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**REBECCA R. GARCIA**  
**Chapter 12 & 13 Trustee in Bankruptcy**  
**EASTERN DISTRICT OF WISCONSIN**  
**P O Box 3170**  
**Oshkosh, WI 54903-3170**

July 10, 2024

H. Thomas Byron III, Secretary  
Committee on Rules of Practice and Procedure  
Administrative Office of the United States Courts  
One Columbus Circle, NE, Room 7-300  
Washington, D.C. 20544

RE: Proposed changes to Bankruptcy Form B106C

Dear Mr. Byron:

On the following page please find a proposal to amend Bankruptcy Form B106C, the exemptions. The requested change is to add a column to total the exemptions.

I am the immediate past-president of the Association of Chapter 12 Trustees (ACT12) and a member and liaison to the Committee on Bankruptcy Rules (I attend the meetings as a member of the public) on behalf of the National Association of Chapter 13 Trustees. Both of these organizations have formally endorsed the attached request by a vote of their respective boards.

Thank you for your consideration of this request.

Sincerely,

**Rebecca  
Garcia**

Digitally signed by Rebecca  
Garcia  
DN: cn=Rebecca Garcia, c=US,  
o=Chapter 13 Trustee,  
email=garcia@ch13oshkosh.com  
Date: 2024.07.10 09:59:24 -05'00'

Rebecca R. Garcia  
Chapter 12 & 13 Trustee, Oshkosh

cc: Lon Jenkins, President, NACTT  
Brad Kloiber, President, ACT12  
Courtney Waldrup, Executive Director, NACTT & ACT12

### **Proposal to amend Form B106C - The Property you can exempt.**

The proposal is to amend the form to include a total amount of assets being claimed exempt, similar to Schedule C in use prior to 2015.

The reason for the change is because 28 U.S.C. Sec. 589b(d)(3)<sup>1</sup> requires the uniform final report submitted by trustees to total the “assets exempted.” Without the amount totaled on the form, the Trustee is required to manually add up the amounts on each form in preparation of the required final report.

It is likely that when the form was last amended, the total was removed due to *Schwab v. Reilly*, 560 U.S. 770 (2010). In fact, the committee note<sup>2</sup> from the 2015 form changes mentions the *Schwab* case. Since debtors may claim an asset “100% exempt” it is not quite as straightforward to add the exemptions, however, the proposal would be for any assets claimed 100% exempt, the amount could be matched to the value of the asset on Schedule A/B. The available software could be programmed for this, and it would eliminate inconsistencies and math errors by Trustees in submitting the final report form.

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<sup>1</sup> **(d)FINAL REPORTS.**—The uniform forms for final reports required under subsection (a) for use by trustees under subchapter V of chapter 11 and chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include with respect to a case under such title—

**(1)**

information about the length of time the case was pending;

**(2)**

assets abandoned;

**(3)**

assets exempted;

<sup>2</sup> The form has also been changed in light of the Supreme Court’s ruling in *Schwab v. Reilly*, 560 U.S. 770 (2010). Entries in the “amount of the exemption you claim” column may now be listed as either a dollar limited amount or as 100% of fair market value, up to any applicable statutory limit. For example, a debtor might claim 100% of fair market value for a home covered by an exemption capped at \$15,000, and that limit would be applicable. This choice would impose no dollar limit where the exemption is unlimited in dollar amount, such as some exemptions for health aids, certain governmental benefits, and tax-exempt retirement funds.