The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]

[The debtor has not filed a plan as of this date. You will be sent separate notice of the hearing on confirmation of the plan.]

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain creditors. Under certain circumstances, the stay may be limited to 90 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:

For the Court:

Telephone number:

Clerk of the Bankruptcy Court:

Hours Open:

Date:

Rules App. G - Page 174
Filing of Chapter 12 Bankruptcy Case

A bankruptcy case under Chapter 12 of the Bankruptcy Code (Title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 12 allows family farmers to adjust their debts pursuant to a plan. A plan is not effective unless confirmed by the court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary 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 indicated on the front of this notice] or [you will be sent notice of the confirmation hearing]. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business unless the court orders otherwise.

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your right in this case.

Creditors Generally May Not Take Certain Actions

Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 109. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; imposing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited in duration or not exist at all, although the debtor may have the right to request the court to extend or impose a stay.

Meeting of Creditors

A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

Claims

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, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim asserts 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. Filing Deadline for a Foreign Creditor: The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadlines.

Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2), (4), or (6), you must file a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debt" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.

Exempt Property

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.

Bankruptcy Clerk's Office

Any paper state you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

Foreign Creditors

Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Rules App. G - Page 175
UNITED STATES BANKRUPTCY COURT

Notice of Chapter 12 Bankruptcy Case, Meeting of Creditors, & Deadlines

[The debtor (corporation) or (partnership) listed below filed a chapter 12 bankruptcy case on _______________ (date).] or [A bankruptcy case concerning the debtor (corporation) or (partnership) listed below was originally filed under chapter [ ] on _______________ (date) and was converted to a case under chapter 12 on _______________ (date).]

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk’s office at the address listed below.

NOTE: The staff of the bankruptcy clerk’s office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address): ____________________________________________________________________________

Case Number: __________________________________________________________

Phone number: __________________________________________________________

Last four digits of Social Security No., Complete EIN or other taxpayer ID No.: ___________________________

All other names used by the Debtor(s) in the last 8 years (include trade names):

Bankruptcy Trustee (name and address):

Attorney for Debtor(s) (name and address):

Meeting of Creditors

Date: / / Time: ( ) A.M. ( ) P.M. Location: ________________________________

Deadline:

Papers must be received by the bankruptcy clerk’s office by the following deadlines:

Deadline to File a Proof of Claim: For all creditors (except a governmental unit): ___________

For a governmental unit: ___________

Foreign Creditors

A creditor to whom this notice is sent at a foreign address should read the information under “Claims” on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Filing of Plan, Hearing on Confirmation 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:

Date: ____________________________ Time: ____________ Location: ____________________________] or [The debtor has not 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. You will be sent separate notice of the hearing on confirmation of the plan.]

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection-related and other actions against the debtor and the debtor’s property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk’s Office: ____________________________________________________________________________

For the Court: ____________________________________________________________________________

Phone number: ____________________________________________________________________________

Clerk of the Bankruptcy Court:

Hours Open: ____________________________________________________________________________

Date: ____________________________________________________________________________

Rules App. G - Page 176
<table>
<thead>
<tr>
<th><strong>Filing of Chapter 12 Bankruptcy Case</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A bankruptcy case under Chapter 12 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor listed on the front side, and an order for relief has been entered. Chapter 12 allows family farmers to adjust their debts pursuant to a plan. A plan is not effective unless confirmed by the court. You may object to confirmation of the plan, and appear at the confirmation hearing. A copy or summary 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 indicated on the front of this notice] or [you will be sent notice of the confirmation hearing]. The debtor will retain in possession of the debtor’s property and may continue to operate the debtor’s business unless the court orders otherwise.</td>
</tr>
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<tr>
<th><strong>Legal Advice</strong></th>
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<tr>
<td>The staff of the bankruptcy clerk’s office cannot give legal advice. Consult a lawyer to determine your rights in this case.</td>
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<tr>
<th><strong>Creditors Generally May Not Take Certain Actions</strong></th>
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<tr>
<td>Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 522 and § 1201. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor’s property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited in duration or not exist at all, although the debtor may have the right to request the court to extend or impose a stay.</td>
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<th><strong>Meeting of Creditors</strong></th>
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<tr>
<td>A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor’s representative must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.</td>
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<tr>
<th><strong>Claims</strong></th>
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<tr>
<td>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, you can obtain one at any bankruptcy clerk’s office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the “Deadline to File a Proof of Claim” listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid, you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. 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. Filing Deadline for a Foreign Creditor: The deadline for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.</td>
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<th><strong>Discharge of Debts</strong></th>
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<tr>
<td>The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk’s office by the “Deadline to File a Complaint to Determine Dischargeability of Certain Debt” listed on the front side. The bankruptcy clerk’s office must receive the complaint and any required filing fee by that Deadline.</td>
</tr>
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<table>
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<tr>
<th><strong>Bankruptcy Clerk’s Office</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk’s office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor’s property and debts and the list of the property claimed as exempt, at the bankruptcy clerk’s office.</td>
</tr>
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<table>
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<tr>
<th><strong>Foreign Creditors</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</td>
</tr>
</tbody>
</table>

**Refer To Other Side For Important Deadlines and Notices**
Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines

The debtor(s) listed below filed a chapter 13 bankruptcy case on ________ (date) or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter ________ (date) and was converted to a chapter 13 on ________ (date)]

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk’s office at the address listed below.

NOTE: The staff of the bankruptcy clerk’s office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address): ____________________________________________________________________________
Telephone number: __________

Case Number: ____________________________
Last four digits of Social Security No./Complete EIN or other Taxpayer ID No.: __________

All other names used by the Debtor(s) in the last 4 years (include married, maiden, and trade names):

Bankruptcy Trustee (name and address): __________________________________________________________________________

Attorney for Debtor(s) (name and address): __________________________________________________________________________
Telephone number:

Meeting of Creditors
Date: / / ________ Time: ( ) A.M. ( ) P.M.
Location: __________________________________________________________________________

Deadlines:
Papers must be received by the bankruptcy clerk’s office by the following deadlines:

Deadline to File a Proof of Claim:
For all creditors(except a governmental unit):
For a governmental unit:

Foreign Creditors
A creditor to whom this notice is sent in a foreign address should read the information under “Claims” on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Deadline to Object to Exemptions:
Thirty (30) days after the commencement of the meeting of creditors.

Filing of Plan, Hearing on Confirmation 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:
Date: ________ Time: ________ Location: __________
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. You will be sent separate notice of the hearing on confirmation of the plan.]

Creditors May Not Take Certain Actions:
In most instances, the filing of the bankruptcy case automatically stops certain collection and other actions against the debtor, the debtor’s property, and certain conditions. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can ask the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk’s Office: __________________________________________________________________________
Telephone number: __________

For the Court:
Cher of the Bankruptcy Court: __________________________________________________________________________

Hours Open: __________________________________________________________________________

Rules App. G - Page 178
EXPLANATIONS

Form BM (10/05)

Filing of Chapter 13 Bankruptcy Case
A bankruptcy case under Chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered.
Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary 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 indicated on the front of this notice or you will be sent notice of the confirmation hearing. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.

Legal Advice
The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.

Creditors Generally May Not Take Certain Actions
Prohibited collection actions against the debtor and certain co-debtors are listed in Bankruptcy Code §§ 362 and § 1301. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand payment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.

Meeting of Creditors
A meeting of creditors is scheduled for the date, time, and location listed on the front side. The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

Claims
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, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether the creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid, you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. 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 nondomestic rights, including the right to a jury trial. Filing Deadline for a Foreign Creditor: The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.

Discharge of Debts
The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2) or (4), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debt" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.

Exempt Property
The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.

Bankruptcy Clerk's Office
Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

Foreign Creditors
Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Rules App. G - Page 179
COMMITTEE NOTE

The form is amended in a variety of ways to implement the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109 - 8, 119 Stat. 23 (April 20, 2005). All versions of the form are amended to advise creditors to consult an attorney concerning what rights they may have in the specific case. All versions of the form are also amended to provide information about filing claims to creditors with foreign addresses and to advise those creditors to consult a lawyer familiar with United States bankruptcy law regarding any questions they may have about their rights in a particular case. These amendments implement § 1514, which was added to the Code in 2005.

Forms 9A and 9C are amended to include a box in which the clerk can notify creditors in a chapter 7 case filed by an individual with primarily consumer debts whether the presumption of abuse has arisen under § 707(b) of the Code as amended in 2005. Under § 342(d) of the Code, the clerk has a duty to notify creditors concerning the presumption within ten days of the filing of the petition. If cases in which the debtor does not file Official Form 22A with the petition, the forms provide for the clerk to state that insufficient information has been filed, and to inform creditors that if later-filed information indicates that the presumption arises, creditors will be sent another notice.

In cases involving serial filers (debtors who have filed more than one case within a specified period), the automatic stay provided by § 362(a) of the Code as amended in 2005 may not apply or may be limited in duration, unless the stay is extended or imposed by court order. The form contains a general statement alerting debtors to this possibility.

Section 1514, added to the Code in 2005, also requires that a secured creditor with a foreign address be advised whether the creditor is required to file a proof of claim, and Forms 9B, 9D, 9E, 9E (Alt.), 9F, 9F (Alt.), 9G, 9H, and 9I are amended to include general information addressing that question. Forms 9B, 9E (Alt.), 9F, and 9F (Alt.) also are amended to inform creditors that in a case in which the debtor has filed a plan for which it has solicited acceptances before filing the case, the court may, after notice and a hearing, order that the United States trustee not convene a meeting of creditors.

Rules App. G - Page 180
Forms 9E and 9F Alt. are amended to state that, unless the court orders otherwise, an individual chapter 11 debtor’s discharge is not effective until completion of all payments under the plan, as provided in § 1141(d)(5) which was added to the Code in 2005. Forms 9E and 9F (Alt.) are amended to include a deadline to file a complaint to determine the dischargeability of a debt, in conformity with § 1141(d)(5) which was added to the Code in 2005.

Form 9I is amended to include a deadline to file a complaint to determine the dischargeability of certain debts. This amendment implements 2005 amendment to § 1328(a)(1) of the Code.
Name of Debtor

Word

Case Number

PROOF OF CLAIM

DISTRICT OF

Name of Claimant (The person or other entity to whom the claim is made): 

Word

NOTE: This form should be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Word

Name of Creditor (The person or other entity to whom the debtor owes money or property): 

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Words
ITEMS TO BE COMPLETED IN PROOF OF CLAIM FORM (IF NOT ALREADY FILLED IN)

1. Basis for Claim:
   Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employer of the debtor, fill in your employer number and the name of the bank in which you held a deposit.

2. Date Debt Incurred:
   Fill in the date debt was incurred.

3. Court Judgments:
   If you have a court judgment for this debt, state the court and enter the judgment.

4. Classification of Claim:
   Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documents of your lien, and state the amount paid due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

5. Total Amount of Claim at Time Case Filed:
   Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach a computation of the interest and charges.

6. Credits:
   By signing this proof of claim, you are waiving under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

7. Supporting Documents:
   You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.
COMMITTEE NOTE

Form 16A. CAPTION (FULL)

United States Bankruptcy Court

___________________ District Of __________________

In re

[Set forth here all names including married, maiden, and trade names used by debtor within last 8 years.]

Debtor

Case No. __________________

Address __________________

____________________________

Chapter ______

Last four digits of Social Security No(s): ____________

Employer’s Tax Identification No(s), [if any]: ____________

[Designation of Character of Paper]

Rules App. G - Page 187
COMMITTEE NOTE

The form is amended to require that the title of the case include all names used by the debtor within the last eight years in conformity with § 727(a)(8) as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), extending from six years to eight years the period during which a debtor is barred from receiving successive discharges.
United States Bankruptcy Court

District Of __________________________

In re ________________

(Include here all names including married, maiden, and trade names used by debtor within last 8 years.)

Debtor __________________________

Case No. __________________________

Address __________________________

______________________________

Last four digits of Social Security No(s): __________________________

Employer's Tax Identification No(s). If any: __________________________

Chapter 7

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge, IT IS ORDERED: The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

Dated: __________________________

BY THE COURT

______________________________
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.
EXPLANATION OF BANKRUPTCY DISCHARGE
IN A CHAPTER 7 CASE

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact the debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. [In a case involving community property: There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts that are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts that are Not Discharged

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

a. Debts for most taxes;

b. Debts incurred to pay nondischargeable taxes;

c. Debts that are domestic support obligations;

d. Debts for most student loans;

e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;

f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;

g. Some debts which were not properly listed by the debtor;

h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;

i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.

j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

Rules App. G - Page 190
COMMITTEE NOTE

The form is amended to require that the title of the case include all names used by the
debtor within the eight years prior to the filing of the petition in the case in conformity with
§ 727(a)(8) as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of
2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), extending from six years to eight years
the period during which a debtor is barred from receiving successive discharges. The
explanation part of the form is amended to include additional types of debts that are not
discharged under § 523(a) as amended in 2005 and to revise certain terminology in conformity
with provisions of the 2005 Act.
In re ____________________________________________

Debtor

Case No. __________________________

Chapter __________________________

DECLARATION AND SIGNATURE OF NON-ATTORNEY
BANKRUPTCY PETITION PREPARER (11 U.S.C. § 110)

I declare under penalty of perjury that:

1. I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110;
2. I prepared the accompanying document for compensation and have provided the debtor with a copy of that document and the notices and information required under 11 U.S.C. §§ 110(b), 110(b), and 542(b);
and
3. if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(b), setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required by that section.

Printed or Typed Name of Bankruptcy Petition Preparer

If the bankruptcy petition preparer is not an individual, state the name, address, and social security number of the officer, principal, responsible person or partner who signs this document.

Social Security No. ____________________________________________

Address ____________________________________________

Signature of Bankruptcy Petition Preparer __________________________

Date __________________________

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer’s failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

________________________________________________________________________

Rules App. G - Page 193
COMMITTEE NOTE

The certification by a non-attorney bankruptcy petition preparer in this form is renamed a "declaration" and is amended to include material mandated by amendments to § 110 of the Code in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005).
OFFICIAL FORM 22
**STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION**

**FOR USE IN CHAPTER 7**

In addition to Schedules I and J, this statement must be completed by every individual Chapter 7 debtor, whether or not filing jointly, whose debts are primarily consumer debts. Joint debtors may complete one statement only.

### Part I. EXCLUSION FOR DISABLED VETERANS

If you are a disabled veteran described in the Veteran's Declaration in this Part I, (1) check the box at the beginning of the Veteran's Declaration, (2) check the "Presumption does not arise" box at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.

- **Veteran's Declaration.** By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtednesses primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(10)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. § 901(13)).

### Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION

Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.

- a. Unmarried. Complete only Column A ("Debtor's Income") for Lines 3-11.
- b. Married, not filing jointly, with declaration of separate household. By checking this box, debtor declares under penalty of perjury: "My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code." Complete only Column A ("Debtor's Income") for Lines 3-11.

All figures must reflect average monthly income for the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If you receive different amounts of income during these six months, you must total the amounts received during these six months, divide this total by six, and enter the result on the appropriate line.

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debtor's Income</td>
<td>Spouse's Income</td>
</tr>
</tbody>
</table>

#### 3 Gross wages, salary, tips, bonuses, overtime, commissions.

- \[ \text{Column A Debtor's Income} \]
- \[ \text{Column B Spouse's Income} \]

#### 4 Income from the operation of a business, profession, or farm. Subtract Line b from Line a and enter the difference on Line 4. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part V.

| a. Gross receipts | $ |
| b. Ordinary and necessary business expenses | $ |
| c. Business income | $ |

#### 5 Rent and other real property income. Subtract Line b from Line a and enter the difference on Line 5. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part V.

| a. Gross receipts | $ |
| b. Ordinary and necessary operating expenses | $ |
| c. Rental income | $ |

#### 6 Interest, dividends, and royalties.

| $ |

#### 7 Pension and retirement income.

| $ |

#### 8 Regular contributions to the household expenses of the debtor or the debtor's dependents, including child or spousal support. Do not include contributions from the debtor's spouse if Column b is completed.

| $ |

**Rules App. G - Page 199**
Unemployment compensation. Enter the amount in Column A and, if applicable, Column B. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below.

Unemployment compensation claimed to be a benefit under the Social Security Act

Debtor $________

Spouse $________

Income from all other sources. If necessary, list additional sources on a separate page.

Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. Specify source and amount.

a. $________

b. $________

Total and enter on Line 10

Subtotal of Current Monthly Income for § 707(b)(7). Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 10 in Column B. Enter the total(s).

Total Current Monthly Income for § 707(b)(7). If Column B has been completed, add Line 11, Column A to Line 11, Column B, and enter the total. If Column B has not been completed, enter the amount(s) from Line 11, Column A.

Part III. APPLICATION OF § 707(b)(7) EXCLUSION

13 Annualized Current Monthly Income for § 707(b)(7). Multiply the amount from Line 12 by the number 12 and enter the result.

14 Applicable median family income. Enter the median family income for the applicable state and household size. (This information is available by family size at www.usdoj.gov/ust or from the clerk of the bankruptcy court.)

a. Enter debtor's state of residence: __________________________

b. Enter debtor's household size: __________________________

Application of Section 707(b)(7). Check the applicable box and proceed as directed.

☐ The amount on Line 13 is less than or equal to the amount on Line 14. Check the "Presumption does not apply" box at the top of this page of this statement, and complete Part VIII; do not complete Parts IV, V, VI, or VII.

☐ The amount on Line 13 is more than the amount on Line 14. Complete the remaining parts of this statement.

Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)

Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)

16 Enter the amount from Line 12.

17 Marital adjustment. If you checked the box at Line 2.c, enter the amount of the income listed in Line 15, Column B that was not regularly contributed to the household expenses of the debtor or the debtor's dependents. If you did not check box at Line 2.c, enter zero.

18 Current monthly income for § 707(b)(2). Subtract Line 17 from Line 16 and enter the result.

Part V. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

19 National Standards: food, clothing, household supplies, personal care, and miscellaneous. Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.irs.gov or from the clerk of the bankruptcy court.)

Rules App. G - Page 200
### Local Standards: housing and utilities

Enter the amount of the IRS Housing and Utilities Standards allowance for your county and family size. (This information is available at [www.usps.gov/ua/](http://www.usps.gov/ua/) or from the clerk of the bankruptcy court; adjusted to deduct any portion of the allowance that includes payments on debts secured by your home, listed in Line 41.) *(Under revision)*

### Local Standards: transportation; vehicle operation/public transportation expense

You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation.

*Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your real estate expenses in Line 8.*

- Enter the amount from IRS Transportation Standards, Operating Costs & Public Transportation Costs for the applicable number if vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at [www.usps.gov/ua/](http://www.usps.gov/ua/) or from the clerk of the bankruptcy court.)

### Local Standards: transportation ownership/lease expense; Vehicle 1

Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.)

- Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at [www.usps.gov/ua/](http://www.usps.gov/ua/) or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 41; subtract Line b from Line a and enter the result in Line 22. **Do not enter an amount less than zero.**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>IRS Transportation Standards, Ownership Costs, First Car</td>
</tr>
<tr>
<td>b.</td>
<td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 41</td>
</tr>
<tr>
<td>c.</td>
<td>Net ownership/lease expense for Vehicle 1</td>
</tr>
</tbody>
</table>

**Subtract Line b from Line a.**

### Local Standards: transportation ownership/lease expense; Vehicle 2

Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.)

- Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at [www.usps.gov/ua/](http://www.usps.gov/ua/) or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 41; subtract Line b from Line a and enter the result in Line 23. **Do not enter an amount less than zero.**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>IRS Transportation Standards, Ownership Costs, Second Car</td>
</tr>
<tr>
<td>b.</td>
<td>Average Monthly Payments for debts secured by Vehicle 2, if any, as stated in Line 41</td>
</tr>
<tr>
<td>c.</td>
<td>Net ownership/lease expense for Vehicle 2</td>
</tr>
</tbody>
</table>

**Subtract Line b from Line a.**

### Other Necessary Expenses: taxes

Enter the total average monthly expense that you actually incur for all federal, state, and local taxes, other than real estate and sales taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. **Do not include real estate or sales taxes.**

### Other Necessary Expenses: mandatory payroll deductions

Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. **Do not include discretionary amounts, such as non-mandatory contributions.**

### Other Necessary Expenses: life insurance

Enter average monthly premiums that you actually pay for term life insurance for yourself. **Do not include premiums for insurance on your dependents, for whole life, or for any other form of insurance.**

### Other Necessary Expenses: court-ordered payments

Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. **Do not include payments on past due support obligations included in Line 43.**

### Other Necessary Expenses: education for employment or for a physically or mentally challenged child

Enter the total monthly amount that you actually spend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.

### Other Necessary Expenses: childcare

Enter the average monthly amount that you actually spend on childcare. **Do not include payments made for children's education.**

### Other Necessary Expenses: health care

Enter the average monthly amount that you actually spend on health care expenses that are not reimbursed by insurance or paid by a health savings account. **Do not include payments for health insurance listed in Line 33.**
31 Other Necessary Expenses: telecommunication services. Enter the average monthly expenses that you actually pay for cell phones, pagers, call waiting, caller identification, special long distance, or Internet services necessary for the health and welfare of you or your dependents. Do not include any amount previously deducted. 

32 Total Expenses Allowed under IRS Standards. Enter the total of Lines 19 through 31. 

33 Subpart B: Additional Expense Deductions under § 707(b) 
Note: Do not include any expenses that you have listed in Lines 19-31. 

33 Health Insurance, Disability Insurance, and Health Savings Account Expenses. List the average monthly amounts that you actually expend in each of the following categories and enter the total. 
  a. Health Insurance $  
  b. Disability Insurance $  
  c. Health Savings Account $  
  Total: Add Lines a, b and c $  

34 Continued contributions to the care of household or family members. Enter 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. $  

35 Protection against family violence. Enter any average monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. $  

36 Home energy costs in excess of the allowance specified by the IRS Local Standards. Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary. $  

37 Education expenses for dependent children less than 18. Enter the average monthly expenses that you actually incur, not to exceed $25 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards. $  

38 Additional food and clothing expense. Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.irs.gov/ucf/ or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary. $  

39 Total Additional Expense Deductions under § 707(b). Enter the total of Lines 33 through 38 $  

39 Subpart C: Deductions for Debt Payment 

Future payments on secured claims. For each of your debts that is secured by an interest in property that you own, list the name of creditor, identify the property securing the debt, and state the Average Monthly Payment. The average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Do not include items you have previously deducted, such as insurance and taxes. 

40 Name of Creditor Property Securing the Debt 60-month Average Payment $  $  $  

41 Total: add Lines a, b and c $  

Rules App. G - Page 202
Past due payments on secured claims. If any of the debts listed in Line 41 are in default, and the property securing the debt is necessary for your support or the support of your dependents, you may include in your deductions 1.666 times the amount that you must pay the creditor as a result of the default (the "cure amount") in order to maintain possession of the property. List any such amounts in the following chart and enter the total. If necessary, list additional entries on a separate page.

<table>
<thead>
<tr>
<th>Name of Creditor</th>
<th>Property Securing the Debt In Default</th>
<th>1.666 times the Cure Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>B</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>C</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Add Lines A, B, and C</strong></td>
<td><strong>$</strong></td>
</tr>
</tbody>
</table>

Payments on priority claims. Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.

Chapter 13 administrative expenses. If you are eligible to file a case under chapter 13, complete the following chart, multiply the amount in Line a by the amount in Line b, and enter the resulting administrative expense.

a. Projected average monthly Chapter 13 plan payment.

b. Current multiplier for your district as determined under schedules issued by the Executive Office for the United States Trustees. (This information is available on the BIS website or from the clerk of the bankruptcy court.)

<table>
<thead>
<tr>
<th>B</th>
<th>C</th>
<th><strong>Total</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>Multiply Lines a and b</td>
</tr>
</tbody>
</table>

Total Deductions for Debt Payment. Enter the total of Lines 41 through 44.

Subpart D: Total Deductions Allowed under § 707(b)(2)

Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 42, 44, and 48.

Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION

Enter the amount from Line 18 (Current monthly income for § 707(b)(2))

Enter the amount from Line 46 (Total of all deduction allowed under § 707(b)(2))

Monthly disposable income under § 707(b)(2). Subtract Line 46 from Line 47 and enter the result.

60-month disposable income under § 707(b)(2). Multiply the amount in Line 49 by the number 40 and enter the result.

Initial presumption determination. Check the applicable box and proceed as directed:
- The amount on Line 50 is less than $6,000. Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete the verification in Part VII. Do not complete the remainder of Part VI.
- The amount set forth on Line 50 is more than $10,000. Check the "Presumption arises" box at the top of page 1 of this statement, and complete the verification in Part VII. Do not complete the remainder of Part VI.

The amount on Line 50 is at least $6,000, but not more than $10,000. Complete the remainder of Part VI (Lines 52 through 54).

Enter the amount of your total non-priority unsecured debt

Threshold debt payment amount. Multiply the amount in Line 52 by the number 0.25 and enter the result.

Secondary presumption determination. Check the applicable box and proceed as directed:
- The amount on Line 50 is less than the amount on Line 53. Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII.
- The amount on Line 50 is equal to or greater than the amount on Line 53. Check the "Presumption arises" box at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII.
### Part VII: ADDITIONAL EXPENSE CLAIMS

Other Expenses. List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 7070(2)(A)(3)(i). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.

<table>
<thead>
<tr>
<th>Expense Description</th>
<th>Monthly Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Total: Add Lines a, b, and c</td>
<td>$</td>
</tr>
</tbody>
</table>

---

### Part VIII: VERIFICATION

I declare under penalty of perjury that the information provided in this statement is true and correct. (If this a joint case, both债务ors must sign.)

| Date:          | Signature:          |
|               | (Debtor)            |
| Date:          | Signature:          |
|               | (Debtor, if any)    |
STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION
FOR USE IN CHAPTER 7

In re
Debtor(s)

Case Number: [If known]

In addition to Schedules 1 and 4, this statement must be completed by every individual Chapter 7 debtor, whether or not filing jointly, whose debts are primarily consumer debts. Joint debtors may complete one statement only.

### Part I. EXCLUSION FOR DISABLED VETERANS

If you are a disabled veteran described in the Veteran’s Declaration in this Part I, (1) check the box at the beginning of the Veteran’s declaration, (2) check the “Presumption does not arise” box at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.

- Veteran’s Declaration. By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(10)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. § 901(1)).

### Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION

<table>
<thead>
<tr>
<th>Description</th>
<th>Column A (Debtor’s Income)</th>
<th>Column B (Spouse’s Income)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marital/filing status: Check the box that applies and complete the balance of this part of this statement as directed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Unmarried. Complete only Column A (“Debtor’s Income”) for Lines 3-11.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under penalty of perjury: “My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code.” Complete only Column A (“Debtor’s Income”) for Lines 3-11.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Married, not filing jointly, without the declaration of separate households set out in Line 2b above. Complete both Column A (“Debtor’s Income”) and Column B (“Spouse’s Income”) for Lines 3-11.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Married, filing jointly. Complete both Column A (“Debtor’s Income”) and Column B (“Spouse’s Income”) for Lines 3-11.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All figures must reflect average monthly income for the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If you received different amounts of income during these six months, you must total the amounts received during the six months, divide this total by six, and enter the result on the appropriate line.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 3 Gross wages, salaries, tips, bonuses, overtime, commissions. | $ | $ |
| 4 Income from the operation of a business, profession, or farm. Subtract Line b from Line a and enter the difference on Line 4. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part V. |                             |                             |
| a. Gross receipts | $ | $ |
| b. Ordinary and necessary business expenses | $ | $ |
| c. Business income | Subtract Line b from Line a | $ | $ |
| 5 Rent and other real property income. Subtract Line b from Line a and enter the difference on Line 5. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part V. |                             |                             |
| a. Gross receipts | $ | $ |
| b. Ordinary and necessary operating expenses | $ | $ |
| c. Rental income | Subtract Line b from Line a | $ | $ |
| 6 Interest, dividends, and royalties. | $ | $ |
| 7 Pension and retirement income. | $ | $ |
| 8 Regular contributions to the household expenses of the debtor or the debtor’s dependents, including child or spousal support. Do not include contributions from the debtor’s spouse if Column B is completed. | $ | $ |

Rules App. G - Page 205
Unemployment compensation. Enter the amount in Column A and, if applicable, Column B. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:

Unemployment compensation claimed to be a benefit under the Social Security Act: $____________________

Spouse $____________________

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

| a. | $____________________ |
| b. | $____________________ |

Total and enter on Line 10 $____________________

Subtotal of Current Monthly Income for § 707(b)(7). Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 10 in Column B. Enter the total(s).

Total Current Monthly Income for § 707(b)(7). If Column B has been completed, add Line 11, Column A to Line 11, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 11, Column A.

Part III. APPLICATION OF § 707(b)(7) EXCLUSION

Annualized Current Monthly Income for § 707(b)(7). Multiply the amount from Line 12 by the number 12 and enter the result. $____________________

Applicable median family income. Enter the median family income for the applicable state and household size. (This information is available by family size at www.usbankruptcy法院/ or from the clerk of the bankruptcy court.)

a. Enter debtor's state of residence: ____________________________

b. Enter debtor's household size: ____________________________

Application of Section 707(b)(7). Check the applicable box and proceed as directed.

☐ The amount on Line 13 is less than or equal to the amount on Line 14. Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete Part VIII; do not complete Parts IV, V, VI, or VII.

☐ The amount on Line 13 is more than the amount on Line 14. Complete the remaining parts of this statement.

Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)

Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)

Enter the amount from Line 12. $____________________

Marital adjustment. If you checked the box at Line 2.c, enter the amount of the income listed in Line 11, Column B that was NOT regularly contributed to the household expenses of the debtor or the debtor's dependents. If you did not check box at Line 2.c, enter zero. $____________________

Current monthly income for § 707(b)(2). Subtract Line 17 from Line 16 and enter the result. $____________________

Part V. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

National Standards: food, clothing, household supplies, personal care, and miscellaneous. Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.irs.gov or from the clerk of the bankruptcy court.) $____________________

Local Standards: housing and utilities; utilities/maintenance expense. Enter the amount of the IRS Housing and Utilities Standards; Utilities/Maintenance Expense for the applicable county and family size. (This information is available at www.usdebtor.gov/ or from the clerk of the bankruptcy court.) $____________________

Rules App. G - Page 206
Local Standards: housing and utilities; mortgage/rental expense. Enter in Line 21 the amount of the IRS Housing and Utilities Standards; Mortgage/Rental Expense for your county and family size (available at www.urbandeb�� or from the clerk of the bankruptcy court). Subtract Line b from Line a and enter the result in Line 21. Do not enter an amount less than zero.

21
a. IRS Housing and Utilities Standards; Mortgage/Rental Expense $ 

b. Average Monthly Payment for any debts secured by your home, as stated in Line 42 $ 

c. Net mortgage/rental expense Subtract Line b from Line a $ 

Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance for the operation of a vehicle regardless of whether you use public transportation. Check the number of vehicles for which you pay the operating expenses or for which operating expenses are included as a contribution to your household expenses in Line 8.

22
0 1 2 or more. 

Enter the number of vehicles from IRS Transportation Standards, Operating Costs & Public Transportation costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at www.urbandeb�� or from the clerk of the bankruptcy court.)

Local Standards: transportation ownership/lease expense; Vehicle 1. Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.)

23
0 1 2 or more. 

Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at www.urbandeb�� or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 42; subtract Line b from Line a and enter the result in Line 23. Do not enter an amount less than zero.

23

a. IRS Transportation Standards, Ownership Costs, First Car $ 

b. Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42 $ 

c. Net ownership/lease expense for Vehicle 1 Subtract Line b from Line a $ 

Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" box in Line 23.

24

Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.urbandeb�� or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 42; subtract Line b from Line a and enter the result in Line 24. Do not enter an amount less than zero.

24

a. IRS Transportation Standards, Ownership Costs, Second Car $ 

b. Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42 $ 

c. Net ownership/lease expense for Vehicle 2 Subtract Line b from Line a $ 

Other Necessary Expenses: taxes. Enter the total average monthly expense that you actually incur for all federal, state, and local taxes, other than real estate and sales taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. Do not include real estate or sales taxes.

25

Other Necessary Expenses: mandatory payroll deductions. Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as non-mandatory 401(k) contributions.

26

Other Necessary Expenses: life insurance. Enter average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.

27

Other Necessary Expenses: court-ordered payments. Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. Do not include payments on past due support obligations included in Line 44.

28

Rules App. G - Page 207
<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Notes</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>Other Necessary Expenses: education for employment or for a physically or mentally challenged child. Enter the total monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Other Necessary Expenses: childcare. Enter the average monthly amount that you actually expend for childcare. Do not include payments made for children's education.</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Other Necessary Expenses: health care. Enter the average monthly amount that you actually expend on health care expenses that are not reimbursed by insurance or paid by a health savings account. Do not include payments for health insurance listed in Line 34.</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Other Necessary Expenses: telecommunications services. Enter the average monthly expenses that you actually pay for cell phones, pagers, cell waiting, caller identification, special long distance, or Internet services necessary for the health and welfare of you or your dependents. Do not include any amount previously deducted.</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Total Expenses Allowed under IRS Standards. Enter the total of Lines 19 through 32.</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

**Subpart B: Additional Expense Deductions under § 707(b)**

Note: Do not include any expenses that you have listed in Line 19-32.

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Note: Do not include any expenses that you have listed in Line 19-32.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>Health Insurance, Disability Insurance, and Health Savings Account Expenses. Enter the average monthly amounts that you actually expend in each of the following categories and enter the total.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Disability Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Health Savings Account</td>
<td>$</td>
</tr>
<tr>
<td><strong>Total:</strong> a, b, and c</td>
<td>$</td>
</tr>
</tbody>
</table>

| Line | Description                                                                 | | Amount |
|------|------------------------------------------------------------------------------|--------|
| 35   | Continued contributions to the care of household or family members. Enter 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. | $        |
| 36   | Protection against family violence. Enter any average monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. | $        |
| 37   | Home energy costs in excess of the allowance specified by the IRS Local Standards. Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary. | $        |
| 38   | Education expenses for dependent children less than 18. Enter the average monthly expenses that you actually incur, not to exceed $125 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards. | $        |
| 39   | Additional food and clothing expense. Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.irs.gov/app/ or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary. | $        |
| 40   | Continued charitable contributions. Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)(C). | $        |
| 41   | Total Additional Expense Deductions under § 707(b). Enter the total of Lines 34 through 40. | $        |

Rules: App. G - Page 208
Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION

48 Enter the amount from Line 18 (Current monthly income for § 707(b)(2)) $  
49 Enter the amount from Line 47 (Total of all deductions allowed under § 707(b)(2)) $  
50 Monthly disposable income under § 707(b)(2). Subtract Line 49 from Line 48 and enter the result $  
51 60-month disposable income under § 707(b)(2). Multiply the amount in Line 50 by the number 60 and enter the result. $  

Rules App. G - Page 209
Initial presumption determination. Check the applicable box and proceed as directed:

☐ The amount on Line 51 is less than $6,000. Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete the verification in Part VII. Do not complete the remainder of Part VI.

☐ The amount set forth on Line 51 is more than $10,000. Check the "Presumption arises" box at the top of page 1 of this statement, and complete the verification in Part VII. Do not complete the remainder of Part VI.

☐ The amount on Line 51 is at least $6,000, but not more than $10,000. Complete the remainder of Part VI (lines 53 through 55).

Enter the amount of your total non-priority unsecured debt $54
Threshold debt payment amount. Multiply the amount in Line 53 by the number 0.25 and enter this result. $55

Secondary presumption determination. Check the applicable box and proceed as directed.

☐ The amount on Line 51 is less than the amount on Line 54. Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete the verification in Part VII.

☐ The amount on Line 51 is equal to or greater than the amount on Line 54. Check the "Presumption arises" box at the top of page 1 of this statement, and complete the verification in Part VII. You may also complete Part VII.

Part VII: ADDITIONAL EXPENSE CLAIMS

Other Expenses. List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(vi)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.

<table>
<thead>
<tr>
<th>Expense Description</th>
<th>Monthly Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>$</td>
</tr>
<tr>
<td>b.</td>
<td>$</td>
</tr>
<tr>
<td>c.</td>
<td>$</td>
</tr>
<tr>
<td>Total: Add Lines a, b, and c</td>
<td>$</td>
</tr>
</tbody>
</table>

Part VIII: VERIFICATION

I declare under penalty of perjury that the information provided in this statement is true and correct. (If this is a joint case, both debtors must sign.)

Date:_________________________ Signature:_________________________

Date:_________________________ Signature:_________________________

Rules App. G - Page 210
## Statement of Current Monthly Income

### Part I. Calculation of Current Monthly Income

In addition to Schedules I and J, this statement must be completed by every individual Chapter 11 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

<table>
<thead>
<tr>
<th>1</th>
<th>Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>□ Unmarried. Complete only Column A (&quot;Debtor's Income&quot;) for Lines 2-10.</td>
</tr>
<tr>
<td>b.</td>
<td>□ Married, not filing jointly. Complete only Column A (&quot;Debtor's Income&quot;) for Lines 2-10.</td>
</tr>
<tr>
<td>c.</td>
<td>□ Married, filing jointly. Complete both Column A (&quot;Debtor's Income&quot;) and Column B (&quot;Spouse's Income&quot;) for Lines 2-10.</td>
</tr>
</tbody>
</table>

All figures must reflect average monthly income for the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If you received different amounts of income during these six months, you must total the amounts received during the six months, divide this total by six, and enter the result on the appropriate line.

<table>
<thead>
<tr>
<th>2</th>
<th>Gross wages, salary, tips, bonuses, overtime, commissions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Column A Debtor's Income</td>
</tr>
<tr>
<td>b.</td>
<td>Column B Spouse's Income</td>
</tr>
<tr>
<td>c.</td>
<td>$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3</th>
<th>Not income from the operation of a business, profession, or farm. Subtract Line b from Line a and enter the difference on Line 3. Do not enter a number less than zero.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Gross receipts</td>
</tr>
<tr>
<td>b.</td>
<td>Ordinary and necessary business expenses</td>
</tr>
<tr>
<td>c.</td>
<td>Business income</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4</th>
<th>Not rental and other real property income. Subtract Line b from Line a and enter the difference on Line 4. Do not enter a number less than zero.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Gross receipts</td>
</tr>
<tr>
<td>b.</td>
<td>Ordinary and necessary operating expenses</td>
</tr>
<tr>
<td>c.</td>
<td>Rental income</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5</th>
<th>Interest, dividends, and royalties.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>$</td>
</tr>
<tr>
<td>b.</td>
<td>$</td>
</tr>
<tr>
<td>c.</td>
<td>$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6</th>
<th>Pension and retirement income.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>$</td>
</tr>
<tr>
<td>b.</td>
<td>$</td>
</tr>
<tr>
<td>c.</td>
<td>$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7</th>
<th>Regular contributions to the household expenses of the debtor or the debtor's dependents, including child or spousal support. Do not include contributions from the debtor's spouse if Column B is completed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Unemployment compensation. Enter the amount in Column A and, if applicable, Column B. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:</td>
</tr>
<tr>
<td>b.</td>
<td>Unemployment compensation claimed to be a benefit under the Social Security Act</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8</th>
<th>Income from all other sources. If necessary, list additional sources on a separate page. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. Specify source and amount.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>$</td>
</tr>
<tr>
<td>b.</td>
<td>$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9</th>
<th>Total and enter on Line 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>$</td>
</tr>
<tr>
<td>b.</td>
<td>$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10</th>
<th>Subtotal of current monthly income. Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 through 9 in Column B. Enter the total(s).</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>$</td>
</tr>
<tr>
<td>b.</td>
<td>$</td>
</tr>
</tbody>
</table>

| 11 | Total current monthly income. If Column B has been completed, add Line 10, Column A to Line 10, Column B, and enter the total. If Column B has not been completed, enter the |
### Part II: VERIFICATION

I declare under penalty of perjury that the information provided in this statement is true and correct. (*If this a joint case, both debtors must sign.*)

<table>
<thead>
<tr>
<th>Date:</th>
<th>Signature: (Debtor)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date:</th>
<th>Signature: (Debtor)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Rules App. G · Page 212]
**STATEMENT OF CURRENT MONTHLY INCOME AND DISPOSABLE INCOME CALCULATION**

**FOR USE IN CHAPTER 13**

In addition to Schedules I and J, this statement must be completed by every individual Chapter 13 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

### Part I. CALCULATION OF CURRENT MONTHLY INCOME

<table>
<thead>
<tr>
<th>1. Marital/filing status.</th>
<th>Check the box that applies and complete the balance of this part of this statement as directed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. □ Unmarried. Complete only Column A (&quot;Debtor's Income&quot;) for Lines 2-10.</td>
<td></td>
</tr>
<tr>
<td>b. □ Married, not filing jointly. Complete only Column A (&quot;Debtor's Income&quot;) for Lines 2-10.</td>
<td></td>
</tr>
<tr>
<td>c. □ Married, filing jointly. Complete both Column A (&quot;Debtor's Income&quot;) and Column B (&quot;Spouse's Income&quot;) for Lines 2-10.</td>
<td></td>
</tr>
</tbody>
</table>

All figures must reflect average monthly income for the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If you received different amounts of income during these six months, you must total the amounts received during the six months, divide this total by six, and enter the result on the appropriate line.

### 2. Gross wages, salary, tips, bonuses, overtime, commissions.

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debtor's Income</td>
<td>Spouse's Income</td>
</tr>
</tbody>
</table>

### 3. Income from the operation of a business, profession, or farm. Subtract Line b from Line a and enter the difference on Line 3. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part III.

| a. Gross receipts | $ |
| b. Ordinary and necessary business expenses | $ |
| c. Business income | Subtract Line b from Line a |

### 4. Rents and other real property income. Subtract Line b from Line a and enter the difference on Line 4. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part III.

| a. Gross receipts | $ |
| b. Ordinary and necessary operating expenses | $ |
| c. Rental income | Subtract Line b from Line a |

### 5. Interest, dividends, and royalties.

| $ |

### 6. Pension and retirement income.

| $ |

### 7. Regular contributions to the household expenses of the debtor or the debtor’s dependents. Including child or spousal support. Do not include contributions from the debtor’s spouse if Column B is completed.

| $ |

### 8. Unemployment compensation. Enter the amount in Column A and, if applicable, Column B. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below.

Unemployment compensation claimed to be a benefit under the Social Security Act

| Debtor | $ |
| Spouse | $ |

### 9. Income from all other sources. Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism.

| a. | $ |
| b. | $ |

### 10. Subtotal of current monthly income. Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 through 9 in Column B. Enter the total(s).

<p>| $ | $ |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td><strong>Part II. APPLICATION OF § 1325(b)(3)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>12. Annualized current monthly income.</strong> Multiply the amount from Line 11 by the number 12 and enter the result. $</td>
</tr>
<tr>
<td>13</td>
<td><strong>Applicable median family income.</strong> Enter the median family income for applicable state and household size. (This information is available by family size at <a href="http://www.usdoj.gov/ust">www.usdoj.gov/ust</a> or from the clerk of the bankruptcy court.)</td>
</tr>
<tr>
<td></td>
<td>a. Enter debtor's state of residence.</td>
</tr>
<tr>
<td></td>
<td>b. Enter debtor's household size: $</td>
</tr>
<tr>
<td></td>
<td><strong>Application of § 1325(b)(3).</strong> Check the applicable box and proceed as directed.</td>
</tr>
<tr>
<td></td>
<td>☐ The amount on Line 12 is less than or equal to the amount on Line 13. Check the box at the top of page 1 of this statement that states &quot;Disposable income not determined under § 1325(b)(3)&quot; and complete Part VI of this statement. Do not complete Parts III, IV, or V.</td>
</tr>
<tr>
<td></td>
<td>☐ The amount on Line 12 is more than the amount on Line 13. Check the box at the top of page 1 of this statement that states &quot;Disposable income determined under § 1325(b)(3)&quot; and complete the remaining parts of this statement.</td>
</tr>
<tr>
<td>14</td>
<td>Complete Parts III, IV, and V of this statement only if required. (See Line 14.)</td>
</tr>
<tr>
<td>15</td>
<td><strong>Part III. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)</strong></td>
</tr>
<tr>
<td>16</td>
<td><strong>Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)</strong></td>
</tr>
<tr>
<td>17</td>
<td><strong>Local Standards: housing and utilities.</strong> Enter the amount of the IRS standards for housing and utilities for your county and family size. This information is available at [<a href="http://www.irs.gov/pub/irs-pdf">www.irs.gov/pub/irs-pdf</a>] or from the clerk of the bankruptcy court.</td>
</tr>
<tr>
<td>18</td>
<td><strong>Local Standards: transportation; vehicle operation/public transportation expense.</strong> Enter the amount from IRS Transportation Standards, Operating Costs &amp; Public Transportation Costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at [<a href="http://www.irs.gov/pub/irs-pdf">www.irs.gov/pub/irs-pdf</a>] or from the clerk of the bankruptcy court.)</td>
</tr>
<tr>
<td>19</td>
<td><strong>Local Standards: transportation ownership/lease expense; Vehicle 1.</strong> Enter the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.)</td>
</tr>
<tr>
<td></td>
<td>☐ 1 ☐ 2 or more</td>
</tr>
<tr>
<td></td>
<td>Enter, in Line 1 below, the amount of the IRS Transportation Standards, Ownership Costs and First Car (available at <a href="http://www.irs.gov/pub">www.irs.gov/pub</a> or from the clerk of the bankruptcy court) in Line 2 below the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 37; subtract Line 2 from Line 1 and enter the result in Line 10. Do not enter an amount less than zero.</td>
</tr>
<tr>
<td></td>
<td>a. IRS Transportation Standards, Ownership Costs, First Car $</td>
</tr>
<tr>
<td></td>
<td>b. Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 37. $</td>
</tr>
<tr>
<td></td>
<td>c. Net ownership/lease expense for Vehicle 1. $</td>
</tr>
</tbody>
</table>
Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" box in Line 18.

Enter, in Line 20 below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.irs.gov) or from the clerk of the bankruptcy court: enter in Line 20 the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 37; subtract Line 20 from Line 18 and enter the result of Line 19. Do not enter an amount less than zero.

| a. IRS Transportation Standards, Ownership Costs, Second Car | $ |
| b. Average Monthly Payment for any debts secured by vehicle 2, as stated in Line 37 | $ |
| c. Net ownership/lease expense for Vehicle 2 | $ |

Subtract Line 20 from Line 18.

Other Necessary Expenses: taxes. Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and medicare taxes. Do not include real estate or sales taxes.

Other Necessary Expenses: mandatory payroll deductions. Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as non-mandatory 401(k) contributions.

Other Necessary Expenses: life insurance. Enter average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life, or for any other form of insurance.

Other Necessary Expenses: court-ordered payments. Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. Do not include payments on past due support obligations incurred in Line 39.

Other Necessary Expenses: education for employment or for a physically or mentally challenged child. Enter the total monthly amount that you actually expend for education that is required for employment, or for education for a physically or mentally challenged dependent child for whom no public education providing similar services is available.

Other Necessary Expenses: childcare. Enter the average monthly amount that you actually expend on childcare. Do not include payments made for children's education.

Other Necessary Expenses: health care. Enter the average monthly amount that you actually expend on health care expenses that are not reimbursed by insurance or paid by a health savings account. Do not include payments for health insurance listed in Line 29.

Other Necessary Expenses: telecommunication services. Enter the average monthly expenses that you actually pay for cell phones, pagers, cell-waiting, caller identification, special long distance, or internet services necessary for the health and welfare of you or your dependents. Do not include any amount previously deducted.

Total Expenses Allowed under IRS Standards. Enter the total of Lines 15 through 27.

Subpart B: Additional Expense Deductions under § 707(b)

Notes: Do not include any expenses that you have listed in Lines 15-27.

Health Insurance, Disability Insurance, and Health Savings Account Expenses. List the average monthly amounts that you actually expend in each of the following categories and enter the total.

| a. Health Insurance | $ |
| b. Disability Insurance | $ |
| c. Health Savings Account | $ |

Total: Add Lines a, b, and c.

Continued contributions to the care of household or family members. Enter 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. Do not include payments listed in Line 24.

Protection against family violence. Enter any average monthly expenses that you actually expend to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law.

Home energy costs in excess of the allowance specified by the IRS Local Standards. Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.

Rules App. G - Page 215
Education expenses for dependent children under 18. Enter the average monthly expenses that you actually incur, not to exceed $125 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.

Additional food and clothing expense. Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS Low-Income Standards, not to exceed five percent of those combined allowances. (This information is available at www.irs.gov/ustf or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.

Continued charitable contributions. Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as approved in 26 U.S.C. § 170(c)(1)-(2).

Total Additional Expense Deductions under § 707(b). Enter the total of Lines 29 through 35.

Subpart C: Deductions for Debt Payment

Future payments on secured claims. For each of your debts that is secured by an interest in property that you own, list the name of creditor, identify the property securing the debt, and state the Average Monthly Payment. The Average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Do not include items you have previously deducted, such as insurance and real estate taxes.

<table>
<thead>
<tr>
<th>Name of Creditor</th>
<th>Property Securing the Debt</th>
<th>60-month Average Payment</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total: Add Lines a, b, and c</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Past due payments on secured claims. If any of the debts listed in Line 37 are in default, and the property securing the debt is necessary for your support or the support of your dependents, you may include in your deductions 1/60ths of the amount that you must pay the creditor as a result of the default (the "default amount") in order to maintain possession of the property. List any such amounts in the following table and enter the total on a separate page.

<table>
<thead>
<tr>
<th>Name of Creditor</th>
<th>Property Securing the Debt in Default</th>
<th>1/60ths of the Default Amount</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total: Add Lines a, b, and c</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Payments on priority claims. Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.

Chapter 13 administrative expenses. Multiply the amount in Line a by the amount in Line b, and enter the resulting administrative expense.

| Projected average monthly Chapter 13 plan payment | $ |
| Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.uscourts.gov or from the clerk of the bankruptcy court.) | |
| Average monthly administrative expense of Chapter 13 case | |
| Total: Multiply Lines a and b | $ |

Total Deductions for Debt Payment. Enter the total of Lines 37 through 40.

Subpart D: Total Deductions Allowed under § 707(b)(2)

Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 28, 36, and 41.

Rules App. G - Page 216
Part IV. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>43</td>
<td>Total current monthly income. Enter the amount from Line 11.</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>Support income. Enter the monthly average of any child support payments,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>foster care payments, or disability payments for a dependent child, included</td>
<td></td>
</tr>
<tr>
<td></td>
<td>in Line 7, that you received in accordance with applicable nonbankruptcy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>law, to the extent reasonably necessary to be expended for each child.</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Qualified retirement deductions. Enter the monthly average of (a) all</td>
<td></td>
</tr>
<tr>
<td></td>
<td>contributions or wage deductions made to qualified retirement plans, as</td>
<td></td>
</tr>
<tr>
<td></td>
<td>specified in § 541(b)(7) and (b) all repayments of loans from retirement</td>
<td></td>
</tr>
<tr>
<td></td>
<td>plans, as specified in § 362(b)(18).</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Total of all deductions allowed under § 707(b)(2). Enter the amount from</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Line 42.</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Total adjustments to determine disposable income. Add the amounts on Lines 44</td>
<td></td>
</tr>
<tr>
<td></td>
<td>, 45, and 46 and enter the result.</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Monthly Disposable Income Under § 1325(b)(2). Subtract Line 47 from Line 43</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and enter the result.</td>
<td></td>
</tr>
</tbody>
</table>

Part V: ADDITIONAL EXPENSE CLAIMS

<table>
<thead>
<tr>
<th>Expense Description</th>
<th>Monthly Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td></td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>Add Lines a, b, and c</strong></td>
</tr>
</tbody>
</table>

Part VI: VERIFICATION

I declare under penalty of perjury that the information provided in this statement is true and correct. (If this is a joint case, both debtors must sign.)

- Date: ___________________________ Signature: ___________________________
- Date: ___________________________ Signature: ___________________________

- (Debtor)
- (Joint Debtor, if any)

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<table>
<thead>
<tr>
<th>Part I. CALCULATION OF CURRENT MONTHLY INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marital/filing status: Check the box that applies and complete the balance of this part of this statement as directed.</td>
</tr>
<tr>
<td>b. Married, filing jointly. Complete only Column A (<em>Debtor's Income</em>) for Lines 2-10. (Under -revision)</td>
</tr>
</tbody>
</table>

All figures must reflect average monthly income for the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If you received different amounts of income during these six months, you must total the amounts received during the six months, divide this total by six, and enter the result on the appropriate line.

<table>
<thead>
<tr>
<th>Gross wages, salary, tips, bonuses, overtime, commissions.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Income from the operation of a business, profession, or farm. Subtract Line 3 from Line 2 and enter the difference on Line 4. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line 4 as a deduction in Part III. |
|-----------------------------------------------------------------|---|
| a. Gross receipts                                              |   |
| b. Ordinary and necessary business expenses                    |   |
| c. Business income                                             |   |

| Rent and other real property income. Subtract Line 3 from Line 4 and enter the difference on Line 5. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line 5 as a deduction in Part III. |
|-----------------------------------------------------------------|---|
| a. Gross receipts                                              |   |
| b. Ordinary and necessary operating expenses                   |   |
| c. Rental income                                               |   |

<table>
<thead>
<tr>
<th>Interest, dividends, and royalties.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pension and retirement income.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Regular contributions to the household expenses of the debtor or the debtor's dependents, including child or spousal support. Do not include contributions from the other spouse if Column B is completed. |
|-----------------------------------------------------------------------------------------------------------------------------|---|
|                                                            |   |

| Unemployment compensation, enter the amount in Column A and, if applicable, Column B. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below: |
|--------------------------------------------------------------------------------------------------------------------------------|---|
|                                                            |   |

<table>
<thead>
<tr>
<th>Unemployment compensation claimed to be a benefit under the Social Security Act. Debtor $</th>
<th>Spouse $</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Income from all other sources. Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| a.                                                                                                                                     |   |
| b.                                                                                                                                     |   |
| c.                                                                                                                                     |   |

| Subtotal of current monthly income. Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 through 9 in Column B. Enter the total(s). |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|

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Part II. APPLICATION OF § 1325(b)(3)

12 Annualized current monthly income. Multiply the amount from Line 11 by the number 12 and enter the result.

13 Applicable median family income. Enter the median family income for applicable state and household size. (This information is available by family size at www.us破产.gov/ust/ or from the clerk of the bankruptcy court.)
   a. Enter debtor's state of residence: __________________________
   b. Enter debtor's household size: __________________________

14 Application of § 1325(b)(3). Check the applicable box and proceed as directed.
   ☐ The amount on Line 12 is less than or equal to the amount on Line 13. Check the box at the top of page 1 of this statement that states "Disposable Income Not Determined under § 1325(b)(3)" and complete Part VI of this statement; do not complete Parts III, IV, or V.
   ☐ The amount on Line 12 is more than the amount on Line 13. Check the box at the top of page 1 of this statement that states "Disposable Income Determined under § 1325(b)(3)" and complete the remaining parts of this statement.

Complete Parts III, IV, and V of this statement only if required. (See Line 14.)

Part III. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

Subpart A: Deductions under standards of the Internal Revenue Service (IRS)

15 National Standards: food, clothing, household supplies, personal care, and miscellaneous. Enter the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.us破产.gov/ust/ or from the clerk of the bankruptcy court.)

16 Local Standards: housing and utilities; maintenance expense. Enter the amount of the IRS Housing and Utilities Standards; Maintenance Expense for the applicable county and family size. (This information is available at www.us破产.gov/ust/ or from the clerk of the bankruptcy court.) (Under revision)

17 Local Standards: housing and utilities; mortgage/rental expense. Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; Mortgage/Rental Expense for your county and family size (available at www.us破产.gov/ust/ or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 38; subtract Line b from Line a and enter the result in Line 17. Do not enter an amount less than zero.
   a. IRS Housing and Utilities Standards; Mortgage/Rental Expense $______________
   b. Average Monthly Payment for any debts secured by your home, if any, as stated in Line 38 $______________

Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation.

18 Check the number of vehicles for which you pay the operating expense or for which the operating expenses are included as a contribution to your household expenses in Line 7. ☐ 0 ☐ 1 ☐ 2 or more.
   Enter the amount from IRS Transportation Standards, Operating Costs & Public Transportation Costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at www.us破产.gov/ust/ or from the clerk of the bankruptcy court.)

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### Local Standards: transportation ownership/lease expense; Vehicle 1
Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) □ 1 □ 2 or more.

Enter, in line 1 below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in line 1b the total of the Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 3b; subtract Line b from Line 1 and enter the result in Line 19. **Do not enter an amount less than zero.**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>IRS Transportation Standards, Ownership Costs, First Car</td>
<td>$</td>
</tr>
<tr>
<td>b.</td>
<td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 3b</td>
<td>$</td>
</tr>
<tr>
<td>c.</td>
<td>Net ownership/lease expense for Vehicle 1</td>
<td>Subtract Line b from Line 1a.</td>
</tr>
</tbody>
</table>

### Local Standards: transportation ownership/lease expense; Vehicle 2
Complete this Line only if you checked the “2 or more” Box in Line 20.

Enter, in line 1 below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in line 1b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 3b; subtract Line b from Line 1 and enter the result in Line 20. **Do not enter an amount less than zero.**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>IRS Transportation Standards, Ownership Costs, Second Car</td>
<td>$</td>
</tr>
<tr>
<td>b.</td>
<td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 3b</td>
<td>$</td>
</tr>
<tr>
<td>c.</td>
<td>Net ownership/lease expense for Vehicle 2</td>
<td>Subtract Line b from Line 1a.</td>
</tr>
</tbody>
</table>

### Other Necessary Expenses: taxes
Enter the total average monthly expense that you actually incur for all federal, state, and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. Do not include real estate or sales taxes.

### Other Necessary Expenses: mandatory payroll deductions
Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as non-mandatory 401(k) contributions.

### Other Necessary Expenses: life insurance
Enter average monthly premiums that you actually pay for term life insurance for yourself. **Do not include premiums for insurance on your dependents.**

### Other Necessary Expenses: court-ordered payments
Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. **Do not include payments on past due support obligations included in Line 40.**

### Other Necessary Expenses: education for employment or for a physically or mentally challenged child
Enter the total monthly amount that you actually spend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.

### Other Necessary Expenses: childcare
Enter the average monthly amount that you actually expend on childcare. **Do not include payments made for children's education.**

### Other Necessary Expenses: health care
Enter the average monthly amount that you actually spend on health care that are not reimbursed by insurance or paid by a health savings account. **Do not include payments for health insurance listed in Line 30.**

### Other Necessary Expenses: telecommunication services
Enter the average monthly expense that you actually pay for cell phones, pagers, cab waiting, caller identification, special long distance, or internet services necessary for the health and welfare of you or your dependents. **Do not include any amount previously deducted.**

### Total Expenses Allowed under IRS Standards
Enter the total of Lines 15 through 28

---

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### Subpart B: Additional Expense Deductions under § 707(b)

**Note:** Do not include any expenses that you have listed in Lines 15-26.

#### 30 Health Insurance, Disability Insurance, and Health Savings Account Expenses.
List the average monthly amounts that you actually expend in each of the following categories and enter the total.

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Health Insurance</td>
<td>$</td>
</tr>
<tr>
<td>2. Disability Insurance</td>
<td>$</td>
</tr>
<tr>
<td>3. Health Savings Account</td>
<td>$</td>
</tr>
<tr>
<td><strong>Total:</strong> Add Lines a, b, and c</td>
<td>$</td>
</tr>
</tbody>
</table>

#### 31 Continued contributions to the care of household or family members.
Enter the actual monthly expenses that you will continue to pay for the reasonable and necessary care 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. Do not include payments listed in Line 25.

#### 32 Protection against family violence.
Enter any average monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law.

#### 33 Home energy costs in excess of the allowance specified by the IRS Local Standards.
Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.

#### 34 Education expenses for dependent children under 18.
Enter the average monthly expenses that you actually incur, not to exceed $125 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.

#### 35 Additional food and clothing expense.
Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.irs.gov/upt or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.

#### 36 Continued charitable contributions.
Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2).

#### 37 Total Additional Expense Deductions under § 707(b).
Enter the total of Lines 30 through 36.

### Subpart C: Deductions for Debt Payment

#### 38 Future payments on secured claims.
For each of your debts that is secured by or in interest in property that you own, list the name of creditor, identify the property securing the debt, and state the Average Monthly Payment. The Average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Do not include items you have previously deducted, such as insurance and real estate taxes.

<table>
<thead>
<tr>
<th>Name of Creditor</th>
<th>Property Securing the Debt</th>
<th>60-month Average Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>b.</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td><strong>Total:</strong> Add Lines a, b, and c</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

#### 39 Past due payments on secured claims.
If any of the debts listed in Line 38 are in default, and the property securing the debt is necessary for your support or the support of your dependents, you may include in your deductions 1/60th of the amount that you must pay the creditor as a result of the default (the "cure amount") in order to maintain possession of the property. List any such amounts in the following chart and enter the total. If necessary, list additional entries on a separate page.

<table>
<thead>
<tr>
<th>Name of Creditor</th>
<th>Property Securing the Debt in Default</th>
<th>1/60th of the Cure Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>b.</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td><strong>Total:</strong> Add Lines a, b, and c</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

---

Payments on priority claims. Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 6.

Chapter 13 administrative expenses. Multiply the amount in Line a by the amount in Line b, and enter the resulting administrative expense.

a. Projected average monthly Chapter 13 plan payment. $ 

b. Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.us破产court.org or from the clerk of the bankruptcy court.) 

c. Average monthly administrative expense of Chapter 13 case Total: Multiply Lines a and b $ 

Total Deductions for Debt Payment. Enter the total of Lines 38 through 41. $ 

Subpart D: Total Deductions allowed under § 707(b)(2) $ 

Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 29, 37, and 42. $ 

Part IV. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2) $ 

44 Total current monthly income. Enter the amount from Line 11. $ 

45 Support income. Enter the monthly average of any child support payments, foster care payments, or disability payments for a dependent child, included in Line 7, that you received in accordance with applicable nonbankruptcy law, to the extent reasonably necessary to be expended for such child. $ 

46 Qualified retirement deductions. Enter the monthly average of (a) all contributions or wage deductions made to qualified retirement plans, as specified in § 54(d)(17) and (b) all repayments of loans from retirement plans, as specified in § 362(p)(19). $ 

47 Total of all deductions allowed under § 707(b)(2). Enter the amount from Line 43. $ 

48 Total adjustments to determine disposable income. Add the amounts on Lines 45, 46, and 47 and enter the result. $ 

49 Monthly Disposable Income Under § 1325(b)(2). Subtract Line 48 from Line 44 and enter the result. $ 

Part V: ADDITIONAL EXPENSE CLAIMS $ 

Other Expenses. List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend would be an additional deduction from your current monthly income under § 707(b)(2)(A)(i)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.

<table>
<thead>
<tr>
<th>Expense Description</th>
<th>Monthly Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>$</td>
</tr>
<tr>
<td>b</td>
<td>$</td>
</tr>
<tr>
<td>c</td>
<td>$</td>
</tr>
<tr>
<td>Total: Add Lines a, b, and c</td>
<td>$</td>
</tr>
</tbody>
</table>

Part VI: VERIFICATION $ 

I declare under penalty of perjury that the information provided in this statement is true and correct. (If this is a joint case, both debtors must sign.)

Date: __________________________ Signature: ________________________________

Date: __________________________ Signature: ________________________________

Rules App. G - Page 222
COMMITTEE NOTE

A. Overview

One of the changes in bankruptcy practice introduced by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 is a definition of "current monthly income," set out in § 101(10A) of the Code. Certain individual debtors in Chapter 7, all individual debtors in Chapter 11, and all Chapter 13 debtors are required to calculate their income under this definition. Certain Chapter 7 and 13 debtors are further required to calculate deductions from current monthly income allowed under the means test of § 707(b)(2)(A). Chapter 7 debtors subject to the means test may, as a result of these calculations, be subject to a presumption of abuse. The means test deductions are used in Chapter 13 to calculate disposable income under § 1325(b)(2) and (3). To comply with the reporting and calculation requirements involving current monthly income and the means test, three separate forms have been provided - one for Chapter 7, one for Chapter 11, and one for Chapter 13. This note first describes the "current monthly income" calculation that is common to all three of the forms, next describes the means test deductions employed in the Chapter 7 and 13 forms, and finally addresses particular issues that are unique to each of the separate forms.

B. Calculation of current monthly income

Current monthly income ("CMI"), as defined in § 101(10A), has different purposes in each of the three chapters in which it is used, but basic computation is the same. CMI is a monthly average of defined "income" received in the six calendar months prior to the bankruptcy filing by the debtor and, in a joint case, the debtor's spouse. The "income" to be included in this average is (1) income from all sources, whether or not taxable, and (2) any amount paid by an entity other than the debtor (or the debtor's spouse in a joint case) out a regular basis for the household expenses of the debtor, the debtor's dependents, and (in a joint case) the debtor's spouse if not otherwise a dependent. However, the income to be averaged is defined as not including "benefits received under the Social Security Act" and certain payments received by victims of terrorism, war crimes, and crimes against humanity.

The forms address the calculation of CMI in each chapter, by a series of line entries, divided into columns providing for separate entries by the debtor and the debtor's spouse. The calculation line entries are set out in Part II of the Chapter 7 form, and Part I of the forms for Chapter 11 and Chapter 13. These line entries for calculating CMI are introduced by a set of instructions and check boxes indicating when the "debtor's spouse" column is required to be completed. The instructions also direct the required averaging of the income reported on the line entries.
The line entries specify several common types of income and then include a "catch-all" line for other types. The specific entry lines address gross wages, business and rental income, interest, dividends, and royalties; pension and retirement income; and regular contributions to the debtor’s household expenses. Gross wages (before taxes) are required to be entered. Consistent with usage in the Internal Revenue Manual and the American Community Survey of the Census Bureau, business and rental income is defined as gross receipts less ordinary and necessary expenses. Unemployment compensation is given special treatment. Because the federal government provides funding for state unemployment compensation under the Social Security Act, these may be a dispute about whether unemployment compensation is a "benefit received under the Social Security Act." The forms take no position on the merits of this argument, but give debtors the option of making the argument by reporting unemployment compensation separately from their current monthly income. The separate reporting allows parties in interest to determine the materiality of an exclusion of unemployment compensation and to challenge it. The forms provide instruction for proper totaling of the income lines.

C. Means test deductions from current monthly income

Deductions from CMI are set out in § 707(b)(2)(A)(ii)-(iv). The forms for Chapter 7 and Chapter 13 have identical sections (Parts V and III, respectively) for calculating these deductions. The calculations are divided into subparts reflecting three different kinds of allowed deductions.

1. Deductions under IRS standards

Subpart A deals with deductions from CMI, set out in § 707(b)(2)(A)(ii), for "the debtor’s applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor’s actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides." The forms provide entry lines for each of the specified expense deductions under the IRS standards, and instructions on the entry lines identify the web pages where the relevant IRS allowances can be found. As with all of the deductions in § 707(b)(2)(A)(ii), deductions under the IRS standards are subject to the proviso that they net include "any payments for debts."

The IRS National Standards provide a single allowance for food, clothing, household supplies, personal care, and miscellaneous, depending on income and household size. The forms contain an entry line for the applicable allowance.

The IRS Local Standards provide separate deductions for housing and utilities and for transportation, with different amounts for different areas of the country, depending on the debtor’s family size and number of the number of the debtor’s vehicles. Each of the amounts specified by the IRS in the Local Standards are treated by the IRS as a cap on actual expenses, but because § 707(b)(2)(A)(i)(C) provides for deduction in the "amounts specified under the Local Standards," the forms treat these amounts as allowed deductions.

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[For use with the alternate versions of the Chapter 7 and 13 forms. The Local Standards for housing and utilities separate this expense category into a utilities/maintenance component and a mortgage/rental expense component. The utilities/maintenance component is a simple allowance covering a variety of expenses involved in the operation of a residence. The mortgage/rental expense component covers the cost of acquiring the residence; for homeowners with mortgages, the mortgage/rental expense is reduced by debt payment; since the cost of a mortgage is part of the allowance. Accordingly, the form requires debtors to deduct from allowance for mortgage/rental expense the average monthly mortgage payment (principal and interest); up to the full amount of the IRS mortgage/rental expense. This average payment is as reported on the separate line of the form for deductions of secured debt pursuant to §707(b)(2)(A)(i)(I).] (Under revision)

[For use with the original versions of the Chapter 7 and 13 forms. The Local Standards for housing and utilities provide a single expense allowance covering both the cost of acquiring housing (rent or mortgage payments) and the cost of utilities, insurance, and maintenance connected with the housing. Because this allowance includes debt payment, the form directs debtors to deduct any portion of the allowance that includes payments on debt secured by their homes. The proper manner of calculating this deduction from the housing and utilities allowance will have to be determined by judicial decisions.] (Under revision)

The Local Standards for transportation separate this expense category into a vehicle operation/public transportation component and a component for ownership/lease expense. The amount of the vehicle operation/public transportation allowance depends on the number of vehicles the debtor operates, with debtors who do not operate vehicles being given a public transportation expense. The instruction for this line item makes it clear that every debtor is thus entitled to some transportation expense allowance. No debt payment is involved in this allowance. However, for debtors with debt secured by the vehicles that they operate, the ownership/lease expense does involve debt payment. Accordingly, the form requires debtors to reduce the allowance for ownership/lease expense by the average monthly loan payment amount (principal and interest), up to the full amount of the IRS ownership/lease expense amount. This average payment is as reported on the separate line of the form for deductions of secured debt pursuant to §707(b)(2)(A)(ii).

The IRS does not set out allowances for "Other Necessary Expenses." Rather, it sets out a number of categories for such expenses, and describes the nature of the expenses that may be deducted in each of these categories. Section 707(b)(2)(A)(ii) allows a deduction for the debtor's actual expenses in these specified categories, subject to its requirement that payment of debt not be included. Several of the IRS categories deal with debt repayment and so are not included in the forms. Several other categories deal with expense items that are more expansively addressed by specific statutory allowances. The remaining IRS categories are set out in individual line entries. Instructions on the individual entry lines reflect limitations imposed by the IRS and the need to avoid inclusion of items deducted elsewhere on the forms.

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The forms call for a subtotal of the deductions allowed under the IRS standards.

2. Additional statutory expense deductions

In addition to the IRS expense deductions, subclauses (I), (II), (IV), and (V) of § 707(b)(2)(A)(ii) allow six special expense deductions. Each of these additional expense items is set out on a separate line entry in Subpart B, introduced by an instruction that there should not be double-counting of any expense already included in the IRS deduction. Contributions to tax-exempt charities provide another statutory expense deduction. Specifically, § 1325(b)(2)(A)(ii) expressly allows a deduction from CMI for such contributions (up to 15% of the debtor’s gross income), and § 707(b)(1) provides that in considering whether a Chapter 7 filing is an abuse, the court may not take into consideration “whether a debtor...continues to make [tax-exempt] charitable contributions.” Accordingly, Subpart B also includes an entry line for charitable contributions. Again, the forms call for the additional statutory expense deductions to be subtotald.

3. Deductions for payment of debt

Subpart C of the forms deals with deductions from CMI for payment of secured and priority debt, as well as a deduction for administrative expenses that would be incurred if the debtor paid debts through a Chapter 13 plan. In accord with § 707(b)(2)(A)(iii), the deduction for secured debt is divided into two entry lines—one for payments that are contractually due during the 60 months following the bankruptcy filing, the other for amounts needed to retain necessary collateral securing debts in default. In each situation, the instructions for the entry lines require dividing the total payment amount by 60, as the statute directs. Priority debt, deductible pursuant to § 707(b)(2)(A)(iv), is treated on a single entry line, also requiring division by 60. The defined deduction for the expenses of administering a Chapter 13 plan is allowed by § 707(b)(2)(A)(v) only for debtors eligible for Chapter 13. The forms treat this deduction in an entry line that requires the eligible debtor to state fee amount of fee prospective Chapter 13 plan payment and multiply that payment amount by the percentage fee established for the debtor’s district by the Executive Office for United States Trustees. The forms refer debtors to a website that will set out this percentage fee. An entry line is provided for subtotaling the debt payment deduction.

4. Total deductions

Finally, the forms direct that the subtotals from Subparts A, B, and C be added together to arrive at the total of allowed deductions from CMI.

5. Additional claimed deductions

The forms do not provide for deductions from CMI for expenses in categories that are not specifically identified as “Other Necessary Expenditures” in the Internal Revenue Manual. However,
debtors may wish to claim expenses that do not fall within the categories listed as "Other Necessary Expenses" in the forms. The forms provide sections (Part VII in the Chapter 7 form and Part V in the Chapter 13 form) for such expenses to be identified and totaled. Although expenses listed in these sections are not deducted from CMI for purposes of the forms' calculations, the listing provides a basis for debtors to assert that these expenses should be deducted from CMI under § 707(b)(2)(A)(ii)(I), and that the results of the forms' calculation are therefore inaccurate.

D. The Chapter-specific forms

1. Chapter 7

The Chapter 7 form has several unique aspects. The form includes, in the upper right corner of the first page, a check box requiring the debtor to state whether or not a presumption of abuse exists as a result of the calculations required by the form. This check box is intended to give clerks of court a conspicuous indication of the cases for which they will be required to provide notice of a presumption of abuse pursuant to § 342(d).

Part I of the form implements the provision of § 707(b)(2)(D) that excludes certain disabled veterans from any form of means testing, making it unnecessary to compute the CMI of such veterans. Debtors who declare under penalty of perjury that they are disabled veterans within the statutory definition are directed to verify their declaration in Part VII, to check the "no presumption" box at the beginning of the form, and to disregard the remaining parts of the form.

Part II of the form is the computation of current monthly income ("CMI") as defined in § 101(10A). Section 707(b)(2) eliminates standing to assert the means test's presumption of abuse if the debtor's annualized CMI does not exceed a defined median state income. For this purpose, the CMI of the debtor's spouse is added to the debtor's CMI even if the debtor's spouse is not a joint debtor, unless the debtor declares under penalty of perjury that the spouses are legally separated or living separately other than for purposes of evading the means test. Accordingly, the calculation of CMI in Part II directs a computation of the CMI of the debtor's spouse in all cases of married debtors where the debtor is unable to make the specified declaration or where the debtors are filing jointly, and the CMI of both spouses in these cases is added for purposes of determining standing under § 707(b)(7).

Part III of the form provides for the comparison of the debtor's CMI for purposes of § 707(b)(7) to the applicable state median income. It then directs debtors whose income does not exceed the applicable median to verify the form and check the "no presumption" box at the beginning of the form, but not to complete the remaining parts of the form. Debtors whose CMI does exceed the applicable state median are required to complete the remaining parts of the form.

Part IV of the form provides for an adjustment to the CMI of a married debtor, not filing jointly, whose spouse's CMI was included with the debtor's for purposes of determining standing.
to accept the means test presumption. The means test itself does not charge a married debtor in a
non-joint case with the income of the non-filing spouse, but rather only with contributions made
by that spouse to the household expenses of the debtor and the debtor's dependents, as provided
in the definition of CMI in § 101(10A). Accordingly, Part IV calls for the combined CMI total of
Part II to be reduced by the amount of the non-filing spouse's income that was not contributed to
the household expenses of the debtor or the debtor's dependents.

Part V of the form provides for a calculation of allowed deductions from the debtor's
CMI, as described above.

Part VI provides for determination of whether the debtor's CMI, less the allowed
deductions, gives rise to a presumption of abuse under § 707(b)(2)(A). Depending on the
outcome of this determination, the debtor is directed to check the appropriate box at the
beginning of the form and to sign the verification in Part VIII. Part VII allows the debtor to
claim additional deductions, as discussed above.

2. Chapter 11

The Chapter 11 form is the simplest of the three, since the means-test deductions of
§ 707(b)(2) are not employed in determining the extent of an individual Chapter 11 debtor's
disposable income. Rather, § 1129(a)(15) requires payments of disposable income "as defined in
section 1325(b)(2)," and that paragraph allows calculation of disposable income under
judicially-determined standards, rather than pursuant to the means-test deductions, specified for
higher income Chapter 13 debtors by § 1325(b)(3). However, § 1325(b)(2) does require that
CMI be used as the starting point in the judicial determination of disposable income, and so the
Chapter 11 form requires this calculation (in Part I of the form), as described above, together
with a verification (in Part II).

3. Chapter 13

Like the Chapter 7 form, the form for Chapter 13 debtors contains a number of special
provisions. Because § 1325(b)(3) employs the means test deductions for debtors whose CMI
exceeds the applicable state median income, the upper right corner of the first page includes
check boxes requiring the debtor to state whether § 1325(b)(3) applies, thus quickly informing
standing trustees and other interested parties of the need to consider these deductions.

Part I of the form is the calculation of CMI, as described above.

Part II of the form compares the debtor's CMI to the applicable state median, allowing the
determination of the applicability of the means-test deductions required by § 1325(b)(3).
Part III provides for calculation of the means test deductions provided in § 707(b)(3), described above, as incorporated by § 1125(b)(3) for debtors with CMI above the applicable state median.

Part IV provides for three adjustments required by special provisions affecting disposable income. First, § 1325(b)(2) itself excludes CMI in the determination of disposable income certain "child support payments, foster care payments, [and] disability payments for a dependent child." Because payments of this kind are included in the definition of CMI in § 101(10A), a line entry for deduction of these payments is provided. Second, a line entry is provided for deduction of contributions by the debtor to certain retirement plans, listed in § 541(b)(7)(B), since that provision states that such contributions "shall not constitute disposable income, as defined in section 1325(b)(2)." Third, the same line entry also allows a deduction for disposable income for payments on loans from retirement accounts that are excepted from the automatic stay by § 362(b)(19), since § 1322(f) provides that for a "loan described in section 362(b)(19) . . . any amounts required to repay such loan shall not constitute "disposable income" under section 1325."

The Chapter 13 form does not provide a deduction for disposable income for the Chapter 13 debtor’s anticipated attorney fees. There is no specific statutory allowance for such a deduction, and none appears necessary. Section 1325(b)(1)(B) requires that disposable income contributed to a Chapter 13 plan be used to pay "unsecured creditors." A debtor’s attorney who has not taken a security interest in the debtor’s property is an unsecured creditor who may be paid from disposable income.

Part V of the form allows the debtor to claim additional deductions, as described above, and Part VI is the verification.
DEBTOR'S CERTIFICATION OF COMPLETION OF INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

[Complete one of the following statements.]

☐ If we, ___________________________ (Printed Name(s) of Debtor and Joint Debtor, if any), the debtor(s) in the above-styled case hereby certify that on ____________ (Date) we completed an instructional course in personal financial management provided by ___________________________ (Name of Provider), an approved personal financial management instruction provider. If the provider furnished a document attesting to the completion of the personal financial management instructional course, a copy of that document is attached.

☐ If we, ___________________________ (Printed Names of Debtor and Joint Debtor, if any), the debtor(s) in the above-styled case, hereby certify that no personal financial management course is required because: [Check the appropriate box.]

☐ I am/We are incapacitated or disabled, as defined in 11 U.S.C. § 109(h);

☐ I am/We are on active military duty in a military combat zone; or

☐ I/We reside in a district in which the United States trustee (or bankruptcy administrator) has determined that the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise be required to complete such courses.

Signature of Debtor: ___________________________

Date: ________________

Signature of Joint Debtor: ___________________________

Date: ________________
COMMITTEE NOTE

The form is new. Sections 727(a)(11) and 1328(g)(1), which were added to the Code by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), require the debtor to complete an instructional course concerning personal financial management as a condition for receiving a discharge. The completed form, when filed by the debtor, will signal the clerk that this condition has been satisfied.
CERTIFICATION TO COURT OF APPEALS
BY ALL PARTIES

A notice of appeal having been filed in the above-styled matter on [Date], and
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)(C) exists as stated below.

Leave to appeal in this matter [ ] is [ ] 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

(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.

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Signers: [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 No. ____________________________

Date ____________________________

Attorney for Appellant (or Appellant, if not represented by an attorney)

Printed Name of Signer ____________________________

Address _________________________________________

Telephone No. ____________________________

Date ____________________________
COMMITTEE NOTE

This form is new. Rule 8001, as amended in 2005, requires that any certification of an appeal, bankruptcy court judgment, order, or decree directly to the United States Court of Appeals by all the appellants and appellees (if any) acting jointly be filed on this form.
MEMORANDUM TO: Advisory Committee on Bankruptcy Rules

FROM: Professor Jeffrey W. Morris, Reporter, Advisory Committee on Bankruptcy Rules

DATE: August 5, 2005

RE: Proposed Interim Bankruptcy Rules and Amended and New Official Forms

INTERIM RULES AMENDMENTS AND RULES ADDITIONS TO IMPLEMENT CHANGES MADE BY THE 2005 BANKRUPTCY REFORM LEGISLATION

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the “Act”) exceeds 506 pages in length and touches on nearly every aspect of bankruptcy cases. It introduces the concept of a means test as a requirement of eligibility for chapter 7 relief, adds an entirely new chapter to the Code (chapter 15 governing cross border insolvencies), and creates new categories of debtors and classes (health care businesses and small business cases), among other things. Many of these provisions necessitate the amendment or creation of bankruptcy rules and forms.

The provisions of the Act generally are effective on October 17, 2005. Several of its provisions were effective upon the enactment date, April 20, 2005, while several others have individualized effective dates. Most importantly, however, the general effective date of 180 days after enactment does not provide sufficient time to promulgate rules under the Rules Enabling Act to implement the statutory changes. Thus, the attached proposed rules and forms are offered for adoption through standing or general orders by each of the district courts. For the sake of clarity, these rules are titled “Interim Rules and Forms” to denote that they are expected to apply to bankruptcy cases only from October 17, 2005, until final rules and forms are promulgated and effective under the regular Rules Enabling Act process.
Adoption of these Interim Rules and Forms will bridge the gap between the Act’s effective date and the promulgation of rules by the Supreme Court through the regular Rules Enabling Act process. In the meantime, the Advisory Committee on Bankruptcy Rules and the Committee on the Rules of Practice and Procedure will be moving forward with the study and preparation for publication of proposed rules and forms to implement the changes to the Bankruptcy Code contained in the Act. These proposals likely will include all of the attached Interim Rules and Forms, either in their current form, or as the Committees might revise them prior to further publication. Other proposed amendments will also be included in the package of proposals that will be published for comment, most likely in August 2006. The Committees hope and expect that practice under these proposed rules will generate commentary on the rules that will guide them in the process of the proposal of amendments under the Rules Enabling Act.

The amendments and additions are broken out into five categories of rules—amendments: consumer; business; health care; cross border; and appeals. Several rules are amended by more than one category of the Interim Rules, and each amendment is described within each category. A total of thirty-five rules either are added to or amended by these Interim Rules. There are seven new rules. Among the Consumer Rules, Rule 5002 is new. New rules included in the Health Care Rules are Rules 1021, 20072, 2015.1, 2015.2, , and 6011. The Cross Border rules include new Rule 5012.

A number of the amendments are relatively brief and technical in nature. Others are more extensive because they implement entirely new concepts added to the Code by the Act. Those amendments that are designated as technical are those that simply update the rule to adopt new terminology or definitions included in the Act, or that adopt a deadline set out in the statute. The designation of a particular rule as “technical” appears immediately after the boldface identification of the rule. “Conforming” amendments contain lengthier changes, but they only add or delete language necessary to conform the rules to the amendments to the Code. The following is a brief description of the Interim Rules set out by the separate categories.

CONSUMER RULES

Rule 1006 is amended to implement the provisions in the Act that, for the first time on a nationwide basis, authorize the courts to waive the payment of filing fees by debtors. The amendment directs the debtor to use the Official Form for requesting a fee waiver. The amendment also permits the court to allow the payment of the filing fee in installments even if the debtor has made a payment to an attorney in connection with the case.

Rule 1007 (conforming) is amended to reflect the expanded obligations of debtors to file a variety of documents and materials by the Act. The amendments address the filing of current monthly income statements and other forms to implement the means test imposed by the 2005 bankruptcy reform legislation. There are also changes to require debtors to file additional materials such as payment advice and education income retirement accounts, as well as certificates for the completion of credit counseling and financial management programs mandated

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by the legislation. This rule is also otherwise amended by the Business and Cross Border Rules.

Rule 1009 (technical) is amended to correct a cross reference to the Bankruptcy Code due to the restructuring of § 521 of the Code by the Act.

Rule 1017 (conforming) is amended to implement the amendments to § 707(b) of the Code by the Act that permit parties in interest to move to dismiss the chapter 7 case of an individual whose debts are primarily consumer debts as abusive. The amendments to subdivision (e) of the rule preserve the time limits already in place for § 707 motions. The rule also requires that a motion filed under § 707(b)(3) state with particularity the circumstances that present the alleged abuse.

Rule 1019 (conforming) is amended because the Act is likely to lead to more conversions of cases to and from chapters 7 and 13. The amendments preserve deadlines for motions to dismiss a case under § 707(b) upon conversion of a case from chapter 13 to chapter 7.

Rule 2002 (conforming) is amended to reflect the 2005 revisions to § 704 of the Bankruptcy Code in the Act requiring the court to provide a copy to all creditors of a statement by the United States trustee as to whether the debtor's case would be presumed to be an abuse under § 707(b) not later than five days after receiving it. This rule is also otherwise amended by the Business and Cross Border Rules.

Rule 3002 (conforming) is amended to conform to changes in the Code made by the Act. Under § 502(b)(9), governmental units asserting claims based on tax returns filed under § 1308 during a chapter 13 case have a different time period for filing proofs of those claims. Paragraph (e)(1) is amended to conform to §502(b)(9). This rule is also otherwise amended by the Business Rules.

Rule 4002 is amended to implement the provisions of the Act that expand the obligation of debtors to provide additional evidence of personal identity, current income, and recent Federal income tax returns or tax transcripts. Amendments to the rule had been published for comment in August 2004, and this amendment carries forward from that proposed amendment the debtor's obligation to provide evidence of financial accounts existing at the time of the commencement of the case.

Rule 4003 (conforming) is amended to reflect the Act's addition of § 522(q) to the Bankruptcy Code. Section 522(q) imposes a $125,000 limit on a state homestead exemption if the debtor has been convicted of a felony or owes a debt arising from certain causes of action. Other revised provisions of the Bankruptcy Code, such as § 727(a)(12) and § 1328(b), suggest that the court may consider issues relating to § 522 late in the case, and thus the 30-day period for objections would not be appropriate for this provision. Thus, a new subdivision (b)(2) is added to provide a separate time limit for this provision.
Rule 4004 (conforming) is amended to implement several provisions added to the Bankruptcy Code by the Act. The amendments address the postponement of the court’s entry of a discharge pending the debtor’s completion of a financial management program as well as the need to postpone the discharge to consider whether the debtor has committed a felony or owes a debt arising from certain causes of action within a particular time frame.

Rule 4006 (conforming) is amended to reflect the Act’s revision of the Bankruptcy Code that requires individual debtors to complete a course in personal financial management as a condition to the entry of a discharge. If the debtor fails to complete the course, no discharge will be entered, but the case may be closed. The amended rule provides notice to parties in interest, including the debtor, that no discharge was entered.

Rule 4007 (conforming) is amended because the Act expands the exceptions to discharge upon completion of a chapter 13 plan. Subdivision (c) extends to chapter 13 the same time limits applicable to other chapters of the Code with respect to the two exceptions to discharge that have been added to § 1328(a) and that are within § 523(c). Subdivision (d) is amended to establish a deadline for filing a complaint in a chapter 13 case only for § 523(a)(6), rather than for all of the categories of claims under § 523(c).

Rule 4008 (conforming) is amended to reflect the Act’s addition of §§ 524(k)(6)(A) and 524(m) to the Bankruptcy Code. The provisions require that a debtor file a signed statement in support of a reaffirmation, and authorize a court to review the agreements if, based on the assertions on the statement, the agreement is presumed to be an undue hardship. The rule revision requires that an accompanying statement show the total income and expense figures from schedules I and J and an explanation of any discrepancies. This will allow the court to evaluate the reaffirmation for undue hardship as § 524(m) requires.

Rule 5008 is new. The 2005 revisions to § 342 of the Bankruptcy Code require that clerks give written notice to all creditors not later than 10 days after the date of the filing of the petition that a presumption of abuse has arisen under § 707(b). A statement filed by the debtor will be the source of the clerk’s information about the presumption of abuse. This rule enables the clerk to meet its obligation to send the notice within the statutory time period set forth in § 342. In the event that the court receives the debtor’s statement after the clerk has sent the first notice, and the debtor’s statement indicates a presumption of abuse, this rule requires that the clerk send a second notice.

BUSINESS RULES

Rule 1007 (technical) is amended to recognize the limitation on the extension of the time to file schedules and statements when the debtor is a small business debtor. Section 1116(3), added to the Bankruptcy Code by the Act in 2005, establishes a specific standard for the courts to apply in the event that the debtor in possession or the trustee seeks an extension for the filing of these
forms for a period beyond 30 days after the order for relief. This rule is also otherwise amended by the Consumer and Cross Border Rules.

Rule 1020 is essentially a new rule that reflects the change in the definition of a small business debtor made by the Act. The former rule is deleted, and the new rule provides a procedure for informing the parties, the United States trustee, and the court of whether the debtor is a small business debtor. It also provides procedures for bringing to the court disputes regarding the proper characterization of the debtor. Because it is important to resolve such disputes early in the case, a time limit for objecting to the debtor's self-designation is imposed. Rule 9006(b)(1), which governs enlargement of time, is applicable to the time limits set forth in this rule. Subdivision (c), which relates the presence and activity of a committee of unsecured creditors, is designed to be consistent with the Code's definition of "small business debtor."

Rule 2002 is amended in several respects to implement amendments made to the Bankruptcy Code by the Act. Subdivision (b) is amended to require that notice of a hearing on the approval of a plan to serve as a disclosure statement be given in a small business case in chapter 11. Subdivision (c)(1) is added to the rule to give the court flexibility to direct that notice by other means shall supplement notice by mail, or to enlarge the notice period, for creditors with foreign addresses now required by §1514(d) of the Code. This portion of the rule recognizes that the court has discretion to establish procedures to determine, on its own initiative, whether relief under subdivision (p) is appropriate, but that the court is not required to establish such procedures and may decide to act only on request of a party in interest. Subdivision (p)(2) is added to the rule to grant creditors with a foreign address to which notices are mailed at least 30 days notice of the time within which to file proofs of claims if notice is mailed to the foreign address, unless the court orders otherwise. If cause exists, such as likely delays in the delivery of notices in particular locations, the court may extend the notice period for creditors with foreign addresses. The court may also shorten the additional notice time if circumstances so warrant. This rule is also otherwise amended by the Consumer Rules and the Cross Border Rules.

Rule 2003 (technical) is amended to implement the Act's amendment to §341(e) of the Bankruptcy Code. The amendment to the rule authorizes the court, on request of a party in interest and after notice and a hearing, to order that a meeting of creditors not be convened if the debtor had solicited acceptances of a plan prior to the commencement of the case. The amended rule recognizes that a meeting of creditors may not be held in those cases.

Rule 2007.1 (conforming) is amended to reflect the change in the manner of the election and appointment of trustees in chapter 11 cases. The 2005 amendments to the Bankruptcy Code reduce somewhat the role of the United States trustee in the appointment process, so the amendments to Rule 2007.1 limit that role and require the elected trustee to file an affidavit setting forth information regarding that person's connections with creditors and others with an interest in the case.
Rule 3002 is amended to implement § 1514(d) which was added to the Bankruptcy Code by the Act. Subdivision (e)(6) gives the court discretion to extend the time for filing a proof of claim for a creditor who received notice of the time to file the claim at a foreign address, if the court finds that the notice was not sufficient, under the particular circumstances, to give the foreign creditor a reasonable time to file a proof of claim.

Rule 3003 (technical) is amended to implement § 1514(d), which was added to the Code by the Act in 2005, by making the new Rule 3002(c)(6) applicable in chapter 9 and chapter 11 cases. Rule 3016 is amended to recognize that, in 2005, the Act added §1125(f)(1) to the Code to provide that the plan proponent in a small business case need not file a disclosure statement if the plan itself includes adequate information and the court finds that a separate disclosure statement is unnecessary. If the plan is intended to provide adequate information in a small business case, it may be conditionally approved as a disclosure statement under Rule 3017.1 and is subject to all other rules applicable to disclosure statements in small business cases.

Rule 3017.1 (technical) is amended to implement the Act’s amendment to the Bankruptcy Code that permits the court in a small business chapter 11 case to conditionally approve a plan intended to provide adequate information. The plan is then treated as a disclosure statement under this rule.

Rule 3019 (conforming) is amended because the Act added to the Bankruptcy Code a provision for the modification of plans filed by individual debtors in chapter 11 cases. The rule is amended to establish the procedure for filing and objecting to a proposed modification of a confirmed plan.

Rule 5003 (technical) is amended to implement the addition of § 505(b)(1) to the Code by the Act in 2005. That section allows taxing authorities to designate addresses to use for the service of a request under that subsection.

Rule 6004 (conforming) is amended to implement sections 332 and 363(b)(1)(B), which the Act added to the Code in 2005. Those sections require the appointment of a consumer privacy ombudsman in certain circumstances when a debtor proposes to sell personally identifiable information.

Rule 9006 (technical) is amended to recognize that extensions of time for filing schedules and a statement of financial affairs by small business debtors cannot be extended beyond the time set in § 1116(3) of the Code as added by the Act in 2005. This amendment operates in tandem with the amendment to Rule 1007(c) to recognize this restriction on expanding the time to file these documents in small business cases.

HEALTH CARE RULES

Rule 1021 is new. It is added to the rules to implement § 101(27A) of the Code, added by the Act in 2005. That section defines health care businesses, and the rule authorizes parties in interest to
seek an order identifying a debtor as a health care business. The debtor, in a voluntary case and the petitioning creditors in an involuntary case will make the health care business identification on the petition. If a party in interest disagrees with the determination by the debtor or petitioning creditors that the debtor is not a health care business, the party can move for an order designating the debtor as a health care business.

Rule 2007.2 (conforming) is new. It is added to the rules to govern the appointment of a health care ombudsman in the first 30 days of all health care business cases unless the court finds that the appointment is not necessary for the protection of patients. This is a new obligation created by § 333 of the Code added by the Act in 2005. The rule recognizes this obligation and provides that any party in interest that believes that the appointment of a health care ombudsman is unnecessary in the case must file its objection to the appointment within the first twenty days of the case. That entity also must notify other interested parties that the objection has been filed. The court will then consider the objection and determine whether to order the United States trustee to make the appointment. In the absence of any timely objections, the court will enter an order directing the United States trustee to appoint the ombudsman. The rule also permits parties in interest to file motions either to appoint or terminate the appointment of these ombudsmen, and it sets forth the procedure for approving the appointment.

Rule 2015.1 is new. It is added to implement § 333(b) and (c) added to the Code in 2005 by the Act. The rule requires ten days notice of reports to be made by the health care ombudsman and sets out the entities to whom the notice must be given. The rule permits the notice to relate to a single report or to periodic reports to be given throughout the course of the case. That is, the notice may serve as notice of all reports to be given by the ombudsman at specified intervals during the case. Interested parties will then be able to review the written reports or attend the hearings at which oral reports might be given. The Rule also implements § 333(c)(1) added to the Code in 2005 by the Act. The statute requires court approval of the ombudsman’s review of the patient records with the imposition of appropriate restrictions to protect the confidentiality of the records. The rule requires the ombudsman to notify the United States trustee, the patient, and any family member or contact person whose name and address have been given to the trustee or the debtor that the ombudsman is seeking access to otherwise confidential patient records. This provides an opportunity for the patient and United States trustee to appear and be heard on the matter and should assist the court in reaching its decision both as to access to the records and appropriate restrictions on that access to ensure continued confidentiality. A notice given under the rule is expressly made subject to applicable nonbankruptcy laws governing patient privacy.

Rule 2015.2 (conforming) is new. It is added to implement § 704(a)(12) which was added to the Code in 2005 by the Act. That section authorizes the trustee to relocate patients when a health care business debtor’s facility is being closed. The statute permits the trustee to take this action without the need for any order from the court, but the notice required by this rule will enable patients who contend that the trustee’s actions violate § 704(a)(12) to have those issues resolved. A notice given under the rule is expressly made subject to applicable nonbankruptcy laws governing patient privacy.
Rule 6011 is new. It is added to implement § 351(1) which was added to the Code in 2005 by the Act. That provision requires the trustee to notify patients that their patient records will be destroyed if they remain unclaimed for one year after the publication of a notice in an appropriate newspaper. The statute also requires that individualized notice be sent to each patient and every family member and other contact person to whom the debtor is providing information about the patient’s health. Subdivisions (a) and (b) establish minimum requirements for notices to patients, their family members, and contact persons to ensure that sufficient information is provided to these persons regarding the trustee’s intent to dispose of patient records. Subdivision (c) directs the trustee to maintain proof of compliance with § 351(1)(B), but it prohibits filing the proof of compliance unless the court orders the trustee to file it under seal because the proof of compliance may contain patient names that should or must remain confidential. Subdivision (d) requires the trustee to file a report with the court regarding the destruction of patient records. This certification is intended to ensure that the trustee properly completed the destruction process. Again, notices under this rule are expressly made subject to applicable nonbankruptcy laws governing patient privacy.

CROSS BORDER RULES

Rule 1007 is amended to require that any entity filing a petition for recognition to commence a case under chapter 15 of the Code file a list of entities with whom the debtor is engaged in litigation in the United States. This chapter was added to the Code by the Act. The recognition of a foreign proceeding makes § 362 of the Code operative in the case, so the amendment to the rule requires the entity filing a petition for recognition to file a list of parties to pending litigation with the debtor. These entities can then be notified prior to the imposition of the automatic stay that the petitioner has sought relief under chapter 15. This rule is also otherwise amended by the Consumer and Business Rules.

Rule 1010 (conforming) is amended to implement the changes to the Bankruptcy Code made by the Act. It repealed § 304 of the Code and replaced it with chapter 15 governing both ancillary and cross-border cases. Under that chapter, a foreign representative commences a case by filing a petition for recognition of a pending foreign proceeding. This amendment requires service of the summons and petition on the debtor and any entity against whom the representative is seeking provisional relief. The rule also provides that the court may direct that service be made on additional entities as appropriate.

Rule 1011 (technical) is amended to reflect the 2005 enactment of the Act which repealed § 304 of the Code and added chapter 15 to the Code. Section 304 covered cases “ancillary to foreign proceedings”, while chapter 15 of the Code governs cross-border insolvencies and introduces the concept of a petition for recognition of a foreign proceeding. The amendment implements this new terminology.

Rule 2002 is amended by adding subdivision (a) to the rule to require that notice be given to the debtor and entities against whom provisional relief is sought of a hearing on a petition for
recognition of a foreign proceeding. There is no need at this stage of the proceedings to provide notice to all creditors. If the foreign representative should take action to commence a case under another chapter of the Code, the rules governing those proceedings will operate to provide that notice is given to all creditors. This rule is also otherwise amended by the Business and Consumer Rules.

Rule 2015 (conforming) is amended by inserting a new subdivision (d) to implement the 2005 enactment of § 1518 of the Code as a part of the Act. That section directs the foreign representative to make reports to the court, and the rule sets the time for the filing of those reports. Former subdivision (d) is renumbered as subdivision (e). This rule is also amended by the Business Rules.

Rule 5012 (conforming) is new. It is added to implement § 1525 of the Code which was added by the Act. The rule provides an opportunity for parties in the case to take appropriate action prior to the communication between courts to establish procedures for the manner of the communication and the right to participate in the communication.

DIRECT APPEAL RULES

Rule 8001 is amended to implement the direct appeal provisions of the Act added in 2005. The Act amended 28 U.S.C. § 158 to authorize appeals directly to the courts of appeals upon certification. The Act also amended 28 U.S.C. § 158 to authorize appeals directly to the courts of appeals upon certification. The rule sets out the procedure for obtaining a certification, whether by the court on its own initiative, or upon request of a party. The rule also provides that review by the court of appeals, which is at its discretion, requires that a party file a timely notice of appeal.

Rule 8003 is amended to implement the direct appeal provisions that the Act added in 2005. It provides that a certification by the lower court or the allowance of leave to appeal by the court of appeals is deemed to satisfy the requirement for leave to appeal even if no motion for leave to appeal has been filed.

AMENDMENTS AND ADDITIONS TO OFFICIAL FORMS

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the “Act”) is the most substantial amendments of the bankruptcy laws since the enactment of the Bankruptcy Code in 1978. The amendments introduce the concept of a means test as a requirement of eligibility for chapter 7 relief, add an entirely new chapter to the Code (chapter 15 governing ancillary and other cross-border insolvencies), and create new categories of debtors and cases (health care businesses and small business cases), among other things. Many of these provisions necessitate the amendment or creation of bankruptcy rules and forms.
The Advisory Committee on the Bankruptcy Rules conducted a careful review of the Act to identify the need to amend the existing Official Forms or to propose new forms. As a result of that study, the Advisory Committee recommends the adoption of nine new Official Forms and amendments to thirty-three of the existing Official Forms. The forms to implement the means test, to permit the waiver of filing fees and to pay the filing fee in installments, and to assist the Administrative Office to compile statistical information as required by 28 U.S.C. § 191 include the extensive changes or additions that required the Committee to make significant policy decisions regarding the Act and Rules.

Much like the amendments and additions to the Bankruptcy Rules, most of the changes to the Official Forms are either technical or conforming changes. The technical changes are minor changes required to implement a specific provision of the Act. For example, the Act extends the time between chapter 7 discharges from six years to eight years. A number of forms require debtors to provide their names for six years, and technical amendments change each of those references to eight years. An example of a conforming amendment is the change made to Official Form 80C (Schedule C – Property Claimed as Exempt) to implement the amendment to § 522(0)(3)(A) that requires that the debtor’s domicile to have been in the same state for the 730 days prior to the filing of the petition. Previously, the domicile requirement was only the greater part of the 180 days before the filing of the petition. Similarly, question 3 on the Statement of Financial Affairs asks the debtor to set out payments made to creditors in the 90 days prior to the commencement of the case, but it directs the debtor to exclude from the list those payments to a particular creditor that in the aggregate total $600 or less. The form is amended to limit that question to debts with primarily consumer debts, and the question is expanded to direct debtors whose debts are primarily business debts to exclude payments to a particular creditor that in the aggregate exceed $5,000.

Many Official Forms vary according to the chapter or the nature of the debtor. Official Form 9 is the Notice of § 341 Meeting, and there are separate notices for each chapter. Within chapters, the same notice may differ if the case is proceeding as a no asset case or if there appear to be assets that will lead to a distribution to creditors. Consequently, global changes in the form are made for each of the chapters and for each type of debtor.

The most significant addition to the Official Forms is the means test form. There are separate versions of the form for use by individual debtors in cases under chapters 7, 11, and 13 because the Act applies the means test slightly differently in each chapter. See Official Forms 22A, 22A(Alt), 22B, 22C, and 22C(Alt). The test also requires the use of census bureau data and data from the Internal Revenue Service, as well as other data supplied by and unique to the debtor completing the form. The Act sometimes fails to resolve potential conflicts, and the Committee has worked closely with the Executive Office of United States Trustees to propose a form that will gather all of the necessary information in a way that is manageable for debtors and effective for the United States Trustee Program to perform its duties regarding the means test. One matter remains unresolved. The Internal Revenue Service expense allowances for housing are not broken down in a manner consistent with the means test included in the Act. The Service is
considering providing that breakdown so that the means test form can be streamlined, and a favorable decision on the issue could be forthcoming prior to the effective date of the Act. In the meantime, however, the Advisory Committee has approved alternative means test forms, and the form that assumes the need to break down the expenses separately from the IRS allowances would be removed from the list of Official Forms whenever the Service provides the expense breakdown. The United States Trustee Program supports the adoption of the means test forms.

A form that is amended to conform to the Act, but that includes a significant change from the existing form, is Official Form 3. The form is the Application to Pay Filing Fee in Installments as well as an order granting the application. The Act amends 28 U.S.C. § 1930 to authorize the courts to waive the filing fee for certain debtors which caused the Advisory Committee to propose an amendment to Rule 1006, the rule governing applications for the payment of filing fees in installments. Consequently, the attached forms include proposed Official Forms 3A and 3B. Form 3A is an amended version of current Official Form 3. It is amended to conform to the newly proposed rule, and it no longer bars the debtor from seeking to pay the fee in installments if the debtor has made any payments to an attorney or other person in connection with the case. Form 3B is the form for use when the debtor is seeking a waiver of the fee. This form is derived in part from the form used in pilot districts that permitted fee waivers from 1994 to 1997.

Official Form 6 is amended to assist the Administrative Office of the United States Courts to meet its obligation under 28 U.S.C. § 159 to compile data as to the amount of debt being discharged in bankruptcy cases. That provision, added by the Act, requires changes to the schedules of assets and liabilities and the summary of the schedules so that the Administrative Office can effectively mine the data from the forms. The summary of the schedules in the proposed Official Form directs the debtor to provide the information necessary to make the statistical analysis required of the Administrative Office.

Each new or amended Official Form is attached. The Committee Note to each Form provides a brief description of the reason for the change.

NEW FORMS:

3B Application for Waiver of Chapter 7 Filing Fee
19B Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer
22A Statement of Current Monthly Income and Means Test Calculation (Chapter 7)
22A(Alt.) Statement of Current Monthly Income and Means Test Calculation (Chapter 7) (For Use if IRS Separates its Housing Allowance)
22B Statement of Current Monthly Income (Chapter 11)
22C Statement of Current Monthly Income and Disposable Income Calculation (Chapter 13)
22C(Alt.) Statement of Current Monthly Income and Disposable Income Calculation (Chapter 13) (For Use if IRS Separates its Housing Allowance)
23 Debtor's Certification of Completion of Instructional Course Concerning Financial Management
24 Certification to Court of Appeals

AMENDED FORMS

1 Voluntary Petition
3A Application to Pay Filing Fee in Installments (formerly Official Form 3)
4 List of Creditors Holding 20 Largest Unsecured Claims
5 Involuntary Petition
6 Summary of Schedules (cover sheet)
6 Summary of Schedules
6A Schedule A – Real Property
6B Schedule B – Personal Property
6C Schedule C – Property Claimed as Exempt
6D Schedule D – Creditors Holding Secured Claims
6E Schedule E – Creditors Holding Unsecured Priority Claims
6F Schedule F – Creditors Holding Unsecured Nonpriority Claims
6G Schedule G – Executory Contracts and Unexpired Leases
6H Schedule H – Codebtors
6I Schedule I – Current Income of Individual Debtor(s)
6J Schedule J – Current Expenditures of Individual Debtor(s)
6 Declaration Concerning Debtor’s Schedules
7 Statement of Financial Affairs
8 Chapter 7 Individual Debtor’s Statement of Intention
9A § 341 Notice, Chapter 7 Individual or Joint Debtor No Asset Case
9B § 341 Notice, Chapter 7 Corporation/Partnership No Asset Case
9C § 341 Notice, Chapter 7 Individual or Joint Debtor Asset Case
9D § 341 Notice, Chapter 7 Corporation/Partnership Asset Case
9E (Alt.) § 341 Notice, Chapter 11 Individual or Joint Debtor Case
9F § 341 Notice, Chapter 11 Corporation/Partnership Case
9F (Alt.) § 341 Notice, Chapter 11 Corporation/Partnership Case
9G § 341 Notice, Chapter 12 Individual or Joint Debtor Family Farmer Case
9H § 341 Notice, Chapter 12 Corporation/Partnership Family Farmer Case
9I § 341 Notice, Chapter 13 Case
10 Proof of Claim
16A Caption (Full)
18 Discharge of Debtor
19A Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (replaces former Official Form 19)