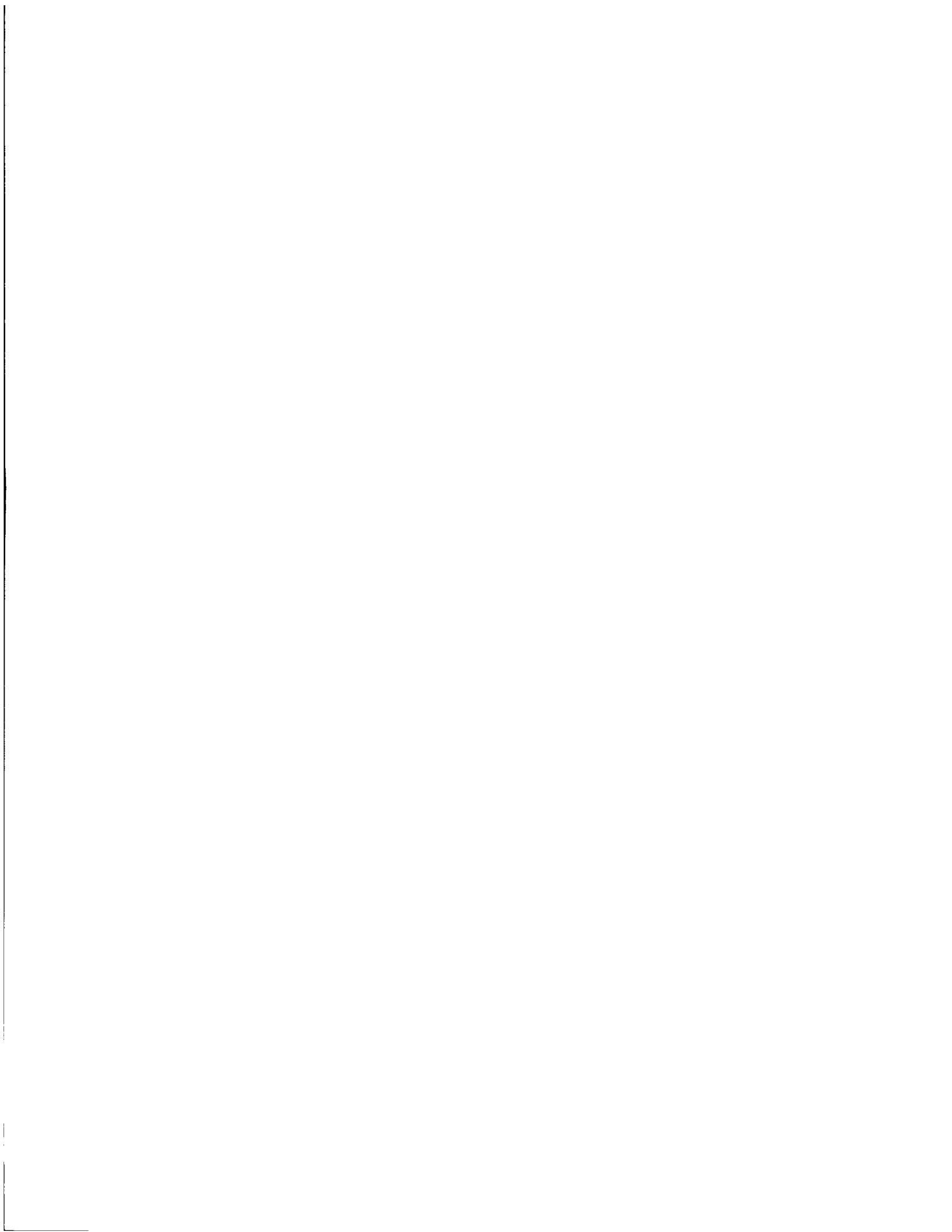


**ADVISORY COMMITTEE  
ON  
BANKRUPTCY RULES**

**Washington, DC  
August 3-4, 2005**



ADVISORY COMMITTEE ON BANKRUPTCY RULES  
Special Meeting on Interim Rules and Forms  
August 3-4, 2005  
Administrative Office of the U.S. Courts, Washington, D.C.

**Draft Agenda**

**Introductory Items**

1. Procedures and timing to consider and approve Proposed Interim Rules and Official Forms (Judge Zilly)
2. Report on Proposed Procedures to Promulgate Interim Rules and Official Forms (Judge Zilly)

**Action Items**

3. Combined memo on proposed Interim Rules Amendments and forms to implement new law. (Professor Morris)
4. Report of Business Subcommittee on proposed Interim Rules. (Professors Resnick and Morris)
5. Report of Business Subcommittee on proposed business forms, including Small Business Plan and Disclosure Statement. (Professors Resnick and Janger)
6. Report of Consumer Subcommittee on proposed Interim Rules. (Mr. Frank, Professor Jacoby, and Professor Morris)
7. Report of Consumer Subcommittee on means test forms. (Judge Wedoff, Mr. Frank, and Mr. Redmiles)
8. Report of Forms Subcommittee on forms for application for IFP status or for installment payments and proposed order. (Mr. Frank and Ms. Wiggins)
9. Report of Attorney Conduct and Health Care Subcommittee on Health Care Rules (Judge Schell)
10. Report of Technology Subcommittee on Proposed Interim Cross Border Rules (Chapter 15 issues) (Judge McFeeley and Professor Morris)

11. Report of Privacy, Public Access and Appeals Subcommittee on Proposed Direct Appeal Rules (Judges Klein and Montali)
12. Report of Forms Subcommittee on proposed amendments to Official Forms. (Judge Walker and Ms. Ketchum) Discussion on Director Forms (Ms. Ketchum)
13. Style Subcommittee Report. (Professor Resnick)
14. Proposed Transmittal letter to Courts re Interim Rules and Forms and proposed order form. (Judge Zilly)

**Discussion Items**

15. Santa Fe meeting schedule / tentative agenda. (Judge Zilly)

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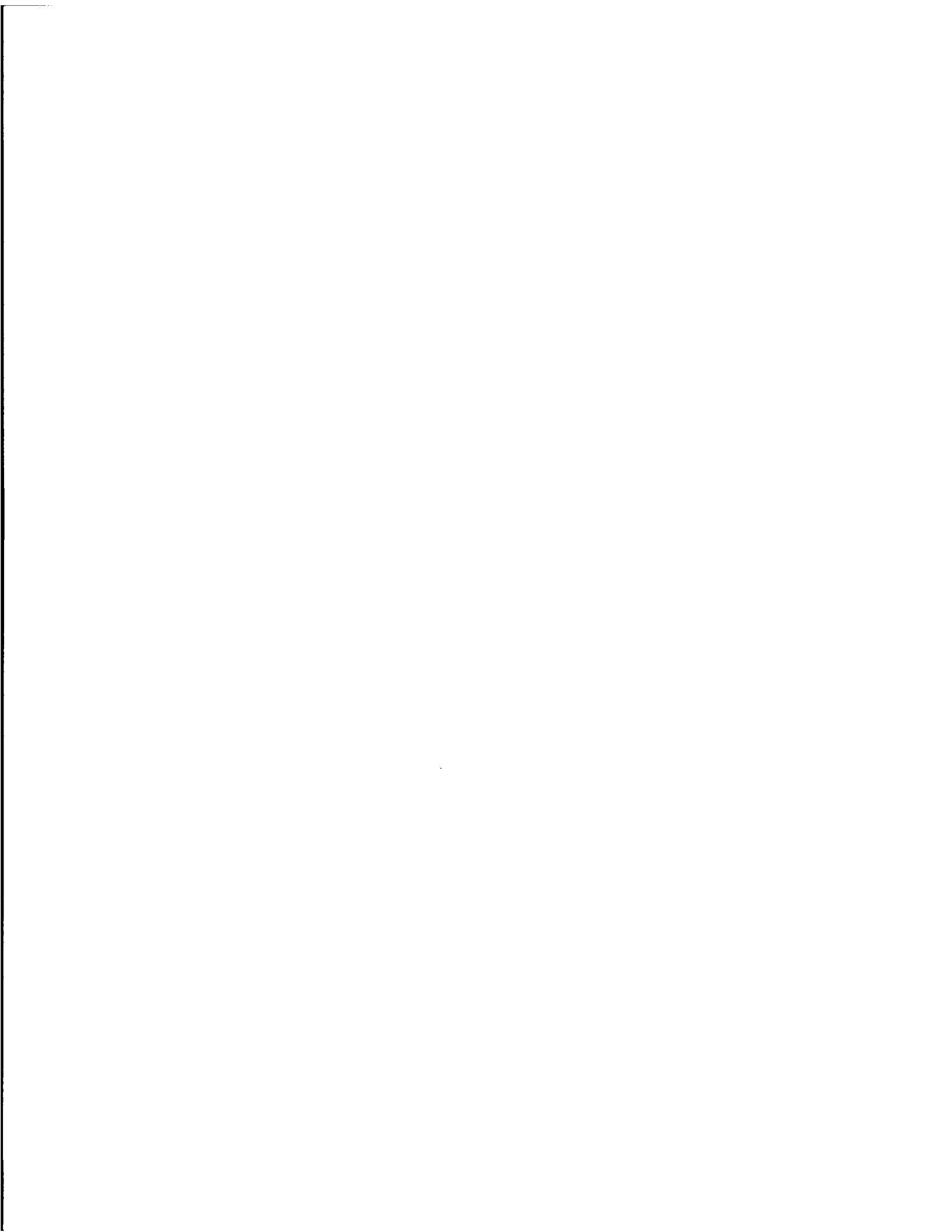


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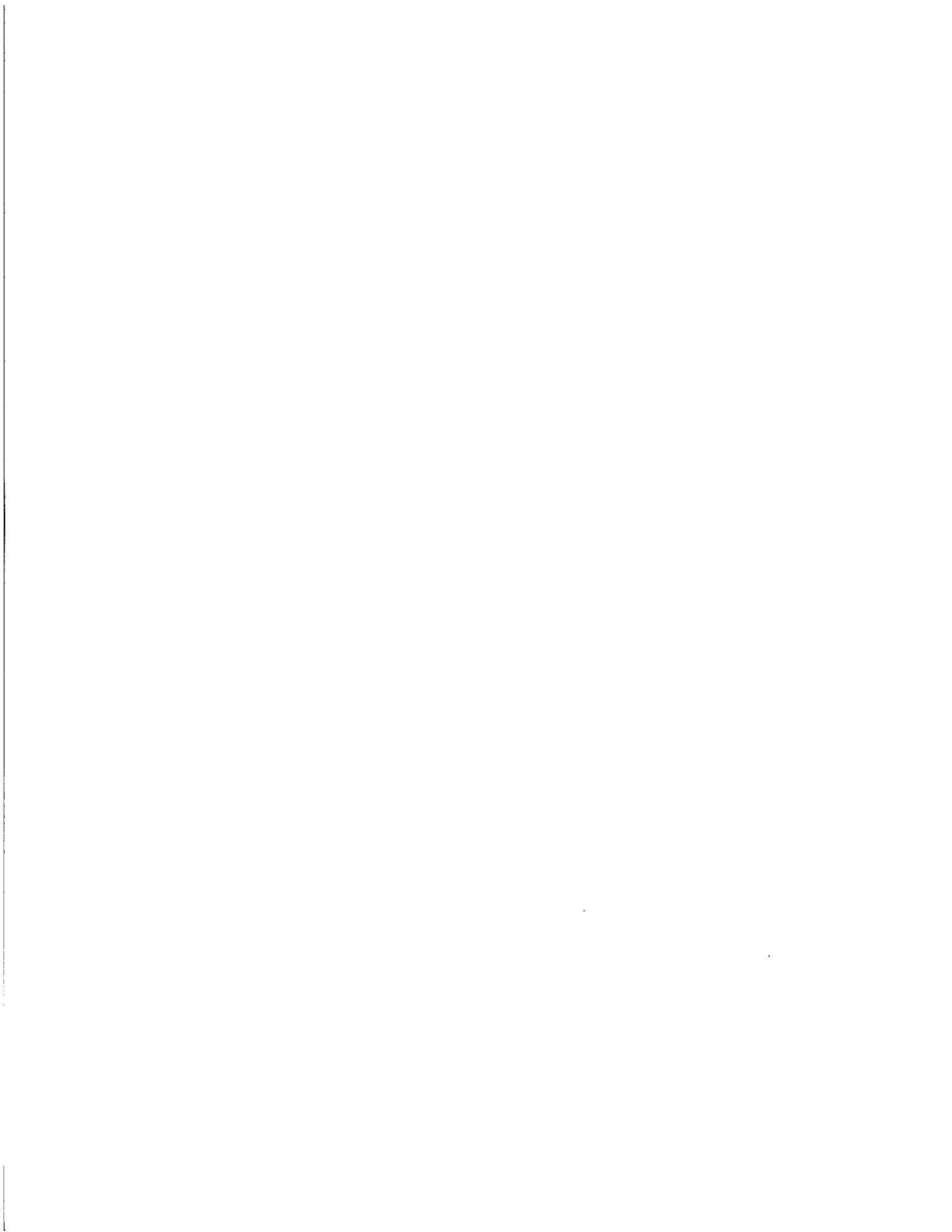
\* Ex-officio



Item 1 will be an oral report.



Item 2 will be an oral report.



**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 500 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 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 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 are offered for adoption through standing or general orders by each of the district courts. The proposed forms are offered for adoption by the Judicial Conference as Official Forms. For the sake of clarity, these rules and forms 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 forty rules either are added to or amended by these Interim Rules. There are ten new rules. Among the Consumer Rules, Rule 5008 is new, and Rule 1020 is the only new rule in the Business Rules. New rules included in the Health Care Rules are Rules 1020.1, 2007.2, 2015.1, 2015.2, 2021, and 6014. The Cross Border rules include new rules 1002.1 and 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. 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** 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 advices and education income retirement accounts, as well as certificates for the completion of credit counseling and financial management programs mandated 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** 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** is amended because the Act is likely to lead to more conversions of cases to and from chapters 7 and 13. This creates additional problems with deadlines for filing actions to determine the dischargeability of debts under § 523(a)(6) of the Code, and the rule is amended to address those issues. It preserves a creditor’s right to bring these actions in the event that a case is converted from chapter 13 to chapter 7. The amendments also preserve deadlines for motions to dismiss a case under § 707(b) upon conversion of a case from chapter 13 to chapter 7.

**Rule 2002** 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** 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 (c)(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** 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(h), 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** 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** 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** 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 expand 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, subdivision (d) establishes 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** 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 (c) is amended to require that a trustee leasing or selling personally identifiable information under section 363(b)(1)(A) or (B) of the Code 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. 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 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 also may 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** 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 several provisions of the Bankruptcy Code amended or added to the Code by the Act. Paragraph (c)(1) of the rule is amended to conform to §502(b)(9) under which 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. **An alternative form of this amendment is also contained in the "Consumer" amendments set out above.** 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 Section 1514(d), which was added to the Code in 2005 and requires that the rules provide such additional time as is reasonable under the circumstances for foreign creditors to file claims in cases under all chapters of the Code. *[The Business Subcommittee is still considering whether the amendment to subdivision (c)(6) should be withdrawn from the package of interim rules and just included in the package of final rules.]*

**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. 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. *[The Business Subcommittee is still considering whether this amendment should be withdrawn from the package of interim rules and just included in the package of final rules.]*

**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. The Act also requires the promulgation of official forms for plans and disclosure statements in small business cases. Section 1125(f)(2) provides that the court may approve a disclosure statement submitted on the appropriate official form promulgated under these rules or on a standard form approved by the court. New subdivision (d) of this rule is added to implement those provisions. *[The Advisory Committee will consider forms for plans and disclosure statements in small business cases at its September meeting.]*

**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** 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** 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** 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.

**Rule 2015.2** 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.

**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. Under subdivision (a) of the rule, the court must approve the notice. Subdivision (b) establishes minimum requirements for the notice 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) 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.

## CROSS BORDER RULES

**Rule 1002.1** is new. It is added to implement the provisions of § 1511 of the Code enacted in 2005 as a part of the Act. That provision requires the foreign representative to advise the court that granted recognition of the foreign proceeding that the representative intends to commence a case under another chapter of the Code. Interested parties can then be notified of the representative's intentions and can take appropriate action in that court.

**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** is amended to implement the changes to the 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 (p) to the rule to require that notice be given to the debtor and entities against whom provisional relief is sought that a petition for recognition of a foreign proceeding has been filed. 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** 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** 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 that the Act added in 2005. The Act amended 28 U.S.C. § 158 to authorize appeals directly to the courts of appeals upon certification either by the bankruptcy or district court or the bankruptcy appellate panel. Certification is also available to the parties either on request to the court, or if all of the parties agree. 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.

**Rule 8004 (technical)** is amended to add to the clerk's service obligations the duty to serve notice of the initiation of a certification proceeding under amended Rule 8001.





MEMORANDUM

TO: ADVISORY COMMITTEE ON BANKRUPTCY RULES  
FROM: JEFF MORRIS, REPORTER  
RE: BUSINESS RULES  
DATE: JULY 23, 2005

While the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the “Act”) is mostly widely recognized for its consumer bankruptcy provisions, it also includes many changes to the business provisions of the Code. Most of the changes do not create any need for amendments or additions to the Bankruptcy Rules, but some of the changes require rules amendments to implement the Act.

The rules amendments and additions will implement changes to the Bankruptcy Code that redefine small business debtors and small business cases and create certain consequences from holding that status. For example, small business debtors have a different final deadline for filing schedules and a statement of affairs. There are new reporting requirements, and there is the potential for a chapter 11 small business debtor’s plan to serve also as a disclosure statement.

The Act also amends chapter 11 significantly as it applies to individual debtors. The discharge is postponed as compared to current law, and the standards for confirmation of plans in those cases has changed as well. The Act also introduces the concept of a consumer privacy ombudsman who protects the interests of those whose personal identifiers might be sold to a third party typically through the sale of customer lists and the like. These changes all require corresponding amendments or additions to the rules.

The rules amendments or additions can be generally broken down into three categories.

Several of the changes are “technical amendments” in that they simply amend the rules to correct or insert cross references. The bulk of the changes are “conforming amendments” in that they amend or add to the rule language necessary to conform to the statutory amendment of the Code by the Act. Finally, some of the rules amendments and additions are “significant amendments” in that they implement the provisions of the Act in a manner beyond simply conforming to the statutory change.

The amendments to Rules 3003 and 9006 are technical amendments and will not be described further in this memorandum. The amendment to Rule 3003, while technical, may be postponed depending on action taken by the Committee on Rule 3002(c)(6) which is discussed below in the significant amendments.

The following conforming amendments are briefly described in numerical order:

**Rule 1007** is amended to reflect that § 1116(3) of the Code limits extensions of time to file schedules and a statement of affairs in a small business case;

**Rule 2002(b)** is amended to recognize that under § 1125(f) the court may find that a plan can serve as a disclosure statement;

**Rule 2002(c)** is amended to require a specific statement in notice of a sale of personally identifiable information under § 363(b)(1)(A) or (B) of the Code;

**Rule 2003** is amended to recognize that under § 341(e) of the Code, the court can order that no meeting of creditors be held in the case;

**Rule 2007.1** is amended to implement the amendments to § 1104(b)(2) of the Code by providing that the United States trustee will certify the election of a chapter 11 trustee;

**Rule 3016** is amended to reflect the possibility of a combined plan and disclosure statement in a

small business chapter 11 case and to recognize that proponents of plans may file standard form plans and disclosure statements. Although this is just a conforming amendment, the Advisory Committee must decide whether the proposed new Rule 3016(d) should be excluded from the package of Suggested Interim Rules. Rule 3016(d) provides that a court in a small business case may confirm a plan and approve a disclosure statement that conforms to the official form or to a local form. Since we do not have an official form for the plan and disclosure statement at this time, and will not have it ready for publication before the September meeting, perhaps it makes sense to exclude Rule 3016(d) from the Suggested Interim Rules;

**Rule 3017.1** is amended to conform to the changed definition of a small business whereby an election to be a small business is no longer available under the Code;

**Rule 3019** is amended to conform to the changes in the provisions governing individual debtors in chapter 11 cases and the new provisions governing the modification of confirmed plans; and

**Rule 5003** is amended to recognize the expanded coverage of § 505(b)(1) which allows Federal, State, and local governmental units to designate addresses at which they wish to receive notices.

The Business Rules include the following **significant amendments**:

**Rule 1020** is amended to implement the new definition of small business debtor. The definition, set out in § 101(51D) of the Code, turns on a combination of factors including the amount of indebtedness and whether there is an active creditors' committee in the case. This presents a series of problems because no committee is likely to exist at the commencement of the case, and the level of activity of the committee could vary during the case. The rule attempts to navigate through these problems by providing opportunities to raise the issue and to provide a procedure applicable to an action seeking such relief.

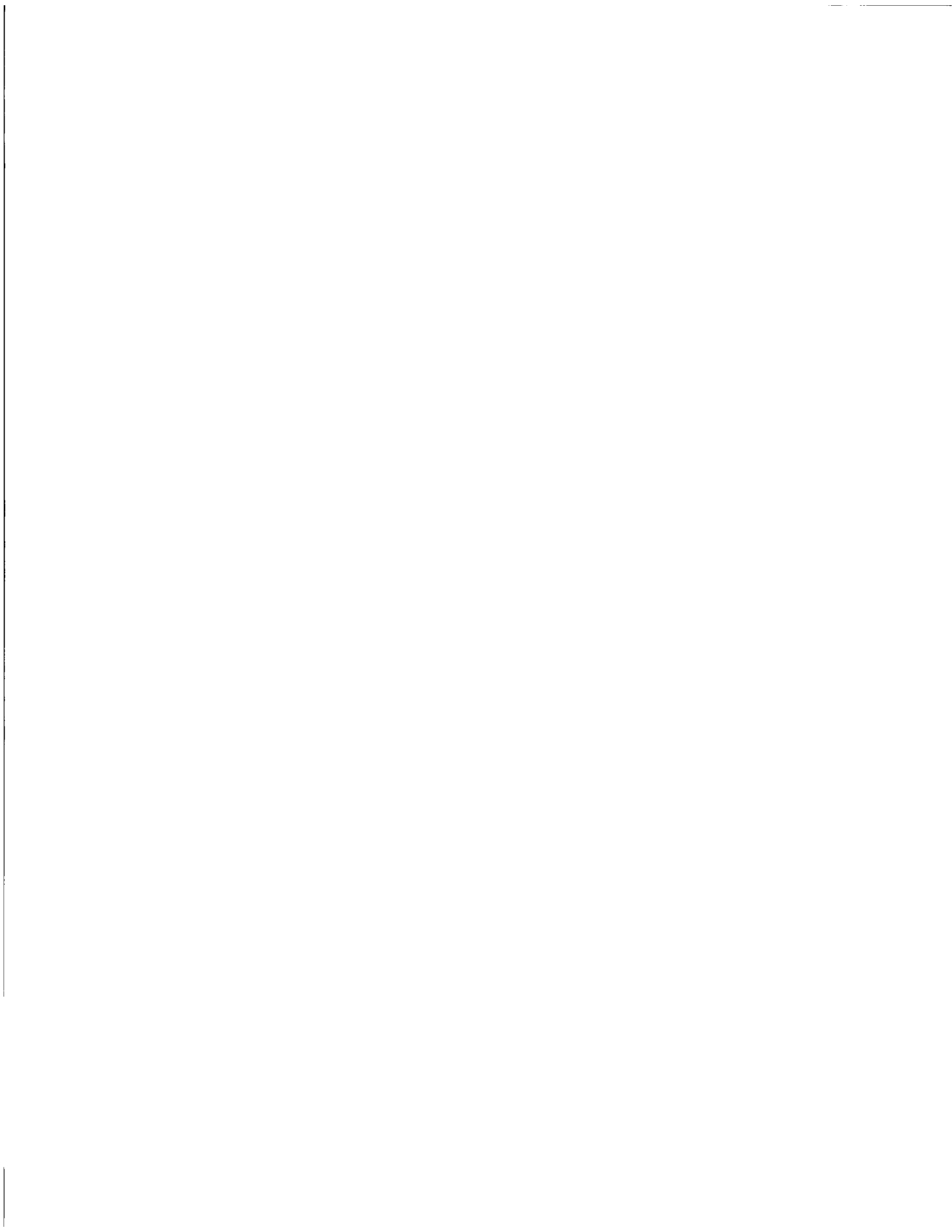
**Rule 2002(p)** is amended to implement a provision of chapter 15 of the Code. That is the cross border chapter, but the Business Committee took responsibility for preparing an amendment to the rules to implement § 1514(d) of the Code. That section provides that “foreign” creditors may be entitled to additional time with regard to notices concerning the filing of a proof of claim. The rule defines who “foreign creditors” are by stating that they are creditors to whom “notices under these rules are mailed” at foreign address. Thus, the clerk and parties in interest can determine whether a particular creditor is a foreign creditor according to the mailing address for notices in the case. See also the discussion of Rule 3002(c)(6).

**Rule 2015** is amended to reflect the amendments to the Code that place additional reporting requirements on small business debtors. This rule, however, is not intended to be included in the Suggested Interim Rules because § 308 of the Act, which introduced this requirement for small business debtors, will not become effective until 60 days after the promulgation of national rules and forms designed to implement it. Rule 2015 amendments should be included only in the package of amendments to the national rules which will be published for public comment later this year or next year.

**Rule 3002(c)(1)** is amended to establish a deadline for the filing of a proof of claim for taxes based on a return filed under § 1308 of the Code. The solution chosen by the Business Committee to implement this statutory change differs from the solution being offered to resolve the identical problem by the Consumer Committee. The Business Committee’s draft gives the governmental unit 60 days after the filing of the tax return within which to file a proof of claim. The Consumer Committee version gives the governmental unit the later of that 60 day period or 180 days from the order for relief.

**Rule 3002(c)(6)** is amended to provide the court with discretion to extend the time for foreign creditors to file a proof of claim. The Business Subcommittee was not in agreement as to whether the proposed amendments to Rule 3002( c)(6) and Rule 3003 should be included in the Suggested Interim Rules. These rule amendments would have the effect of extending the bar date for filing claims for foreign creditors. A concern was expressed that changing rules on bar dates is not appropriate for local rulemaking or standing orders. In any event, the Subcommittee agreed that it should be included in the package of proposed amendments to the national rules to be published for comment.

**Rule 6004(g)** is added to the rules to implement the new provisions of the Code regarding a consumer privacy ombudsman. Under § 363(b)(1), the court must order the United States trustee to appoint a consumer privacy ombudsman in some situations. The rule sets out requirements for the motion and the appointment of the ombudsman.





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

**Rule 1007. Lists, Schedules, and Statements; Time Limits**

1  
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\* \* \* \* \*

(c) TIME LIMITS. The schedules and statements, other than the statement of intention, shall be filed with the petition in a voluntary case, or if the petition is accompanied by a list of all the debtor's creditors and their addresses, within 15 days thereafter, except as otherwise provided in subdivisions (d), (e), and (h) of this rule. In an involuntary case the schedules and statements, other than the statement of intention, shall be filed by the debtor within 15 days after entry of the order for relief. Schedules and statements 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 otherwise provided in § 1116(3) of the

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



2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

14 Code, any ~~Any~~ extension of time for the filing of the  
15 schedules and statements may be granted only on motion for  
16 cause shown and on notice to the United States trustee and to  
17 any committee elected under § 705 or appointed under § 1102  
18 of the Code, trustee, examiner, or other party as the court may  
19 direct. Notice of an extension shall be given to the United  
20 States trustee and to any committee, trustee, or other party as  
21 the court may direct.

22 \* \* \* \* \*

**COMMITTEE NOTE**

The rule is 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 in possession or the trustee seeks an extension for filing these forms for a period beyond 30 days after the order for relief.

**[The amendment to Rule 1007 relates to § 436 of the 2005 Act]**

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

**Chapter 11 Reorganization Case**

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

5 (a) SMALL BUSINESS DEBTOR DESIGNATION. In  
6 a voluntary chapter 11 case, the debtor shall state in the  
7 petition whether the debtor is a small business debtor. In an  
8 involuntary chapter 11 case, the debtor shall file within 3 days  
9 after entry of the order for relief a statement as to whether the  
10 debtor is a small business debtor. Except as provided in  
11 subdivision (c), the status of the case with respect to whether  
12 it is a small business case shall be in accordance with the  
13 debtor's statement under this subdivision, unless and until the  
14 court enters an order finding that the debtor's statement is  
15 incorrect.

16 (b) OBJECTING TO DESIGNATION. Except as

4 FEDERAL RULES OF BANKRUPTCY PROCEDURE

17 provided in subdivision (c), the United States trustee or a  
18 party in interest may file an objection to the debtor's  
19 designation under subdivision (a) not later than 30 days after  
20 the conclusion of the meeting of creditors held under § 341(a)  
21 of the Code, or within 30 days after any amendment to the  
22 designation, whichever is later.

23 (c) APPOINTMENT OF COMMITTEE OF  
24 UNSECURED CREDITORS. If the United States trustee has  
25 appointed a committee of unsecured creditors under §  
26 1102(a)(1), the case shall proceed as a small business case  
27 only if, and from the time when, the court enters an order  
28 determining that the committee has not been sufficiently  
29 active and representative to provide effective oversight of the  
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 (d)PROCEDURE FOR OBJECTION OR  
39 DETERMINATION. Any objection or request for a  
40 determination under this rule shall be governed by Rule 9014  
41 and served on the debtor, the debtor's attorney, the United  
42 States trustee, the trustee, any committee appointed under §  
43 1102 or its authorized agent, or, if no committee of unsecured  
44 creditors has been appointed under § 1102, on the creditors  
45 included on the list filed under Rule 1007(d), and on such  
46 other entities as the court may direct.

\* \* \* \* \*

**COMMITTEE NOTE**

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 2002. Notices to Creditors, Equity Security Holders,  
United States, and United States Trustee**

- 1 (a) TWENTY-DAY NOTICES TO PARTIES IN  
2 INTEREST. Except as provided in subdivisions (h), (i), and  
3 ~~(j)~~ (l), and (p) of this rule, the clerk, or some other person as

4 the court may direct, shall give the debtor, the trustee, all  
5 creditors and indenture trustees at least 20 days' notice by  
6 mail of:

7 \* \* \* \* \*

8 (b) TWENTY-FIVE-DAY NOTICES TO PARTIES IN  
9 INTEREST. Except as provided in subdivision (l) of this  
10 rule, the clerk, or some other person as the court may direct,  
11 shall give the debtor, the trustee, all creditors and indenture  
12 trustees not less than 25 days notice by mail of (1) the time  
13 fixed for filing objections and the hearing to consider  
14 approval of a disclosure statement or, under § 1125(f), to  
15 consider a determination that the plan provides adequate  
16 information and that a separate disclosure statement is not  
17 necessary; and (2) the time fixed for filing objections and the  
18 hearing to consider confirmation of a chapter 9, chapter 11, or  
19 chapter 13 plan.

20 (c) CONTENTS OF NOTICE.

21 (1) *Proposed Use, Sale, or Lease of Property*. Subject  
22 to Rule 6004, the notice of a proposed use, sale, or lease of  
23 property required by subdivision (a)(2) of this rule shall  
24 include the time and place of any public sale, the terms and  
25 conditions of any private sale and the time fixed for filing  
26 objections. The notice of a proposed use, sale, or lease of  
27 property, including real estate, is sufficient if it generally  
28 describes the property. The notice of a proposed sale or lease  
29 of personally identifiable information under § 363(b)(1)(A) or  
30 (B) of the Code shall state whether the sale is consistent with  
31 a policy prohibiting the transfer of the information.

32 \* \* \* \* \*

33 (p) NOTICE TO A FOREIGN CREDITOR.

34 (1) If, at the request of a party in interest or the United  
35 States trustee, or on its own initiative, the court finds that a  
36 notice mailed within the time prescribed by these rules would

37 not be sufficient to give a creditor with a foreign address to  
38 which notices under these rules are mailed reasonable notice  
39 under the circumstances, the court may order that the notice  
40 be supplemented with notice by other means or that the time  
41 prescribed for the notice by mail be enlarged.

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

#### COMMITTEE NOTE

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 cause 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.

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).

**[The amendments to Rule 2002(b) relate to § 431, and the new Rule 2002(p) relates to § 801 of the 2005 Act.]**

**Rule 2003. Meeting of Creditors or Equity Security Holders**

1 (a) DATE AND PLACE. Except as provided in § 341(e)  
2 of the Code, in ~~in~~ a chapter 7 liquidation or a chapter 11  
3 reorganization case, the United States trustee shall call a  
4 meeting of creditors to be held no fewer than 20 and no more  
5 than 40 days after the order of relief. In a chapter 12 family  
6 farmer debt adjustment case, the United States trustee shall  
7 call a meeting of creditors to be held no fewer than 20 and no  
8 more than 35 days after the order for relief. In a chapter 13  
9 individual's debt adjustment case, the United States trustee  
10 shall call a meeting of creditors to be held no fewer than 20  
11 and no more than 50 days after the order for relief. If there is  
12 an appeal from or a motion to vacate the order for relief, or if  
13 there is a motion to dismiss the case, the United States trustee  
14 may set a later date for the meeting. The meeting may be held  
15 at a regular place for holding court or at any other place  
16 designated by the United States trustee within the district

12 FEDERAL RULES OF BANKRUPTCY PROCEDURE

17 convenient for the parties in interest. If the United States  
18 trustee designates a place for the meeting which is not  
19 regularly staffed by the United States trustee or an assistant  
20 who may preside at the meeting, the meeting may be held not  
21 more than 60 days after the order for relief.

22 \* \* \* \* \*

**COMMITTEE NOTE**

If the debtor has solicited acceptances to a plan before commencement of the case, § 341(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.

**[The amendment to Rule 2003 relates to § 402 of the 2005 Act]**

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

1 \* \* \* \* \*

2 (b) ELECTION OF TRUSTEE.

3 \* \* \* \* \*

4 (3) *Report of Election and Resolution of Disputes.*

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

21 (B) Dispute Arising Out of an Disputed Election.

22 If a dispute arises out of an ~~the election is disputed~~, the United  
23 States trustee shall promptly file a report stating that the  
24 election is disputed, informing the court of the nature of the  
25 dispute, and listing the name and address of any candidate  
26 elected under any alternative presented by the dispute. The  
27 report shall be accompanied by a verified statement of each  
28 candidate elected under each alternative presented by the  
29 dispute, setting forth the person's connections with the debtor,  
30 creditors, any other party in interest, their respective attorneys  
31 and accountants, the United States trustee, ~~and~~ or any person  
32 employed in the office of the United States trustee. Not later  
33 than the date on which the report of the disputed election is  
34 filed, the United States trustee shall mail a copy of the report  
35 and each verified statement to any party in interest that has  
36 made a request to convene a meeting under § 1104(b) or to  
37 receive a copy of the report, and to any committee appointed

38 under § 1102 of the Code. ~~Unless a motion for the resolution~~  
39 ~~of the dispute is filed not later than 10 days after the United~~  
40 ~~States trustee files the report, any person appointed by the~~  
41 ~~United States trustee under § 1104(d) and approved in~~  
42 ~~accordance with subdivision (c) of this rule shall serve as~~  
43 ~~trustee. If a motion for the resolution of the dispute is timely~~  
44 ~~filed, and the court determines the result of the election and~~  
45 ~~approves the person elected, the report will constitute~~  
46 ~~appointment of the elected person as of the date of entry of~~  
47 ~~the order approving the appointment.~~

48 (c) APPROVAL OF APPOINTMENT. An order  
49 approving the appointment of a trustee ~~elected under §~~  
50 ~~1104(b) or appointed under § 1104(d), or the appointment of~~  
51 ~~an examiner under § 1104(d) of the Code, shall be made on~~  
52 ~~application of the United States trustee. The application shall~~  
53 ~~state the name of the person appointed and, to the best of the~~  
54 ~~applicant's knowledge, all the person's connections with the~~

16 FEDERAL RULES OF BANKRUPTCY PROCEDURE  
55 debtor, creditors, any other parties in interest, their respective  
56 attorneys and accountants, the United States trustee, ~~and or~~  
57 persons employed in the office of the United States trustee.  
58 ~~Unless the person has been elected under § 1104(b), the~~ The  
59 application shall state the names of the parties in interest with  
60 whom the United States trustee consulted regarding the  
61 appointment. The application shall be accompanied by a  
62 verified statement of the person appointed setting forth the  
63 person's connections with the debtor, creditors, any other  
64 party in interest, their respective attorneys and accountants,  
65 the United States trustee, ~~and or~~ or any person employed in the  
66 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 file 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.

**[The amendments to Rule 2007.1 relate to § 416 of the 2005 Act]**

**Rule 2015. Duty to Keep Records, Make Reports, and Give Notice of Case**

1 (a) TRUSTEE OR DEBTOR IN POSSESSION. A trustee  
2 or debtor in possession shall

3 \* \* \* \* \*

4 (6) In a chapter 11 small business case, unless the  
5 court, for cause, sets another reporting interval, file and  
6 transmit to the United States trustee for each calendar month  
7 after the order for relief, a report on the appropriate Official  
8 Form as required by § 308 of the Code. If the order for relief  
9 is within the first 15 days of a calendar month, a report shall  
10 be filed for the portion of the month that follows the order for



18 FEDERAL RULES OF BANKRUPTCY PROCEDURE

11 relief. If the order for relief is after the 15th day of a calendar  
12 month, the period for the remainder of the month shall be  
13 included in the report for the next calendar month. Each  
14 report shall be filed no later than 15 days after the last day of  
15 the calendar month.

16 \* \* \* \* \*

#### COMMITTEE NOTE

Section 308, which was added to the Bankruptcy Code in 2005, requires a small business debtor to submit periodic reports on profitability and projected and actual cash receipts and disbursements. The section also requires that the small business debtor report on compliance with the rules generally as well as the filing of necessary tax returns. Rule 2015(a)(6) is added to implement the requirement to file reports and to establish timing intervals for filing reports. The court may set different intervals based on the particular circumstances of the case.

**[Rule 2015(a)(6) relates to § 434 of the 2005 Act. THE AMENDMENTS TO RULE 2015(a)(6) SHOULD NOT BE INCLUDED IN THE PACKAGE OF INTERIM RULES BECAUSE, UNDER § 419 OF THE ACT, § 308 DOES NOT BECOME EFFECTIVE UNTIL 60 DAYS AFTER THE RULE IS PROMULGATED, WHICH WILL HAPPEN IN ABOUT 3 YEARS.]**

**Rule 3002. Filing Proof of Claim or Interest**

1 (c) TIME FOR FILING. In a chapter 7 ~~liquidation,~~  
2 chapter 12  
3 ~~family farmer's debt adjustment,~~ or chapter 13 ~~individual's~~  
4 ~~debt adjustment~~ case, a proof of claim is timely filed if it is  
5 filed not later than 90 days after the first date set for the  
6 meeting of creditors called under § 341(a) of the Code, except  
7 as follows:

8 (1) A proof of claim filed by a governmental unit is  
9 timely filed if it is filed not later than 180 days after the date  
10 of the order for relief or, if the claim is for a tax based on a  
11 return filed under § 1308 of the Code, not later than 60 days  
12 after the date on which the return was filed as required by that  
13 section. On motion of a governmental unit before the  
14 expiration of such period and for cause shown, the court may  
15 extend the time for filing of a claim by the governmental unit.

16 \* \* \* \* \*

20 FEDERAL RULES OF BANKRUPTCY PROCEDURE

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

**COMMITTEE NOTE**

This rule is amended to conform to changes in the Code made in 2005. 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 (c)(1) is amended to conform to § 502(b)(9).

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.

**[The amendment to Rule 3002(c)(1) relates to § 716 of the 2005 Act. The amendment to Rule 3002(c)(6) relates to § 801 of the 2005 Act]**

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

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\* \* \* \* \*

(c) FILING PROOF OF CLAIM.

(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 is 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

22 FEDERAL RULES OF BANKRUPTCY PROCEDURE

12 the purpose of voting and distribution.

13 (3) *Time for Filing.* The court shall fix and for cause  
14 shown may extend the time within which proofs of claim or  
15 interest may be filed. Notwithstanding the expiration of such  
16 time, a proof of claim may be filed to the extent and under the  
17 conditions stated in Rule 3002(c)(2), (c)(3), ~~and (c)(4)~~, and  
18 (c)(6).

19 (4) *Effect of Filing Claim or Interest.* A proof of  
20 claim or interest executed and filed in accordance with this  
21 subdivision shall supersede any scheduling of that claim or  
22 interest pursuant to § 521(1) of the Code.

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

27

\* \* \* \* \*

**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.

**[The amendment to Rule 3003(c) relates to § 801 of the 2005 Act.]**

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

1

\* \* \* \* \*

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), Rule 3017.1 shall apply as if

9

the plan is a disclosure statement.

10 \* \* \* \* \*

11 (d) FORM OF DISCLOSURE STATEMENT AND  
12 PLAN IN SMALL BUSINESS CASE. In a small business  
13 case, the court may approve a disclosure statement and may  
14 confirm a plan that conform substantially to the appropriate  
15 Official Form or other standard form approved by the court.

**COMMITTEE NOTE**

Subdivision (b) is amended to recognize that, in 2005, § 1125(f)(1) was added 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.

Section 433 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 requires the promulgation of Official Forms for plans and disclosure statements in small business cases. Section 1125(f)(2) provides that the court may approve a disclosure statement submitted on the appropriate Official Form promulgated under these rules or on a standard form approved by the court. New subdivision (d) of this rule is added to implement those provisions. These rules take no position on whether a court may require a local standard form disclosure statement or plan in lieu of the Official Forms.

[The amendments to Rule 3016 relate to §§ 431 and 433 of the 2005 Act]

**Rule 3017.1. Court Consideration of Disclosure Statement in a Small Business Case**

- 1 (a) CONDITIONAL APPROVAL OF DISCLOSURE  
2 STATEMENT. ~~If the debtor is~~ In a small business case and  
3 ~~has made a timely election to be considered a small business~~  
4 ~~in a chapter 11 case~~, the court may, on application of the plan  
5 proponent or on its own initiative, conditionally approve a  
6 disclosure statement filed in accordance with Rule 3016~~(b)~~.  
7 On or before conditional approval of the disclosure statement,  
8 the court shall:
- 9 (1) fix a time within which the holders of claims and  
10 interests may accept or reject the plan;
- 11 (2) fix a time for filing objections to the disclosure  
12 statement;
- 13 (3) fix a date for the hearing on final approval of the  
14 disclosure statement to be held if a timely objection is filed;



26 FEDERAL RULES OF BANKRUPTCY PROCEDURE

15 and

16 (4) fix a date for the hearing on confirmation.

17 (b) APPLICATION OF RULE 3017. Rule 3017(a), (b),  
18 (c), and (e) do not apply to a conditionally approved  
19 disclosure statement. Rule (d) applies to a conditionally  
20 approved disclosure statement, except that conditional  
21 approval is considered approval of the disclosure statement  
22 for the purpose of applying Rule 3017(d).

23 (c) FINAL APPROVAL.

24 (1) *Notice.* Notice of the time fixed for filing  
25 objections and the hearing to consider final approval of the  
26 disclosure statement shall be given in accordance with Rule  
27 2002 and may be combined with notice of the hearing on  
28 confirmation of the plan.

29 (2) *Objections.* Objections to the disclosure statement  
30 shall be filed, transmitted to the United States trustee, and  
31 served on the debtor, the trustee, any committee appointed

32 under the Code and any other entity designated by the court at  
33 any time before final approval of the disclosure statement or  
34 by an earlier date as the court may fix.

35 (3) *Hearing*. If a timely objection to the disclosure  
36 statement is filed, the court shall hold a hearing to consider  
37 final approval before or combined with the hearing on  
38 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.

**[The amendment to Rule 3017.1 relates to § 437 of the 2005 Act, which deletes language in the Code that requires an election to be treated as a small business debtor.]**

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

1           (a) In a chapter 9 or chapter 11 case, after a plan has been  
2           accepted and before its confirmation, the proponent may file  
3           a modification of the plan. If the court finds after hearing on  
4           notice to the trustee, any committee appointed under the Code  
5           and any other entity designated by the court that the proposed  
6           modification does not adversely change the treatment of the  
7           claim of any creditor or the interest of any equity security  
8           holder who has not accepted in writing the modification, it  
9           shall be deemed accepted by all creditors and equity security  
10          holders who have previously accepted the plan.

11           **(b) If the debtor is an individual, a request to modify the**  
12          **plan under § 1127(e) of the Code shall identify the proponent**  
13          **and shall be filed together with the proposed modification.**  
14          **The clerk, or some other person as the court may direct, shall**  
15          **give the debtor, the trustee, and all creditors not less than 20**  
16          **days' notice by mail of the time fixed for filing objections**  
17          **and, if an objection is filed, the hearing to consider the**

18 proposed modification, unless the court orders otherwise with  
19 respect to creditors who are not affected by the proposed  
20 modification. A copy of the notice shall be transmitted to the  
21 United States trustee. A copy of the proposed modification  
22 shall be included with the notice. Any objection to the  
23 proposed modification shall be filed and served on the debtor,  
24 the trustee, and any other entity designated by the court, and  
25 shall be transmitted to the United States trustee. An objection  
26 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.

**[The amendments to Rule 3019 relate to § 321(e) of the 2005 Act]**

#### **Rule 5003. Records Kept by the Clerk**

1

\* \* \* \* \*

2

(e) REGISTER OF MAILING ADDRESSES OF

30 FEDERAL RULES OF BANKRUPTCY PROCEDURE  
3 FEDERAL AND STATE GOVERNMENTAL UNITS AND  
4 CERTAIN TAXING AUTHORITIES. The United States or  
5 the state or territory in which the court is located may file a  
6 statement designating its mailing address. The United States,  
7 state, territory, or local governmental unit responsible for the  
8 collection of taxes within the district in which the case is  
9 pending may file a statement designating an address for  
10 service of requests under § 505(b) of the Code, and the  
11 designation shall describe where further information  
12 concerning additional requirements for filing such requests  
13 may be found. The clerk shall keep, in the form and manner  
14 as the Director of the Administrative Office of the United  
15 States Courts may prescribe, a register that includes ~~there~~ the  
16 addresses designated under this subdivision, but the clerk is  
17 not required to include in the register more than one mailing  
18 address for each department, agency, or instrumentality of the  
19 United States or the state or territory. If more than one

20 address for a department, agency, or instrumentality is  
21 included in the register, the clerk shall also include  
22 information that would enable a user of the register to  
23 determine the circumstances when each address is applicable,  
24 and mailing notice to only one applicable address is sufficient  
25 to provide effective notice. The clerk shall update the register  
26 annually, effective January 2 of each year. The mailing  
27 address in the register is conclusively presumed to be a proper  
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.

31 \* \* \* \* \*

**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.

**[The amendments to Rule 5003 relate to § 703 of the 2005 Act]**

**Rule 6004. Use, Sale, or Lease of Property**

1

\* \* \* \* \*

2

(g) SALE OF PERSONALLY IDENTIFIABLE

3

INFORMATION.

4

(1) Motion. A motion for authority to sell or lease

5

personally identifiable information under § 363(b)(1)(B) shall

6

include a request for an order directing the United States

7

trustee to appoint a consumer privacy ombudsman under §

8

332. The motion shall be governed by Rule 9014 and shall be

9

served on any committee elected under § 705 or appointed

10

under § 1102 of the Code, or if the case is a chapter 9

11

municipality case or a chapter 11 reorganization case and no

12

committee of unsecured creditors has been appointed under §

13

1102, on the creditors included on the list of creditors filed

14

under Rule 1007(d), and on such other entities as the court

15

may direct. The motion shall be transmitted to the United

16

States trustee.

17           (2) Appointment. If a consumer privacy ombudsman  
18           is appointed under § 332, no later than 5 days before the  
19           hearing on the motion under § 363(b)(1)(B), the United States  
20           trustee shall file a report certifying the appointment, including  
21           the name and address of the person appointed. The United  
22           States trustee's report shall be accompanied by a verified  
23           statement of the person appointed setting forth the person's  
24           connections with the debtor, creditors, any other party in  
25           interest, their respective attorneys and accountants, the United  
26           States trustee, or any person employed in the office of the  
27           United States trustee.

28           (g)(h) STAY OF ORDER AUTHORIZING USE, SALE,  
29           OR LEASE OF PROPERTY. An order authorizing the use,  
30           sale, or lease of property other than cash collateral is stayed  
31           until the expiration of 10 days after entry of the order, unless  
32           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.

**[The amendments to Rule 6004(g) relate to § 231 of the 2005 Act]**

**Rule 9006. Time**

1           (b) ENLARGEMENT.

2           (1) In General. Except as provided in paragraphs (2)

3           and (3) of this subdivision, when an act is required or allowed

4           to be done at or within a specified period by these rules or by

5           a notice given thereunder or by order of court, the court for

6           cause shown may at any time in its discretion (1) with or

7           without motion or notice order the period enlarged if the

8           request therefor is made before the expiration of the period

9           originally prescribed or as extended by a previous order or (2)

10          on motion made after the expiration of the specified period

11          permit the act to be done where the failure to act was the

12          result of excusable neglect.

13 (2) Enlargement Not Permitted. The court may not  
14 enlarge the time for taking action under Rules 1007(d),  
15 2003(a) and (d), 7052, 9023, and 9024.

16 (3) Enlargement Limited. The court may enlarge the  
17 time for taking action under Rules 1006(b)(2), 1007(c),  
18 1017(e), 3002(c), 4003(b), 4004(a), 4007(c), 8002 and 9033,  
19 only to the extent and under the conditions stated in those  
20 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 amendment to Rule 9006 relates to § 436 of the 2005 Act]**



1 [Name of Attorney for Plan Proponent]  
2  
3  
4  
5

6 **UNITED STATES BANKRUPTCY COURT**

7 \_\_\_\_\_ **DISTRICT OF** \_\_\_\_\_  
8  
9

10 In re

11 [NAME OF DEBTOR],

12  
13 Debtor.  
14  
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21

Bk. No. \_\_\_\_-\_\_\_\_-\_\_

In a Small Business Case Under Chapter  
11 of the Bankruptcy Code  
(11 U.S.C. § 1101 *et seq.*)

**[AMENDED] CHAPTER 11 PLAN OF  
[NAME OF PLAN PROPONENT]  
DATED [INSERT DATE]<sup>1</sup>**

**Plan Confirmation [and Disclosure  
Statement] Hearing Date<sup>2</sup>  
See Disclosure Statement for  
Voting and Objecting Procedures**

Date: \_\_\_\_\_

Time: \_\_\_\_\_

22  
  

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<sup>1</sup>[Footnotes will be deleted or moved to "Committee Note" when the Form is finalized.] The name of the plan proponent and the date is required under Fed. R. Bankr. Pro. 3016(a).

<sup>2</sup>In a small business case, the disclosure statement may be conditionally approved by the judge, and the hearing on the disclosure statement and the plan will be combined. Fed. R. Bankr. Pro. 3017.1.

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## TABLE OF CONTENTS

<b>INTRODUCTION</b>	1
<b>I. DEFINITIONS USED IN THIS PLAN</b>	1
1.1. <b>Defined Terms.</b>	1
1.3. <b>Exhibits.</b>	3
<b>II. CLASSIFICATION AND TREATMENT OF CLAIMS AND EQUITY INTERESTS</b>	3
2.1. <b>General Overview</b>	3
2.2. <b>Unclassified Claims</b>	3
2.2.1 <b>Administrative Expenses</b>	3
2.2.2. <b>Priority Tax Claims</b>	4
2.3. <b>Classification of Claims and Equity Interests</b>	5
<b>III. TREATMENT AND SPECIFICATION OF IMPAIRMENT OF CLASSES</b>	6
3.1. <i>Class 1 – Certain Priority Claims.</i>	6
3.2. <i>[Option 1 – Unimpairment/Cure and Reinstatement] Class 2 – Allowed Secured Claim of XXX.</i>	6
<i>[Option 2 – Impaired Claim; Payment of Allowed Secured Claim in Full Over Time] Class 2 – Allowed Secured Claim of XXX</i>	7
3.3. <i>[Option 1 – Non-Impairment] Class 3 – General Unsecured Creditors.</i>	7
<i>[Option 2 – Impairment, But Payment in Full] Class 3 – General Unsecured Creditors.</i>	8
<i>[Option 3 – Pro Rata Distribution of Limited Fund (“Pot Plan” Option)] Class 3 – General Unsecured Creditors.</i>	8
<i>[Option 4 – Distribution of Equity Securities in the Reorganized Debtor, with Optional Cash Payment] Class 3 – General Unsecured Creditors.</i>	8
3.4. <i>Class 4 – Convenience Class of Unsecured Creditors.</i>	8
3.5. <i>[Option 1 – Preservation of Existing Equity Interests With No Dilution] Class 5 – Class of Equity Interest Holders.</i>	9
<i>[Option 2 – Partial Dilution of Existing Equity Interests] Class 5 – Class of Equity Interest Holders.</i>	9
<b>V. MEANS FOR IMPLEMENTING PLAN</b>	9
4.1. <b>Funding for the Plan</b>	9
4.2. <b>Disbursing Agent</b>	10
4.3. <b>Distributions.</b>	10
4.4. <b>Disputed Claims.</b>	11
4.5. <b>Deadline for Objections to Claims and Equity Interests</b>	11

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26  
27  
28  
29

4.6. **Post-confirmation Management.** ..... 11  
4.7. **Continued Corporate Existence.** ..... 12  
4.8. **Amendments to Certificate of Incorporation.** ..... 12

**V. EXECUTORY CONTRACTS AND UNEXPIRED LEASES** ..... 12

5.1. **Assumption and Assignment Generally** ..... 12  
5.2. **Approval of Assumptions and Assignments** ..... 12  
5.3. **Cure Claims Related to the Assumption of Executory Contracts.** ..... 12  
5.4. **Executory Contracts Rejected if Not Assumed.** ..... 12  
5.5. **Bar Date for Rejection Claims.** ..... 13

**[Optional – VI. TITLE TO PROPERTY ..... 13]**

**VII. CLOSING THE CASE** ..... 13

7.1. **Final Decree** ..... 13

**VIII. DISCHARGE OF DEBTOR** ..... 13

8.1. **Scope and Effect of Discharge** ..... 13

**X. MISCELLANEOUS PROVISIONS** ..... 14

9.1. **Governing Law** ..... 14  
9.2. **Time** ..... 14  
9.3. **Construction** ..... 14  
9.4. **Further Actions** ..... 14  
9.5. **Plan Controls** ..... 15  
9.6. **Request for Non-Consensual Confirmation.** ..... 15

**Exhibit 5.1 – Executory Contracts** ..... 16

1           **INTRODUCTION**  
2

3           This document is the Chapter 11 Plan (“Plan”) of \_\_\_\_\_ (the “Debtor” and “Plan  
4 Proponent”). The debtor is currently subject to chapter 11 of the United States Bankruptcy  
5 Code, 11 U.S.C. §§ 101 *et. seq.* (the “Bankruptcy Code” or “Code”). This is a small business  
6 case. [If this plan is being proposed by someone other than the Debtor, use the following  
7 language: “This document is the Small Business Chapter 11 Plan (“Plan”) of \_\_\_\_\_ (the  
8 “Debtor”). It is proposed by \_\_\_\_\_ (the “Plan Proponent”).] ***IF CONFIRMED BY THE  
9 COURT, THIS PLAN WILL MODIFY AND ALTER THE RIGHTS BETWEEN YOU AND  
10 THE DEBTOR.***

11           You should also read “Disclosure Statement” which was sent to you along with this Plan.  
12 (the “Disclosure Statement”). The Disclosure Statement provides information to help you vote  
13 intelligently on the Plan.  
14

15           **I.       DEFINITIONS USED IN THIS PLAN**  
16

17           1.1.   **Defined Terms.** This section explains certain terms used in this Plan:  
18

19  
20           1.1.1       ***Allowed Claim:*** Means any claim that meets the following conditions:  
21 a proof of claim or request for payment of an administrative expense claim has been  
22 filed before the applicable Bar Date (or the claim is a preterition claim and the  
23 Debtor has listed such claim on its schedules, and has not indicated that such claim is  
24 disputed, contingent or unliquidated); *and*,

25                   (A) if a pre-petition claim, no objection to the allowance of such claim has been  
26 filed, or the court has ruled on any filed objections, and the order has not been  
27 stayed; *or*

28                   (B) if a post-petition request for payment of an administrative expense claim,  
29 an order allowing such claim has been entered and that order has not been  
30 stayed.  
31

32           1.1.2.       ***Allowed Equity Interest:***<sup>3</sup> Means any ownership interest in the debtor  
33 that meets the following conditions: a proof of interest has been filed or has been  
34 deemed filed before the applicable Bar Date; *and* either

35                   (A) no objection to the allowance of such interest has been filed, *or*

36                   (B) the court has ruled on objections, and that order has not been stayed.  
37

---

<sup>3</sup>The term “interest” as used here is not defined in the Bankruptcy Code. Interest holders are the parties who hold ownership interests (i.e., equity interests) in the Debtor. If the Debtor is a corporation, entities holding preferred or common stock in the Debtor would be interest holders. If the Debtor is a partnership, the interest holders include both general and limited partners. If the Debtor is an individual, the Debtor is the interest holder.

1 1.1.3. **Allowed Secured Claim:** Means an Allowed Claim that is secured by property  
2 of the estate.

3  
4 1.1.4. **Allowed Secured Amount:** Means the allowed dollar amount of an  
5 Allowed Secured Claim.

6  
7 1.1.5. **Allowed Unsecured Claim:** Means an Allowed Claim that is not secured  
8 by property of the estate.

9  
10  
11 1.1.6. **Bar Date:** Means the last day that a person can file a proof of claim, a request  
12 for payment of an administrative expense claim or proof of interest. The following table  
13 sets forth the Bar Dates for the following classes of creditors :  
14

Types of Creditors	Applicable Bar Date
Claims of Governmental Entities, including Non-Priority Tax Claims	
Secured Claims	
General Unsecured Claims	
Convenience Class Unsecured	
Administrative Claims	
Priority Tax Claims	
Holder of Claims Arising From Rejected Executory Contracts	See Section 6.4

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28 1.1.7. **Disallowed Claim:** Means a Disputed Claim that has either (i) been  
29 disallowed by court order, and that order has not been stayed; or (ii) for which no  
30 proof of claim was filed on or before the Bar Date applicable to such Disputed  
31 Claim.

32  
33 1.1.8. **Disallowed Equity Interest:** Means a Disputed Equity Interest that has  
34 either (i) been disallowed, and the order of disallowance has not been stayed; or (ii)  
35 for which no proof of Equity Interest was filed on or before the Bar Date applicable  
36 to such Disputed Equity Interest.

37  
38 1.1.9. **Disputed Claim:** Any claim (i) that the Debtor listed in its schedules as  
39 disputed, contingent or unliquidated; (ii) that the Debtor did not list in its schedules;



1 or (iii) as to which an objection has been filed, and as to which such objection has  
2 not been withdrawn, overruled or denied. In addition, the term "Disputed Claim"  
3 includes any claim as to which an application, motion, complaint or other pleading  
4 seeking to subordinate or dismiss that claim has been filed with the court and has not  
5 been withdrawn, granted or denied.  
6

7 1.1.10. **Disputed Equity Interest:** Means any Equity Interest (i) that the Debtor  
8 listed in its schedule of equity security holders as disputed, contingent or  
9 unliquidated; (ii) that the Debtor did not list in its schedules; or (iii) as to which an  
10 objection has been filed, and as to which such objection has not been withdrawn,  
11 overruled or denied. In addition, the term "Disputed Equity Interest" includes any  
12 Equity Interest as to which an application, motion, complaint or other pleading  
13 seeking to subordinate or dismiss that Equity Interest has been filed with the court  
14 and has not been withdrawn, granted or denied.  
15

16 1.1.11. **Effective Date:** Means the first day after entry of the order of  
17 confirmation on this Plan upon which there is no pending order staying  
18 consummation of the Plan that is also not a Saturday, Sunday or legal holiday (as  
19 defined in Bankruptcy Rule 9006(a)).  
20

## 21 [DEFINE EQUITY INTEREST?]

22  
23 1.1.12. **Holder:** Means the person who owns any claim or Equity Interest.  
24

25 1.1.13. **Plan Fund:** Means a segregated account, which shall yield interest on all  
26 cash or cash equivalents. The Plan Funds shall hold all funds or property reserved  
27 for Holders of Allowed Claims.  
28

29 1.1.14. **Reorganized Debtor:** Means the Debtor after the Effective Date.  
30  
31

32 1.3. **Exhibits.** Exhibits [insert list of exhibits that are to be incorporated] attached to  
33 this plan are hereby incorporated in this Plan by reference.  
34

## 35 II. CLASSIFICATION AND TREATMENT OF CLAIMS AND EQUITY INTERESTS

### 36 2.1. General Overview

37  
38 This Plan classifies claims and Equity Interests as set forth below. **YOUR ULTIMATE  
39 RIGHT TO PAYMENT DEPENDS ON HOW THIS PLAN CLASSIFIES YOUR CLAIM,  
40 AND HOW THIS PLAN PROVIDES FOR ITS TREATMENT.**  
41  
42

### 43 2.2. Unclassified Claims

44

1 Certain types of claims are not placed into voting classes, as the Bankruptcy Code provides  
2 specific treatment for these claims. They do not vote on the Plan because they are automatically  
3 entitled to specific treatment outlined in the Bankruptcy Code.  
4

### 5 2.2.1 Administrative Expenses

6

7 (a) Administrative expenses are claims for costs or expenses of administering the  
8 Debtor's Chapter 11 case which are allowed under Code Section 507(a)(2). The Code requires  
9 that all administrative claims be paid on the Effective Date of the Plan,<sup>44</sup> unless a particular  
10 claimant agrees to a different treatment.<sup>55</sup>  
11

12 The following chart lists all of the Debtor's § 507(a)(2) administrative claims and their  
13 treatment under this Plan.  
14

15

<u>Name</u>	<u>Amount Owed</u>	<u>Treatment</u>
16 Claims Arising in the Ordinary 17 Course of Business After the 18 Petition Date		Paid in full on Effective Date, or according to terms of obligation if later
19 The Value of Goods Received in 20 the Ordinary Course of Business 21 Within 20 Days Before the Petition 22 Date		Paid in full on Effective Date, or according to terms of obligation if later
23 Professional Fees		Paid in full on Effective Date, or according to separate written agreement, or according to court order if such fees have not been approved by the Court on the Effective Date
24 Clerk's Office Fees		Paid in full on Effective Date
25 Other Administrative Expenses		Paid in full on Effective Date or according to separate written agreement
26 Office of the U.S. Trustee Fees		Paid in full on Effective Date
27 TOTAL		

28

29 (b) The Court must approve all professional fees listed in this chart. For all such fees, the  
30 professional in question must file and serve a fee application and the Court must rule on the

---

<sup>44</sup>11 U.S.C. § 1129(a)(9)(A).

<sup>55</sup>Note: in the unusual case in which the debtor's case began as an involuntary case under Section 303, a claim arising in the ordinary course of the debtor's business or financial affairs after commencement of the case but before the entry of the order for relief is entitled to the same priority as administrative claims. 11 U.S.C. § 1129(a)(9)(A); 11 U.S.C. § 507(a)(3); 11 U.S.C. § 502(f).

In such a case, language will be necessary to provide for such claimants.

1 application. Only the amount of fees allowed by the Court will be required to be paid under this  
2 Plan.

### 3 4 2.2.2. Priority Tax Claims

5  
6 Priority tax claims are certain unsecured income, employment and other taxes described by  
7 Section 507(a)(8) of the Bankruptcy Code. The Code requires that each holder of a Section  
8 507(a)(8) priority tax claim receive the present value of such claim in deferred cash payments,  
9 over a period not exceeding five years from the date of the order for relief.

10  
11 The following chart lists the Debtor's Section 507(a)(8) priority tax claims and their  
12 treatment under this Plan.

13

Description (name and type of tax)	Amount Owed	Date of Assessment	Treatment
			Pmt interval = Pmt amt/interval = Begin date = End date = Interest Rate % = Total Payout Amount = \$
			Pymt interval = Pymt amt/interval = Begin date = End date = Interest Rate % = Total Payout Amount = \$

14  
15  
16  
17  
18  
19

### 20 21 2.3. Classification of Claims and Equity Interests

22 The following claims are classified as follows:

23  
24  
25  
26 2.3.1. **Class 1 – Certain Priority Claims.** Class 1 consists of all Allowed  
27 Unsecured Claims that are entitled to priority under the terms of any of the following sections of  
28 the Bankruptcy Code [delete any such categories that are not applicable]:<sup>6</sup>

- 29  
30
- Section 507(a)(1) [certain support and other domestic claims]
  - Section 507(a)(4) [claims of employees for unpaid wages earned within 90 days of the commencement of the Debtor's case up to [insert maximum priority
- 31  
32  
33

---

<sup>6</sup>These categories are those listed in 11 U.S.C. § 1129(a)(9)(B).

1 amount]];

- 2
- 3 ● Section 507(a)(5) [claims of employees for unpaid benefits arising from
- 4 services rendered within 180 days of the commencement of Debtor's case];
- 5
- 6 ● Section 507(a)(6) [claims of certain grain producers and fishermen];
- 7
- 8 ● Section 507(a)(7) [certain consumer customer deposit or prepayment claims];
- 9 and
- 10

11 2.3.2. **Class 2 – Secured Claims of [Insert name].** Class 2 consists of all  
12 Allowed Secured Claims of [insert name] secured by [describe nature of lien or security]

13  
14 *[Since each secured claim is typically placed in its own class, continue creating classes of*  
15 *secured creditors for each creditor holding security or which holds a lien against property of the*  
16 *estate.]*

17  
18 2.3.3. **Class 3 – Unsecured Claim of [Insert Name].** Class 3 consists of all  
19 Allowed Unsecured Claims of [insert name or description].

20  
21 *[A plan may have only one class of general unsecured claims or the plan proponent, to the extent*  
22 *consistent with Section 1122(a) and applicable case law, may create different classes of*  
23 *unsecured creditors.]*

24  
25 2.3.4. **Class 4 – Convenience Class of Unsecured Creditors.** Class 4 consists  
26 of all Allowed Unsecured Claims that are not secured by property of the estate and that on or  
27 before the Effective Date are either: (i) in the amount of [\$XXXX] or less; or (ii) greater than  
28 [\$XXXX], but the Holder of which has agreed, on the ballot accepting this Plan, to reduce the  
29 amount of such claim to \$XXXX.

30  
31 Confirmation of this Plan shall establish that the amount of \$XXXX is reasonable and  
32 necessary for administrative convenience as required by Section 1122(b) of the Bankruptcy  
33 Code.

34  
35 2.3.5. **Class 5 – Equity Interests.** Class 5 consists of all Allowed Equity  
36 Interests.

### 37 38 39 **III. TREATMENT AND SPECIFICATION OF IMPAIRMENT OF CLASSES**

40  
41 3.1. **Class 1 – Certain Priority Claims.** Each Holder of an Allowed Claim in Class 1  
42 shall receive from the Plan Fund (i) cash in an amount equal to the amount of such Holder's  
43 Allowed Claim; or (ii) such other treatment as shall have been agreed to by the Debtor and the  
44 Holder of such Allowed Claim.

1 Class 1 is not impaired. It is conclusively presumed to have accepted the Plan.  
2

3 **3.2. Class 2 – Allowed Secured Claim of XXX.**  
4

5 **[Option 1 – Unimpairment/Cure and Reinstatement]** On the Effective Date or as soon  
6 thereafter as reasonably practicable, the Allowed Claim of XXX shall be cured, compensated and  
7 reinstated, and such claim shall be deemed to be given the treatment specified in Section 1124(2)  
8 of the Bankruptcy Code.  
9

10 The amount of the payment necessary to cure all defaults existing pre-petition is  
11 \$ \_\_\_\_\_ (the “Cure Amount”). The amount necessary to compensate XXX for any  
12 damages incurred as a result of any reasonable reliance by XXX on any contractual provision or  
13 applicable law that entitled XXX to demand or receive accelerated payment of such claim after  
14 the occurrence of a default is \$ \_\_\_\_\_ (the “Compensation Amount”). On the Effective Date  
15 or as soon thereafter as reasonably practicable, XXX shall receive from the Plan Fund amounts  
16 equal to the Cure Amount and the Compensation Amount.  
17

18 If XXX does not object to either the Cure Amount or the Compensation Amount, or both,  
19 by the date of the hearing on the confirmation of this Plan, such amounts shall be deemed  
20 accurate, and XXX may not challenge such amounts thereafter.  
21

22 Class 2 is not impaired. It is conclusively presumed to have accepted the Plan.  
23

24 **[Option 2 – Impaired Claim; Payment of Allowed Secured Claim in Full Over Time]**  
25

26 On the Effective Date or as soon thereafter as reasonably practicable, to the extent the  
27 Allowed Claim of XXX is an Allowed Secured Claim, the Allowed Secured Amount shall be  
28 fully satisfied by the issuance to XXX of a note, secured by the same collateral as secured the  
29 claim immediately prior to the Effective Date, that has the following contractual terms:  
30

Term	Treatment
Principal (Allowed Secured Amount of Allowed Secured Claim)	\$ _____
Annual Interest Rate	____%
Maturity Date	[insert date]
Amortization	[describe]
Proposed Monthly Payment	\$ _____

31  
32  
33  
34  
35  
36  
37  
38  
39 Class 2 is impaired. It is entitled to vote on the Plan.  
40

1                   3.3. *Class 3 – General Unsecured Creditors.*

2  
3                   **[Option 1 – Non-Impairment]** This Plan shall not affect the legal, equitable, and  
4 contractual rights of any Holder of any Allowed Unsecured Claim in Class 3, and such claims  
5 shall be deemed to be given the treatment specified in Section 1124(1) of the Bankruptcy Code.  
6 On the Effective Date or as soon thereafter as reasonably practicable, or when due as provided by  
7 contract or applicable nonbankruptcy law, each Holder of an Allowed Unsecured Claim in Class  
8 3 shall receive from the Plan Fund an amount equal to the Allowed Unsecured Claim, plus  
9 interest from the date of the order for relief as may be provided for by contract or applicable  
10 nonbankruptcy law.

11  
12                   Class 3 is not impaired. It is conclusively deemed to have accepted the Plan.

13  
14                   **[Option 2 – Impairment, But Payment in Full]**

15  
16                   In full satisfaction of their claims, Holders of Allowed Unsecured Claims in Class 3  
17 shall receive payment on their claims [in \_\_\_ equal installments/describe other amortization],  
18 with the first such installment being paid on [insert date]. All such payments shall be made from  
19 the Plan Fund. The total amount of such payments shall equal the Allowed Unsecured Claim of  
20 each such Holder of a Class 3 claim.

21  
22                   Class 3 is impaired. It is entitled to vote upon the Plan.

23  
24                   **[Option 3 – Pro Rata Distribution of Limited Fund (“Pot Plan” Option)]**

25  
26                   In full satisfaction of their claims, Holders of Allowed Unsecured Claims in Class 3  
27 shall receive payment on their claims by a pro rata payment from the Plan Fund as set forth in  
28 Article V. Such payments shall be made on [insert dates, and/or any conditions on payment].

29  
30                   Class 3 is impaired. It is entitled to vote upon the Plan.

31  
32                   **[Option 4 – Distribution of Equity Securities in the Reorganized Debtor, with**  
33 **Optional Cash Payment]**

34  
35                   In full satisfaction of their claims, Holders of Allowed Unsecured Claims in Class 3  
36 shall receive payment on their claims through [a payment of cash and through] a distribution of  
37 \_\_\_% of the voting Equity Interests in the Reorganized Debtor (the “Equity Securities”). Such  
38 Equity Securities shall be distributed pro rata to Holders of Allowed Unsecured Claims in Class  
39 3. Such distribution shall occur on the Effective Date, or as soon thereafter as is reasonably  
40 practicable. [The cash shall be paid from the Plan Fund on the Effective Date or as soon as is  
41 reasonably practicable thereafter, and shall be distributed pro rata to Holders of Allowed  
42 Unsecured Claims in Class 3 as set forth in Article V.]

43  
44                   Class 3 is impaired. It is entitled to vote upon the Plan.

1           3.4. ***Class 4 – Convenience Class of Unsecured Creditors.*** On the Effective Date or as  
2 soon as practicable thereafter, each Holder of an Allowed Unsecured Claim in Class 4 shall  
3 receive from the Plan Fund cash in the full amount of such Allowed Unsecured Claim, plus  
4 interest from the date of the order for relief as may be provided for by contract or applicable  
5 nonbankruptcy law.  
6

7           Class 4 is unimpaired. It is not entitled to vote on the Plan.  
8

9           3.5. ***Class 5 – Class of Interest Holders***

10                   ***[Option 1 – Preservation of Existing Equity Interests With No Dilution]***. This Plan  
11 shall not affect the legal, equitable, and contractual rights of any Holder of any Allowed Equity  
12 Interest in Class 5, and such Equity Interests shall be deemed to be given the treatment specified  
13 in Section 1124(1) of the Bankruptcy Code.  
14

15           Class 5 is not impaired. It is conclusively presumed to have accepted the Plan.  
16  
17

18                   ***[Option 2 – Partial Dilution of Existing Equity Interests]***

19                   As of the Effective Date, or as soon as reasonably practicable thereafter, the  
20 Reorganized Debtor shall, pursuant to this Plan, issue [describe equity securities], which  
21 securities shall be of the same class of the Equity Interests contained in Class 5. All Holders of  
22 Allowed Equity Interests in Class 5 shall keep and hold their Equity Interests, and all rights and  
23 Equity Interests appertaining thereto, subject to the dilution referred to in the first sentence of this  
24 section.  
25

26           Class 5 is impaired. It is entitled to vote upon the Plan.  
27  
28

29                   ***[Option 3 – Extinguishment of Existing Equity Interest Holders]***

30                   As of the Effective Date, all Allowed Equity Interests, Disallowed Equity Interests  
31 and Disputed Equity Interests shall be cancelled. Holders of Allowed Equity Interests in Class 5  
32 shall not receive any distribution or other property under this Plan.  
33  
34

35           Class 5 is impaired. It is conclusively presumed to have rejected the Plan.  
36  
37

38 **IV. MEANS FOR IMPLEMENTING PLAN**

39           **4.1. Funding for the Plan**

40           Payments to be made under the Plan will derive from the following sources:  
41  
42

43           [Describe the sources. Possible sources include:  
44

- 1 ● income from continued operations;
- 2 ● a contribution of cash by existing equity holders;
- 3 ● proceeds from a loan to the Reorganized Debtor;
- 4 ● a sale of some or all of the assets of the debtor;
- 5 ● a merger of the debtor into another entity, or the merger of another entity into
- 6 the debtor;
- 7 ● the creation of a litigation trust or other entity empowered under Section
- 8 1123(b) to pursue claim held by the estate for the benefit of creditors, together
- 9 with a valid transfer of all such claims to such entity]

10  
11 All funds and other property necessary to implement the Plan shall be deposited in the Plan  
12 Fund at times reasonably necessary to enable the Disbursing Agent to make timely payments  
13 under the Plan, and such deposit shall qualify as a deposit under Bankruptcy Rule 3020(a).  
14 **[Necessary if funds are from continued business operations?]**

15  
16 **4.2. Disbursing Agent.** [\_\_\_\_\_] <sup>7</sup> shall act as the disbursing agent for the purpose of  
17 making all distributions provided for under this Plan. The Disbursing Agent shall serve  
18 [with/without] bond and shall receive \$ \_\_\_\_\_ for its distribution services rendered and  
19 expenses incurred pursuant to the Plan.

20  
21 **4.3. Distributions.**

22  
23 (a) The Disbursing Agent shall make all distributions of cash and property required to be  
24 distributed under the Plan. The Disbursing Agent shall make all such distributions on the date or  
25 dates called for in this Plan.

26  
27 (b) The Disbursing Agent shall distribute from the Plan Fund:

- 28 (i) all amounts necessary to cure defaults under any executory contract listed on
- 29 Exhibit 5.1;
- 30 (ii) all amounts payable under sections 2.2.1. and 2.2.2. of this Plan; and
- 31 (iii) any amounts payable to creditors under Article III of this Plan.

32  
33  
34 (c) On each date upon which a distribution from the Plan Fund is to be made, but subject to  
35 subsection (d) and (e), distributions to Holders of Allowed Claims shall be made to the proper  
36 address for notices under Federal Rule of Bankruptcy Procedure 2002.

37  
38 (d) If the distribution to the Holder of any Allowed Claim is returned to the Disbursing  
39 Agent as undeliverable, no further distribution shall be made to such Holder, and the Disbursing  
40 Agent shall have no obligation to make any further distribution to the Holder, unless and until the  
41 Disbursing Agent is notified in writing of such Holder's then-current address. Undeliverable

---

<sup>7</sup>This may be the Reorganized Debtor.



1 distributions shall remain in the Plan Fund until such time as a distribution becomes deliverable,  
2 subject to subsection (f).  
3

4 (e) Any Holder of an Allowed Claim who does not assert a claim for an undeliverable  
5 distribution within one year after any distribution date on account of such claim shall no longer  
6 have any claim to or interest in such undeliverable distribution and shall be forever barred from  
7 receiving any distribution under the Plan.  
8

9 (f) The Disbursing Agent shall, one year after the final distribution required by this Plan,  
10 distribute all remaining property as set forth in Bankruptcy Code Section 347(b).  
11

#### 12 **4.4. Disputed Claims.**

13 (a) No distribution or other payment or treatment shall be made on account of a Disputed  
14 Claim.  
15

16 (b) On the Effective Date, the Reorganized Debtor shall withdraw from the Plan Fund and  
17 deposit into a separate fund or account an amount equal to the aggregate pro rata shares of the  
18 Plan Fund for each Disputed Claim (the "Disputed Claims Fund"). The pro rata share for such  
19 Disputed Claims shall be computed as if the Holder's Disputed Claim were an Allowed Claim in  
20 its face amount.  
21

22 (c) As to any Disputed Claim for which a proof of claim has been filed in an unliquidated  
23 amount or for which a Proof of Claim has been filed that denominates the claim as contingent,  
24 the Bankruptcy Court shall, upon motion by the Disbursing Agent, estimate the maximum  
25 allowable amount, if any, of such Disputed Claim under Section 502(c) of the Bankruptcy Code.  
26 Any order of the Bankruptcy Court that estimates a disputed claim pursuant to this Section  
27 irrevocably shall constitute and be a conclusive and final determination of the maximum  
28 allowable amount of the claim of such creditor, should it become an Allowed Claim.  
29

30 (d) Within twenty-one days following that the date of entry of any order declaring that a  
31 previously Disputed Claim shall, in any respect, be an Allowed Claim, the Disbursing Agent  
32 shall pay directly to the Holder of such Disputed Claim an amount equal to such Holder's pro rata  
33 share of the Plan Fund. Conversely, within twenty-one days following the date a Disputed Claim  
34 becomes a Disallowed Claim, the Reorganized Debtor shall transfer the entire amount withdrawn  
35 from the Plan Fund in respect of such Disputed Claim pursuant to subsection (b) of the Plan back  
36 to the Plan Fund.  
37

38  
39 **4.5. Deadline for Objections to Claims and Equity Interests.** Unless an earlier time is  
40 set by the Bankruptcy Court, all objections to claims or Equity Interests must be filed with the  
41 Bankruptcy Court [within \_\_\_ months of the Effective Date]; provided, however, that no such  
42 objections may be filed against any claim or Equity Interest after the Bankruptcy Court has  
43 determined that such claim or Equity Interest is an Allowed Claim or Allowed Equity Interest, as  
44 applicable, unless the order which allows such claim(s) or Equity Interest(s) is vacated, modified

1 or reversed, on appeal or otherwise, or reserves the right to assert subsequent objections. The  
2 failure by any party in interest, including the Debtor, to object to any claim or Equity Interest,  
3 whether or not unpaid, for purposes of voting shall not be deemed a waiver of such party's rights  
4 to object to, or reexamine, any such claim or Equity Interest, as applicable, in whole or in part.  
5

6 **4.6. Post-confirmation Management.**<sup>8</sup> The management of the Reorganized Debtor,  
7 and their compensation, shall be as follows:  
8

9

Person	Position	Compensation

10  
11  
12

13  
14  
15 **4.7. Continued Corporate Existence.**

16  
17 (a) Except as otherwise provided herein, the Debtor will, as the Reorganized Debtor,  
18 continue to exist after the Effective Date as a separate entity, with all the powers of a corporation  
19 under applicable law and without prejudice to any right to alter or terminate such existence  
20 (whether by merger, dissolution or otherwise) under applicable state law.  
21

22 (b) On and after the Effective Date, the Reorganized Debtor may operate its business and  
23 may use, acquire and dispose of property and compromise or settle any claims without  
24 supervision or approval by the Bankruptcy Court and free of any restrictions of the Bankruptcy  
25 Code or Bankruptcy Rules, other than those restrictions expressly imposed by the Plan or any  
26 order confirming the Plan.  
27

28 **4.8. Amendments to Certificate of Incorporation.** As of the Effective Date, the  
29 Debtor's Certificate of Incorporation shall be amended to the extent necessary to comply with the  
30 provisions of Bankruptcy Code § 1123(a)(6), to comply with any other provisions of the Plan,  
31 and to preclude the issuance of nonvoting stock.  
32

33 **V. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

34  
35 **5.1. Assumption and Assignment Generally.** Except as otherwise provided in the Plan ,  
36 on the Effective Date, pursuant to Section 365 of the Bankruptcy Code, the Debtor will assume,  
37 or assume and assign, as indicated, each of the Executory Contracts listed on Exhibit 5.1. To the  
38 extent that any executory contract listed in Exhibit 5.1 is in default, Exhibit 5.1 specifies the

---

<sup>8</sup>This information is required by 11 U.S.C. § 1129(a)(4) and § 1129(a)(5).

1 amount and nature of any cure and reinstatement.  
2

3 **5.2. Approval of Assumptions and Assignments.** The order confirming the Plan will  
4 constitute an order of the Bankruptcy Court approving the assumptions and assignments  
5 described in this Article VI pursuant to Section 365 of the Bankruptcy Code.  
6

7 **5.3. Cure Claims Related to the Assumption of Executory Contracts.** To the extent  
8 that Exhibit 5.1 lists any amount the Debtor proposes to pay as an amount necessary to cure any  
9 default, that amount shall be paid out of the Plan Fund.  
10

11 **5.4. Executory Contracts Rejected if Not Assumed.** On the Effective Date, except for  
12 an executory contract that was previously assumed, assumed and assigned or rejected by an order  
13 of the Bankruptcy Court or that is assumed pursuant to this Article V, each executory contract of  
14 every kind and nature entered into by the Debtor prior to the date the Debtor's case was  
15 commenced will be rejected pursuant to Section 365 of the Bankruptcy Code. The order  
16 confirming the Plan shall constitute an order of the Bankruptcy Court approving the rejection of  
17 the executory contracts.  
18

19 **5.5. Bar Date for Rejection Claims.** Each person who is a party to an executory  
20 contract rejected pursuant to this Article V shall be entitled to file, within thirty days after the  
21 effective date of such rejection, a proof of claim for damages arising from such rejection. If no  
22 timely proof of claim is filed before the expiration of such 30-day period, any claim arising from  
23 such rejection shall be forever barred and shall not be enforceable against the Reorganized  
24 Debtor, the Plan Fund or the Disputed Claims Reserve. To the extent Rejection Claims initially  
25 are Disputed Claims, but subsequently become Allowed Claims, the Reorganized Debtor shall  
26 pay such Rejection Claims in accordance with the Plan as Class 5 Claims, but nothing herein  
27 shall constitute a determination that any such rejection gives rise to or results in a Claim or  
28 constitutes a waiver of any objections to such Claim by the Debtor or any party in interest.  
29

1       **[Optional – VI. TITLE TO PROPERTY**  
2

3               Except as otherwise provided in this Plan, on the Effective Date, all property of the  
4 debtor’s bankruptcy estate shall, in accordance with Section 1141(c) of the Bankruptcy Code,  
5 vest in the Reorganized Debtor, free and clear of all liens, claims, and Equity Interests, but  
6 subject to the continuing condition that the Court shall not convert Debtor’s case to a case under  
7 chapter 7. If the Court orders the case converted to Chapter 7 after the Plan is confirmed, then all  
8 property that had been property of the Chapter 11 estate, and that has not been disbursed pursuant  
9 to the Plan, will revert in the Chapter 7 estate, and the automatic stay will be reimposed upon the  
10 reorganized property only to the extent that relief from stay was not previously granted by the  
11 Court during this case.<sup>9]</sup>  
12

13       **VII. CLOSING THE CASE**  
14

15               7.1. **Final Decree.** Once the estate has been fully administered as referred to in  
16 Bankruptcy Rule 3022, the Disbursing Agent shall file a motion with the Court to obtain a final  
17 decree to close the case.  
18

19       **VIII. DISCHARGE OF DEBTOR [If Debtor is not entitled to discharge pursuant to 11**  
20 **U.S.C. 1143(d)(3) change this heading to “NO DISCHARGE OF DEBTOR.”]**  
21

22               8.1. *[Option 1 – Debtor is a corporation which is continuing in business]*  
23

24               **Discharge.** On the Effective Date, Debtor shall be discharged of liability for  
25 payment of debts incurred before the Effective Date, to the extent specified in Section 1141 of  
26 the Bankruptcy Code. However, the discharge will not discharge any liability imposed by the  
27 Plan.  
28

29               *[Option 2 – Debtor is a corporation which is not continuing in business]*

30               **No Discharge.** Debtor will not receive any discharge of debt in this bankruptcy case.  
31

32               *[Option 3 – Debtor is an individual]*  
33

34               **Discharge.** Confirmation of the Plan does not discharge any debt provided for in the  
35 Plan until the court grants a discharge on completion of all payments under the Plan, or as other  
36 wise provided in Section 1141(d)(5) Bankruptcy Code. Debtor will not be discharged from any  
37 debt excepted from discharge under Section 523 of the Bankruptcy Code.

---

<sup>9</sup>The specification that the Reorganized Debtor will hold the property subject to a subsequent conversion is to avoid the argument that, upon any such conversion, there would be no property of the estate to administer. See, e.g., *In re Canal Street Limited Partnership*, 260 B.R. 460 (Bankr. D. Minn. 2001) (holding that conversion does not bring into the chapter 7 estate any of the reorganized property); *In re RJW Lumber Co.*, 262 B.R. 91 (Bankr. N.D. Cal. 2001) (contra).

1 **IX. MISCELLANEOUS PROVISIONS**

2  
3 9.1. **Governing Law.** Except to the extent the Bankruptcy Code or Bankruptcy Rules are  
4 applicable, and subject to the provisions of agreements entered into in connection with the Plan,  
5 the rights and obligations arising under the Plan shall be governed by, and construed and  
6 enforced in accordance with, the laws of the \_\_\_\_\_ notwithstanding any conflicts of  
7 law principles, rules or laws to the contrary.  
8

9 9.2. **Time.** In computing any period of time prescribed or allowed by the Plan, the rules  
10 set forth in Federal Rule of Bankruptcy Procedure 9006 shall be followed.  
11

12 9.3. **Construction.** The rules of construction set forth in Bankruptcy Code Section 102  
13 shall apply to the construction of the Plan.  
14

15 9.4. **Further Actions.** Each of the Debtor, the Reorganized Debtor and the Disbursing  
16 Agent shall be authorized to execute, deliver, file or record such documents, contracts,  
17 instruments, releases and other agreements and take such other action as may be necessary to  
18 effectuate and further evidence the terms and conditions of the Plan.  
19

20 9.5. **Plan Controls.** To the extent the terms of the Plan are inconsistent with the any other  
21 relevant document, the terms of the Plan shall control.  
22

23 9.6. **Request for Non-Consensual Confirmation.** If any class of claims or Equity  
24 Interests rejects or is deemed to have rejected this Plan, the Plan Proponent hereby requests that  
25 this Court confirm the Plan nonetheless under the authority granted to it in Section 1129(b) of the  
26 Bankruptcy Code.  
27

28  
29 \_\_\_\_\_  
[Signature of the Plan Proponent]

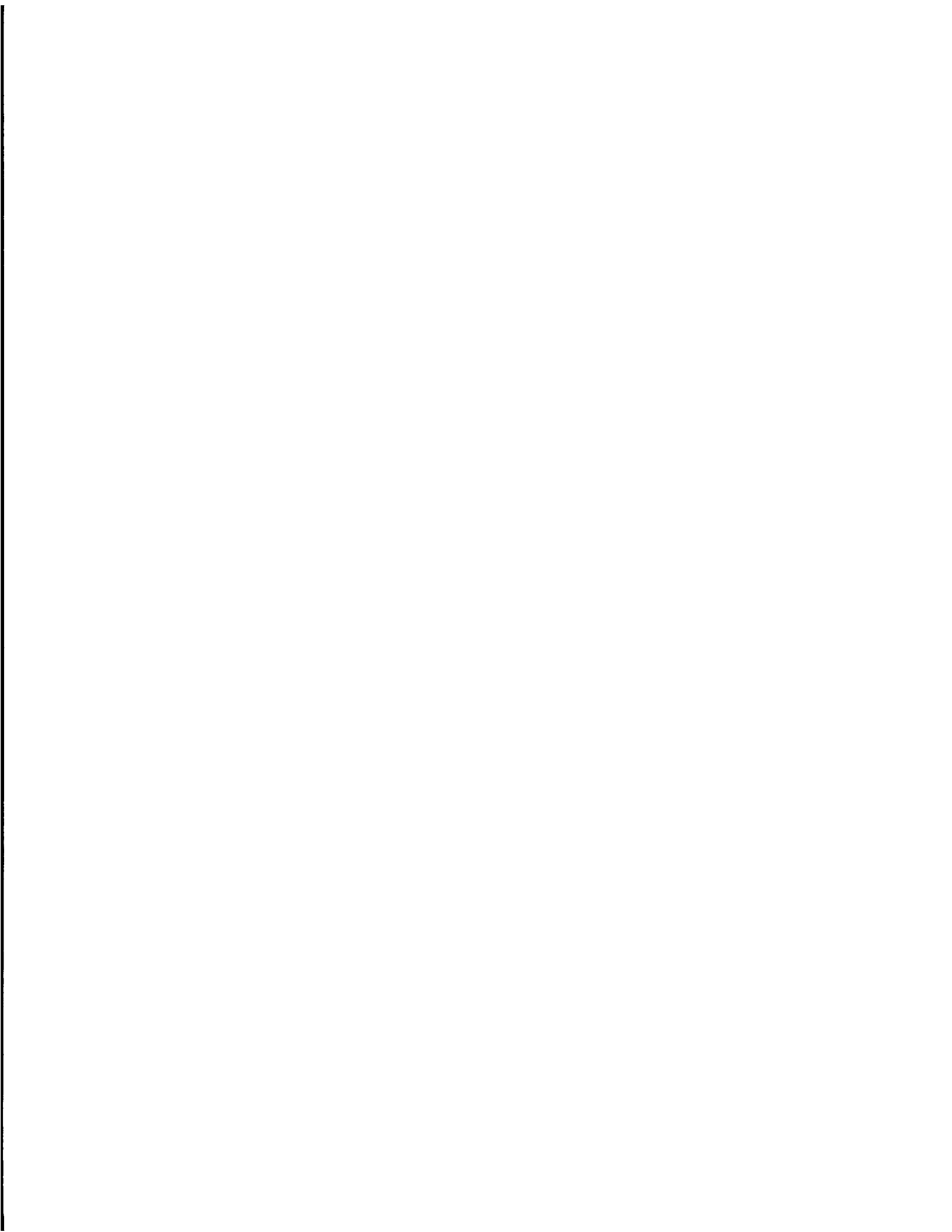
30  
31 \_\_\_\_\_  
32 [Signature of the Attorney for the Plan Proponent]  
33  
34

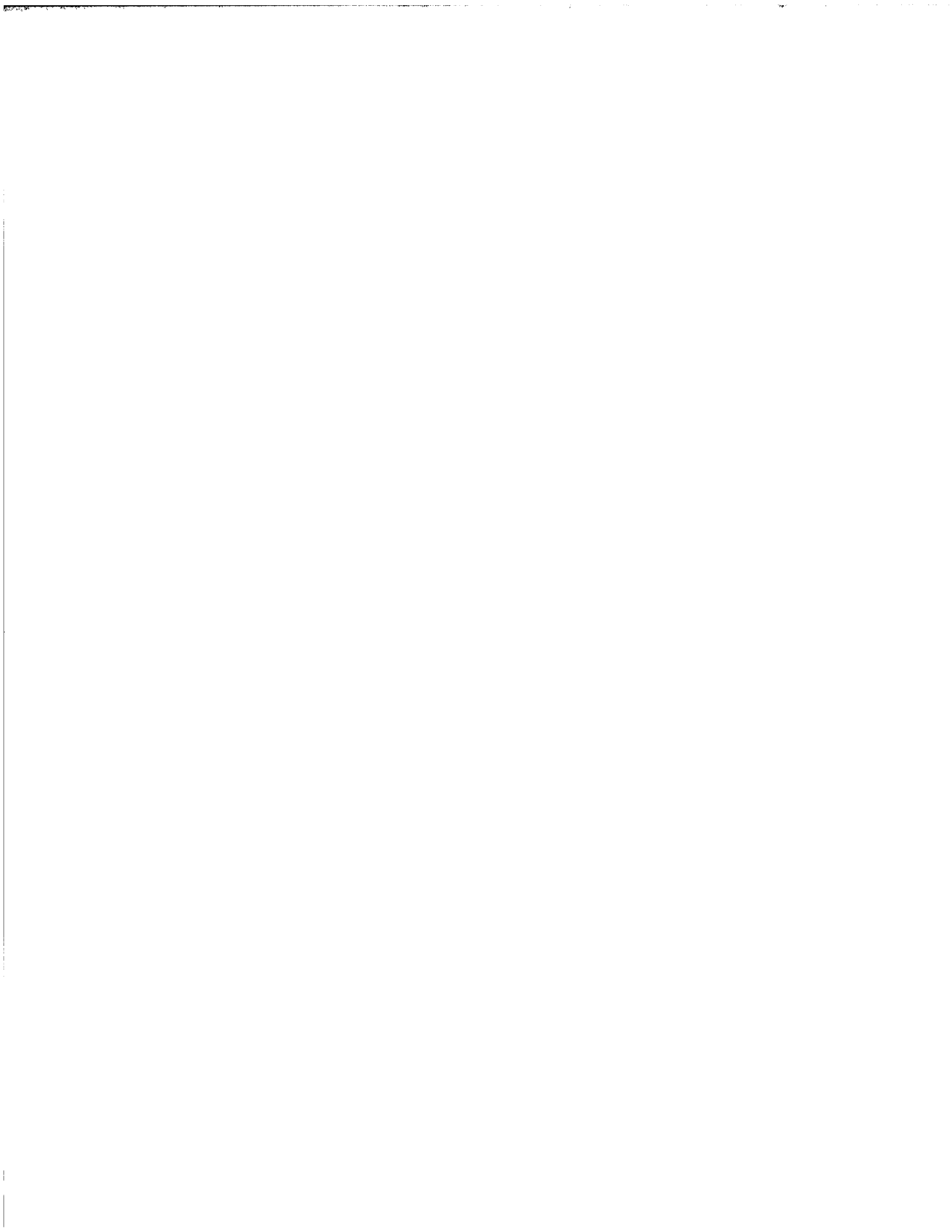
Exhibit 5.1 – Executory Contracts<sup>10</sup>

<b>Contract, and All Parties to Contract</b>	<b>Is Contract in Default?</b>	<b>Amount to Cure Defaults</b>	<b>Amount to Compensate</b>	<b>Manner of Providing Adequate Assurance</b>	<b>To be Assigned?</b>	<b>Name of Assignee</b>

---

<sup>10</sup>Unlike other lists, this table is set out as a separate exhibit because it may be lengthy, and also to facilitate its separate use as a worksheet.







1 [Name of Attorney for Plan Proponent]  
2  
3  
4  
5

6 **UNITED STATES BANKRUPTCY COURT**

7  
8 **DISTRICT OF** \_\_\_\_\_  
9

10 In re

11  
12 *[NAME OF DEBTOR]*,

13  
14 Debtor.  
15  
16  
17  
18  
19  
20  
21

Bk. No. \_\_\_\_-\_\_\_\_-\_\_

In a Small Business Case Under Chapter  
11 of the Bankruptcy Code  
(11 U.S.C. § 1101 *et seq.*)

**CHAPTER 11 DISCLOSURE  
STATEMENT OF [NAME OF PLAN  
PROONENT] DATED [INSERT DATE]**

**Disclosure Statement Hearing Date**

Date: \_\_\_\_\_

Time: \_\_\_\_\_

22

*Table of Contents*

1  
2  
3 I. **INTRODUCTION** ..... 1  
4 A. **Purpose of This Document** ..... 1  
5 B. **Deadlines for Voting and Objecting; Date of Plan Confirmation Hearing** .. 2  
6 1. *Time and Place of the Hearing to [Finally Approve This Disclosure*  
7 *Statement and] Confirm the Plan* ..... 2  
8 2. *Deadline For Voting For or Against the Plan* ..... 2  
9 3. *Deadline For Objecting to the [Adequacy of Disclosure and]*  
10 *Confirmation of the Plan* ..... 2  
11 4. *Identity of Person to Contact for More Information* ..... 2  
12 C. **Disclaimer** ..... 2  
13  
14 II. **BACKGROUND** ..... 3  
15 A. **Description and History of the Debtor’s Business** ..... 3  
16 B. **Principals/Affiliates of Debtor’s Business** ..... 3  
17 C. **Management of the Debtor Before and During the Bankruptcy** ..... 4  
18 D. **Events Leading to Chapter 11 Filing** ..... 4  
19 E. **Significant Events During the Bankruptcy** ..... 4  
20 1. *Bankruptcy Proceedings* ..... 4  
21 2. *Other Legal Proceedings* ..... 5  
22 3. *Projected Recovery of Preferential or Fraudulent Transfers* ..... 5  
23 4. *Procedures Implemented to Resolve Financial Problems* ..... 5  
24 5. *Current and Historical Financial Conditions* ..... 5  
25  
26 III. **SUMMARY OF THE PLAN OF REORGANIZATION** ..... 6  
27 A. **What The Proposed Plan Is Supposed To Do** ..... 6  
28 B. **Unclassified Claims** ..... 6  
29 1. *Administrative Expenses* ..... 6  
30 2. *Priority Tax Claims* ..... 7  
31 C. **Classified Claims and Interests** ..... 8  
32 1. *Classes of Secured Claims* ..... 8  
33 2. *Classes of Priority Unsecured Claims* ..... 9  
34 3. *Class[es] of General Unsecured Claims* ..... 10  
35 4. *Class[es] of Equity Interest Holders* ..... 10  
36 D. **Means of Implementing the Plan** ..... 11  
37 1. *Source of Payments; Establishment of “Plan Fund”* ..... 11  
38 2. *Disbursing Agent* ..... 11  
39 3. *Post-confirmation Management* ..... 12  
40 E. **Risk Factors** ..... 13  
41 F. **Executory Contracts and Unexpired Leases** ..... 13  
42 G. **Tax Consequences of Plan** ..... 14  
43

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2  
3  
4  
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27  
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29  
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31  
32  
33

IV. **CONFIRMATION REQUIREMENTS AND PROCEDURES** ..... 14

A. **Who May Vote or Object** ..... 15

    1. *What Is an Allowed Claim or an Allowed Interest?* ..... 15

    2. *What If A Claim is Disputed?* ..... 16

    3. *What Is an Impaired Claim or Impaired Equity Interest?* ..... 16

    4. *Who is Not Entitled to Vote* ..... 16

    5. *Who Can Vote in More Than One Class* ..... 17

B. **Votes Necessary to Confirm the Plan** ..... 17

    1. *Votes Necessary for a Class to Accept the Plan* ..... 17

    2. *Treatment of Nonaccepting Classes* ..... 17

B. **Liquidation Analysis** ..... 18

D. **Feasibility** ..... 20

    1. *Ability to Initially Fund Plan* ..... 21

    2. *Ability to Make Future Plan Payments And Operate Without Further Reorganization* ..... 21

V. **EFFECT OF CONFIRMATION OF PLAN** ..... 22

A. **Discharge**

    [Option 1] ..... 22

    [Option 2] ..... 22

    [Option 3] ..... 22

[B. **Revesting of Property in the Debtor**] ..... 23

C. **Modification of Plan** ..... 23

D. **Post-Confirmation Conversion/Dismissal** ..... 23

E. **Final Decree** ..... 23

**EXHIBITS** ..... 25

**Exhibit A** – Copy of Proposed Plan of Reorganization ..... 25

**Exhibit B** – Identity and Value of Material Assets of Debtor ..... 25

**Exhibit C** – Prepetition Financial Statements and Tax Returns ..... 25

**Exhibit D** – Postpetition Operating Reports and Other Financial Filings ..... 25

**Exhibit E** – Projections of Cash Flow and Earnings for Post-Confirmation Period ... 25

1           **I.       INTRODUCTION**

2  
3           This Disclosure Statement relates to \_\_\_\_\_, who is a debtor in a small business  
4 Chapter 11 bankruptcy case (the “Debtor”). On \_\_\_\_, the Debtor commenced a bankruptcy case  
5 by filing a voluntary bankruptcy case under the United States Bankruptcy Code (“Code”), 11  
6 U.S.C. § 101 *et seq.*

7  
8           Chapter 11 allows the Debtor, and under some circumstances, creditors and others parties  
9 in interest, to propose a plan of reorganization. The plan of reorganization which accompanies  
10 this Disclosure Statement (the “Plan”) has been proposed by \_\_\_\_\_ (the “Plan Proponent”).  
11 A full copy of the Plan is attached to this Disclosure Statement as Exhibit A.

12  
13           When words or phrases are used in initially capitalized form in this Disclosure Statement,  
14 they shall have the meaning defined in the Plan or the Bankruptcy Code, and the rules of  
15 construction set forth in Section 102 of the Bankruptcy Code shall be applicable.

16  
17           ***The Document You Are Reading Is the Disclosure Statement for the Attached Plan.***

18  
19           **A.       Purpose of This Document**

20  
21           This Disclosure Statement summarizes what is in the Plan, and tells you certain  
22 information relating to the Plan. It also describes the process the Court follows in determining  
23 whether to confirm the Plan.

24  
25           ***Read this disclosure statement carefully. It seeks to tell you:***

- 26  
27           ●       The history of the Debtor and significant events during the bankruptcy  
28           ●       How the Plan proposes to treat claims of the type you hold (*i.e.*, what your claim  
29           will receive if the plan is confirmed)  
30           ●       Who can vote or object to the Plan  
31           ●       What things the court will look at to decide whether or not to confirm the plan  
32           ●       Whether this Plan is feasible, and how the treatment of your claim under the Plan  
33           compares to what your claim would receive in liquidation, and  
34           ●       The effect of confirmation of the Plan

35  
36           This Disclosure Statement cannot tell you everything about your rights. You should  
37 consider consulting your own lawyer to obtain more specific advice on how this Plan will affect  
38 you and what is the best course of action for you.

39  
40           Be sure to read the Plan as well as the Disclosure Statement. This Disclosure Statement  
41 describes the Plan, but it is the Plan itself that establishes your rights.

42  
43           The Code requires a Disclosure Statement to contain “adequate information” concerning  
44 the Plan. The Bankruptcy Court (“Court”) has [conditionally] approved this Disclosure

1 Statement as containing sufficient information to enable parties affected by the Plan to make an  
2 informed judgment about its terms. [The court's approval of this Disclosure Statement is  
3 conditional and subject to final approval at the hearing on confirmation of the Plan. Objections  
4 to the adequacy of this disclosure statement may be filed until \_\_\_\_\_.] Any party may now  
5 solicit votes for or against the Plan.  
6

7 **B. Deadlines for Voting and Objecting; Date of Plan Confirmation Hearing**  
8

9 *The court has not yet confirmed the Plan described in this Disclosure Statement. In other*  
10 *words, the terms of the Plan are not yet binding on anyone. However, if the court later confirms*  
11 *the Plan, then the Plan will be binding on the Debtor and on all creditors and interest holders in*  
12 *this case. The fact that the Bankruptcy Court has [conditionally] approved this Disclosure*  
13 *Statement does not mean that the Bankruptcy Court has in any way ruled on the sufficiency or*  
14 *appropriateness of the Plan or any of its provisions.*  
15

16 1. *Time and Place of the Hearing to [Finally Approve This Disclosure*  
17 *Statement and] Confirm the Plan*  
18

19 The hearing where the Court will determine whether or not to [finally approve this  
20 Disclosure Statement and] confirm the Plan will take place on \_\_\_\_\_, at [insert time], in  
21 Courtroom \_\_, at the [Insert Courthouse Name, and Full  
22 Court Address, City, State, Zip Code].  
23

24 2. *Deadline For Voting For or Against the Plan*  
25

26 If you are entitled to vote, it is in your best interest to timely vote on the enclosed ballot  
27 and return the ballot in the enclosed envelope to \_\_\_\_\_.  
28

29 Your ballot must be received by \_\_\_\_\_ or it will not be counted.  
30

31 3. *Deadline For Objecting to the [Adequacy of Disclosure and]*  
32 *Confirmation of the Plan*  
33

34 Objections to [this Disclosure Statement or to] the confirmation of the Plan must be filed  
35 with the Court and served upon [insert entities] by [insert date].  
36

37 4. *Identity of Person to Contact for More Information*  
38

39 If you desire additional information about the Plan, you should contact \_\_\_\_\_.  
40

41 **C. Disclaimer**  
42

43 The financial data relied upon in formulating the Plan is based on [insert name of entities  
44 responsible for provision of information, and the types of records they used]. The Plan

1 Proponent represents that everything stated in the Disclosure Statement is true to the Proponent's  
2 best knowledge. The Court has not yet determined whether or not the Plan is confirmable and  
3 makes no recommendation as to whether or not you should support or oppose the Plan.  
4

5 **II. BACKGROUND**  
6

7 **A. Description and History of the Debtor's Business**  
8

9 The Debtor is a [describe form of business, a corporation, partnership, etc.]. Since  
10 [insert year operations commenced, if applicable], the Debtor has been in the business of  
11 [describe business; use guidelines below].  
12

14 **Note:** If the Debtor is a manufacturer or service provider, the following should be  
15 listed:

- 17 ● The type of products manufactured or services provided
  - 18 ● The location(s) of Debtor's business
- 19

20 If Debtor is no longer in business, the above information should still be provided with  
21 respect to Debtor's business immediately preceding the bankruptcy. The date Debtor  
22 ceased to conduct business should also be provided.  
23

24 If the plan contemplates deferred payments or the issuance of common or preferred  
25 stocks to creditors and, therefore, its implementation depends upon the future course of  
26 the business, the description should be more detailed. Items to look for in the latter  
27 case are:

- 28 (1) material factors peculiar to the specific business of the debtor, such as  
29 seasonality, limited sources of supply, limited number of potential customers,  
30 patents or licenses, special capital needs, regulatory problems, or backlog;
- 31 (2) principal product and services present, contemplated, or under development;
- 32 (3) competitive conditions in the applicable market; and
- 33 (4) material contracts and leases, including important terms such as expiration  
34 dates. Of course, if detailed information would have a detrimental impact on the  
35 debtor's competitive position, general terms may be permissible.  
36

37  
38 **B. Principals/Affiliates of Debtor's Business**  
39

41 Insert a detailed list of the names and identity of Debtor's principals and affiliates.  
42 Include the amount of compensation currently paid to principals and affiliates.  
43

44 For example, if Debtor is a corporation, the following must be listed:

- 1 ● Key members of the board of directors.
- 2 ● Key officers of the corporation.
- 3 ● Key shareholders and their respective percentage interest.

4  
5 If Debtor is a partnership, the following must be provided:

- 6
- 7 ● Identity of all general partners since the inception of the partnership
- 8 ● Identity of all current limited partners.
- 9 ● If the general partner is a corporation, the board members, officers and
- 10 shareholders must be listed.

11  
12 If the Debtor is a limited liability company, the following must be provided:

- 13
- 14 ● Identity of the managing member, and all those participating in
- 15 management since formation of the LLC
- 16 ● Identity of all members, and their respective interests in the LLC

17  
18 **C. Management of the Debtor Before and During the Bankruptcy**

19  
20  
21 List:

- 22 ● Key management of the Debtor before the bankruptcy petition was filed;
- 23 ● Key management of the Debtor during the course of the bankruptcy if
- 24 different; and
- 25 ● List any proposals for key management of the Debtor after the
- 26 bankruptcy, and refer to future section for full disclosure of the nature of
- 27 the new management and its compensation.

28  
29 **D. Events Leading to Chapter 11 Filing**

30  
31  
32 Discuss the specific events and dates which led to the commencement of the debtor's  
33 bankruptcy case. For this form, generic statements such as "the recession caused  
34 debtor's business to fail" are not acceptable.

35  
36  
37 **E. Significant Events During the Bankruptcy**

38  
39 1. *Bankruptcy Proceedings*

- 40
- 41
- 42 ● Give a chronological list of significant events which have occurred
- 43 during the case, such as debtor in possession financing or cash collateral
- 44 orders.

- List the professionals approved by the court.
- If any adversary proceedings or major claim disallowance proceedings have commenced, list them as well.
- Finally, if any material lease or executory contract has been assumed, list that here as well.

2. *Other Legal Proceedings*

If there are any significant legal or administrative proceedings pending outside of bankruptcy, describe them here.

3. *Projected Recovery of Preferential or Fraudulent Transfers*

The Plan Proponent estimates that \$\_\_\_\_\_ will be realized from the recovery of fraudulent and preferential transfers. The following is a summary of the fraudulent conveyance and preference actions filed or to be filed in this case:

Transaction	Defendant	Estimated Recovery

4. *Procedures Implemented to Resolve Financial Problems*

Since filing for bankruptcy, the Debtor has implemented the following procedures in an effort to improve its operations:

List specific changes here.

5. *Current and Historical Financial Conditions*

The identity and fair market value of the estate's material assets, taken from the Debtor's Schedules of Assets, are listed in Exhibit B.



1 The Debtor's financial statements [if any] issued before bankruptcy, [as well as its most  
2 recent pre-petition tax return], each of which were filed with the Bankruptcy Court, are set forth  
3 in Exhibit C.<sup>1</sup>  
4

5 The operating reports and any other periodic reporting forms filed since the  
6 commencement of the case are set forth in Exhibit D.<sup>2</sup>  
7

### 8 III. SUMMARY OF THE PLAN OF REORGANIZATION 9

#### 10 A. What The Proposed Plan Is Supposed To Do 11

12 As required by the Bankruptcy Code, the Plan classifies claims and interests in various  
13 classes according to their right to priority. The Plan states whether each class of claims or  
14 interests is impaired or unimpaired. The Plan provides the treatment each class will receive.  
15

#### 16 B. Unclassified Claims 17

18 Certain types of claims are not placed into voting classes; instead they are unclassified.  
19 They are not considered impaired and they do not vote on the Plan because they are automatically  
20 entitled to specific treatment provided for them in the Bankruptcy Code. As such, the Proponent  
21 has *not* placed the following claims in any class:  
22

##### 23 1. *Administrative Expenses* 24

25 Administrative expenses are claims for costs or expenses of administering the Debtor's  
26 Chapter 11 case which are allowed under Code section 507(a)(2). The Code requires that all  
27 administrative claims be paid on the Effective Date of the Plan, unless a particular claimant  
28 agrees to a different treatment.  
29

30 The following chart lists the Debtor's § 507(a)(2) administrative claims and their  
31 treatment under the Plan:  
32

---

<sup>1</sup>These documents are required to be filed with the petition, or within seven days after the filing of the petition, under Section 1116 to the Bankruptcy Code.

<sup>2</sup>These reports would be those developed pursuant to Sections 434 and 435 of the Bankruptcy Reform Act, and which would be required by new Section 308 of the Bankruptcy Code.

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<u>Name</u>	<u>Amount Owed</u>	<u>Treatment</u>
Claims Arising in the Ordinary Course of Business After the Petition Date		Paid in full on Effective Date, or according to terms of obligation if later
The Value of Goods Received in the Ordinary Course of Business Within 20 Days Before the Petition Date		Paid in full on Effective Date, or according to terms of obligation if later
Professional Fees		Paid in full on Effective Date, or according to separate written agreement, or according to court order if such fees have not been approved by the Court on the Effective Date
Clerk's Office Fees		Paid in full on Effective Date
Other administrative expenses		Paid in full on Effective Date or according to separate written agreement
Office of the U.S. Trustee Fees		Paid in full on Effective Date
<b>TOTAL</b>		

The Court must rule on all fees listed in this chart before the fees will be owed. For all fees except Clerk's Office fees and U.S. Trustee's fees, the professional in question must file and serve a properly noticed fee application and the Court must rule on the application. Only the amount of fees allowed by the Court will be owed and required to be paid under this Plan.

2. *Priority Tax Claims*

Priority tax claims are certain unsecured income, employment and other taxes described by Code Section 507(a)(8). The Code requires that each holder of such a 507(a)(8) priority tax claim receive the present value of such claim in regular installment payments, over a period not exceeding 5 years from the order of relief.

1 The following chart lists the Debtor's Section 507(a)(8) priority tax claims and their  
 2 treatment under the Plan:  
 3

Description (name and type of tax)	Amount Owed	Date of Assessment	Treatment
			Pmt interval = Pmt amt/interval = Begin date = End date = Interest Rate % = Total Payout Amount = \$
			Pmt interval = Pmt amt/interval = Begin date = End date = Interest Rate % = Total Payout Amount = \$

4  
5  
6  
7  
8  
9  
10  
11 **C. Classified Claims and Interests**

12 Most of the Debtor's obligations are classified under the Plan. The claims of each class  
 13 of claimants share common features (such as whether they have security or whether they are  
 14 unsecured) that permit the grouping together of such claims. The following are the classes set  
 15 forth in the Plan, and the treatment that they will receive under the Plan:  
 16

17  
18 1. *Classes of Secured Claims*

19  
20 Allowed Secured Claims are claims secured by liens on property of the Debtor's  
 21 bankruptcy estate. A creditor's claim is an Allowed Secured Claim only to the extent of the  
 22 value of the creditor's security. As a consequence, if a creditor's collateral is worth less than the  
 23 amount of the creditor's claim, the creditor's secured claim will extend just to the value of the  
 24 collateral. The remainder, or deficiency, will be treated [as a general unsecured claim].

The following chart lists all classes containing Debtor's secured pre-petition claims and their treatment under this Plan:

<b>Class #</b>	<b>Description</b>	<b>Insider? (Y/N)</b>	<b>Impaired? (Y/N)</b>	<b>Treatment</b>
	<i>Secured claim of:</i> Name =  Collateral description =  Collateral value = \$ _____ Priority of lien =  Principal owed = \$ _____ Pre-pet. arrearage = \$ _____  Total claim = \$ _____			Monthly Pmt =  Pmts Begin =  Pmts End =  Balloon pmt =  Interest rate % =  Treatment of Lien =
	<i>Secured claim of:</i> Name =  Collateral description =  Collateral value = \$ _____ Priority of lien =  Principal owed = \$ _____ Pre-pet. arrearage = \$ _____  Total claim = \$ _____			Monthly Pmt =  Pmts Begin =  Pmts End =  Balloon pmt =  Interest rate % =  Treatment of Lien =

2. *Classes of Priority Unsecured Claims*

Certain priority claims that are referred to in Code Sections 507(a)(1), (4), (5), (6), and (7) are required to be placed in classes. These types of claims are entitled to priority treatment as follows: the Code requires that each holder of such a claim receive cash on the Effective Date equal to the allowed amount of such claim. However, a class of unsecured priority claim holders may vote to accept deferred cash payments of a value, as of the Effective Date, equal to the allowed amount of such claims.

The following chart lists all classes containing Debtor's Section 507(a)(1), (a)(4), (a)(5), (a)(6), and (a)(7) priority unsecured claims and their treatment under this Plan:

Class #	Description	Impaired? (Y/N)	Treatment
	Priority unsecured claim pursuant to Section [insert]  Total amt of claims = \$		Paid in full in cash on Effective Date
	Priority unsecured claim pursuant to Section [insert]  Total amt of claims = \$		Paid in full in cash on Effective Date

3. *Class[es] of General Unsecured Claims*

General unsecured claims are not secured by property of the estate and not entitled to priority under Code Section 507(a). [Insert description of convenience class if applicable]

The following chart identifies this Plan's treatment of Class[es] X through Z, which contains the Debtor's general unsecured claims:

Class #	Description	Impaired? (Y/N)	Treatment
	Convenience Class	N	Paid in full in cash on Effective Date or when due under contract or applicable nonbankruptcy law
	General Unsecured Class		Monthly Pmt = Pmts Begin = Pmts End = Balloon pmt = Interest rate % from [date] = Estimated percent of claim paid =

4. *Class[es] of Equity Interest Holders*

Equity interest holders are parties who hold ownership interest (i.e., equity interest) in the Debtor. In a corporation, entities holding preferred or common stock are interest holders. In a

1 partnership, interest holders include both general and limited partners. In a limited liability  
2 company (LLC), interests holders are the members. Finally, with respect to an individual who is  
3 a debtor, that individual is the interest holder.

4  
5 The following chart identifies the Plan's treatment of the class of interest holders:  
6

Class #	Description	Impaired (Y/N)	Treatment
	Interest holders		

7  
8  
9  
10 **D. Means of Implementing the Plan**

11  
12 1. *Source of Payments; Establishment of "Plan Fund"*

13  
14 Payments and distributions under the Plan will be funded by the following:  
15

16  
17 Describe the sources. Possible sources include:  
18

- 19 ● income from continued operations;
- 20 ● a contribution of cash by existing equity holders;
- 21 ● proceeds from a loan to the Reorganized Debtor
- 22 ● a sale of some or all of the assets of the Debtor;
- 23 ● a merger of the Debtor into another entity, or the merger of another  
24 entity into the debtor;
- 25 ● the creation of a litigation trust or other entity empowered under Section  
26 1123(b) to pursue claim held by the estate for the benefit of creditors,  
27 together with a valid transfer of all such claims to such entity  
28

29  
30 If any means of implementation relies upon the promise or guaranty of a third-  
31 party, the financial condition of that person should be disclosed, as should that  
32 person's affiliation with the debtor.

33  
34  
35 All funds and other property necessary to implement the Plan shall be deposited in an  
36 account to be known as a "Plan Fund" at times reasonably necessary to enable the Disbursing  
37 Agent to make timely payments under the Plan. This fund will be held in trust for the benefit of  
38 those receiving payment under the Plan, and all payments with respect to the Plan shall, unless  
39 otherwise agreed, be made from this fund.  
40

41  
42 2. *Disbursing Agent*

1 [ ] shall act as the disbursing agent for the purpose of making all distributions  
2 provided for under this Plan. The Disbursing Agent shall serve [with/without] bond and shall  
3 receive \$ \_\_\_\_\_ for its distribution services rendered and expenses incurred pursuant to the  
4 Plan.  
5

6 3. *Post-confirmation Management*<sup>3</sup>  
7

8 The management of the Debtor after confirmation, and their compensation, shall be as  
9 follows:  
10

11

Person	Affiliations	Insider (y/n)	Position	Compensation

12  
13  
14  
15

---

<sup>3</sup>Plan proponents must, as a requirement of confirmation, fully describe post-confirmation management, as shown by the text of Paragraphs (4) and (5) of Section 1129(a):

(4) Any payment made or to be made by the proponent, by the debtor, or by a person issuing securities or acquiring property under the plan, for services or for costs and expenses in or in connection with the case, or in connection with the plan and incident to the case, has been approved by, or is subject to the approval of, the court as reasonable.

(5) (A) (i) The proponent of the plan has disclosed the identity and affiliations of any individual proposed to serve, after confirmation of the plan, as a director, officer, or voting trustee of the debtor, an affiliate of the debtor participating in a joint plan with the debtor, or a successor to the debtor under the plan; and

(ii) the appointment to, or continuance in, such office of such individual, is consistent with the interests of creditors and equity security holders and with public policy; and

(B) the proponent of the plan has disclosed the identity of any insider that will be employed or retained by the reorganized debtor, and the nature of any compensation for such insider.

1           **E. Risk Factors**

2  
3           The proposed Plan has the following risks:

4  
5  
6           **Note:** For example, if the Plan will be funded by sale of property, the following risks  
7           should be disclosed:

- 8
- 9           ● Failure to find a buyer or a buyer willing to pay the listed price by the
- 10           stated deadline set by the Plan;
- 11           ● Inability of proposed buyer to complete sale;
- 12           ● Possibility of foreclosure by secured creditor if debtor defaults under the
- 13           plan;
- 14           ● Terms of the sale, if known.
- 15

16           For plans which provide for payment over time, the following risks should be  
17           discussed:

- 18
- 19           ● Possibility of default under terms of the Plan, i.e., possibility of inability
- 20           to pay Plan payments;
- 21           ● Financial projections provided by the Plan Proponent may not be
- 22           realized, thereby causing inability to pay Plan payments;
- 23           ● Business environment;
- 24           ● Debtor's competition;
- 25           ● Nonbankruptcy law and regulation;
- 26           ● Nonbankruptcy litigation.
- 27

28  
29           **F. Executory Contracts and Unexpired Leases**

30  
31           The Plan, in Exhibit 5.1, lists all executory contracts and unexpired leases that the  
32           reorganized debtor will assume as of the Effective Date of the Plan. Assumption means that the  
33           reorganized debtor has elected to continue to perform the obligations under such contracts and  
34           leases. If any of these contracts and leases are in default, Exhibit 5.1 also lists how the  
35           reorganized debtor will cure and compensate the other party to such contract or lease in  
36           accordance with the Bankruptcy Code.

37  
38           If you are a party to a lease or contract to be assumed and you object to the assumption of  
39           your lease or contract, you must file and serve your objection to the Plan within the deadline for  
40           objecting to the confirmation of the Plan.

41  
42           All executory contracts and unexpired leases which are not listed in Exhibit 5.1 will be  
43           rejected as of the Effective Date of the Plan. Rejection means that the reorganized debtor has



1 elected not to continue to perform the obligations under such contracts and leases. This means  
2 that any claim for damages arising from the Debtor's non-performance will be dealt with as  
3 unsecured preterition claims in the bankruptcy case. Consult you adviser or attorney for more  
4 specific information about particular contracts or leases.  
5

6 If you are a party to a contract or lease to be rejected and you object to the rejection of  
7 your contract or lease, you must file and serve your objection to the Plan within the deadline for  
8 objecting to the confirmation of the Plan.  
9

10 ***The Bar Date for Filing a Proof of Claim Based on a Claim Arising from the Rejection***  
11 ***of a Lease or Contract Is \_\_\_\_\_.*** Any claim based on the rejection of a contract or lease will  
12 be barred if the proof of claim is not timely filed, unless the Court later orders otherwise.  
13

#### 14 G. Tax Consequences of Plan

15  
16 ***Creditors and Interest Holders Concerned with How the Plan May Affect Their Tax***  
17 ***Liability Should Consult with Their Own Accountants, Attorneys, And/Or Advisors.*** The  
18 following disclosure of possible tax consequences is intended solely for the purpose of alerting  
19 readers about possible tax issues this Plan may present to the Debtor. The Proponent *cannot* and  
20 *does not* represent that the tax consequences contained below are the only tax consequences of  
21 the Plan. The Tax Code embodies many complicated rules which make it difficult to state  
22 completely and accurately all the tax implications of any action.  
23

24 The following are the tax consequences which the Plan will have on the Debtor's tax  
25 liability:  
26

27 List the following general consequences as a minimum:

- 28 ● Tax consequences to the debtor of any sales necessary for the  
29 implementation of the plan;
- 30 ● General tax consequences on creditors of any discharge, and the general  
31 tax consequences of receipt of plan consideration after confirmation.  
32  
33  
34  
35

#### 36 IV. CONFIRMATION REQUIREMENTS AND PROCEDURES

37  
38 ***Persons or Entities Concerned with Confirmation or this Plan***  
39 ***Should Consult with Their Own Attorneys Because the Law on***  
40 ***Confirming a Plan of Reorganization Is Technical and Complex.***  
41

42 The following discussion is intended solely for the purpose of alerting readers about basic  
43 confirmation issues, which they may wish to consider, as well as certain deadlines for filing

1 claims. The proponent *cannot* and *does not* represent that the discussion contained below is a  
2 complete summary of the law on this topic.

3  
4 Many requirements must be met before the Court can confirm a Plan. The principal  
5 requirements are listed in Section 1129 of the Bankruptcy Code. Some of the requirements  
6 include that the Plan must be proposed in good faith, that classes of claims accept the Plan, that  
7 the Plan pays creditors at least as much as creditors would receive in a Chapter 7 liquidation, and  
8 that the Plan is feasible. These requirements are not the only requirements for confirmation.

9  
10 **A. Who May Vote or Object**

11  
12 Any party in interest may object to the confirmation of the Plan if they believe that one of  
13 the requirements for confirmation is not met, but, as explained in this section, not everyone is  
14 entitled to vote to accept or reject the Plan. A creditor or interest holder has a right to vote for or  
15 against the Plan if that creditor or interest holder has a claim which is both (1) allowed or  
16 allowed for voting purposes and (2) impaired. Understanding these conditions requires  
17 understanding the concept of an “allowed” claim and the concept of “impairment.” These are  
18 discussed below.

19  
20 1. *What Is an Allowed Claim or an Allowed Interest?*

21  
22 Only a creditor or interest holder with an *Allowed Claim* or an *Allowed Equity Interest*  
23 has the right to vote on the Plan. A claim is “allowed” if the claim is one that has had its amount  
24 and type agreed to or set in such a way that holders of such claims can participate in the  
25 bankruptcy case.

26  
27 Allowance of a claim does not mean that the creditor or interest holder will get paid the  
28 full amount of their *Allowed Claim*; rather, that is the amount that will be used to calculate the  
29 claimant’s distribution under the Plan. For example, assume that a creditor has an *Allowed*  
30 *Unsecured Claim* of \$100, and that there are \$1000 in total *Allowed Unsecured Claims* in the  
31 same class of claims. That means that the creditor will receive 10% (\$100 individual claim  
32 divided by the \$1000 in total claims) of whatever unsecured creditors with *Allowed Unsecured*  
33 *Claims* in that class will receive under the plan. If a plan provides for \$500 to unsecured  
34 creditors, the holder will get 10% of that amount, or \$50. If a plan provides for the distribution  
35 of equity securities to the unsecured creditor class, then the holder will receive 10% of the  
36 securities distributed.

37  
38 Allowance often occurs by default. A proof of claim or equity interest will be allowed,  
39 unless a party in interest files an objection to the claim. When an objection to a claim or interest  
40 is filed, the creditor or interest holder holding the claim or interest cannot vote unless the Court,  
41 after notice and hearing, either overrules the objection or allows the claim or interest for voting  
42 purposes.

43  
44 *The bar date for filing a proof of claim in this case was \_\_\_\_\_.*

1 A creditor or interest holder may have an allowed claim or interest even if a proof of  
2 claim or interest was not timely filed. A claim is also deemed allowed if (1) it is scheduled on  
3 the Debtor's schedules and it is not scheduled as disputed, contingent, or unliquidated, and (2) no  
4 party in interest has objected to the claim. An interest is deemed allowed if it is scheduled and  
5 no party in interest has objected to the interest.  
6

7 2. *What If A Claim is Disputed?*  
8

9 The Plan provides for a resolution process of all Disputed Claims and Disputed Equity  
10 Interests, and requires that the Plan Proponent object to all Disputed Claims and Disputed Equity  
11 Interests by \_\_\_\_\_. Until the dispute is resolved, the Disbursing Agent under the Plan will  
12 hold back an amount equal to the distribution on the Disputed Claim or Disputed Equity Interest  
13 as if it were allowed, until the claims dispute process is final. When the process is final, the  
14 Disbursing Agent will then distribute the dividend based on the claim, as allowed. If the claim  
15 Equity Interest was reduced or disallowed entirely, the Disbursing Agent will distribute the  
16 difference to the [other creditors] [Reorganized Debtor.”]  
17

18 3. *What Is an Impaired Claim or Impaired Equity Interest?*  
19

20 As noted above, the holder of an Allowed Claim or Allowed Equity Interest has the right  
21 to vote only if it is in a class that is *impaired* under the Plan. A class is impaired if the Plan alters  
22 the legal, equitable, or contractual rights of the members of that class. For example, a class  
23 comprised of general unsecured claims is impaired if the Plan fails to pay the members of that  
24 class 100% of the amount they are owed.  
25

26 In this case, the Proponent believes that classes \_\_\_\_\_ are impaired and that holders of  
27 claims in each of these classes are therefore entitled to vote to accept or reject the Plan. The  
28 Proponent believes that classes \_\_\_\_\_ are unimpaired and that holders of claims in each of these  
29 classes therefore do not have the right to vote to accept or reject the Plan. Parties who dispute the  
30 Proponent's characterization of their claim or interest as being impaired or unimpaired may file  
31 an objection to the Plan contending that the Proponent has incorrectly characterized the class.  
32

33 4. *Who is Not Entitled to Vote*  
34

35 The following four types of claims are *not* entitled to vote:

- 36 (1) claims that have been disallowed;  
37  
38 (2) claims in unimpaired classes;  
39  
40 (3) claims entitled to priority pursuant to Code sections 507(a)(2), (a)(3), and (a)(8);  
41 and  
42  
43 (4) claims in classes that do not receive or retain any value under the Plan.  
44

1 Claims in unimpaired classes are not entitled to vote because such classes are deemed to  
2 have accepted the Plan. Claims entitled to priority pursuant to Code sections 507(a)(2), (a)(3),  
3 and (a)(8) are required to receive certain treatment specified by the Code and therefore are not  
4 entitled to vote. Claims in classes that do not receive or retain any value under the Plan do not  
5 vote because such classes are deemed to have rejected the Plan.  
6

7 ***Even If Your Claim Is of the Type That is Not Entitled to Vote, You May Still Have a Right to***  
8 ***Object to the Confirmation of the Plan [and to the Adequacy of the Disclosure Statement].***  
9

10 5. *Who Can Vote in More Than One Class*  
11

12 A creditor whose Allowed Claim has been allowed in part as an Allowed Secured Claim  
13 and in part as an Allowed Unsecured Claim is entitled to accept or reject a Plan in both capacities  
14 by casting one ballot for the secured part of the claim and another ballot for the unsecured claim.  
15

16 B. **Votes Necessary to Confirm the Plan**  
17

18 If impaired classes exist, the Court cannot confirm the Plan unless (1) at least one  
19 impaired class has accepted the Plan without counting the votes of any insiders within that class,  
20 and (2) all impaired classes have voted to accept the Plan, unless the Plan is eligible to be  
21 confirmed by “cramdown” on non-accepting classes, as discussed later in Section [ ].  
22

23 1. *Votes Necessary for a Class to Accept the Plan*  
24

25 To accept the Plan a class must satisfy both a *numerosity* requirement and an *amount*  
26 requirement. Only the ballots of those claimants and equity interest holders who actually vote  
27 are counted. Thus, a creditor or equity interest holder cannot preclude confirmation by not  
28 voting.  
29

30 The numerosity requirement is met for a class of claims if more than one-half ( $\frac{1}{2}$ ) of the  
31 holders of Allowed Claims (who vote) vote to accept the Plan. The amount requirement is met if  
32 the aggregate amount of Allowed Claims held by class members who vote in favor of the plan  
33 represent at least two-thirds ( $\frac{2}{3}$ ), in dollar amount, of the Allowed Claims held by all class  
34 members who voted.  
35

36 A class of interests accepts the Plan if the holders of at least two-thirds ( $\frac{2}{3}$ ) in amount of  
37 the Allowed Equity Interests (who vote) vote to accept the Plan.  
38

39 2. *Treatment of Nonaccepting Classes*  
40

41 As noted above, even if *all* impaired classes do not accept the proposed Plan, the Court  
42 may nonetheless confirm the Plan if the nonaccepting classes are treated in the manner required  
43 by the Code. The process by which nonaccepting classes are bound by the terms of the Plan is  
44 commonly referred to as “cramdown.” Section 1129(b) of the Code allows the Plan to be

1 “crammed down” on nonaccepting classes of claims or interests if it meets all consensual  
2 requirements except the voting requirements of 1129(a)(8) (that all impaired classes accept the  
3 plan) so long as the Plan does not “discriminate unfairly” and is “fair and equitable” toward each  
4 impaired class that has not voted to accept the Plan.  
5

6 A plan is fair and equitable with respect to a nonaccepting class of secured claims if (1)  
7 the holder of each Allowed Secured Claim in the class will retain its lien or liens and receive  
8 deferred cash payments totaling the Allowed Secured Amount of its claim, of a value, as of the  
9 Effective Date of the Plan, equal to the value of the holder’s interest in the collateral, (2) the  
10 holder of each claim in the class will receive the proceeds from the sale of the collateral, or (3)  
11 the holder of each claim will realize the indubitable equivalent of its allowed secured claim.  
12

13 A plan is fair and equitable with respect to a nonaccepting class of unsecured creditors if  
14 (1) the holder of each claim in the class will receive or retain under the Plan property of a value,  
15 as of the Effective Date of the Plan, equal to its full Allowed Unsecured Claim, or (2) holders of  
16 claims or interests that are junior to the claims of such unsecured creditors will not receive or  
17 retain any property under the Plan on account of such junior claim or interest.  
18

19 *You should consult your own attorney if a “cramdown” confirmation will affect your*  
20 *claim or interest, as the variations on this general rule are numerous and subtle.*  
21

## 22 B. Liquidation Analysis

23  
24 Another confirmation requirement is the “Best Interests Test.” This test compares the  
25 treatment of creditors under the Plan with the treatment they would get in a liquidation under  
26 Chapter 7 of the Bankruptcy Code. To satisfy this test, the Plan Proponent must perform a  
27 liquidation analysis. In a Chapter 7 case, the Debtor’s assets are usually sold by a Chapter 7  
28 trustee. Secured creditors are paid first from the sales proceeds of properties on which the  
29 secured creditor has a lien. Administrative claims are paid next. Next, unsecured creditors are  
30 paid from any remaining sales proceeds, according to their rights to priority. Unsecured creditors  
31 with the same priority share in proportion to the amount of their allowed claim in relationship to  
32 the amount of total Allowed Unsecured Claims. Finally, interest holders receive the balance that  
33 remains after all creditors are paid, if any.  
34

35 To confirm this Plan, the Court must find that all creditors and interest holders who do  
36 not accept the Plan will receive at least as much under the Plan as such holders would receive in  
37 a Chapter 7 liquidation. Below is a demonstration, in balance sheet format, that the Plan satisfies  
38 this requirement.

**Liquidation Value of Assets**

**Current Assets**

- a. Cash on hand \$
- b. Accounts receivable \$
- c. Inventories \$ \_\_\_\_\_

*Total Current Assets* \$ \_\_\_\_\_

**Fixed Assets**

- a. Office furniture & equipment \$
- b. Machinery & equipment \$
- c. Automobiles \$
- d. Building & Land \$ \_\_\_\_\_

*Total Fixed Assets*

**Other Assets**

- a. Customer list \$
- b. Other intangibles (such as avoiding powers actions) \$ \_\_\_\_\_

*Total Other Assets* \$ \_\_\_\_\_

***Total Assets at Liquidation Value*** \$ \_\_\_\_\_

**Less:**

Secured creditors' recoveries \$

**Less:**

Chapter 7 trustee fees and expenses \$

**Less:**

Chapter 11 administrative expenses \$

**Less:**

Priority claims, excluding administrative expense claims \$

**[Less:**

Debtor's claimed exemptions] \$

(1) Balance for Allowed Unsecured Claims \$

(2) Total amount of Allowed Unsecured Claims \$

***Percentage of Allowed Claims Which Unsecured Creditors Would Receive Or Retain in a Chapter 7 Liquidation:*** \_\_\_\_\_% [Divide (1) by (2)]

***Percentage of Allowed Claims Which Unsecured Creditors Will Receive or Retain under this Plan:*** \_\_\_\_\_%

1  
2  
3  
4 **Notes on the Liquidation Analysis:**  
5

- 6 ● If any asset used in the liquidation analysis is not readily convertible  
7 into cash, the Plan Proponent should state the basis for the valuation. If  
8 the basis for the valuation is an appraisal or other third-party opinion,  
9 the name and date of such valuation should be disclosed as well the  
10 compensation received in consideration for the preparation of the  
11 valuation.  
12
- 13 ● If the Debtor is a partnership then Section 723(a) provides that the  
14 general partners of the partnership are liable for any deficiency of  
15 property of the estate to pay in full all Allowed Claims. Therefore, the  
16 Proponent must disclose the financial condition of the individual  
17 general partners from whom chapter 7 trustee could seek to collect if  
18 this was a Chapter 7 case.  
19
- 20 ● In an individual's case, the individual will be able under Section 522 to  
21 exempt property from creditors' claims. If this is the case, the  
22 liquidation analysis should be specific when relying on the Debtor's  
23 claimed exemptions. It should specifically list each exempt asset, the  
24 statutory basis which entitles the Debtor to the claimed exemption, and  
25 the amount of each exemption.  
26
- 27 ● In calculating the total amount of Allowed Unsecured Claims, the Plan  
28 Proponent should include the amount of any deficiency claim held by  
29 the lender in the unsecured creditor liquidation analysis, unless such  
30 claim arises from a debt that is non-recourse, and not allowable, under  
31 Chapter 7  
32
- 33 ● Claims arising from penalties and fines that would be subordinated to  
34 payment in full of unsecured claims under Section 726(a)(4) should be  
35 separately displayed and accounted for.

36  
37  
38 **D. Feasibility**  
39

40 Another requirement for confirmation is that the plan be feasible, which means that the  
41 Court must find that confirmation of the Plan is not likely to be followed by the liquidation, or  
42 the need for further financial reorganization, of the Debtor or any successor to the Debtor under  
43 the Plan, unless such liquidation or reorganization is proposed in the Plan.

1                                    1.        *Ability to Initially Fund Plan*

2  
3                                    There are at least two important aspects of a feasibility analysis. First, the Debtor must  
4 have enough cash on hand on the Effective Date of the Plan to pay all  
5 the claims and expenses which are entitled to be paid on that date. The Plan Proponent believes  
6 that this requirement is satisfied, as illustrated by the following analysis of the balance of the  
7 Plan Fund as of the Effective Date:

8 <b>Cash on deposit in Plan Fund on Effective Date:</b>	\$ _____
9	
10 <i>Less –</i>	
11                    Amount of Administrative Claims payable on Effective Date	- _____
12	
13                    Amount of statutory costs and charges	- _____
14	
15                    Amount of cure payments for executory contracts:	- _____
16	
17                    Other Plan Payments due on Effective Date	- _____
18	
19                                    Balance after paying these amounts.....	\$ <u>          </u>

20  
21                    The sources of the cash Debtor will have on hand by the Effective Date, and will deposit into the  
22 Plan Funds, are estimated as follows:  
23

24                    \$ _____	Cash in Debtor’s bank account now
25                    + _____	Additional cash Debtor will accumulate from net earnings between now and Effective Date [state the basis for such projections]
26                    + _____	Borrowing [separately state terms of repayment]
27                    + _____	Capital Contributions
28                    + _____	Other
29                    \$ <u>          </u>	Total [This number should match cash on deposit figure noted above]

30  
31                                    2.        *Ability to Make Future Plan Payments And Operate Without Further*  
32                                    *Reorganization*

33  
34                                    Second the Proponent must show that it will have enough cash over the life of the Plan to  
35 make the required Plan payments.  
36



1 The Proponent has provided projected financial information. Those projections are  
2 listed in Exhibit E. ***You Should Consult with Your Accountant or Financial Advisor If You***  
3 ***Have Any Questions Pertaining to These Projections.***  
4

5 As Debtor's financial projections demonstrate, Debtor will have an aggregate annual  
6 average cash flow, after paying operating expenses and post-confirmation taxes, of \$\_\_\_\_. The  
7 final Plan payment is expected to be paid on \_\_\_\_.

8  
9  
10 This paragraph should summarize the numerical projections, and should also highlight  
11 any assumptions made that are not in accord with past experience, and state why such  
12 assumptions should now be made (e.g., the debtor may have eliminated a certain cost  
13 in its reorganization).  
14

15 If, however, the projections are relatively simple, they should be included in the text of  
16 the Disclosure Statement above in lieu of the summary.  
17

18  
19 **V. EFFECT OF CONFIRMATION OF PLAN**  
20

21 **A. *[Option 1 – Debtor is a corporation which is continuing in business]***  
22

23 **Discharge.** On the Effective Date, Debtor shall be discharged of liability for  
24 payment of debts incurred before the Effective Date, to the extent specified in section 1141 of the  
25 Bankruptcy Code. However, the discharge will not discharge any liability imposed by the Plan.  
26

27 ***[Option 2 – Debtor is a corporation which is not continuing in business]***  
28

29 **No Discharge.** The Debtor will not receive any discharge in this bankruptcy case  
30 because debtor does not meet the test for receiving a discharge specified under Section  
31 1141(d)(3) of the Bankruptcy Code.  
32

33 ***[Option 3 – Debtor is an individual]***  
34

35 **Discharge.** Confirmation of the Plan does not discharge any debt provided for in  
36 the Plan until the court grants a discharge on completion of all payments under the Plan, or as  
37 otherwise provided in Section 1141(d)(5) of the Bankruptcy Code. Debtor will not be discharged  
38 from any debt excepted from discharge under Section 523 of the Bankruptcy Code.  
39

40  
41 **Note:** If the debtor is an individual, ordinarily the discharge is not effective until the  
42 debtor completes the payments provided for by the Plan.  
43  
44

1 [Where applicable B. **Revesting of Property in the Debtor**

2 Except as provided elsewhere in the Plan, the confirmation of the Plan revests all of the  
3 property of the estate in the Debtor. This means that the Debtor may, after confirmation, hold,  
4 sell or otherwise deal with such property without obtaining any permission from the Bankruptcy  
5 Court.]  
6

7 **C. Modification of Plan**

8  
9 The Proponent of the Plan may modify the Plan at any time before confirmation.  
10 However, the Court may require a new disclosure statement and/or revoting on the Plan.  
11

12 [If the Debtor is not an individual, add the following: “The Proponent of the Plan may also seek  
13 to modify the Plan at any time after confirmation only if (1) the Plan has not been substantially  
14 consummated *and* (2) the Court authorizes the proposed modifications after notice and a  
15 hearing.”]  
16

17 [If the Debtor is an individual, add the following: “Upon request of the Debtor, the  
18 United States trustee, or the holder of an allowed unsecured claim, the Plan may be modified at  
19 any time after confirmation of the Plan but before the completion of payments under the Plan, to  
20 (1) increase or reduce the amount of payments under the Plan on claims of a particular class, (2)  
21 extend or reduce the time period for such payments, or (3) alter the amount of distribution to a  
22 creditor whose claim is provided for by the Plan to the extent necessary to take account of any  
23 payment of the claim made other than under the Plan.”]  
24

25 **D. Post-Confirmation Conversion/Dismissal**

26  
27 A creditor or other party in interest may file a motion to convert or dismiss the case under  
28 § 1112(b), after the Plan is confirmed if there is a default in performing the Plan. If the Court  
29 orders the case converted to Chapter 7 after the Plan is confirmed, then all property that had been  
30 property of the Chapter 11 estate, and that has not been disbursed pursuant to the Plan, will revest  
31 in the Chapter 7 estate. The automatic stay will be reimposed upon the revested property, but  
32 only to the extent that relief from stay was not previously authorized by the Court during this  
33 case.  
34

35 The order confirming the Plan may also be revoked under very limited circumstances.  
36 The Court may revoke the order if the order of confirmation was procured by fraud and if the  
37 party in interest brings an adversary proceeding to revoke confirmation within 180 days after the  
38 entry of the order of confirmation.  
39

40 **E. Final Decree**

41  
42 Once the estate has been fully administered as referred to in Bankruptcy Rule 3022, the  
43 Plan Proponent, or other party as the Court shall designate in the Plan Confirmation Order, shall  
44 file a motion with the Court to obtain a final decree to close the case.

1  
2  
3  
4  
5  
6  
7  
8

---

[Signature of the Plan Proponent]

---

[Signature of the Attorney for the Plan Proponent]

1  
2  
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9  
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11  
12  
13  
14  
15

**EXHIBITS**

**Exhibit A** – Copy of Proposed Plan of Reorganization

**Exhibit B** – Identity and Value of Material Assets of Debtor (to be taken from Schedules filed in case)

**Exhibit C** – Prepetition Financial Statements and Tax Returns (to be taken from those filed with petition)

**Exhibit D** – Postpetition Operating Reports and Other Financial Filings (to be taken from filings made by debtor)

**Exhibit E** – Projections of Cash Flow and Earnings for Post-Confirmation Period



MEMORANDUM

TO: ADVISORY COMMITTEE ON BANKRUPTCY RULES  
FROM: JEFF MORRIS, REPORTER  
RE: CONSUMER RULES  
DATE: JULY 24, 2005

The most extensive changes that the 2005 bankruptcy reform legislation brought to the Bankruptcy Code were those involving consumer bankruptcy cases. Most importantly, the amendments place limitations on debtor eligibility for relief generally (debtor must obtain credit counseling prior to commencement of the case in nearly all instances) and for chapter 7 relief specifically (means test). Other significant changes include the contraction of the “super discharge” in chapter 13 cases, additional limits on the entry of a discharge for individual debtors (they must complete a financial management course as a condition to the entry of the discharge order), expanded debtor duties to provide information and documents, and a myriad of other amendments. A number of these amendments require changes in or additions to the Official Forms, and those matters will be addressed by the Forms Subcommittee materials.

The Consumer Subcommittee recommends the adoption of the attached rules with the exception of the items on which the Subcommittee could not reach consensus and that are presented to the Advisory Committee for its consideration. Those rules will be identified specifically below. As with each package of proposed amendments and additions to the rules, some of the amendments are purely technical, others conform the rules to the Code as amended, and some are more substantial.

**Rule 1006** governs the payment of filing fees. The 2005 legislation amends 28 U.S.C.

§ 1930 to provide for fee waivers in bankruptcy cases. Rule 1006 is amended to implement that statutory change, and the amendments to the rule are both merely technical (subdivision (a)) and substantial. The more substantial amendment is that the rule shifts to the Official Form some of the requirements for installment payments (Subdivision (b)) and fee waiver requests (subdivision (c)), and that installment payments can be made even if the debtor has already made some payments to an attorney or other person in connection with the case (subdivision (b)(3)).

**Rule 1007** sets out much of the information and documentation that a debtor must provide. The bankruptcy reform legislation includes several new obligations for debtors including a statement of current monthly income, evidence of education retirement accounts, and statements or certificates regarding the completion of credit counseling and financial management programs, among other things. The rule is therefore amended to include these additional items among the things that a debtor must file in a case. Although the amendments to the rule are somewhat lengthy, they are essentially just amendments that are intended to make the rule conform to the new provisions in the Code. **Please note that the two sentences on lines 60-62 of this rule were combined into a single sentence in the Consumer Subcommittee's proposal. In splitting the sentences, a discussion in the Style Subcommittee raised the question whether there is any need for an involuntary debtor to file a certificate that he or she has completed credit counseling. Section 109(h)(1), as amended in 2005, provides that "an individual may not be a debtor under this title unless such individual has, during the 180 day period preceding the date of filing of the petition BY such individual..." (emphasis added). So, the argument is that this requirement does not apply as an eligibility limitation, and the reference in § 521(b) is to a certificate "under § 109(h)" which does not exist in an**

**involuntary case. It may be that Congress did not see credit counseling as necessary here because the creditors have acted rather than the debtor. Congress also probably would not want the absence of credit counseling to operate to prevent the initiation of an involuntary case.**

**Rule 1009** contains a technical amendment correcting a cross reference that must be changed to reflect the 2005 amendments to § 521 of the Code.

**Rule 1017** is amended to account for the expanded standing given under the 2005 amendment to creditors to bring motions under § 707(b) of the Code. Subdivision (e) is amended to require that motions brought under § 707(b)(1) and (3) of the Code state the grounds for the motion with particularity. Motions brought under the means test are self explanatory in that they will simply assert that the debtor is not eligible because he or she does not meet the test. The grounds for dismissal under the other subsection of § 707(b) are not as specific, so the rule requires a movant to plead the matter in a way that will effectively inform the debtor of the nature of the alleged abuse.

**Rule 1019** governs the conversion of a case to chapter 7, and the rule is amended to address the increased likelihood under the 2005 amendments to the Code that a case will be converted initially from chapter 7 to chapter 13 and then back to chapter 7. The restriction on the super discharge under chapter 13 contained in the 2005 amendments also created a need to revise subdivision (2) of the rule to create a new deadline for filing a complaint to determine the dischargeability of debts under § 523(a)(6).

**Rule 2002** is amended to add two more notices that the 2005 amendments to the Code required as a part of the means test. The first notice is given by the clerk to creditors within the first 10



days of the case. The clerk must notify creditors whether the presumption of abuse has arisen under the means test. The second notice is one given after the § 341 meeting of creditors regarding whether the United States trustee has determined to move for dismissal under § 707(b). These are conforming amendments. **The Style Subcommittee proposed the addition of subdivision (9) to this rule as an adjunct to Rule 5008. The Consumer Subcommittee's proposal did not include this subdivision.**

**Rule 3002** is amended to implement the change to § 1308 of the Code. The Consumer Subcommittee recommendation differs from the Business Subcommittee proposal, and the Advisory Committee must select from the two options, or propose another solution. The cover memo to the Business Rules Subcommittee proposals describes the two choices in greater detail. **Rule 4002** presented some of the more difficult issues for the Subcommittee. This rule sets out the debtor's duties in a case, and the 2005 amendments to the Code significantly expand those duties. The amended rule conforms to those expanded duties, and it also carries forward many of the proposed amendments to Rule 4002 that the Advisory Committee had initially recommended in June 2005 to the Standing Committee. That recommendation was withdrawn at the Standing Committee meeting to permit the Advisory Committee to reconsider the rule in light of the enactment of the reform legislation. Some of the new debtor duties set out in that proposal were included in the legislation, while others were not. The decision was made to return the proposal to the Consumer Subcommittee so that all of the changes could be made in a single amended Rule 4002. For example, the reform legislation requires debtors to file copies of some of their tax returns or tax transcripts and to provide others to the trustee and creditors. The rule is amended to conform to this provision. The rule also continues to include a requirement taken

from the previously proposed version of Rule 4002 that the debtor bring evidence of current income (not to be confused with the statutorily defined “current monthly income”) to the meeting of creditors as well as copies of bank statements among other items.

**Rule 4003** is amended to conform to the addition of § 522(q) to the Code by the 2005 amendments. That section provides for the postponement of objections to exemptions if the debtor has committed certain felonies. **The Style Subcommittee changed the draft of this proposed rule from the form submitted by the Consumer Subcommittee. The change is intended to clarify that a party with standing under § 522(q) can object to a claim of exemption made during a reopened case if the exemption was first claimed in the reopened case. The change is not intended to revise the substance or purpose of the Consumer Subcommittee’s proposal. There is also alternative language for this subdivision set out in footnote 2 of the rules package.**

**Rule 4004** is amended to recognize waivers of the filing fee. It is also amended to conform to the change in the Code that requires the debtor to complete a financial management course prior to receiving a discharge. The rule also is amended to delay the entry of the discharge if a presumption of undue hardship is created by a reaffirmation agreement. **Please note that the Consumer Rules Proposal includes an alternative amendment to this rule which is designed to establish a procedure for the court to fulfill its obligation to evaluate issues arising under § 522(q) of the Code as required by §§ 727(a)(12), 1141(d)(5(C), 1228(f), and 1328(h). It is set out at the end of the proposed rules amendments.**

**Rule 4006** is amended to make the rule conform to the Code as amended in 2005 to inform creditors that a case was closed without the debtor receiving a discharge. Creditors are notified

under the existing rule if the discharge is denied or revoked, but the 2005 amendments to the Code create the possibility of the case being closed without the debtor receiving a discharge that was not denied or revoked. This amendment ensures that creditors are adequately notified on this matter.

**Rule 4007** is amended to reflect the restriction on the chapter 13 discharge and the impact of that change on the time for filing a complaint to determine the dischargeability of a debt under § 523 (a)(6) of the Code.

**Rule 4008** is amended to implement the revision of § 524 of the Code as it applies to reaffirmation agreements. That section includes a lengthy provision governing reaffirmation agreements and requires debtors to file a specific form of agreement that is intended to demonstrate whether the debtor has sufficient post-bankruptcy disposable income to make the payments called for by the reaffirmation agreement. The rule requires the debtor to provide additional information that will assist the court in determining whether the reaffirmation agreement should be approved.

**Rule 5008** is new. It implements the requirement set out in § 342(d) of the Code as amended in 2005 that the clerk notify creditors that a presumption of abuse exists under § 707(b). The amendment adding Rule 2002(f)(9) works in tandem with this provision.

**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           1930(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

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



## 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 payment 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. Debtors will continue to disclose any payments to attorneys or other parties in connection with the case on applications to pay the fee in installments and on applications for fee waivers.

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**

2           (b) SCHEDULES, ~~AND~~ STATEMENTS, AND OTHER  
3           DOCUMENTS REQUIRED.

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

8                       (A) schedules of assets and liabilities; ;

9                       (B) a schedule of current income and  
10           expenditures; ;

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

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

15                      (E) copies of all payment advices or other  
16           evidence of payment, if any, with all but the last four digits of  
17           the debtor's social security number redacted, received by the  
18           debtor from an employer within 60 days before the filing of  
19           the petition; and

20                    (F) a record of any interest that the debtor has in  
21                    an account or program of the type specified in § 521(c) of the  
22                    Code.

23                    (2) An individual debtor in a chapter 7 case shall file  
24                    a statement of intention as required by § ~~521(a)~~ 521(2) of the  
25                    Code, prepared as prescribed by the appropriate Official  
26                    Form. A copy of the statement of intention shall be served on  
27                    the trustee and the creditors named in the statement on or  
28                    before the filing of the statement.

29                    (3) Unless the United States trustee has determined  
30                    that the credit counseling requirement of § 109 does not apply  
31                    in the district, an individual debtor must file the certificate  
32                    and debt repayment plan, if any, required by § 521(b), a  
33                    certification under § 109(h)(3), or a request for a  
34                    determination by the court under § 109(h)(4).

35                    (4) Unless § 707(b)(2)(D) applies, an individual  
36                    debtor in a chapter 7 case with primarily consumer debts shall  
37                    file a statement of current monthly income prepared as



38 prescribed by the appropriate Official Form, and, if the debtor  
39 has current monthly income greater than the applicable  
40 median family income for the applicable state and household  
41 size, the calculations in accordance with § 707(b), prepared as  
42 prescribed by the appropriate Official Form.

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

46 (6) A debtor in a chapter 13 case shall file a statement  
47 of current monthly income, prepared as prescribed by the  
48 appropriate Official Form, and, if the debtor has currently  
49 monthly income greater than the median family income for  
50 the applicable state and family size, a calculation of  
51 disposable income in accordance with § 1325(b)(3), prepared  
52 as prescribed by the appropriate Official Form.

53 (7) [Unless the United States trustee has  
54 determined that the requirement does not apply in the  
55 district], an individual debtor shall file a statement regarding

56 completion of a course in personal financial management,  
57 prepared as prescribed by the appropriate Official Form.

58 (c) TIME LIMITS. The schedules, ~~and statements, and~~  
59 other documents required by subdivision (b)(1), (4), (5), and  
60 (6); other than the statement of intention, shall be filed with  
61 the petition in a voluntary case, or if the petition is  
62 accompanied by a list of all the debtor's creditors and their  
63 addresses, within 15 days thereafter, except as otherwise  
64 provided in subdivisions (d), (e), and (h) of this rule. In an  
65 involuntary case the schedules, ~~and statements, and other~~  
66 documents required by subdivision (b)(1), other than the  
67 statement of intention, shall be filed by the debtor within 15  
68 days after entry of the order for relief. The documents  
69 required by subdivision (b)(3) shall be filed with the petition  
70 in a voluntary case. In an involuntary case, they shall be filed  
71 by the debtor within 15 days after entry of the order for relief.  
72 The statement required by subdivision (b)(7) shall be filed by  
73 the debtor within 45 days after the meeting of creditors under

74        § 341 of the Code in a chapter 7 case, and no later than the  
75        last payment made by the debtor as required by the plan or the  
76        filing of a motion for entry of a discharge under § 1328(b) in  
77        a chapter 13 case. Schedules, ~~and~~ statements, ~~and~~ other  
78        documents filed prior to the conversion of a case to another  
79        chapter shall be deemed filed in the converted case unless the  
80        court directs otherwise. Except as provided in § 1116(3) of  
81        the Code, any ~~Any~~ extension of time for the filing of the  
82        schedules, ~~and~~ statements, ~~and~~ other documents may be  
83        granted only on motion for cause shown and on notice to the  
84        United States trustee and to any committee elected under §  
85        705 or appointed under § 1102 of the Code, trustee, examiner,  
86        or other party as the court may direct. Notice of an extension  
87        shall be given to the United States trustee and to any  
88        committee, trustee, or other party as the court may direct.

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#### **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 (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.

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

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

6 the trustee and to any entity affected thereby.

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**COMMITTEE NOTE**

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

**Rule 1017. Dismissal or Conversion of Case; Suspension**

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2 (e) DISMISSAL OF AN INDIVIDUAL DEBTOR'S  
3 CHAPTER 7 CASE OR CONVERSION TO A CASE  
4 UNDER CHAPTER 11 or 13 FOR SUBSTANTIAL ABUSE.

5 The court may dismiss or, with the debtor's consent, convert  
6 an individual debtor's case for ~~substantial~~ abuse under §  
7 707(b) only on motion ~~by the United States trustee or on the~~  
8 ~~court's own motion~~ and after a hearing on notice to the debtor,  
9 the trustee, the United States trustee, and any other entities as  
10 the court directs.

11 (1) A motion to dismiss a case for ~~substantial~~ abuse  
12 under § 707(b) or (c) may be filed ~~by the United States trustee~~

13           only within 60 days after the first date set for the meeting of  
14           creditors under § 341(a), unless, on request filed ~~by the~~  
15           ~~United States trustee~~ before the time has expired, the court for  
16           cause extends the time for filing the motion to dismiss. The  
17           ~~United States trustee~~ party filing the motion shall set forth in  
18           the motion all matters to be considered ~~submitted to the court~~  
19           ~~for its consideration~~ at the hearing. A motion to dismiss  
20           under §§ 707(b)(1) and (3) shall state with particularity the  
21           circumstances alleged to constitute abuse.

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\* \* \* \* \*

#### COMMITTEE NOTE

Subdivisions (e) and (e)(1) are amended to implement the 2005 revisions to § 707 of the Bankruptcy 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 motions. 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.

**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 Chapter 7 Liquidation Case**

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(2) NEW FILING PERIODS. A new time period for filing claims, a complaint objecting to discharge, or a time period for filing a motion under § 707(b) or (c) or a complaint to obtain a determination of dischargeability of any debt shall commence under pursuant to Rules 1017, 3002 or 4004 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), or claims, 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. In a case converted to chapter 7 from chapter



15        13, a new period shall commence under Rule 4007 for filing  
16        a complaint to obtain a determination that a debt is not  
17        dischargeable under § 523(a)(6), unless the case was  
18        converted previously to chapter 13 from chapter 7 and the  
19        time for filing such a complaint expired in the first chapter 7  
20        case.

#### COMMITTEE NOTE

Subdivision (2) is amended to reflect possibilities that arise as a consequence of the 2005 amendments to § 707(b) of the Bankruptcy Code. The revisions permit a party in interest to seek conversion of a chapter 7 case to another chapter on the grounds set forth in § 707(b). This makes it more likely than under prior law that a case will be converted from chapter 7 to chapter 13, and then back to chapter 7.

Subdivision (2) also is amended to reflect the 2005 revisions to the Bankruptcy Code relating to the scope of the discharge. The revisions make all of the exceptions to discharge in § 523(a) applicable in chapter 11. The revisions increase the number of exceptions to discharge applicable to chapter 13 cases, including two of the three to which § 523(c) applies and for which Rule 4007 establishes filing deadlines. Thus, except with respect to § 523(a)(6), the third exception to which § 523(c) applies, the conversion of a case to another chapter will not create a need for a new deadline for exceptions to discharge. Subdivision (2) imposes a new deadline for pursuing an exception to discharge under § 523(a)(6) if a case is converted from chapter 13 to chapter 7.

**Rule 2002. Notices to Creditors, Equity Security Holders,  
United States, and United States Trustee**

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(f) OTHER NOTICES. Except as provided in subdivision (1) 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 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

17 realized exceed \$1,500; (9) a notice under Rule 5008  
18 regarding the presumption of abuse; and (10) a statement  
19 under § 704(b)(1) as to whether the debtor's case would be  
20 presumed to be an abuse under § 707(b). Notice of the time  
21 fixed for accepting or rejecting a plan pursuant to Rule  
22 3017(c) shall be given in accordance with Rule 3017(d).

#### COMMITTEE NOTE

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 (f)(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 administrator 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.

#### Rule 3002. Filing Proof of Claim or Interest

[NOTE: Both the business and consumer subcommittees drafted amendments to Rule 3002, and they differ with respect to a governmental unit's time to file a proof of claim for which a return is filed under § 1308. Both versions are presented below.]

(ALTERNATIVE #1: BUSINESS SUBCOMMITTEE)

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                   (1) A proof of claim filed by a governmental unit is  
8           timely filed if it is filed not later than 180 days after the date  
9           of the order for relief or, if the claim is for a tax based on a  
10          return filed under § 1308, not later than 60 days after the date  
11          on which the return was filed as required by that section. On  
12          motion of a governmental unit before the expiration of such  
13          period and for cause shown, the court may extend the time for  
14          filing of a claim by the governmental unit.

15                                   \* \* \* \* \*

16                   (6) If notice of the time for filing a proof of claim has  
17          been mailed to a creditor at a foreign address, on motion filed

18        by the creditor before or after the expiration of the time, the  
19        court may extend the time by not more than 60 days if the  
20        court finds that the notice was not sufficient under the  
21        circumstances to give the creditor a reasonable time to file a  
22        proof of claim.

#### COMMITTEE NOTE

This rule is amended to conform to changes in the Code made in 2005. 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 (c)(1) is amended to conform to §502(b)(9).

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 Section 1514(d), which was added to the Code in 2005 and requires that the rules or any other order 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 3002. Filing Proof of Claim or Interest**

(ALTERNATIVE #2: CONSUMER SUBCOMMITTEE)

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(c) TIME FOR FILING. In a chapter 7 liquidation, chapter 12 family farmer's debt adjustment, or chapter 13 individual's debt adjustment case, a proof of claim is timely filed if it is filed not later than 90 days after the first date set for the meeting of creditors called under § 341(a) of the Code, except as follows:

(1) A proof of claim filed by a governmental unit, other than 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. 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.

## 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.

### Rule 4002. Duties of Debtor.

- 1            (a) IN GENERAL. In addition to performing other duties  
2            prescribed by the Code and rules, the debtor shall;
- 3            (1) attend and submit to an examination at the times  
4            ordered by the court;
- 5            (2) attend the hearing on a complaint objecting to  
6            discharge and testify, if called as a witness;
- 7            (3) inform the trustee immediately in writing as to the  
8            location of real property in which the debtor has an interest  
9            and the name and address of every person holding money or  
10           property subject to the debtor's withdrawal or order if a  
11           schedule of property has not yet been filed pursuant to Rule  
12           1007;

13 (4) cooperate with the trustee in the preparation of an  
14 inventory, the examination of proofs of claim, and the  
15 administration of the estate; and

16 (5) file a statement of any change of the debtor's  
17 address.

18 (b) INDIVIDUAL DEBTOR'S DUTY TO PROVIDE  
19 DOCUMENTATION.

20 (1) Personal Identification. Every individual debtor  
21 shall bring to the meeting of creditors under § 341:

22 (A) a picture identification issued by a  
23 governmental unit, or other personal identifying information  
24 that establishes the debtor's identity; and

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

27 (2) Financial Information. Every individual debtor  
28 shall bring to the meeting of creditors under § 341 and make  
29 available to the trustee the following documents or copies of  
30 them, or provide a written statement that the documentation



31 does not exist [or is not in the debtor's possession]:

32 (A) evidence of current income such as the  
33 most recent pay stub;

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

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

43 (3) Tax Return. At least 7 days before the first date  
44 set for the meeting of creditors under § 341, the debtor shall  
45 provide to the trustee a copy of the debtor's Federal income  
46 tax return for the most recent tax year ending immediately  
47 before the commencement of the case and for which a return  
48 was filed, including any attachments, or a transcript of the tax

49 return, or provide a written statement that the documentation  
50 does not exist or is not in the debtor's possession.

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

61 \* \* \* \* \*

#### COMMITTEE NOTE

The 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).

The rule amendments also implement § 521(a)(3) and (4) of the Code, which require the debtor to cooperate with the trustee to permit the trustee to perform the trustee's duties and to provide the trustee with materials and documents necessary to administer the estate or determine whether the debtor is entitled to a discharge. 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, or previously provide copies of Federal income tax returns, 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. Some of the documents may contain otherwise private information that should not be disseminated. While the Administrative Office of the United States Courts will be issuing guidelines for safeguarding the confidentiality of tax information, the rule requires the production of other documents that may include identical or comparable information. 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.

### **Rule 4003. Exemptions**

\* \* \* \* \*

1 (b) OBJECTING TO A CLAIM OF EXEMPTIONS.

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

10 (2) An objection to a claim of exemption based on §  
11 522(q) shall be filed before the closing of the case after the  
12 exemption is first claimed.

13 (3) Copies of the objections shall be delivered or

14 mailed to the trustee, the person filing the list, and the  
15 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(h), 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. Under that subdivision, if an exemption is first claimed after a case is reopened, the time to object is extended to the closing of the reopened case.

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

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\* \* \* \* \*

(c) GRANT OF DISCHARGE.

(1)

\* \* \* \* \*

(F) a motion to extend the time for filing a motion

to dismiss the case under rule 1017(e) is pending, or

(G) the debtor has not paid in full the filing fee

8 prescribed by 28 U.S.C. § 1930(a) and any other fee  
9 prescribed by the Judicial Conference of the United States  
10 under 28 U.S.C. § 1930(b) that is payable to the clerk upon  
11 the commencement of a case under the Code, unless the court  
12 has waived the fees under 28 U.S.C. § 1930(f);

13 (H) the debtor has not filed with the court a  
14 statement regarding completion of a course in personal  
15 financial management as required by Rule 1007(b)(7);

16 (I) a motion to delay or postpone discharge under  
17 §§ 727(a)(12), 1141(d)(5)(C), 1228(f), or 1328(h) is pending;

18 or

19 (J) a presumption that a reaffirmation agreement  
20 is an undue hardship has arisen under § 524(m).

#### **COMMITTEE NOTE**

Subdivision (c)(1)(G) is amended to reflect the fee waiver provision added in 2005 to 28 U.S.C. § 1930.

Subdivision (c)(1)(H) is new. It reflects the 2005 additions 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 additions to the Bankruptcy Code of §§ 727(a)(12), 1141(d)(6), 1228(f), and 1328(h). These provisions are 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 in all chapters, although the statutorily-provided procedures for determining the existence of reasonable cause differ depending on the chapter.

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).

#### **Rule 4006. Notice of No Discharge**

1            If an order is entered denying or revoking a discharge or  
2            if a waiver of discharge is filed, the clerk, after the order  
3            becomes final or the waiver is filed, or, in the case of an

4        individual, if the case is closed without the entry of an order  
5        of discharge, shall promptly give notice thereof to all **creditors**  
6        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**

1                                    \* \* \* \* \*

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

3            IN A CHAPTER 7 LIQUIDATION, CHAPTER11

4            REORGANIZATION, ~~OR~~ CHAPTER 12 FAMILY

5            FARMER'S DEBT ADJUSTMENT CASE, OR CHAPTER

6            13 INDIVIDUAL'S DEBT ADJUSTMENT CASE; NOTICE

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

8            ~~A~~ complaint to determine the dischargeability of a debt under



9           § 523(c) shall be filed no later than 60 days after the first date  
10           set for the meeting of creditors under § 341(a). The court  
11           shall give all creditors no less than 30 days' notice of the time  
12           so fixed in the manner provided in Rule 2002. On motion of  
13           any party in interest, after hearing on notice, the court may for  
14           cause extend the time fixed under this subdivision. The  
15           motion shall be filed before the time has expired.

16           (d) TIME FOR FILING COMPLAINT UNDER ~~§ 523(c)~~  
17           523(a)(6) IN CHAPTER 13 INDIVIDUAL'S DEBT  
18           ADJUSTMENT CASE; NOTICE OF TIME FIXED. On  
19           motion by a debtor for a discharge under § 1328(b), the court  
20           shall enter an order fixing the time to file a complaint to  
21           determine the dischargeability of any debt under ~~§ 523(c)~~  
22           523(a)(6) and shall give no less than 30 days' notice of the  
23           time fixed to all creditors in the manner provided in Rule  
24           2002. On motion of any party in interest after hearing on  
25           notice the court may for cause extend the time fixed under  
26           this subdivision. The motion shall be filed before the time

27 has expired.

28

\* \* \* \* \*

### 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.

#### **Rule 4008. Discharge and Reaffirmation Hearing**

1 Not more than 30 days following the entry of an order  
2 granting or denying a discharge, or confirming a plan in a  
3 chapter 11 reorganization case concerning an individual  
4 debtor and on not less than 10 days notice to the debtor and  
5 the trustee, the court may hold a hearing as provided in §  
6 524(d) of the Code. A motion by the debtor for approval of

7 a reaffirmation agreement shall be filed before or at the  
8 hearing. The debtor's statement required under § 524(k) shall  
9 be accompanied by a statement of the total income and total  
10 expense amounts stated on schedules I and J. If there is a  
11 difference between the income and expense amounts stated on  
12 schedules I and J and the statement required under § 524(k),  
13 the accompanying statement shall include an explanation of  
14 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 5008. Notice Regarding Presumption of Abuse in Chapter 7 Cases of Individual Debtors**

1        In a chapter 7 case of an individual with primarily consumer  
2        debts in which a presumption of abuse has arisen under §  
3        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  
9        debtor has not filed the statement and that further notice will  
10       be given if a later filed statement indicates that a presumption  
11       of abuse has arisen. If a debtor later files a statement  
12       indicating that a presumption of abuse has arisen, the clerk  
13       shall give notice to creditors of the presumption of abuse as  
14       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.

## RULES OPTIONS TO IMPLEMENT THE DELAY IN THE ENTRY OF THE DISCHARGE UNDER § 522(q)

Eric Frank prepared and distributed the following description of the alternative method of implementing the § 522(q) delay in the entry of the discharge.

### **Background and Relevant Legal Principles**

1. Sections §727(a)(12), 1141(d)(5)(C) 1228(f) and 1328(h), although worded slightly differently, all require that the court give some type of consideration of § 522(q) “after notice and hearing” before the court can enter the discharge order. To make life difficult for purposes of devising appropriate procedures and rules, the statute states that the “hearing” must be held not more than (i.e., less than) 10 days before the entry of the order.
2. Section 522(q), in turn, is a provision, embedded in the exemption section of the Code, which imposes a limit on the amount of the exemption that a debtor can claim under the state exemptions if certain conditions exist. Those conditions are, generally, that the debtor has been convicted of a felony which, under the circumstances, demonstrates that the filing is an abuse of the bankruptcy law or the debtor owes a debt of a certain nature (more specifically, a debt arising from the violations of certain federal securities statutes, 18 U.S.C. § 1964 or any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years).
3. The Code now refers to § 522(q) in the applicable provision relating to the entry of the discharge order in every chapter. See 11 U.S.C. §§727(a)(12), 1141(d)(5)(C) 1228(f) and 1328(h). Each of these provisions, when their terms are met, provide grounds for delaying the entry of discharge, not denying discharge. This is clear from 2 sources. First, the text of the statute states that the discharge should not be entered if § 522(q) is applicable “**and** there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B)”. Thus, the text suggests that once there is no proceeding “pending” the factor which bars discharge expires. Second, if there is any doubt about this interpretation, such doubt is eliminated by reviewing the Reform Act which added these provisions to the Code in a section titled “Delay of Discharge During Pendency of Certain Proceedings”. Pub L. No. 109-8, § 330.
4. The chapter 7 provision states that the court shall enter the discharge order “unless” it makes a finding that there is cause to believe that § 522(q) is applicable. The chapter 12 and chapter 13 provisions come at it from the opposite direction, stating that the court may not grant the discharge unless it makes the finding that there is no reasonable cause to believe that § 522(q) is applicable. The chapter 11 provision seems to be non-grammatical (it truly just a word fragment), but appears to be written similarly to the chapter 12 and 13

provisions.

5. The concern that has been raised by some judges who have communicated with the Committee is that these provisions require that the court hold hearings and make findings in every case before entering discharge. While this concern is understandable given the statutory language, I believe that it is not necessary for the bankruptcy system to be burdened by a requirement of actual court hearings in every bankruptcy case that is otherwise ready for the entry of the discharge order.
6. For purposes of drafting rules to create an appropriate procedure to implement the statute, the most significant aspect of these provisions is that they all contain the phrase “after notice and a hearing”. This is the term of art, as defined at § 102(1)(A), that is the basis of the “negative notice” system that many bankruptcy professionals believe is the backbone of the bankruptcy court procedure.
7. The threshold question is whether we should do anything at all. A case could be made that, since there is some uncertainty about the proper role of the court in making the findings required by §§727(a)(12), 1141(d)(5)(C) 1228(f) and 1328(h), the Committee should do nothing and, instead, allow local practice to evolve. However, despite the differences in the statutory phrasing, the fact that text of the provisions in all of the chapters use the phrase “after notice and hearing” allows the Advisory Committee to set up a procedure for the notice and hearing that is required by statute. I believe that the procedure by which a court determines whether it can enter a bankruptcy discharge order is so fundamental to bankruptcy practice that national uniformity is desirable. Further, I have the sense that the bankruptcy community is looking for some guidance from the Advisory Committee.
8. Since there is no way for a court to make findings without some “input” from interested parties, I suggest that we establish a negative notice procedure under each chapter. Since the entry of discharge comes up different ways under the different chapters, we need to consider the different chapters.
9. **Chapter 7:** In most chapter 7 cases, the entry of a discharge order is predictable. It is entered after the 60 day objection to discharge period is concluded. The simplest approach would be to create a parallel 60 day deadline running from the first date set for the meeting of creditors for a creditor to assert that the entry of the discharge order should be deferred pursuant to § 727(a)(12). We have already added a provision to Rule 4004 to defer the discharge if a timely motion is filed. See Proposed Rule 4004(c)(1)(I). The companion rule revision would provide for notification to creditors of the potential for a § 522(q) hearing and notice that, in the absence of a request to be heard on the issue or a motion to defer the discharge order, the court may find that the discharge may be entered. This notice can easily

be included in the § 341 notice.<sup>1</sup>

10. **Chapters 12 and 13:** In chapters 12 and 13, the statute says that the discharge should be entered “[a]s soon as practicable after completion by the debtor of all payments under the plan . . . “ 11 U.S.C. §§ 1228(a), 1328(a). The likely choice then is to give creditors notice of the § 1228(f) or § 1328(h) deadline at the time that plan payments have been completed. Because most chapter 12 and 13 cases will have been pending for 3-5 years (and more chapter 13 plans will be 5 year plans under the new legislation), a period that is substantially longer than the typical no-asset chapter 7 case, I believe that creditors do not need the 60 day period traditionally provided in the comparatively “fast-track” chapter 7 cases. As I mentioned in footnote 1, the rules presently only require a 25 day notice of the right to prevent the entry of discharge, so I believe that there is an existing standard that we can follow.
11. **Chapter 11:** Chapter 11 does not have the “as soon as practicable language” for the entry of discharge in individual debtor cases, but, like chapters 12 and 13, chapter 11 now defers the discharge until the completion of plan payments in individual cases. Since most individual chapter 11 cases will last considerably longer than chapter 7 cases, I suggest treating them in the same as chapter 12 and chapter 13 cases for purposes the § 522(q) finding by the court.

**12. Please note that if the suggested revision to Rule 4004(a) is adopted:**

- A. the cross reference to Rule 4004(a) in Rule 9006(b)(3) will have to be changed to “4004(a)(1)”.
- B. some corresponding revisions to Rule 4004(c) is needed. The changes are also set forth below. The text below does not affect the other changes already proposed for Rule 4004(c) as set forth in the draft circulated to the Consumer Subcommittee by Jeff Morris.
- C. Official Form #9 will need revision for chapter 7 cases.

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<sup>1</sup> Interestingly, while I believe that practice is uniform that notice of the deadlines for determination of the dischargeability of debts and objection to discharge is given in the § 341 notice (which means that creditors receive substantially more than 60 days notice), if I am reading our rules correctly, the rules require only 25 days notice of these deadlines. Compare Rule 4004(a) (last sentence) with Rule 2002(f) and (k). In drafting the rules needed to give notice of the right to request a § 522(q) hearing, I have followed the existing rule pattern. However, I fully expect that the § 727(a)(12) notice would be included in the § 341 hearing, thereby giving creditors more than ample notice.



13. **Rules Relating to the Financial Management Course Requirement:** One other thing we may have overlooked is that chapter 13 now has a requirement for discharge: the completion of the financial management course. We are enacting several rules relating to chapter 7 practice in order to deal with this requirement. See Rules 1007(b)(7) (requiring, in most situations, that the debtor file a statement relating to the requirement), Rule 1007(c) (setting a deadline for filing the statement) and Rule 4004(c)(1)(H) (providing that discharge should not be entered until the statement regarding the financial management course, if required, has been filed). Since, by rule, we will not permit the discharge to be entered in chapter 7 until any required statement regarding the financial management course is filed, it seems appropriate to have an analogous rule in chapter 13. I have drafted such a provision, to be included in Rule 4004. It is set forth below.

**Rule 2002**

\* \* \* \* \*

1

(f) Except as provided in subdivision (1) 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

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(4) the time fixed for filing a complaint objecting to the debtor's discharge pursuant to § 727 of the Code or for requesting a hearing under section 727(a)(12), 1141(d)(5)(C), 1228(f) or 1328(h), as provided in Rule 4004.

**Rule 4004**

*(a) Time for Filing Complaint Objecting to Discharge or for Requesting hearing pursuant to Section 727(a)(12); Notice of Time*

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*Fixed.*

(1) In a chapter 7 liquidation case, a complaint objecting to the debtor's discharge under § 727(a) of the Code shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). In a chapter 11 reorganization case, the complaint shall be filed no later than the first date set for the hearing on confirmation. At least 25 days' notice of the time so fixed shall be given to the United States trustee and all creditors as provided in Rule 2002(f) and (k), and to the trustee and the trustee's attorney.

(2) In a chapter 7 liquidation case, a request for a hearing under § 727(a)(12) shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). At least 25 days' notice of the time so fixed shall be given to the United States trustee and all creditors as provided in Rule 2002(f) and (k), and to the trustee and the trustee's attorney.<sup>2</sup>

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<sup>2</sup> Please note that I did not just add the phrase "a request for a hearing under § 727(a)(12)" to subsection (a)(1) because it would have rendered the cross reference with Rule 9006(b)(3) over inclusive. I assume that we want the general Rule 9006(b)(1) standard to apply to requests for extension of time for requests for § 727(a)(12) hearings and not the more stringent Rule 4004(b)/Rule 9006(b)(3) standard. The only way to accomplish this was to separate objections to discharge from requests for § 727(a)(12) hearings.

20                   (3) In a chapter 11 case of an individual debtor, or a chapter  
21                   12 or chapter 13 case, upon completion of payments under the  
22                   plan, the debtor or the trustee shall file a notice stating that  
23                   plan payments have been completed. Upon the filing of the  
24                   notice, the clerk shall forthwith give at least 25 days' notice of  
25                   the time fixed to request a hearing under §§ 1141(d)(5)(C),  
26                   1228(f) or 1328(h) to the United States trustee and all  
27                   creditors as provided in Rule 2002(f) and (k), and to the  
28                   trustee and the trustee's attorney.

29  
30                   \*       \*       \*

31  
32                   **(c) Grant of discharge.**

33                   (1) In a chapter 7 case, on expiration of the time fixed for  
34                   filing a complaint objecting to discharge, the time fixed for  
35                   requesting a hearing under § 727(a)(12) and the time fixed for  
36                   filing a motion to dismiss the case under Rule 1017(e), the court  
37                   shall forthwith grant the discharge unless:

38  
39                   \*       \*       \*

40                   (2) In a chapter 11 case of an individual debtor, or a chapter  
41                   12 or chapter 13 case, on expiration of the time fixed for

42                             requesting a hearing under § 1141(d)(5)(C), 1228(f) or  
43                             1328(h), the court shall forthwith grant the discharge unless  
44                             the debtor has not filed with the court a statement regarding  
45                             the completion of a course in personal financial management  
46                             as required by Rule 1007(b)(7).

47                             ~~(2)~~ (3) Notwithstanding Rule 4001(c)(1) and ~~(2)~~, on motion of  
48 the debtor, the court may defer the entry of an order granting a  
49 discharge for 30 days and, on motion within that period, the court  
50 may defer entry of the order to a date certain.

51   \* \* \* \* \*

**Rule 9006. Time**

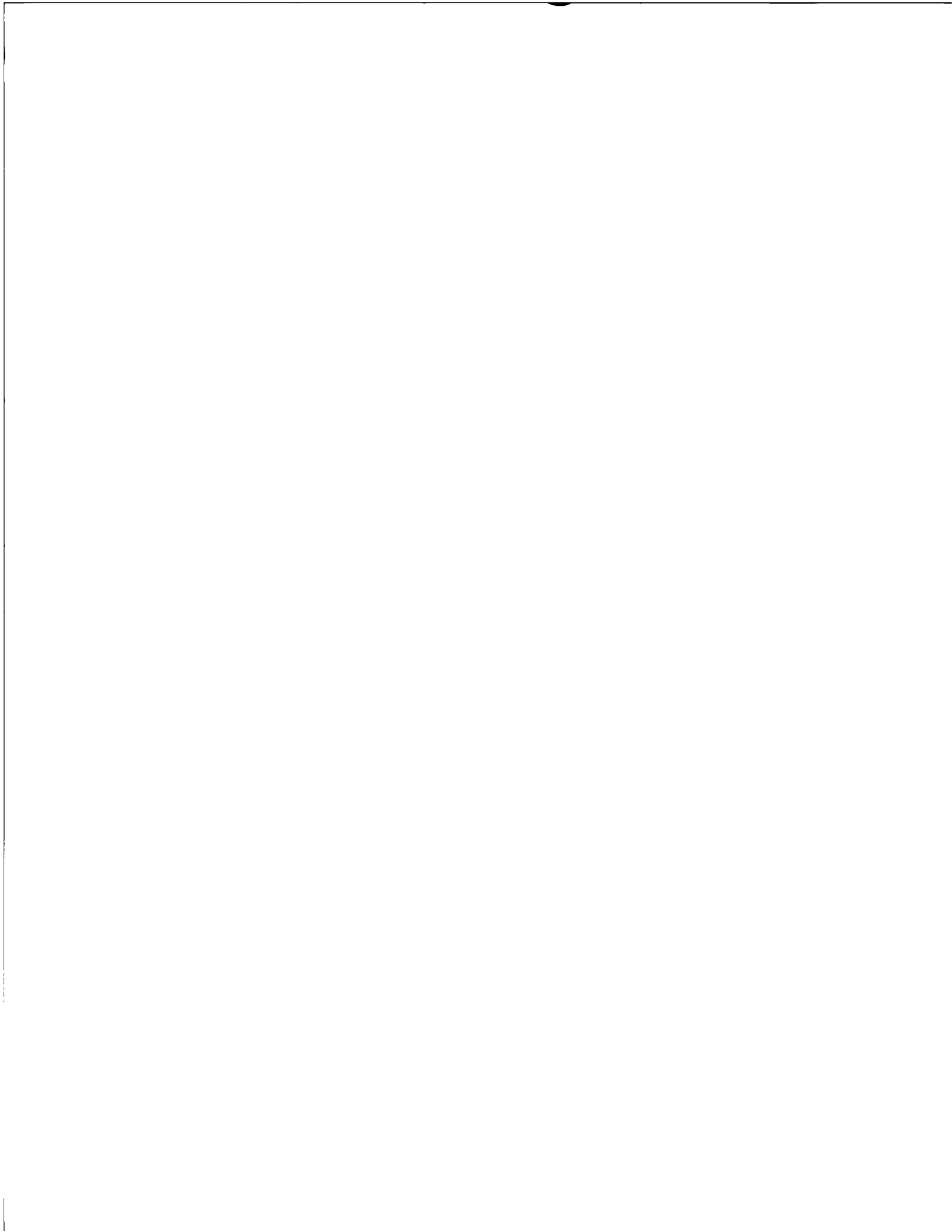
1   \* \* \*

2   ***(b) Enlargement***

3   \* \* \*

4                             (3) The court may enlarge the time for taking action under Rules \*  
5                             \* \* 4004(a)(1), 4007(c), 8002, and 9033 only to the extent and  
6   under the conditions stated in those rules.

7



## **Committee note for means testing/disposable income forms**

### **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 reflected in these calculations, be subject to a presumption of abuse. 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) on 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 set out all of the common forms of income and then include a "catch-all" line for other types of income. A line is included for regular contributions of support. Unemployment compensation is given special treatment. Because the federal government provides funding for state unemployment compensation under the Social Security Act, there 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 allow debtors to make the argument by excluding unemployment compensation from current monthly income and reporting it separately, so that the exclusion may be challenged. 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). In Chapter 7, these deductions result in a net number that may generate a presumption of abuse; in Chapter 13, these deductions may result in the amount of "disposable income" that a debtor may be required to pay to unsecured creditors under § 1325(b). The forms for Chapter 7 and Chapter 13 have identical sections (Parts V and III, respectively) for calculating the deductions of § 707(b)(2)(A)(ii)-(iv). The calculations are divided into subparts reflecting different kinds of deductions allowed.

#### **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 not include "any payments for debts."

The IRS National Standards provide a single allowance for food, clothing, household supplies, personal care, and

miscellany, depending on income and household size. The forms contain a single 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 family size and number of vehicles owned or leased. 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)(ii) provides for deduction in the "amounts specified under the . . . Local Standards," the forms treat these amounts as allowed deductions.

*[If the IRS separates its housing allowance in time for the "IRS Extra" versions to be used: 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 expense is a simple allowance. However, for homeowners with mortgages, the mortgage/rental expense involves debt payment. 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)(iii).]*

*[If the IRS does not separate its housing allowance in time for the "IRS Extra" versions, so that the "Plain" versions must be used: 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 not to include their mortgage payments to the extent covered by the IRS allowance. The proper manner of calculating this required adjustment of the housing and utilities allowance will have to be determined by judicial decisions.]*

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 [or "for which the debtor pays the operating expenses"], 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 deduct from allowance for ownership/lease expense 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)(iii).

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 business expenses, and the forms combine these categories into a single line entry. The remaining IRS categories are each 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.

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 deductions. Contributions to tax-exempt charities provide another statutory expense deduction. Section 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 subtotaled.

### **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 the administrative fees that would be incurred if the debtor made debt payments 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 for secured debts in default. In each situation, the instructions for the entry lines require dividing the total payment amount by 60, in accord with the statutory directive. Priority debt, deductible pursuant to § 707(b)(2)(A)(iv), is treated on a single entry line, also directing division by 60. The defined deduction for the expenses of administering a Chapter 13 plan, allowed by § 707(b)(2)(A)(ii)(III) for debtors eligible for Chapter 13, is treated in an entry line that requires the eligible debtor to state the amount of the debtor's 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 deductions.

### **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.

## **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 information provided 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, to check the "no presumption" box at the beginning of the form, but to disregard the remaining parts of the form. Debtors whose CMI does exceed the applicable state median are directed to complete the remaining parts of the form.

Part IV of the form provides for an adjustment of 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 assert 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 a 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 VII.

## **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 the standing trustees and 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).

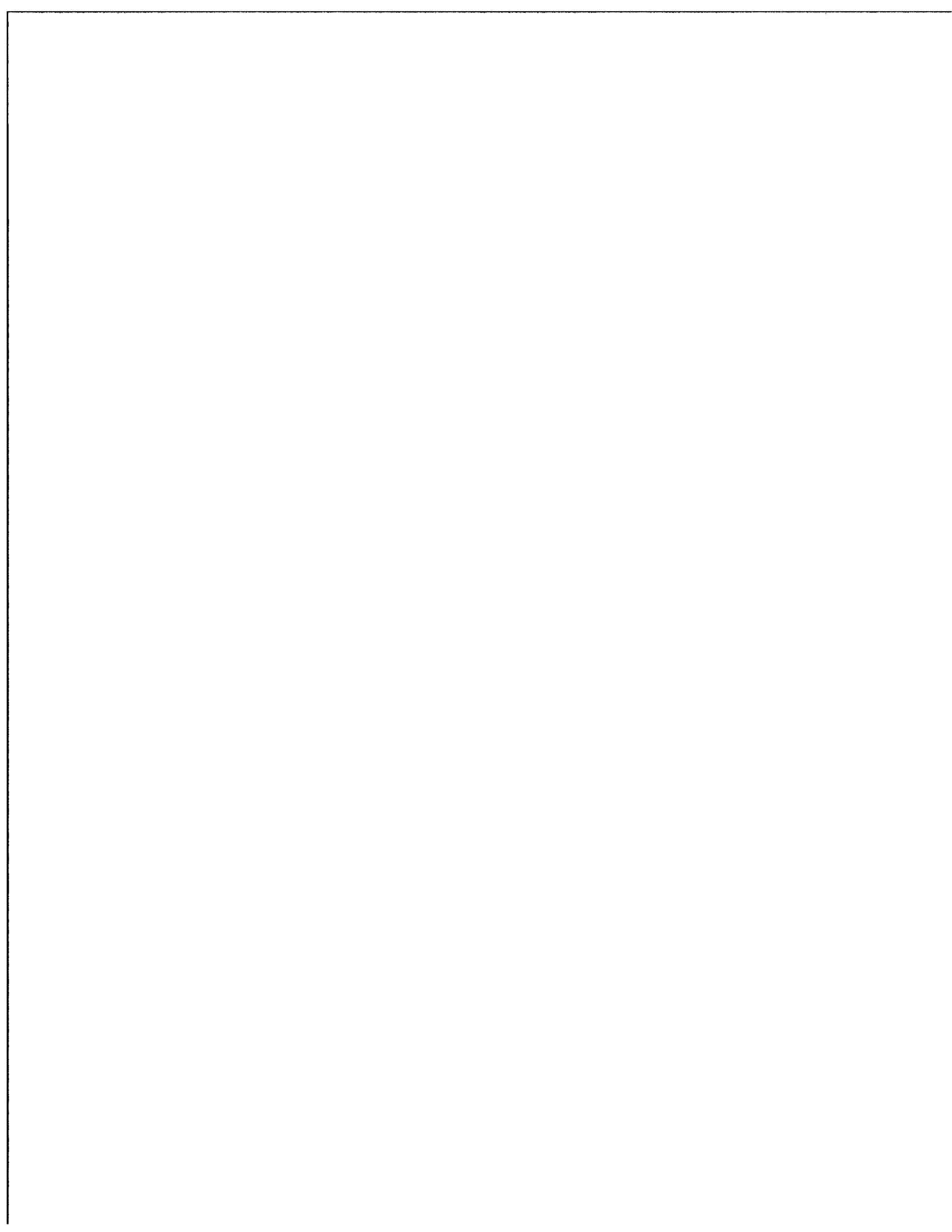
Part III provides for calculation of the means-test deductions provided in § 707(b)(2), as described above, and as incorporated by § 1325(b)(3) for debtors with CMI above the applicable state median.

Part IV provides for three adjustments required by special provisions affecting disposable income. First, § 1325(b)(2) itself excludes from CMI as used to determine

disposable income certain "child support payments, foster care payments, [and] disability payments for a dependent child." Because such payments are otherwise 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, as listed in §541(b)(7)(B), since that provision states that such contributions "shall not constitute disposable income, as defined in section 1325(b)." Third, the same line entry also allows a deduction from 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 from 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 is the verification.



In re \_\_\_\_\_  
Debtor(s)

Case Number: \_\_\_\_\_  
(If known)

Check the box as directed in Parts I, III, and IV of this statement.

- Presumption arises**  
 **Presumption does not arise**

## STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION FOR USE IN CHAPTER 7 ONLY

In addition to Schedule 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

1	<p>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 VII. Do not complete any of the remaining parts of this statement.</p> <p><input type="checkbox"/> <b>Veteran's Declaration.</b> 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(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. §901(1)).</p>
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### Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION

2	<p><b>Marital/filing status.</b> Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. <b>Complete only Column A ("Debtor's Income") for Lines 3-11.</b></p> <p>b. <input type="checkbox"/> 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." <b>Complete only Column A ("Debtor's Income") for Lines 3-11.</b></p> <p>c. <input type="checkbox"/> Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. <b>Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-11.</b></p> <p>d. <input type="checkbox"/> Married, filing jointly. <b>Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-11.</b></p> <p>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.</p>		<b>Column A Debtor's Income</b>	<b>Column B Spouse's Income</b>					
3	Wages, salary, tips, bonuses, overtime, commissions.	\$	\$						
4	Gross income from the operation of a business, profession or farm.	\$	\$						
5	Interest, dividends and royalties.	\$	\$						
6	Rents and other real property income.	\$	\$						
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.	\$	\$						
9	<p>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:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____							
10	<p>Income from all other sources. If necessary, list additional sources on a separate page. <b>Do not include</b> 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.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 10%;">a.</td> <td style="width: 60%;"></td> <td style="width: 30%; text-align: center;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> </table> <p>Total and enter on Line 10</p>	a.		\$	b.		\$	\$	\$
a.		\$							
b.		\$							

11	<b>Subtotal of Current Monthly Income for § 707(b)(7).</b> 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).	\$	\$
12	<b>Total Current Monthly Income for § 707(b)(7).</b> 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

13	<b>Annualized Current Monthly Income for § 707(b)(7).</b> Multiply the amount from Line 12 by the number 12 and enter the result.	\$
14	<b>Applicable median family income.</b> Enter the median family income for the 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.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$
15	<b>Application of Section 707(b)(7).</b> Check the applicable box and proceed as directed. <input type="checkbox"/> <b>The amount on Line 13 is less than or equal to the amount on Line 14.</b> Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete Part VII; do not complete Parts IV, V, and VI. <input type="checkbox"/> <b>The amount on Line 13 is more than the amount on Line 14.</b> Complete the remaining parts of this statement.	

**Complete Parts IV, V, and VI of this statement only if required. (See Line 15).**

### Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)

16	<b>Enter the amount from Line 12.</b>	\$
17	<b>Marital adjustment.</b> If you checked the box at Line 2.c, enter the amount of the income listed in Line 10, 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	<b>Current monthly income for § 707(b)(2).</b> 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	<b>National Standards: food, clothing, household supplies, personal care, and miscellaneous.</b> Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at <a href="http://www.irs.gov/">www.irs.gov/</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
20	<b>Local Standards: housing and utilities.</b> Enter amount from the IRS Housing and Utilities Standards for the applicable county and family size. (This information is available at <a href="http://www.irs.gov/">www.irs.gov/</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on secured debts, such as mortgage payments, to the extent that they are accounted for in the IRS Housing and Utilities Standards.</b>	\$
21	<b>Local Standards: transportation; vehicle operation/public transportation expense.</b> 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. Enter the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 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 <a href="http://www.irs.gov/">www.irs.gov/</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$



22	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 1.</b> 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.)  <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>Enter the amount from IRS Transportation Standards, Ownership Costs, First Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a>; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 1 included in Line 40. Subtract the amount of the Line 40 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, First Car, but do not list an amount less than zero.</b></p>	\$												
23	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 2.</b> Complete this Line only if you checked the "2 or more" Box in Line 21.</p> <p>Enter the amount from IRS Transportation Standards, Ownership Costs, Second Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a>; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 2 included in Line 40. Subtract the amount of the Line 40 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, Second Car, but do not list an amount less than zero.</b></p>	\$												
24	<p><b>Other Necessary Expenses: taxes.</b> 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. <b>Do not include real estate or sales taxes.</b></p>													
25	<p><b>Other Necessary Expenses: mandatory payroll deductions.</b> Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. <b>Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</b></p>	\$												
26	<p><b>Other Necessary Expenses: insurance.</b> Enter average monthly premiums that you actually pay for term life, dental, vision, long term care, and other types of insurance not deducted elsewhere in the statement. <b>Do not include automobile, liability, homeowner's or contents insurance, whole life premiums, or any amounts included in Lines 29 or 32.</b></p>	\$												
27	<p><b>Other Necessary Expenses: court-ordered payments.</b> Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. <b>Do not include payments on past due support obligations included in Line 42.</b></p>	\$												
28	<p><b>Other Necessary Expenses: childcare.</b> Enter the average monthly amount that you actually expend on childcare. <b>Do not include payments made for primary and secondary education.</b></p>	\$												
29	<p><b>Other Necessary Expenses: health care.</b> 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.</p>	\$												
30	<p><b>Other Necessary Expenses: business expenses.</b> Enter the average monthly expenses that you incur in order to operate a business or otherwise produce income. <b>Do not include any amount previously deducted.</b></p>	\$												
31	<p><b>Total Expenses Allowed under IRS Standards.</b> Enter the total of Lines 19 through 30</p>	\$												
<p><b>Subpart B: Additional Expense Deductions under § 707(b)</b>  <b>Note: Do not include any expenses that you have listed in Lines 19-30</b></p>														
32	<p><b>Health Insurance, Disability Insurance and Health Savings Account Expenses.</b> List the average monthly amounts that you actually expend in each of the following categories and enter the total.</p> <table border="1" data-bbox="191 1534 1156 1704"> <tr> <td data-bbox="191 1534 266 1576">a.</td> <td data-bbox="266 1534 797 1576">Health Insurance</td> <td data-bbox="797 1534 1156 1576">\$</td> </tr> <tr> <td data-bbox="191 1576 266 1619">b.</td> <td data-bbox="266 1576 797 1619">Disability Insurance</td> <td data-bbox="797 1576 1156 1619">\$</td> </tr> <tr> <td data-bbox="191 1619 266 1661">c.</td> <td data-bbox="266 1619 797 1661">Health Savings Account</td> <td data-bbox="797 1619 1156 1661">\$</td> </tr> <tr> <td colspan="2" data-bbox="191 1661 797 1704"></td> <td data-bbox="797 1661 1156 1704">Total: Add Lines a, b and c</td> </tr> </table>	a.	Health Insurance	\$	b.	Disability Insurance	\$	c.	Health Savings Account	\$			Total: Add Lines a, b and c	\$
a.	Health Insurance	\$												
b.	Disability Insurance	\$												
c.	Health Savings Account	\$												
		Total: Add Lines a, b and c												
33	<p><b>Continued contributions to the care of household or family members.</b> 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.</p>	\$												
34	<p><b>Protection against family violence.</b> 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.</p>	\$												

35	<b>Home energy costs in excess of the allowance specified by the IRS Local Standards.</b> Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$
36	<b>Education expenses for dependent children less than 18.</b> 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. <b>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.</b>	\$
37	<b>Additional food and clothing expense.</b> 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 exceed five percent of those combined allowances. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$
38	<b>Continued charitable contributions.</b> 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).	\$
39	<b>Total Additional Expense Deductions under § 707(b).</b> Enter the total of Lines 32 through 38	\$

**Subpart C: Deductions for Debt Payment**

40	<p><b>Future payments on secured claims.</b> 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. <b>Do not include items you have previously deducted, such as insurance and taxes.</b></p> <table border="1"> <thead> <tr> <th></th> <th>Name of Creditor</th> <th>Property Securing the Debt</th> <th>Average Monthly Payment</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 colspan="3"></td> <td>Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt	Average Monthly Payment	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt	Average Monthly Payment																			
a.			\$																			
b.			\$																			
c.			\$																			
			Total: Add Lines a, b and c																			

41	<p><b>Past due payments on secured claims.</b> If any of the debts listed in Line 40 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.</p> <table border="1"> <thead> <tr> <th></th> <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> <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 colspan="3"></td> <td>Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount																			
a.			\$																			
b.			\$																			
c.			\$																			
			Total: Add Lines a, b and c																			

42	<b>Payments on priority claims.</b> Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.	\$
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43	<p><b>Chapter 13 administrative expenses.</b> 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.</p> <table border="1"> <tbody> <tr> <td>a.</td> <td>Projected average monthly Chapter 13 plan payment.</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</td> <td>x</td> </tr> <tr> <td>c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td>Total: Multiply Lines a and b</td> </tr> </tbody> </table>	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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$
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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x									
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b									

44	<b>Total Deductions for Debt Payment.</b> Enter the total of Lines 40 through 43.	\$
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**Subpart D: Total Deductions Allowed under § 707(b)(2)**

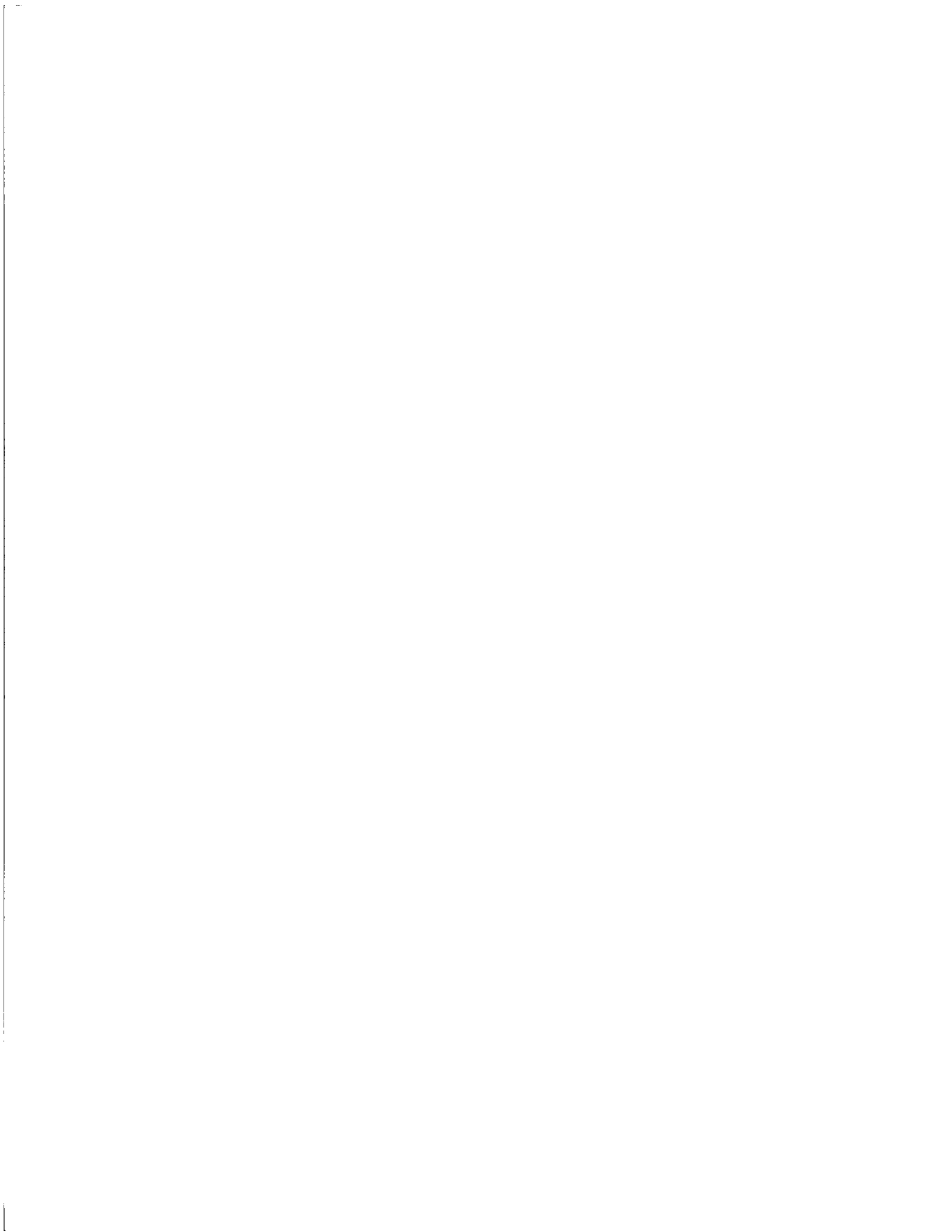
45	<b>Total of all deductions allowed under § 707(b)(2).</b> Enter the total of Lines 31, 39, and 44.	\$
----	--	----

## Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION

46	Enter the amount from Line 18 (Current monthly income for § 707(b)(2))	\$
47	Enter the amount from Line 45 (Total of all deductions allowed under § 707(b)(2))	\$
48	Monthly disposable income under § 707(b)(2). Subtract Line 47 from Line 46 and enter the result	\$
49	60-month disposable income under § 707(b)(2). Multiply the amount in Line 48 by the number 60 and enter the result.	\$
50	<p><b>Initial presumption determination.</b> Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> <b>The amount on Line 49 is less than \$6,000</b> 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.</p> <p><input type="checkbox"/> <b>The amount set forth on Line 49 is more than \$10,000.</b> 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.</p> <p><input type="checkbox"/> <b>The amount on Line 49 is at least \$6,000, but not more than \$10,000.</b> Complete the remainder of Part VI (Lines 51 through 53).</p>	
51	Enter the amount of your total non-priority unsecured debt	\$
52	Threshold debt payment amount. Multiply the amount in Line 51 by the number 0.25 and enter the result.	\$
53	<p><b>Secondary presumption determination.</b> Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> <b>The amount on Line 49 is less than the amount on Line 52.</b> Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete the verification in Part VII.</p> <p><input type="checkbox"/> <b>The amount on Line 49 is equal to or greater than the amount on Line 52.</b> Check the "Presumption arises" box at the top of page 1 of this statement, and complete the verification in Part VII.</p>	

## Part VII: VERIFICATION

54	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i></p>	
	Date: _____	Signature: _____ <small>(Debtor)</small>
	Date: _____	Signature: _____ <small>(Joint Debtor, if any)</small>





In re \_\_\_\_\_

Debtor(s)

Case Number: \_\_\_\_\_

(If known)

Check the box as directed in Parts I, III, and IV of this statement.

**Presumption arises**

**Presumption does not arise**

## STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION

FOR USE IN CHAPTER 7 ONLY IRS EXTRA

In addition to Schedule 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

1

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 VII. 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(d)(1)) 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

2

**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 3-10.**
- 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 3-10.**
- c.  Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. **Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-10.**
- d.  Married, filing jointly. **Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-10.**

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.

**Column A  
Debtor's  
Income**

**Column B  
Spouse's  
Income**

3	Wages, salary, tips, bonuses, overtime, commissions.	\$	\$						
4	Gross income from the operation of a business, profession or farm.	\$	\$						
5	Interest, dividends and royalties.	\$	\$						
6	Rents and other real property income.	\$	\$						
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.	\$	\$						
9	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 border="1" style="width: 100%;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____							
10	Income from all other sources. If necessary, list additional sources on a separate page. <b>Do not include</b> 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.  <table border="1" style="width: 100%;"> <tr> <td style="width: 10%;">a.</td> <td style="width: 60%;"></td> <td style="width: 30%;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td>\$</td> </tr> </table> <p>Total and enter on Line 10</p>	a.		\$	b.		\$	\$	\$
a.		\$							
b.		\$							

11	<b>Subtotal of Current Monthly Income for § 707(b)(7).</b> Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 9 in Column B. Enter the total(s).	\$	\$
12	<b>Total Current Monthly Income for § 707(b)(7).</b> 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**

13	<b>Annualized Current Monthly Income for § 707(b)(7).</b> Multiply the amount from Line 12 by the number 12 and enter the result.	\$
14	<b>Applicable median family income.</b> Enter the median family income for the 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.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$
15	<b>Application of Section 707(b)(7).</b> Check the applicable box and proceed as directed. <input type="checkbox"/> <b>The amount on Line 13 is less than or equal to the amount on Line 14.</b> Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete Part VII; do not complete Parts IV, V, and VI. <input type="checkbox"/> <b>The amount on Line 13 is more than the amount on Line 14.</b> Complete the remaining parts of this statement.	

**Complete Parts IV, V, and VI of this statement only if required. (See Line 15).**

**Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)**

16	<b>Enter the amount from Line 12.</b>	\$
17	<b>Marital adjustment.</b> 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.	\$
18	<b>Current monthly income for § 707(b)(2).</b> 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	<b>National Standards: food, clothing, household supplies, personal care, and miscellaneous.</b> Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at <a href="http://www.irs.gov/">www.irs.gov/</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
20	<b>Local Standards: housing and utilities; utilities/maintenance expense.</b> Enter amount from the IRS Housing and Utilities Standards; Utilities/Maintenance Expense for the applicable county and family size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	
21	<b>Local Standards: housing and utilities; mortgage/rental expense.</b> Enter amount from the IRS Housing and Utilities Standards; Mortgage/Rental Expense for the applicable county and family size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by your home included in Line 41. Subtract the amount of the Line 41 Average Monthly Payment attributable to such debts from the IRS Mortgage/Rental Expense, but do not list an amount less than zero.</b>	\$
22	<b>Local Standards: transportation; vehicle operation/public transportation expense.</b> 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. Enter the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 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 <a href="http://www.irs.gov/">www.irs.gov/</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$

23	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 1.</b> 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.)  <input type="checkbox"/> 1   <input type="checkbox"/> 2 or more.</p> <p>Enter the amount from IRS Transportation Standards, Ownership Costs, First Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a>; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 1 included in Line 41. Subtract the amount of the Line 41 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, First Car, but do not list an amount less than zero.</b></p>	\$												
24	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 2.</b> Complete this Line only if you checked the "2 or more" Box in Line 21.</p> <p>Enter the amount from IRS Transportation Standards, Ownership Costs, Second Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a>; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 2 included in Line 41. Subtract the amount of the Line 41 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, Second Car, but do not list an amount less than zero.</b></p>	\$												
25	<p><b>Other Necessary Expenses: taxes.</b> 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. <b>Do not include real estate or sales taxes.</b></p>													
26	<p><b>Other Necessary Expenses: mandatory payroll deductions.</b> Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. <b>Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</b></p>	\$												
27	<p><b>Other Necessary Expenses: insurance.</b> Enter average monthly premiums that you actually pay for term life, dental, vision, long-term care, and other types of insurance not deducted elsewhere in the statement. <b>Do not include automobile, liability, homeowner's or contents insurance, whole life premiums, or any amounts included in Lines 30 or 33.</b></p>	\$												
28	<p><b>Other Necessary Expenses: court-ordered payments.</b> Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. <b>Do not include payments on past due support obligations included in Line 43.</b></p>	\$												
29	<p><b>Other Necessary Expenses: childcare.</b> Enter the average monthly amount that you actually expend on childcare. <b>Do not include payments made for primary and secondary education.</b></p>	\$												
30	<p><b>Other Necessary Expenses: health care.</b> 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.</p>	\$												
31	<p><b>Other Necessary Expenses: business expenses.</b> Enter the average monthly expenses that you incur in order to operate a business or otherwise produce income. <b>Do not include any amount previously deducted.</b></p>	\$												
32	<p><b>Total Expenses Allowed under IRS Standards.</b> Enter the total of Lines 19 through 31</p>	\$												
<p><b>Subpart B: Additional Expense Deductions under § 707(b)</b>  <b>Note: Do not include any expenses that you have listed in Lines 19-31.</b></p>														
33	<p><b>Health Insurance, Disability Insurance and Health Savings Account Expenses.</b> List the average monthly amounts that you actually expend in each of the following categories and enter the total.</p> <table border="1" data-bbox="191 1534 1157 1708"> <tr> <td data-bbox="191 1534 264 1576">a.</td> <td data-bbox="264 1534 797 1576">Health Insurance</td> <td data-bbox="797 1534 1157 1576">\$</td> </tr> <tr> <td data-bbox="191 1576 264 1619">b.</td> <td data-bbox="264 1576 797 1619">Disability Insurance</td> <td data-bbox="797 1576 1157 1619">\$</td> </tr> <tr> <td data-bbox="191 1619 264 1661">c.</td> <td data-bbox="264 1619 797 1661">Health Savings Account</td> <td data-bbox="797 1619 1157 1661">\$</td> </tr> <tr> <td colspan="2" data-bbox="191 1661 797 1708"></td> <td data-bbox="797 1661 1157 1708">Total: Add Lines a, b and c</td> </tr> </table>	a.	Health Insurance	\$	b.	Disability Insurance	\$	c.	Health Savings Account	\$			Total: Add Lines a, b and c	\$
a.	Health Insurance	\$												
b.	Disability Insurance	\$												
c.	Health Savings Account	\$												
		Total: Add Lines a, b and c												
34	<p><b>Continued contributions to the care of household or family members.</b> 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.</p>	\$												
35	<p><b>Protection against family violence.</b> 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.</p>	\$												



36	<b>Home energy costs in excess of the allowance specified by the IRS Local Standards.</b> Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$
37	<b>Education expenses for dependent children less than 18.</b> 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. <b>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.</b>	\$
38	<b>Additional food and clothing expense.</b> 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 exceed five percent of those combined allowances. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$
39	<b>Continued charitable contributions.</b> 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).	\$
40	<b>Total Additional Expense Deductions under § 707(b).</b> Enter the total of Lines 33 through 39.	\$

### Subpart C: Deductions for Debt Payment

41	<p><b>Future payments on secured claims.</b> 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. <b>Do not include items you have previously deducted, such as insurance and taxes.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name of Creditor</th> <th style="width: 35%;">Property Securing the Debt</th> <th style="width: 30%;">Average Monthly Payment</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt	Average Monthly Payment	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
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a.			\$																			
b.			\$																			
c.			\$																			
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42	<p><b>Past due payments on secured claims.</b> 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 1/60th 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name of Creditor</th> <th style="width: 35%;">Property Securing the Debt in Default</th> <th style="width: 30%;">1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
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a.			\$																			
b.			\$																			
c.			\$																			
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43	<b>Payments on priority claims.</b> Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.	\$																				
44	<p><b>Chapter 13 administrative expenses.</b> 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 5%;">a.</td> <td style="width: 60%;">Projected average monthly Chapter 13 plan payment.</td> <td style="width: 35%; text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</td> <td style="text-align: center;">x</td> </tr> <tr> <td>c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td style="text-align: right;">Total: Multiply Lines a and b</td> </tr> </tbody> </table>	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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$											
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c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b																				
45	<b>Total Deductions for Debt Payment.</b> Enter the total of Lines 41 through 44.	\$																				

**Subpart D: Total Deductions Allowed under § 707(b)(2)**

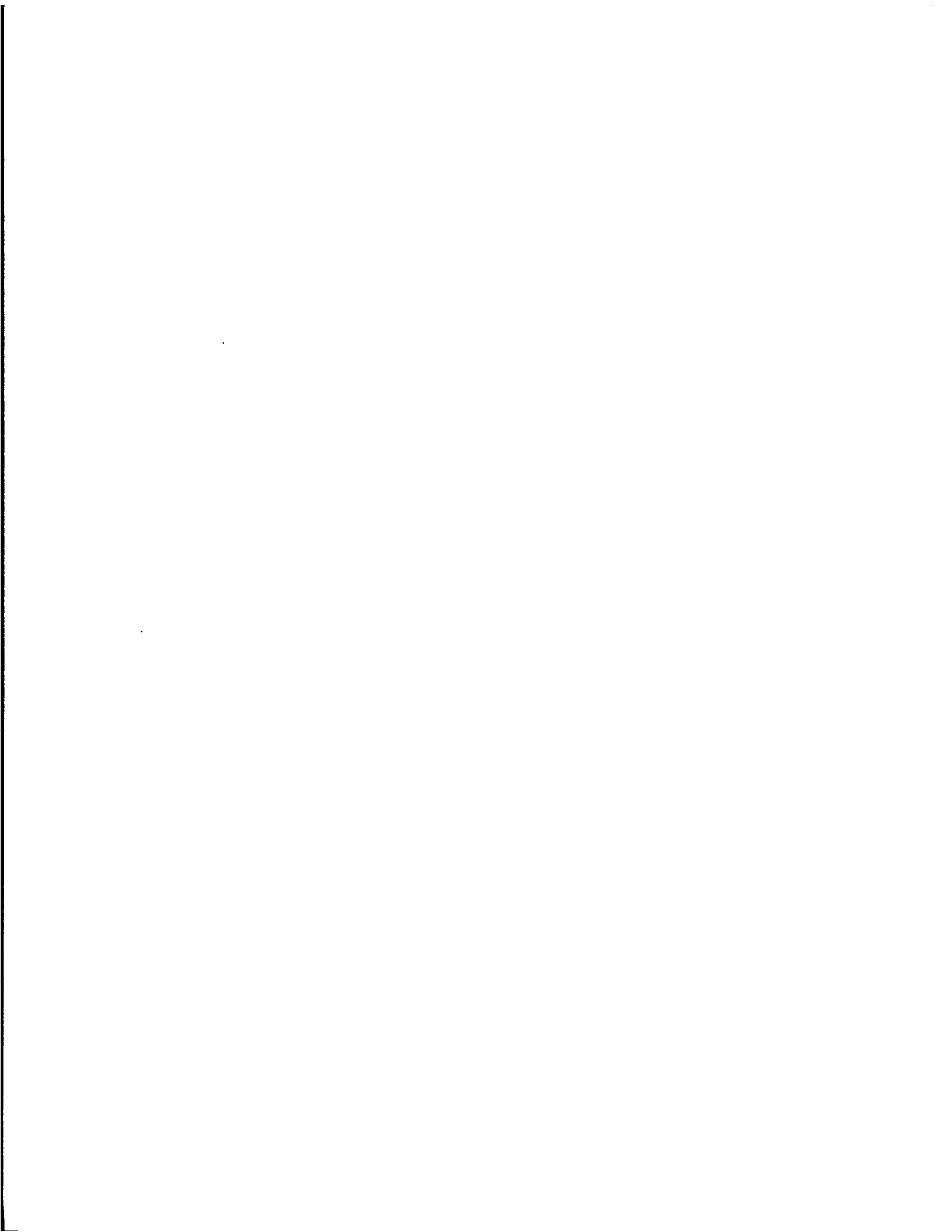
46	Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 32, 40, and 45.	\$
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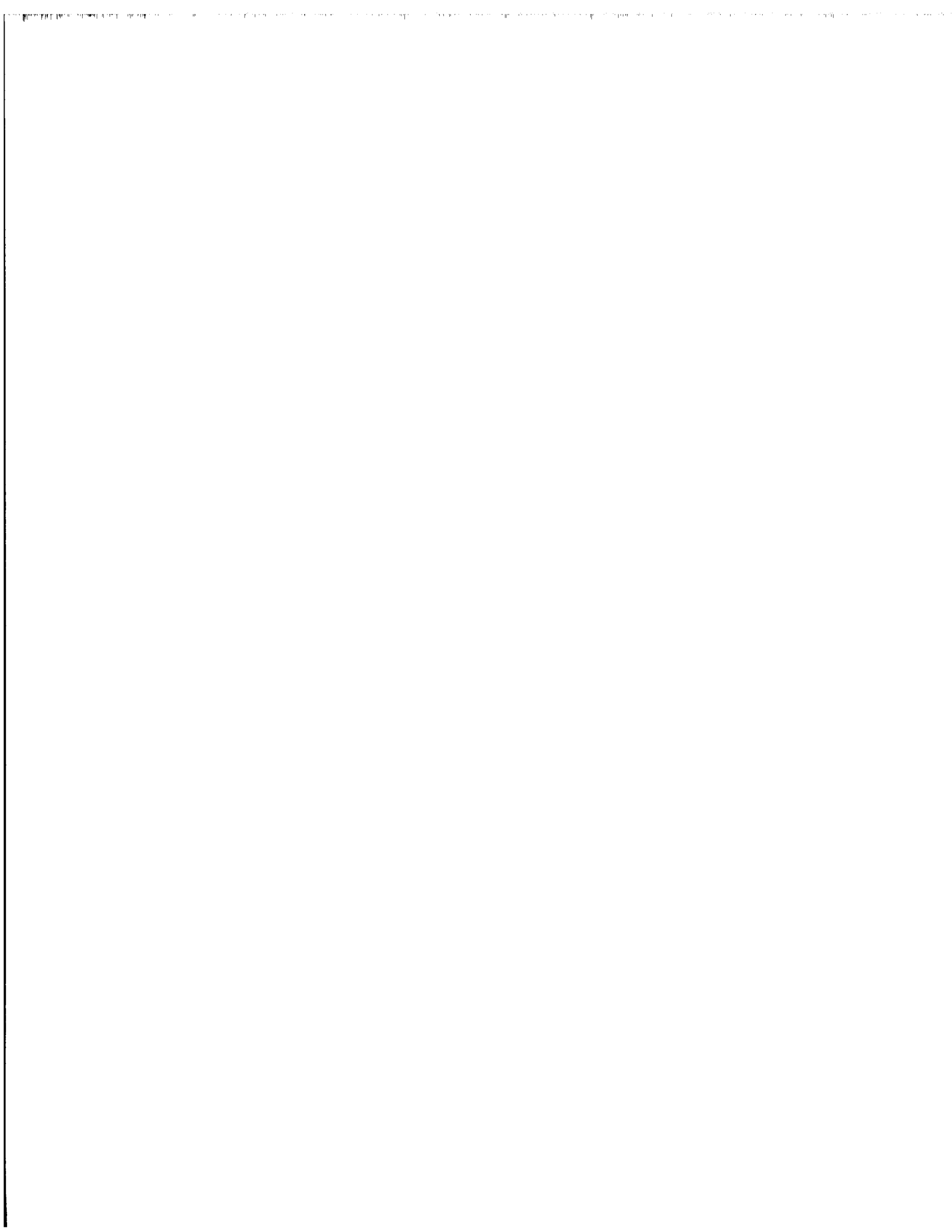
**Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION**

47	Enter the amount from Line 18 (Current monthly income for § 707(b)(2))	\$
48	Enter the amount from Line 46 (Total of all deductions allowed under § 707(b)(2))	\$
49	Monthly disposable income under § 707(b)(2). Subtract Line 48 from Line 47 and enter the result	\$
50	60-month disposable income under § 707(b)(2). Multiply the amount in Line 49 by the number 60 and enter the result.	\$
51	<p><b>Initial presumption determination.</b> Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> <b>The amount on Line 50 is less than \$6,000.</b> 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.</p> <p><input type="checkbox"/> <b>The amount set forth on Line 50 is more than \$10,000.</b> 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.</p> <p><input type="checkbox"/> <b>The amount on Line 50 is at least \$6,000, but not more than \$10,000.</b> Complete the remainder of Part VI (Lines 52 through 54).</p>	
52	Enter the amount of your total non-priority unsecured debt	\$
53	Threshold debt payment amount. Multiply the amount in Line 52 by the number 0.25 and enter the result.	\$
54	<p><b>Secondary presumption determination.</b> Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> <b>The amount on Line 50 is less than the amount on Line 53.</b> Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete the verification in Part VII.</p> <p><input type="checkbox"/> <b>The amount on Line 50 is equal to or greater than the amount on Line 53.</b> Check the "Presumption arises" box at the top of page 1 of this statement, and complete the verification in Part VII.</p>	

**Part VII: VERIFICATION**

55	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i></p> <p>Date: _____ Signature: _____  <span style="margin-left: 150px;">(Debtor)</span></p> <p>Date: _____ Signature: _____  <span style="margin-left: 150px;">(Joint Debtor, if any)</span></p>	
----	---	--





In re \_\_\_\_\_  
 Debtor(s)

Case Number: \_\_\_\_\_  
 (If known)

## STATEMENT OF CURRENT MONTHLY INCOME FOR USE IN CHAPTER 11 ONLY

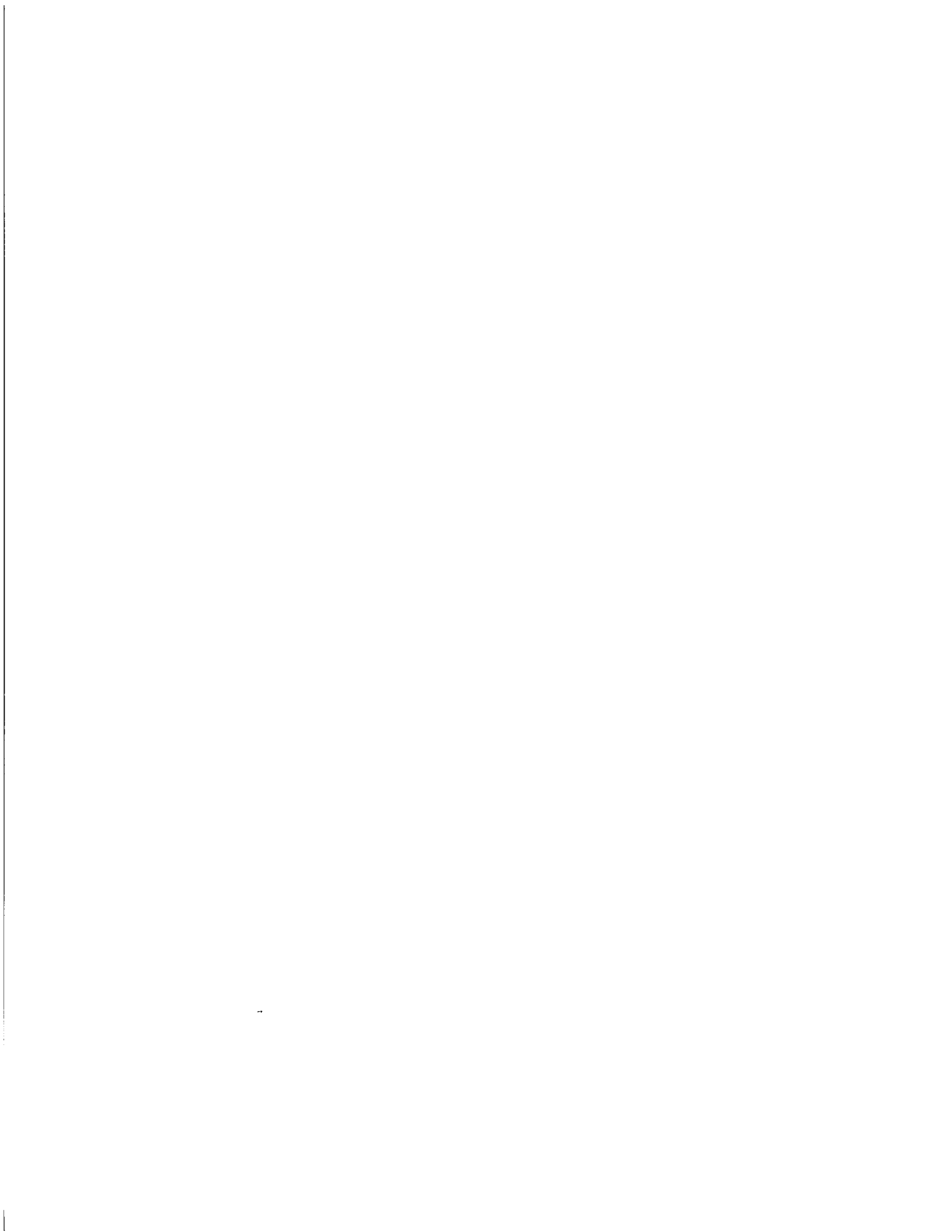
In addition to Schedule I and J, this statement must be completed by every individual Chapter 11 debtor, whether or not filing jointly. Joint debtors may complete one statement only..

### Part I. CALCULATION OF CURRENT MONTHLY INCOME

1	<p><b>Marital/filing status.</b> Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>b. <input type="checkbox"/> Married, not filing jointly. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>c. <input type="checkbox"/> Married, filing jointly. <b>Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 2-9.</b></p> <p>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.</p>		<b>Column A Debtor's Income</b>	<b>Column B Spouse's Income</b>						
2	Wages, salary, tips, bonuses, overtime, commissions.	\$	\$	\$						
3	Gross income from the operation of a business, profession or farm.	\$	\$	\$						
4	Interest, dividends and royalties.	\$	\$	\$						
5	Rents and other real property income.	\$	\$	\$						
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	<p>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:</p> <table border="1" style="width: 100%; margin-top: 5px;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____								
9	<p>Income from all other sources. If necessary, list additional sources on a separate page. <b>Do not include</b> 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.</p> <table border="1" style="width: 100%; margin-top: 5px;"> <tr> <td style="width: 10%;">a.</td> <td style="width: 50%;"></td> <td style="width: 40%; text-align: center;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> </table> <p>Total and enter on Line 9</p>	a.		\$	b.		\$	\$	\$	\$
a.		\$								
b.		\$								
10	<b>Subtotal of current monthly income.</b> 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).	\$	\$	\$						
11	<b>Total current monthly income.</b> 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 amount from Line 10, Column A.	\$	\$	\$						

### Part II: VERIFICATION

12	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i></p> <p style="margin-left: 100px;">Date: _____</p> <p style="margin-left: 100px;">Date: _____</p> <p style="margin-left: 450px;">Signature: _____ (Debtor)</p> <p style="margin-left: 450px;">Signature: _____ (Joint Debtor, if any)</p>
----	---





In re \_\_\_\_\_ Debtor(s)

Case Number: \_\_\_\_\_  
(If known)

Check the box as directed in Part II, Line 13 of this statement.

Disposable income determined under § 1325(b)(3)

Disposable income not determined under § 1325(b)(3)

## STATEMENT OF CURRENT MONTHLY INCOME AND DISPOSABLE INCOME CALCULATION

FOR USE IN CHAPTER 13 ONLY

In addition to Schedule 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

<b>Part I. CALCULATION OF CURRENT MONTHLY INCOME</b>									
1	<p><b>Marital/filing status.</b> Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>b. <input type="checkbox"/> Married, not filing jointly. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>c. <input type="checkbox"/> Married, filing jointly. <b>Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 2-9.</b></p> <p>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.</p>	<b>Column A Debtor's Income</b>	<b>Column B Spouse's Income</b>						
2	Wages, salary, tips, bonuses, overtime, commissions.	\$	\$						
3	Gross income from the operation of a business, profession or farm.	\$	\$						
4	Interest, dividends and royalties.	\$	\$						
5	Rents and other real property income.	\$	\$						
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	<p>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:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="padding: 2px;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="padding: 2px;">Debtor \$ _____</td> <td style="padding: 2px;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____							
9	<p>Income from all other sources. If necessary, list additional sources on a separate page. <b>Do not include</b> 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.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 10%; padding: 2px;">a.</td> <td style="width: 60%;"></td> <td style="width: 30%; text-align: center; padding: 2px;">\$</td> </tr> <tr> <td style="padding: 2px;">b.</td> <td></td> <td style="text-align: center; padding: 2px;">\$</td> </tr> </table> <p>Total and enter on Line 9</p>	a.		\$	b.		\$	\$	\$
a.		\$							
b.		\$							
10	<b>Subtotal of current monthly income.</b> 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).	\$	\$						
11	<b>Total current monthly income.</b> 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 amount from Line 10, Column A.	\$							



## Part II. APPLICATION OF § 1325(b)(3)

12	<b>Annualized current monthly income.</b> Multiply the amount from Line 11 by the number 12 and enter the result.	\$
13	<b>Applicable median family income.</b> 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.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$
14	<b>Application of § 1325(b)(3).</b> Check the applicable box and proceed as directed. <input type="checkbox"/> <b>The amount on Line 12 is less than or equal to the amount on Line 13.</b> 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 V of this statement; do not complete Parts III and IV. <input type="checkbox"/> <b>The amount on Line 12 is more than the amount on Line 13.</b> 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 and IV 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	<b>National Standards: food, clothing, household supplies, personal care, and miscellaneous.</b> Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
16	<b>Local Standards: housing and utilities.</b> Enter amount from the IRS Housing and Utilities Standards for the applicable county and family size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on secured debts, such as mortgage payments, to the extent that they are accounted for in the IRS Housing and Utilities Standards.</b>	\$
17	<b>Local Standards: transportation; vehicle operation/public transportation expense.</b> 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. Enter the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 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 <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
18	<b>Local Standards: transportation ownership/lease expense; Vehicle 1.</b> 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.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more. Enter the amount from IRS Transportation Standards, Ownership Costs, First Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 1 included in Line 36. Subtract the amount of the Line 36 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, First Car, but do not list an amount less than zero.</b>	\$
19	<b>Local Standards: transportation ownership/lease expense; Vehicle 2.</b> Complete this Line only if you checked the "2 or more" Box in Line 21. Enter the amount from IRS Transportation Standards, Ownership Costs, Second Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 2 included in Line 36. Subtract the amount of the Line 36 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, Second Car, but do not list an amount less than zero.</b>	\$
20	<b>Other Necessary Expenses: taxes.</b> 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. <b>Do not include real estate or sales taxes.</b>	\$

21	<b>Other Necessary Expenses: mandatory payroll deductions.</b> Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. <b>Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</b>	\$
22	<b>Other Necessary Expenses: insurance.</b> Enter average monthly premiums that you actually pay for term life, dental, vision, long term care, and other types of insurance not deducted elsewhere in the statement. <b>Do not include automobile, liability, homeowner's or contents insurance, whole life premiums, or any amounts included in Lines 25 or 28.</b>	\$
23	<b>Other Necessary Expenses: court-ordered payments.</b> Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. <b>Do not include payments on past due support obligations included in Line 38.</b>	\$
24	<b>Other Necessary Expenses: childcare.</b> Enter the average monthly amount that you actually expend on childcare. <b>Do not include payments made for primary and secondary education.</b>	\$
25	<b>Other Necessary Expenses: health care.</b> 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.	\$
26	<b>Other Necessary Expenses: business expenses.</b> Enter the average monthly expenses that you incur in order to operate a business or otherwise produce income. <b>Do not include any amount previously deducted.</b>	\$
27	<b>Total Expenses Allowed under IRS Standards.</b> Enter the total of Lines 15 through 26	\$

**Subpart B: Additional Expense Deductions under § 707(b)**

**Note: Do not include any expenses that you have listed in Lines 15-26**

28	<b>Health Insurance, Disability Insurance and Health Savings Account Expenses.</b> 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		
29	<b>Continued contributions to the care of household or family members.</b> 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.	\$		
30	<b>Protection against family violence.</b> 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.	\$		
31	<b>Home energy costs in excess of the allowance specified by the IRS Local Standards.</b> Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$		
32	<b>Education expenses for dependent children under 18.</b> 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. <b>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.</b>	\$		
33	<b>Additional food and clothing expense.</b> 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 exceed five percent of those combined allowances. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$		
34	<b>Continued charitable contributions.</b> 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).	\$		
35	<b>Total Additional Expense Deductions under § 707(b).</b> Enter the total of Lines 28 through 34.	\$		

### Subpart C: Deductions for Debt Payment

36	<p><b>Future payments on secured claims.</b> 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. <b>Do not include items you have previously deducted, such as insurance and taxes.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name of Creditor</th> <th style="width: 30%;">Property Securing the Debt</th> <th style="width: 35%;">Average Monthly Payment</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt	Average Monthly Payment	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt	Average Monthly Payment																			
a.			\$																			
b.			\$																			
c.			\$																			
			Total: Add Lines a, b and c																			
37	<p><b>Past due payments on secured claims.</b> If any of the debts listed in Line 36 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name of Creditor</th> <th style="width: 30%;">Property Securing the Debt in Default</th> <th style="width: 35%;">1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount																			
a.			\$																			
b.			\$																			
c.			\$																			
			Total: Add Lines a, b and c																			
38	<p><b>Payments on priority claims.</b> Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.</p>	\$																				
39	<p><b>Chapter 13 administrative expenses.</b> Multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 60%;">Projected average monthly Chapter 13 plan payment.</td> <td style="width: 35%; text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td style="text-align: right;">Total: Multiply Lines a and b</td> </tr> </tbody> </table>	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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$											
a.	Projected average monthly Chapter 13 plan payment.	\$																				
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c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b																				
40	<p><b>Total Deductions for Debt Payment.</b> Enter the total of Lines 36 through 39.</p>	\$																				

### Subpart D: Total Deductions Allowed under § 707(b)(2)

41	<p><b>Total of all deductions allowed under § 707(b)(2).</b> Enter the total of Lines 27, 35, and 40.</p>	\$
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### Part IV. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)

42	<p><b>Total current monthly income.</b> Enter the amount from Line 11.</p>	\$
43	<p><b>Support income.</b> 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.</p>	\$
44	<p><b>Qualified retirement deductions.</b> Enter the monthly average of (a) all contributions or wage deductions made to qualified retirement plans, as specified in § 541(b)(7) and (b) all repayments of loans from retirement plans, as specified in § 362(b)(19).</p>	\$
45	<p><b>Total of all deductions allowed under § 707(b)(2).</b> Enter the amount from Line 41.</p>	\$
46	<p><b>Total adjustments to determine disposable income.</b> Add the amounts on Lines 43, 44, and 45 and enter the result.</p>	\$
47	<p><b>Monthly Disposable Income Under § 1325(b)(2).</b> Subtract Line 46 from Line 42 and enter the result.</p>	\$

**Part V: VERIFICATION**

48

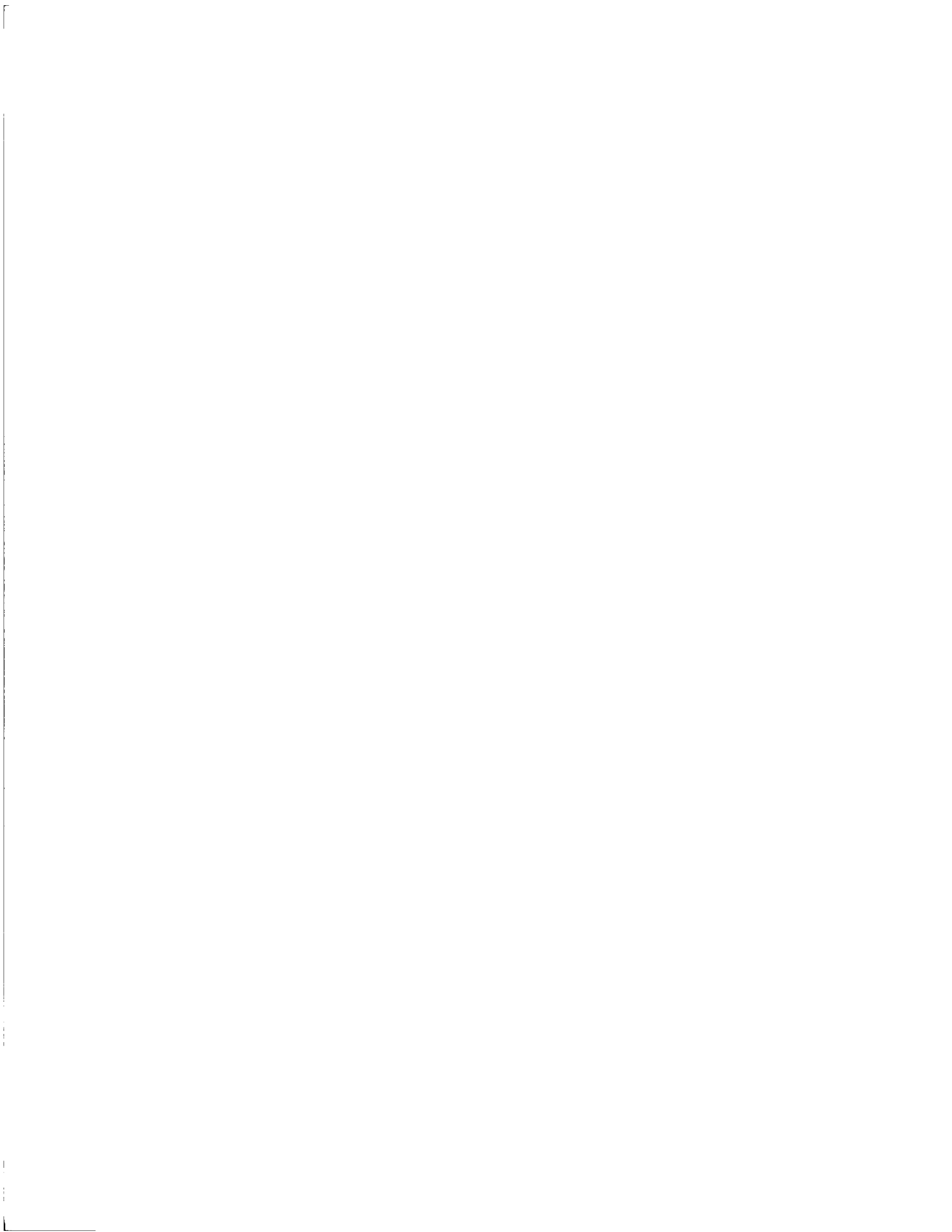
I declare under penalty of perjury that the information provided in this statement is true and correct. *(If this a joint case, both debtors must sign.)*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
(Debtor)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
(Joint Debtor, if any)





In re \_\_\_\_\_  
 Debtor(s)

Case Number: \_\_\_\_\_  
 (If known)

Check the box as directed in Part II, Line 13 of this statement.

**Disposable income determined under § 1325(b)(3)**

**Disposable income not determined under § 1325(b)(3)**

## STATEMENT OF CURRENT MONTHLY INCOME AND DISPOSABLE INCOME CALCULATION

FOR USE IN CHAPTER 13 ONLY IRS EXTRA

In addition to Schedule 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

1	<p><b>Marital/filing status.</b> Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>b. <input type="checkbox"/> Married, not filing jointly. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>c. <input type="checkbox"/> Married, filing jointly. <b>Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 2-9.</b></p> <p>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.</p>		<b>Column A Debtor's Income</b>	<b>Column B Spouse's Income</b>						
2	Wages, salary, tips, bonuses, overtime, commissions.	\$	\$							
3	Gross income from the operation of a business, profession or farm.	\$	\$							
4	Interest, dividends and royalties.	\$	\$							
5	Rents and other real property income.	\$	\$							
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	<p>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:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$				
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____								
9	<p>Income from all other sources. If necessary, list additional sources on a separate page. <b>Do not include</b> 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">a.</td> <td style="width: 60%;"></td> <td style="width: 30%; text-align: center;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> </table> <p>Total and enter on Line 9</p>	a.		\$	b.		\$	\$	\$	
a.		\$								
b.		\$								
10	<b>Subtotal of current monthly income.</b> 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).	\$	\$							
11	<b>Total current monthly income.</b> 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 amount from Line 10, Column A.	\$	\$							

## Part II. APPLICATION OF § 1325(b)(3)

12	<b>Annualized current monthly income.</b> Multiply the amount from Line 11 by the number 12 and enter the result.	\$
13	<b>Applicable median family income.</b> 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.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$
14	<b>Application of § 1325(b)(3).</b> Check the applicable box and proceed as directed. <input type="checkbox"/> <b>The amount on Line 12 is less than or equal to the amount on Line 13.</b> 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 V of this statement; do not complete Parts III and IV. <input type="checkbox"/> <b>The amount on Line 12 is more than the amount on Line 13.</b> 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 and IV of this statement only if required. (See Line 13).**

## Part III. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

### Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

15	<b>National Standards: food, clothing, household supplies, personal care, and miscellaneous.</b> Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
16	<b>Local Standards: housing and utilities; utilities/maintenance expense.</b> Enter amount from the IRS Housing and Utilities Standards; Utilities/Maintenance Expense for the applicable county and family size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court).	\$
17	<b>Local Standards: housing and utilities; mortgage/rental expense.</b> Enter amount from the IRS Housing and Utilities Standards; Mortgage/Rental Expense for the applicable county and family size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by your home included in Line 37. Subtract the amount of the Line 37 Average Monthly Payment attributable to such debts from the IRS Mortgage/Rental Expense, but do not list an amount less than zero.</b>	
18	<b>Local Standards: transportation; vehicle operation/public transportation expense.</b> 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. Enter the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 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 <a href="http://www.irs.gov/">www.irs.gov/</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
19	<b>Local Standards: transportation ownership/lease expense; Vehicle 1.</b> 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.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more. Enter the amount from IRS Transportation Standards, Ownership Costs, First Car. (This information is available at <a href="http://www.irs.gov/">www.irs.gov/</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 1 included in Line 37. Subtract the amount of the Line 37 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, First Car, but do not list an amount less than zero.</b>	\$



20	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 2.</b> Complete this Line only if you checked the "2 or more" Box in Line 21.</p> <p>Enter the amount from IRS Transportation Standards, Ownership Costs, Second Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a>; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 2 included in Line 37. Subtract the amount of the Line 37 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, Second Car, but do not list an amount less than zero.</b></p>		\$	
21	<p><b>Other Necessary Expenses: taxes.</b> 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. <b>Do not include real estate or sales taxes.</b></p>		\$	
22	<p><b>Other Necessary Expenses: mandatory payroll deductions.</b> Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. <b>Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</b></p>		\$	
23	<p><b>Other Necessary Expenses: insurance.</b> Enter average monthly premiums that you actually pay for term life, dental, vision, long term care, and other types of insurance not deducted elsewhere in the statement. <b>Do not include automobile, liability, homeowner's or contents insurance, whole life premiums, or any amounts included in Lines 26 or 29.</b></p>		\$	
24	<p><b>Other Necessary Expenses: court-ordered payments.</b> Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. <b>Do not include payments on past due support obligations included in Line 39.</b></p>		\$	
25	<p><b>Other Necessary Expenses: childcare.</b> Enter the average monthly amount that you actually expend on childcare. <b>Do not include payments made for primary and secondary education.</b></p>		\$	
26	<p><b>Other Necessary Expenses: health care.</b> 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.</p>		\$	
27	<p><b>Other Necessary Expenses: business expenses.</b> Enter the average monthly expenses that you incur in order to operate a business or otherwise produce income. <b>Do not include any amount previously deducted.</b></p>		\$	
28	<p><b>Total Expenses Allowed under IRS Standards.</b> Enter the total of Lines 15 through 27</p>		\$	
<p><b>Subpart B: Additional Expense Deductions under § 707(b)</b>  <b>Note: Do not include any expenses that you have listed in Lines 15-27</b></p>				
29	<p><b>Health Insurance, Disability Insurance and Health Savings Account Expenses.</b> List the average monthly amounts that you actually expend in each of the following categories and enter the total.</p>		\$	
	a.	Health Insurance		\$
	b.	Disability Insurance		\$
	c.	Health Savings Account		\$
	Total: Add Lines a, b and c			
30	<p><b>Continued contributions to the care of household or family members.</b> 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.</p>		\$	
31	<p><b>Protection against family violence.</b> 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.</p>		\$	
32	<p><b>Home energy costs in excess of the allowance specified by the IRS Local Standards.</b> Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b></p>		\$	
33	<p><b>Education expenses for dependent children under 18.</b> 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. <b>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.</b></p>		\$	

34	<b>Additional food and clothing expense.</b> 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 exceed five percent of those combined allowances. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$
35	<b>Continued charitable contributions.</b> 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).	\$
36	<b>Total Additional Expense Deductions under § 707(b).</b> Enter the total of Lines 29 through 35.	\$

**Subpart C: Deductions for Debt Payment**

37	<b>Future payments on secured claims.</b> 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. <b>Do not include items you have previously deducted, such as insurance and taxes.</b>	\$																				
	<table border="1"> <thead> <tr> <th></th> <th>Name of Creditor</th> <th>Property Securing the Debt</th> <th>Average Monthly Payment</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></td> <td></td> <td></td> <td>Total: Add Lines a, b and c</td> </tr> </tbody> </table>			Name of Creditor	Property Securing the Debt	Average Monthly Payment	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c
	Name of Creditor		Property Securing the Debt	Average Monthly Payment																		
a.				\$																		
b.				\$																		
c.			\$																			
			Total: Add Lines a, b and c																			

38	<b>Past due payments on secured claims.</b> 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 1/60th 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 border="1"> <thead> <tr> <th></th> <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> <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></td> <td></td> <td></td> <td>Total: Add Lines a, b and c</td> </tr> </tbody> </table>			Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c
	Name of Creditor		Property Securing the Debt in Default	1/60th of the Cure Amount																		
a.				\$																		
b.				\$																		
c.			\$																			
			Total: Add Lines a, b and c																			

39	<b>Payments on priority claims.</b> Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.	\$
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40	<b>Chapter 13 administrative expenses.</b> Multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.	\$									
	<table border="1"> <tr> <td>a.</td> <td>Projected average monthly Chapter 13 plan payment.</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</td> <td>x</td> </tr> <tr> <td>c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td>Total: Multiply Lines a and b</td> </tr> </table>		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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b
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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x									
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b									

41	<b>Total Deductions for Debt Payment.</b> Enter the total of Lines 37 through 40.	\$
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**Subpart D: Total Deductions Allowed under § 707(b)(2)**

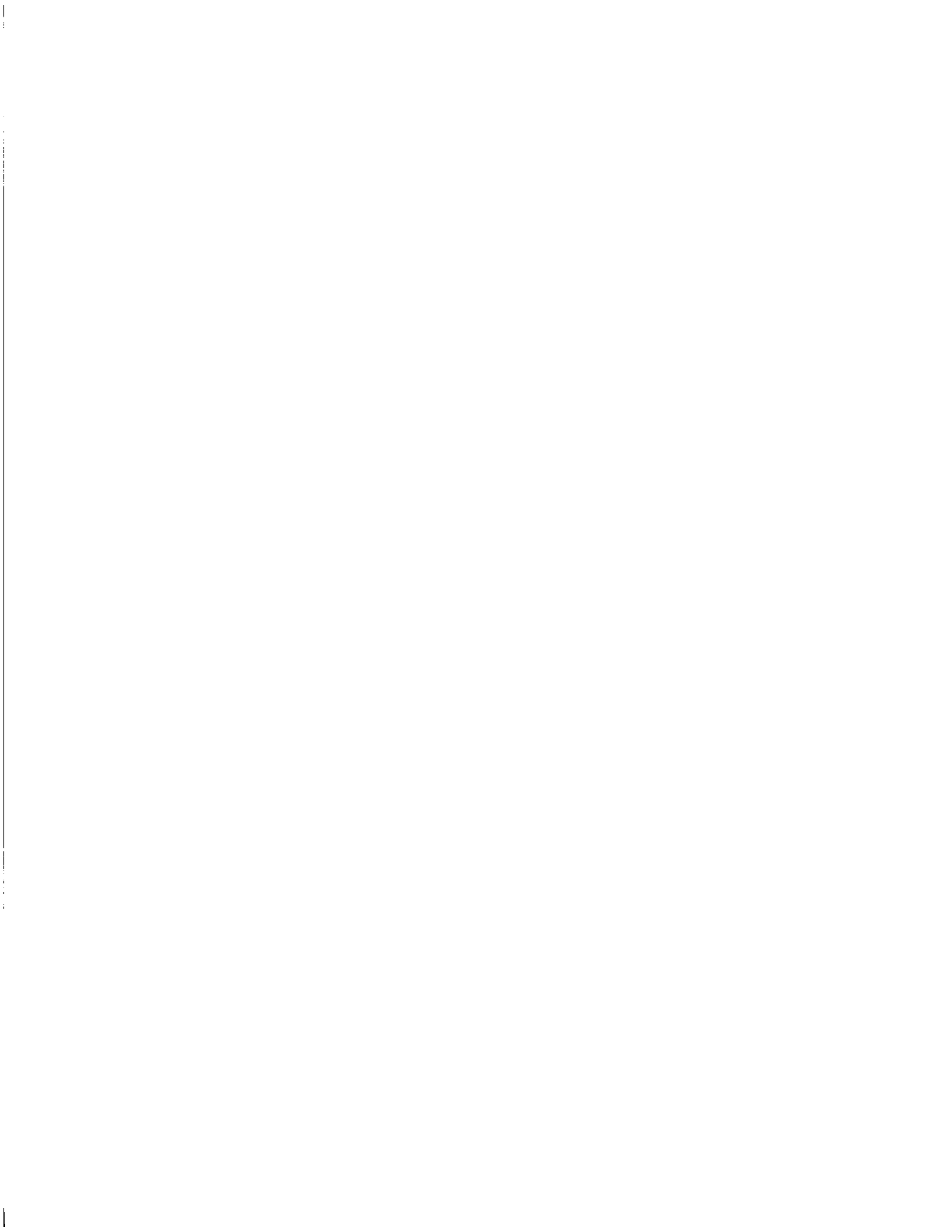
42	<b>Total of all deductions allowed under § 707(b)(2).</b> Enter the total of Lines 28, 36, and 41.	\$
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**Part IV. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)**

43	<b>Total current monthly income.</b> Enter the amount from Line 11.	\$
44	<b>Support income.</b> 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.	\$
45	<b>Qualified retirement deductions.</b> Enter the monthly average of (a) all contributions or wage deductions made to qualified retirement plans, as specified in § 541(b)(7) and (b) all repayments of loans from retirement plans, as specified in § 362(b)(19).	\$
46	<b>Total of all deductions allowed under § 707(b)(2).</b> Enter the amount from Line 42.	\$
47	<b>Total adjustments to determine disposable income.</b> Add the amounts on Lines 44, 45, and 46 and enter the result.	\$
48	<b>Monthly Disposable Income Under § 1325(b)(2).</b> Subtract Line 47 from Line 43 and enter the result.	\$

**Part V: VERIFICATION**

49	I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i>	
	Date: _____	Signature: _____ (Debtor)
	Date: _____	Signature: _____ (Joint Debtor, if any)



MEMORANDUM

TO: ADVISORY COMMITTEE ON BANKRUPTCY RULES  
FROM: BETH WIGGINS AND FORMS SUBCOMMITTEE  
RE: APPLICATION FOR WAIVER OF CHAPTER 7 FILING FEE  
DATE: JULY 24, 2005

Section 418 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (codified at 28 U.S.C. § 1930(f)(1-3)) provides that under procedures prescribed by the Judicial Conference of the United States, the district court or bankruptcy court may waive the filing fee in a case under chapter 7 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, the Consumer Subcommittee proposes to amend Bankruptcy Rule 1006 to add a new subdivision (c).

(c) Waiver of filing fee. A voluntary 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.

And, in turn, the Forms Subcommittee developed new Official Form 3B as the fee waiver application. In doing so, it relied heavily on the application used in the Chapter 7 Filing Fee Waiver Pilot Program, which was operative from 10/1/94 through 9/30/97. The draft official form is somewhat simpler, however, in response to what was learned in the pilot program and other considerations.

The Committee on the Administration of the Bankruptcy System is developing interim procedures for implementing the filing fee waiver provision and plans to forward the procedures

to the Executive Committee for expedited consideration. Official Form 3B was drafted so as to implement and be consistent with the current draft of those procedures. It is possible that the Bankruptcy Administration Committee will revise the procedures between now and the August 3-4 meeting, which could necessitate changes to the draft official form. An oral report on any such changes will be given at the meeting. (The most current draft of the procedures will be distributed at the August 3, 2005, meeting.)

The draft official form elicits information about income and family size that the court will need to determine whether an individual has income less than 150 percent of the official poverty line, and elicits additional information relevant to whether the debtor is unable to pay the fee in installments.

The Forms Subcommittee tried to strike a balance between (1) giving debtors who seek a waiver of the filing fee the customary 15 days post-petition to complete the schedules, and (2) providing the court with information at the time of filing that is needed to make the fee waiver determination. The draft official form requires debtors to state the income reported or to be reported on Schedule I, to submit a copy of Schedule J or to provide an estimate of monthly expenses, to submit Schedules A and B or to answer simplified questions based on these forms. It also inquires about previous bankruptcy filings and payments to attorneys and others in connection with the case.

A standard order is included with the draft official form. It is consistent with the procedures developed by the Bankruptcy Administration Committee, which provide that:

“Any order denying a filing fee waiver application should give the debtor a reasonable time (generally, 10 days) in which to either pay the fee in full or begin making installment payments. An order denying the fee wavier application should set forth an installment

payment schedule to eliminate supplemental work for the clerk's office. It also should advise the debtor that failure to pay the fee or make timely installment payments may lead to dismissal of the case. . . .”

In developing the official form, the Forms Subcommittee considered the following issues, which are also addressed in the Bankruptcy Administration Committee procedures:

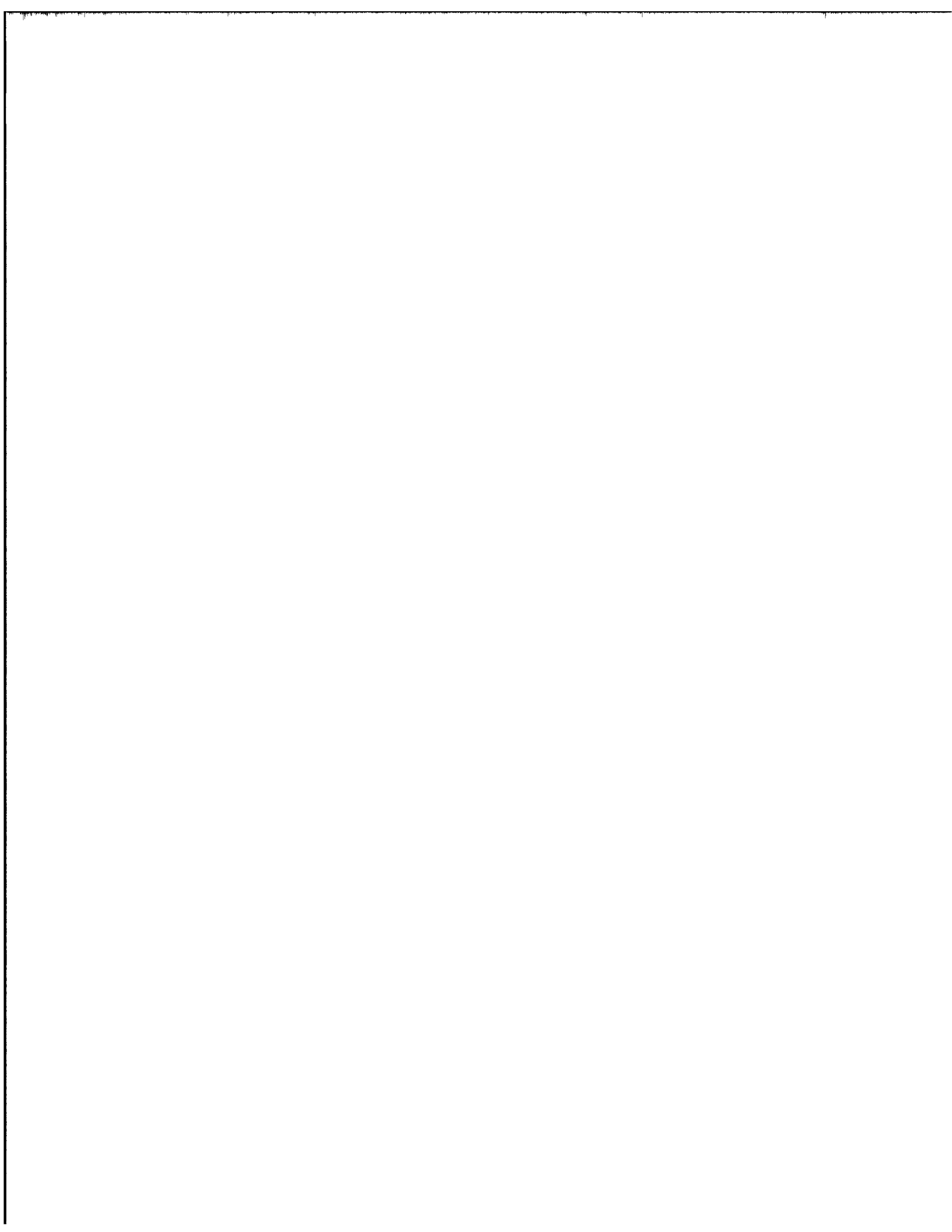
- Should the standard for comparison be the Census Bureau Poverty Thresholds or the Department of Health and Human Services Poverty Guidelines?
- How should family size be defined?
- How should income be defined and should gross or net income be compared to the poverty level?
- What procedure should be followed if a fee waiver application is denied?
- What effect should payments to attorneys and other entities in connection with the case have on the fee waiver determination?

Outstanding issues include:

- Whether the application should inquire as to the debtor's employment status (employed/unemployed, name of current employer, length of employment). Chief Judge Diane Sigmund (E.D. Penn.) noted that this information was requested in the application form used during the pilot program, and found it useful if Schedule I was unavailable, which it often was.
- Whether the form should request the name of entities whom the debtor has paid in connection with the case. The Forms Subcommittee thought the amount of payment was relevant to the fee waiver determination, but tentatively agreed that whom received the payment was not.







MEMORANDUM

TO: ADVISORY COMMITTEE ON BANKRUPTCY RULES  
FROM: BETH WIGGINS AND FORMS SUBCOMMITTEE  
RE: FOLLOWUP MEMO ON IFP APPLICATION  
DATE: JULY 26, 2005

After the last conference call of the Forms Subcommittee, the Bankruptcy Administration Committee completed its interim procedures for implementing the chapter 7 filing fee waiver program. The procedures define income for comparison to the poverty guidelines as:

“ . . .the “Total Combined Monthly Income” as reported (or as will be reported) on Line 16 of Schedule I. Non-case governmental assistance (such as food stamps or housing subsidies) is not included. The income of a spouse is included whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. The income of any other family member listed on Schedule I as a dependent is also included.” To conform to this change, item 2, item 3, and item 4 of draft Official Form 3B need to be revised to read as follows. Item 2 was also revised to request a completed copy of Schedule I, if it is available, in line with the original intent of the Forms Subcommittee.

2. Restate the following information that you provided, or will provide, on Line 16 of Schedule I (Current Income of Individual Debtors(s). Attach a completed copy of Schedule I, if it is available.

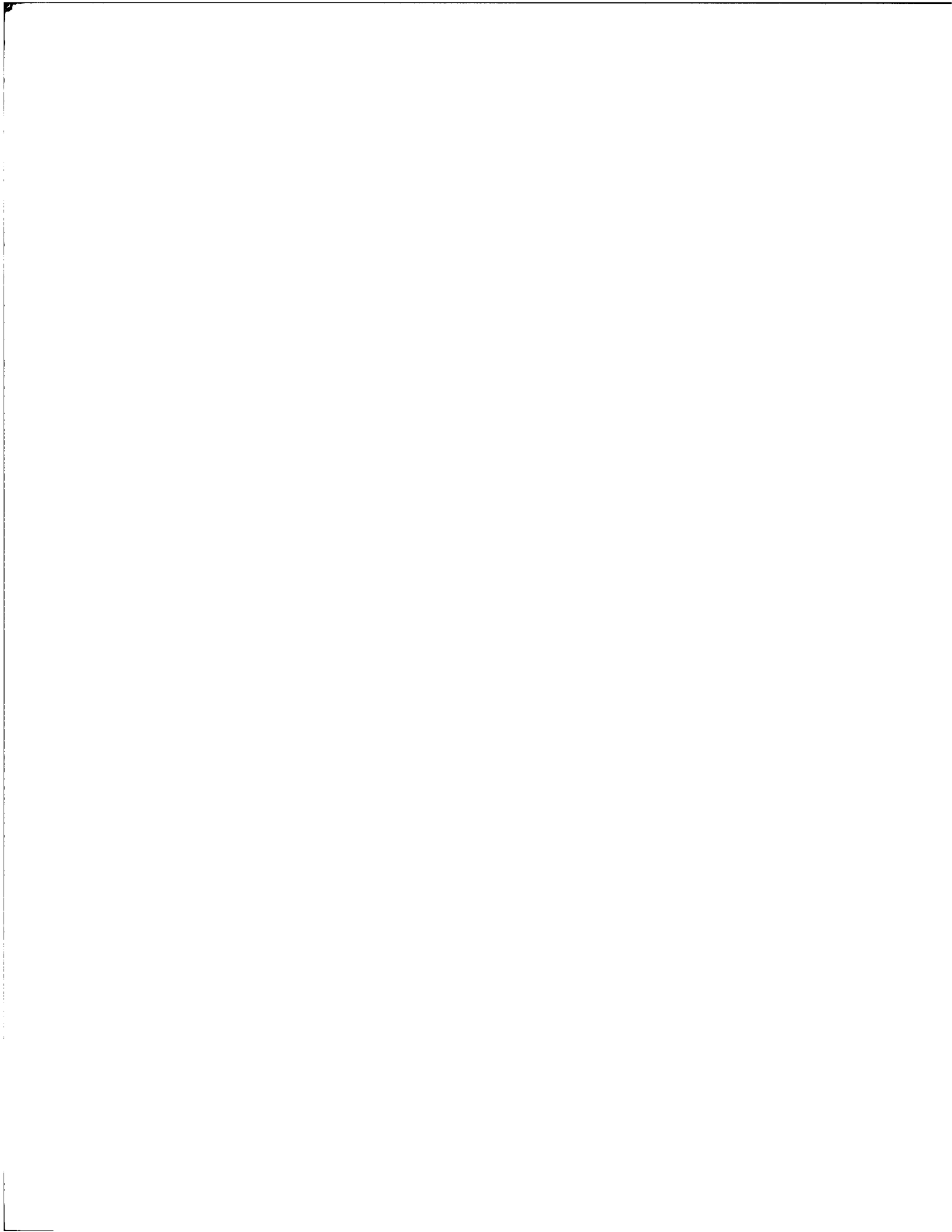
Total Combined Monthly Income (Line 16 of Schedule I): \$ \_\_\_\_\_

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.

\$ \_\_\_\_\_



**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 Clerk of Court, 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.

**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.

In re: \_\_\_\_\_  
Debtor(s)

Case No. \_\_\_\_\_  
(if known)

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, how many people are in your family? (Do not include your spouse if you are separated AND are not filing a joint petition). \_\_\_\_\_

2. Re-state the following information that you provided, or will provide, on Schedule I (Current Income of Individual Debtor(s)), and then total it.

Total Combined Monthly Income (Line 16 Schedule I): \$ \_\_\_\_\_  
Subtotal of Payroll Deductions for Self (Line 3 of Schedule I): \$ \_\_\_\_\_  
Subtotal of Payroll Deductions for Spouse (Line 3 Schedule I): \$ \_\_\_\_\_

TOTAL Monthly *Gross* Income of Debtor and Spouse (sum of the above): \$ \_\_\_\_\_

3. State the monthly gross 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 monthly gross income of debtor and spouse from Question 2 to your dependents' monthly gross 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 completed 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.

\$ \_\_\_\_\_

**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.

7. State the amount of cash you have on hand: \$ \_\_\_\_\_

8. 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.
_____	_____	\$ _____
_____	_____	\$ _____

9. State below the assets owned by you. **Do not list ordinary household furnishings and clothing.**

Home	Address: _____ _____	Value: \$ _____ Amount owed on mortgages and liens: \$ _____
Other real estate	Address: _____ _____	Value: \$ _____ Amount owed on mortgages and liens: \$ _____
Motor vehicle	Model/Year: _____ _____	Value: \$ _____ Amount owed \$ _____
Motor vehicle	Model/Year: _____ _____	Value: \$ _____ Amount owed: \$ _____
Other	Description _____ _____	Value: \$ _____ Amount owed: \$ _____

10. 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	Amount Owed
_____	\$ _____
_____	\$ _____

**Part D. Additional Information.**

11. 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? \$ \_\_\_\_\_
12. 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? \$ \_\_\_\_\_
13. 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? \$ \_\_\_\_\_
14. 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? \$ \_\_\_\_\_
15. Has anyone paid an attorney or other person or service in connection with this case, on your behalf?  
Yes \_\_\_ No \_\_\_  
If yes, explain.

16. 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 ___

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

18. 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. §§ 110(b), 110(h), and 342(b); 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 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 under that section; and 4) I will not accept money or any other property from the debtor before the filing fee is paid in full.

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer	Social Security No. (Required by 11 U.S.C. §110.)
--	---

*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 \_\_\_\_\_

x \_\_\_\_\_  
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.*



United State Bankruptcy Court  
District of \_\_\_\_\_

In re: \_\_\_\_\_  
Debtor(s)

Case No. \_\_\_\_\_

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.

IT IS FURTHER ORDERED THAT:

The debtor either (1) pay the chapter 7 filing fee in full within \_\_\_\_\_ days of the date this Order was entered, or (2) begin making installment payments according to the following terms:

\$ \_\_\_\_\_ on or before \_\_\_\_\_

\$ \_\_\_\_\_ on or before \_\_\_\_\_

\$ \_\_\_\_\_ on or before \_\_\_\_\_

\$ \_\_\_\_\_ on or before \_\_\_\_\_

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 Wavier 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 DEEM 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 ORDER ENTERED: \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge





## COMMITTEE NOTE

This form is new. 28 U.S.C. § 1930(f), added by the Bankruptcy Abuse and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat 23 (April 20, 2005), provides that “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, Rule 1006 was amended to add 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 is also included.



MEMORANDUM

TO: ADVISORY COMMITTEE ON BANKRUPTCY RULES  
FROM: JEFF MORRIS, REPORTER  
RE: HEALTH CARE RULES  
DATE: JULY 22, 2005

The 2005 reform legislation introduced the concept of a health care business, defining it in § 101(27A) of the Code. It also added §§ 333, 351, and 704(a)(12) to the Code. Those sections require the appointment of a patient care ombudsman in essentially all cases involving health care businesses (§ 333), set minimum notice requirements and specific methods by which patient records can be destroyed (§ 351), and require trustees to use all reasonable and best efforts when seeking to transfer patients from health care facilities that are closing. Health care businesses can range from full service hospitals, to nursing homes, to outpatient clinics, and even individual health care providers. The patients of these businesses will also vary greatly from the person who seeks a single treatment (stitches in the emergency room) to a long care patient suffering from dementia. The Subcommittee on Attorney Conduct and Health Care considered all of these issues and recommends the adoption of five new rules to implement these new provisions in the Bankruptcy Code.

**RULE 1021 – Health Care Business Case**

This rule implements the definition of a health care business by requiring the person filing a petition to state whether the debtor is a health care business. The petition form is also amended to include a check box for health care businesses. The statutory definition offers some room for interpretation, so the rule provides that the initial designation of the debtor either as a

health care business or not governs. The rule also recognizes that others may disagree with the designation can move the court to change the designation. The designation is especially important because the court must order the United States trustee to appoint a patient care ombudsman almost always when the debtor is a health care business.

**RULE 2007.2 – Appointment of Patient Care Ombudsman**

Under § 333(a) of the Code, the court must order the United States trustee to appoint a patient care ombudsman unless the court finds that the appointment is unnecessary to protect patients in the particular case. The rule covers the normal situation in which a patient care ombudsman will be appointed, and it also provides procedures for the termination of the appointment (for example, the court could determine on motion of a party in interest that the level of patient care is excellent and there is no longer a need for an ombudsman) as well as the appointment of a patient care ombudsman after the court had decided not to appoint an ombudsman at the start of the case, or after the termination of an appointment. The rule somewhat parallels Rule 2014 that governs the appointment of professional persons in that Rule 2007.2 requires the person appointed to file a verified statement setting out information that will allow parties to determine if the person is disinterested as required by the Code.

**RULE 2015.1 – Patient Care Ombudsman**

Section 333(b)(2) of the Code requires the patient care ombudsman to file periodic reports regarding the quality of patient care being provided by the debtor. Subdivision (a) of the rule requires the patient care ombudsman to give 10 days' notice of those reports and sets out the information that the notice must contain. Subdivision (b) of the rule governs the process that the patient care ombudsman must follow to obtain access to confidential patient records. Given the

range of persons who may be patients in these cases, the notice requirements extend beyond the patient to family members and other contact persons of whom the debtor or trustee are aware.

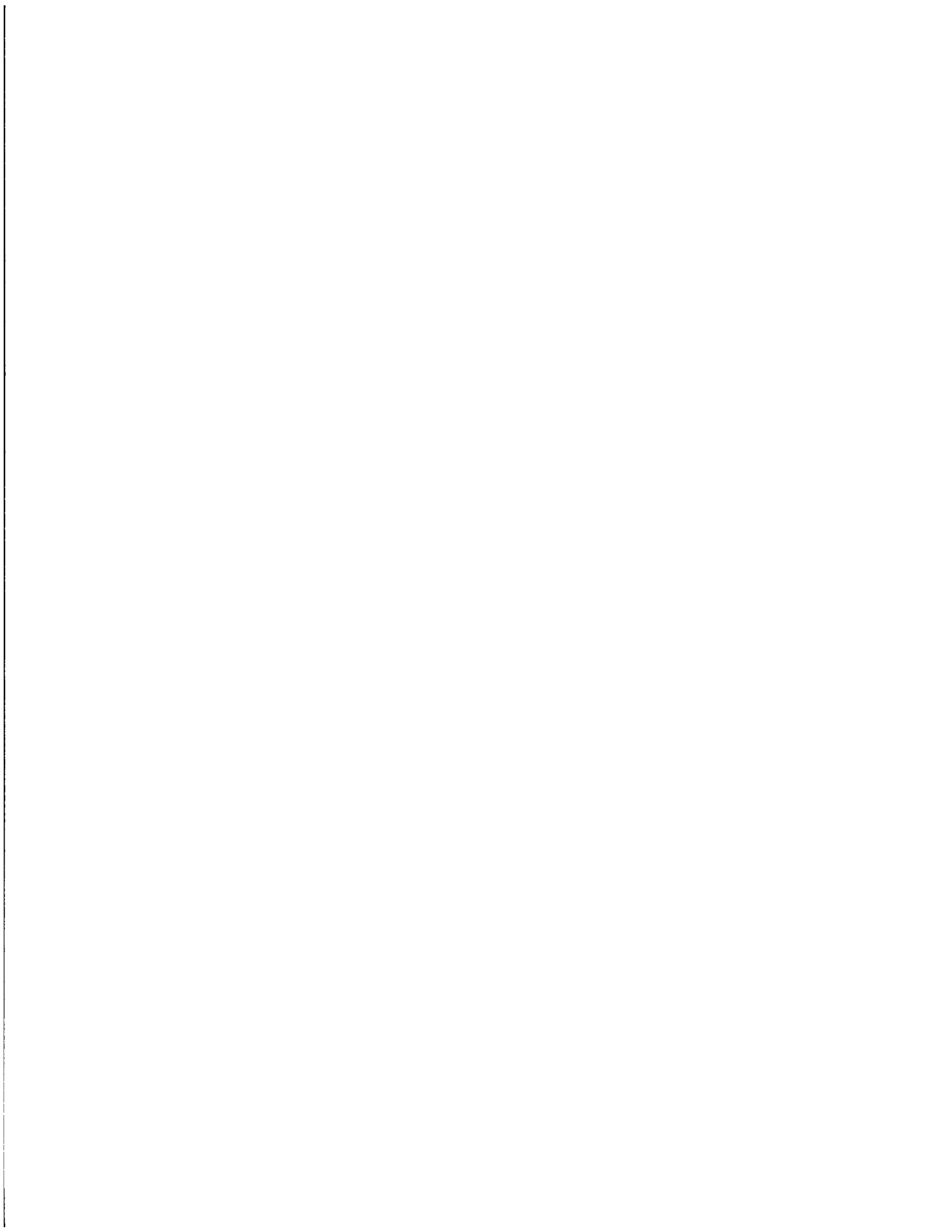
**RULE 2015.2 – Transfer of Patient in Health Care Business**

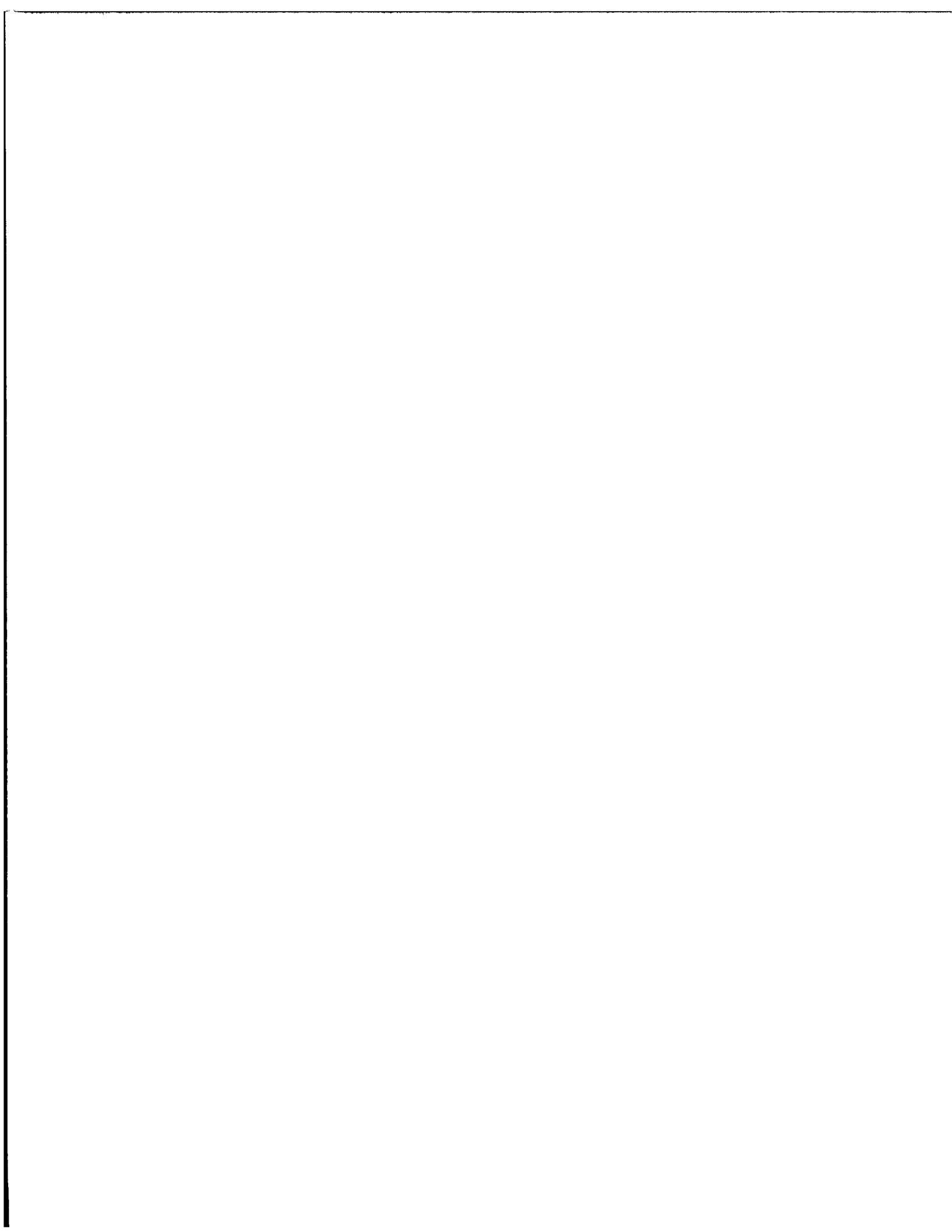
Section 704(a)(12) was added to the Code to govern the efforts of trustees to transfer patients to another health care facility when the debtor's health care business is closing. The transfer of patients can be very difficult, and the Code section limits the trustee's ability to transfer the patients. The new facility must be located within the vicinity and it must provide substantially similar services with reasonable quality. The rule establishes a notice requirement that the trustee must meet prior to transferring patients. This gives the patients and their families an opportunity either to challenge the trustee's proposed action or to find another facility in which to relocate. The rule provides the court with authority to alter the notice period. The notice adjustment protects against the need for an immediate or near immediate transfer (fire marshal declares the facility unsafe, etc.).

**RULE 6011 – Disposal of Patient Records in Health Care Business Case**

This rule implements § 351 of the Code. That section provides substantial detail as to the disposal of patient records including an elaborate notice system that must be followed for one year prior to the disposal of the records. The statute also sets out the manner in which records can be destroyed. The rule requires the trustee to obtain court approval of the notice prior to its publication, and it also includes a list of information that must be included in the notice. Finally, the rule requires the trustee to file a report that the records have been destroyed.







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

**Rule 1021. Health Care Business Case**

- 1           (a) HEALTH CARE BUSINESS DESIGNATION.
- 2           Unless the court orders otherwise, if a petition in a case under
- 3           chapter 7, chapter 9, or chapter 11 states that the debtor is a
- 4           health care business, the case shall proceed as a case in which
- 5           the debtor is a health care business.
- 6           (b) MOTION. The United States trustee or a party in
- 7           interest may file a motion for a determination as to whether
- 8           the debtor is a health care business. The motion shall be
- 9           transmitted to the United States trustee and served on the
- 10          debtor, the trustee, any committee elected under § 705 or
- 11          appointed under § 1102 of the Code or its authorized agent,
- 12          or, if the case is a chapter 9 municipality case or a chapter 11

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

13 reorganization case and no committee of unsecured creditors  
14 has been appointed under § 1102, on the creditors included on  
15 the list filed under Rule 1007(d), and such other entities as the  
16 court may direct. The motion shall be governed by Rule  
17 9014.

#### COMMITTEE NOTE

Section 101(27A) of the Code, added in 2005, defines 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 2007.2 Appointment of Patient Care Ombudsman in a Health Care Business Case**

1 (a) ORDER TO APPOINT PATIENT CARE  
2 OMBUDSMAN. In a chapter 7, chapter 9, or chapter 11 case  
3 in which the debtor is a health care business, the court shall  
4 order the appointment of a patient care ombudsman under §

5       333 of the Code, unless the court, on motion of the United  
6       States trustee or a party in interest filed not later than 20 days  
7       after the commencement of the case or another time fixed by  
8       the court, finds that the appointment of a patient care  
9       ombudsman is not necessary for the protection of patients  
10       under the specific circumstances of the case.

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

19       (c) APPOINTMENT OF OMBUDSMAN. If a patient  
20       care ombudsman is appointed under § 333, the United States  
21       trustee shall promptly file a notice of the appointment,

22 including the name and address of the person appointed.  
23 Unless the person appointed is a State Long-Term Care  
24 Ombudsman, the notice shall be accompanied by a verified  
25 statement of the person appointed setting forth the person's  
26 connections with the debtor, creditors, patients, any other  
27 party in interest, their respective attorneys and accountants,  
28 the United States trustee, and any person employed in the  
29 office of the United States trustee.

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

35 (e) MOTION. A motion under this rule shall be governed  
36 by Rule 9014. The motion shall be transmitted to the United  
37 States trustee and served on the debtor, the trustee, any  
38 committee elected under § 705 or appointed under § 1102 of

39        the Code or its authorized agent, or, if the case is a chapter 9  
40        municipality case or a chapter 11 reorganization case and no  
41        committee of unsecured creditors has been appointed under §  
42        1102, on the creditors included on the list filed under Rule  
43        1007(d), and such other entities as the court may direct.

#### COMMITTEE NOTE

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 profession 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.

Subdivision (d) permits parties in interest to move for the termination of the appointment of a patient care ombudsman. If the movant can show that there no longer is any need for the ombudsman, the court may order the termination of the appointment.

1        **Rule 2015.1 Patient Care Ombudsman**

2            (a) REPORTS. Unless the court orders otherwise, a  
3            patient care ombudsman, at least 10 days before making a  
4            report under § 333(b)(2) of the Code, shall give notice that the  
5            report will be made to the court. The notice shall be  
6            transmitted to the United States trustee, posted conspicuously  
7            at the health care facility that is the subject of the report, and  
8            served on the debtor, the trustee, all patients, and any  
9            committee elected under § 705 or appointed under § 1102 of  
10          the Code or its authorized agent, or, if the case is a chapter 9



11 municipality case or a chapter 11 reorganization case and no  
12 committee of unsecured creditors has been appointed under §  
13 1102, on the creditors included on the list filed under Rule  
14 1007(d), and such other entities as the court may direct. The  
15 notice shall state the date and time when the report will be  
16 made, the manner in which the report will be made, and, if the  
17 report is in writing, the name, address, telephone number,  
18 email address, and website, if any, of the person from whom  
19 a copy of the report may be obtained at the debtor's expense.

20 (b) AUTHORIZATION TO REVIEW CONFIDENTIAL  
21 PATIENT RECORDS. A motion by a health care  
22 ombudsman under § 333(c) to review confidential patient  
23 records shall be governed by Rule 9014, served on the patient  
24 and any family member or other contact person whose name  
25 and address has been given to the trustee or the debtor for the  
26 purpose of providing information regarding the patient's  
27 health care, and transmitted to the United States trustee.

28        Unless the court orders otherwise, a hearing on the motion  
29        may be commenced no earlier than 15 days after service of  
30        the motion.

#### **COMMITTEE NOTE**

This rule 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.

**RULE 2015.2 Transfer of Patient in Health Care Business Case**

1           Unless the court orders otherwise, if the debtor is a health  
2           care business, the trustee may not transfer a patient to another  
3           health care business under § 704(a)(12) of the Code unless the  
4           trustee gives at least 10 days' notice of the transfer to the  
5           patient care ombudsman, if any, and to the patient and any  
6           family member or other contact person whose name and  
7           address has been given to the trustee or the debtor for the  
8           purpose of providing information regarding the patient's  
9           health care.

**COMMITTEE NOTE**

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.

The 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.

**Rule 6011. Disposal of Patient Records in Health Care Business Case**

1           (a) COURT APPROVAL OF NOTICE OF INTENT TO  
2           DISPOSE OF PATIENT RECORDS. A trustee may not  
3           publish or mail a notice of intent to dispose of patient records  
4           under § 351(1)(A) or (B) of the Code unless the court  
5           approves the form of notice.

6           (b) NOTICE UNDER § 351(1)(B). Any notice regarding  
7           the claiming or disposing of patient records under § 351(1)(B)  
8           shall:

9           (1) state the name of the patient whose records the trustee  
10          proposes to destroy;

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

13          (3) state the name, address, telephone number, email

14 address, and website, if any, of a person from whom  
15 information about the patient records and how those records  
16 may be claimed can be obtained;

17 (4) direct that a patient's family member or other  
18 representative who receives the notice inform the patient of  
19 the notice;

20 (5) state the date by which patient records must be  
21 claimed, and that if they are not so claimed the records will be  
22 destroyed;

23 (6) include such other information as ordered by the court;  
24 and

25 (7) be mailed to the patient and any family member or  
26 other contact person whose name and address have been  
27 given to the trustee or the debtor for the purpose of providing  
28 information regarding the patient's health care, and to known  
29 insurance companies providing health care insurance to the  
30 patient.

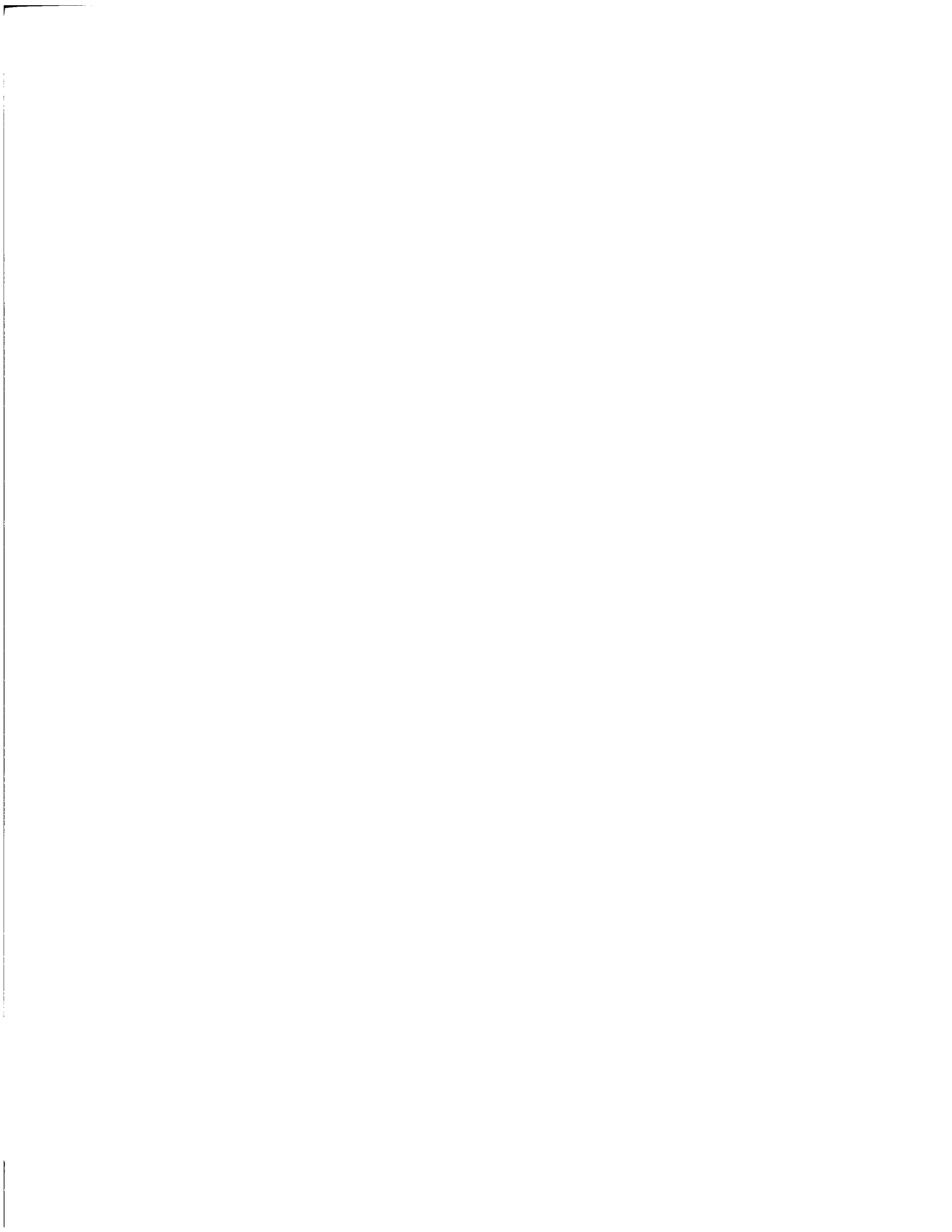
31           (c) REPORT OF DESTRUCTION OF RECORDS. The trustee  
32           shall file a report not later than 30 days after the destruction of  
33           patient records under § 351(3) certifying that the unclaimed records  
34           have been destroyed and explaining the method used to effect the  
35           destruction. The report shall not identify patients by name or other  
36           identifying information.

#### **COMMITTEE NOTE**

This rule 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 patients currently and formerly under the care of the debtor 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 (b) of the rule lists the minimum requirements and provides further that the court may order the inclusion in the notice of any other information as is appropriate.

Subdivision (c) 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 so that the patient's privacy will be maintained.





MEMORANDUM

TO: ADVISORY COMMITTEE ON BANKRUPTCY RULES  
FROM: JEFF MORRIS, REPORTER  
RE: CROSS BORDER INSOLVENCY RULES  
DATE: JULY 24, 2005

The 2005 amendments to the Bankruptcy Code included an entirely new chapter. Chapter 15 replaces former § 304 that governed ancillary cases. Chapter 15 governs ancillary and other cross border insolvency cases, and its primary purpose is to foster cooperation and coordination between United States courts and the foreign courts in which there are pending insolvency proceedings of the same debtor. A case under chapter 15 is commenced by a foreign representative who files a petition for recognition of the foreign proceeding. Upon recognition, limited relief is automatically provided such as the imposition of the automatic stay, and several other sections of the Code become applicable. See Bankruptcy Code § 1520. Section 304(b)(1) authorized the court to provide this type relief rather than making it automatic. Interim or provisional relief is also available prior to recognition in appropriate circumstances. See Bankruptcy Code § 1519.

Some of the amendments to the rules as proposed by the Subcommittee on Technology and Cross Border Insolvency are technical changes to note the repeal of § 304 and the enactment of chapter 15. See, e.g., Rules 1010 and 1011 (changes necessary to reflect repeal of § 304 and introduction of new terms by chapter 15). The proposed amendments in Rule 1007(a)(4) and 2002(q) are necessary to provide notice of the case to entities whose rights may be affected by the commencement of the case or the court's order recognizing the foreign proceeding. The

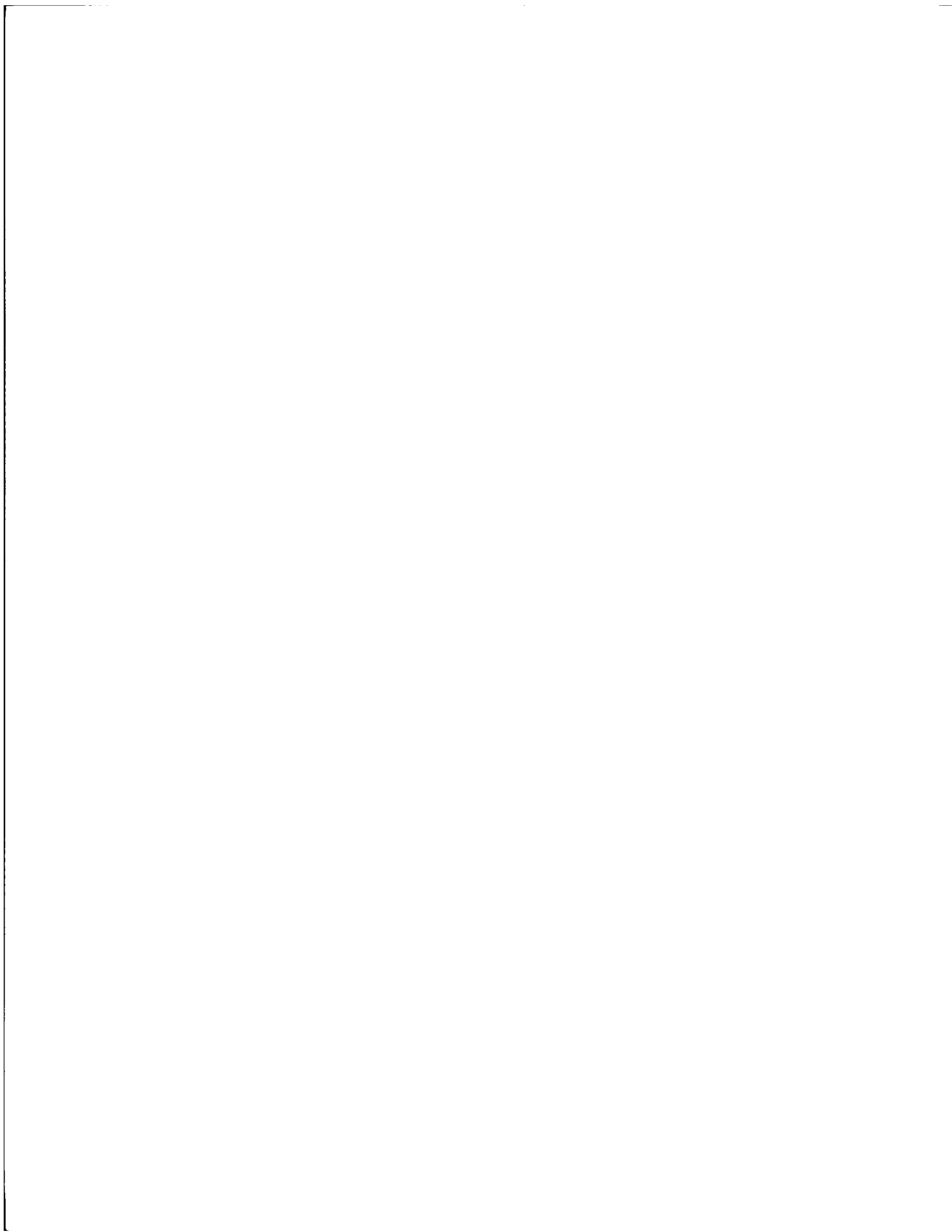
amendments to Rule 2015 and the new proposed Rules 1002.1 and 5012 are necessary because of new requirements contained in chapter 15.

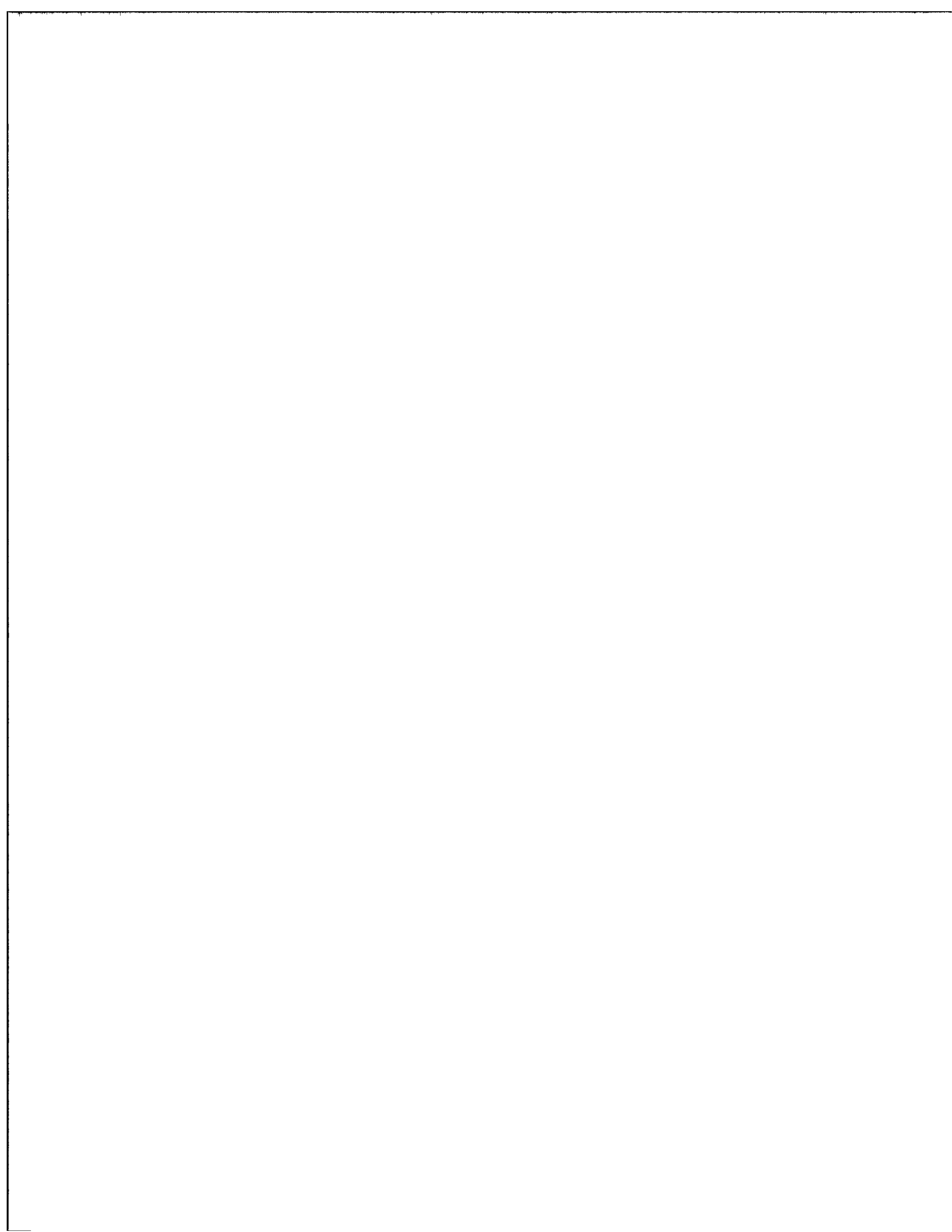
Amended Rule 2015(d) governs the foreign representative's obligation under § 1518 to file reports that inform the chapter 15 court of any significant changes occurring in the foreign proceeding. The statute requires that the reports be filed "promptly", and the proposed rule simply establishes a more specific deadline for the submission of the report. The amendment also designates the existing subdivision (d) of the Rule as (e). While we try to avoid redesignating subdivisions of the rules that make future research more difficult, this particular change is unlikely to have any such effect.

Rule 5012 implements § 1525 of the Code. That section requires the chapter 15 court to cooperate with the foreign representative and the foreign court "to the maximum extent possible" and to communicate directly with those entities. The statute further provides that parties in interest have a right to notice and participate in the communication. The rule sets out the notice requirements for those communications to ensure that parties can participate as required under the Code. The rule excludes from the notice requirement any communications undertaken solely for scheduling and administrative purposes.

The Subcommittee could not resolve by consensus the proper form of proposed Rule 1002.1. That rule implements § 1511 of the Code that permits a foreign representative in a case in which the court has entered a recognition order to commence a case under § 301, 302, or 303 of the Code. Such action initiates a case for full relief under United States bankruptcy laws as compared to a case under chapter 15 that does not include fundamental aspects of a case such as the distribution of assets and the prioritizing of claims. Section 1511(b) requires the foreign

representative to notify the court that previously granted recognition that a “substantive” case is going to be filed. In the absence of Subcommittee consensus, three options are offered to the Advisory Committee on the issue. The options are to propose no rule on the basis that the statute is sufficiently directive that no rule is necessary, propose a rule requiring notice only to the court and within a specific time, or propose a rule with wider notice requirements. The proposals are preceded by a discussion of these options.





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

**Rule 1007. Lists, Schedules, and Statements; Time Limits**

1

\* \* \* \* \*

2

(a) LIST OF CREDITORS AND EQUITY SECURITY

3

HOLDERS, AND CORPORATE OWNERSHIP

4

STATEMENT.

5

\* \* \* \* \*

6

(4) Chapter 15 Case. Unless the court orders

7

otherwise, a foreign representative filing a petition for

8

recognition under chapter 15 shall file with the petition a list

9

containing the name and address of all administrators in

10

foreign proceedings of the debtor, all parties to any litigation

11

in which the debtor is a party and that is pending in the United

12

States at the time of the filing of the petition, and all entities

13

against whom provisional relief is being sought under § 1519

14

of the Code.

---

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

2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

15 (4) (5) *Extension of Time.* Any extension of time for  
16 the filing of lists required by this subdivision may be granted  
17 only on motion for cause shown and on notice to the United  
18 States trustee, and to any trustee, committee elected pursuant  
19 to under § 705 or appointed pursuant to under § 1102 of the  
20 Code, or any other party as the court may direct.

**COMMITTEE NOTE**

The rule 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(q).

Other amendments are stylistic.

**Rule 1010. Service of Involuntary Petition and  
Summons; ~~Petition Commencing an  
Ancillary case~~ For Recognition of a Foreign  
Proceeding**

1           On the filing of an involuntary petition or a petition  
2           ~~commencing a case ancillary to~~ for recognition of a foreign  
3           proceeding the clerk shall forthwith issue a summons for  
4           service. When an involuntary petition is filed, service shall  
5           be made on the debtor. When a petition ~~commencing an~~  
6           ~~ancillary case~~ for recognition of a foreign proceeding is filed,  
7           service shall be made on the ~~parties against whom relief is~~  
8           ~~sought pursuant to~~ debtor, any entity against whom  
9           provisional relief is sought under § 1519 of the Code, and on  
10          any other parties as the court may direct. The summons shall  
11          be served with a copy of the petition in the manner provided  
12          for service of a summons and complaint by Rule 7004(a) or  
13          (b). If service cannot be so made, the court may order that the  
14          summons and petition be served by mailing copies to the  
15          party's last known address, and by a least one publication in  
16          a manner and form directed by the court. The summons and  
17          petition may be served on the party anywhere. Rule 7004 (e)



4 FEDERAL RULES OF BANKRUPTCY PROCEDURE  
18 and Rule 4 (d) F.R.Civ.P. apply when service is made or  
19 attempted under this rule.

#### COMMITTEE NOTE

The 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 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. 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 rule also provides that the court may direct that service be made on additional entities as appropriate.\*\*

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

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\*\* The proposed rule permits the court to require service on other proper entities. For example, the court may consider requiring service on all administrators in foreign proceedings of the debtor, as well as on all parties to litigation with the debtor in the United States. These groups will receive notice of the proceedings under proposed Rule 2002(q), so the Subcommittee concluded that they did not need to be listed in Rule 1010 and could be included by the court whenever it appeared necessary.

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

9 \* \* \* \* \*

**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.

**Rule 2002. Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary**

**and Cross-Border Cases, United States, and  
United States Trustee**

1 \* \* \* \* \*

2 (q) NOTICE OF PETITION FOR RECOGNITION OF  
3 FOREIGN PROCEEDING AND OF COURT'S INTENTION  
4 TO COMMUNICATE WITH FOREIGN COURTS AND  
5 FOREIGN REPRESENTATIVES.

6 (1) Notice of Petition for Recognition. The clerk, or  
7 some other person as the court may direct, shall forthwith  
8 give the debtor, all administrators in foreign proceedings of  
9 the debtor, all entities against whom provisional relief is  
10 being sought under § 1519 of the Code, all parties to any  
11 litigation in which the debtor is a party and that is pending in  
12 the United States at the time of the filing of the petition, and  
13 such other entities as the court may direct, notice by mail of  
14 the filing of a petition for recognition of a foreign proceeding.

15 (2) Notice of Court's Intention to Communicate with

16 Foreign Courts and Foreign Representatives. The clerk, or  
17 some other person as the court may direct, shall give the  
18 debtor, all administrators in foreign proceedings of the debtor,  
19 all entities against whom provisional relief is being sought  
20 under § 1519 of the Code, all parties to any litigation in which  
21 the debtor is a party and that is pending in the United States  
22 at the time of the filing of the petition, and such other entities  
23 as the court may direct, notice by mail of the court's intention  
24 to communicate with a foreign court or foreign representative  
25 as prescribed by Rule 5012.\*\*\*.

#### COMMITTEE NOTE

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\*\*\* The Committee might also consider requiring that notice be given to the 20 largest unsecured creditors in the case. See Rule 1007(d). This would provide some protection for creditors generally while avoiding the need to inform potentially thousands of creditors (and incur those specific costs) when all that is being initiated is a case ancillary to a foreign proceeding. If the Committee decides to include a requirement that notice be given to the creditors holding the 20 largest claims, then Rule 1007(a)(4) would have to be amended to require the entity filing the petition for recognition to include a list of these creditors along with the petition.

Subdivision (q) is added to require that notice 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 that a petition for recognition of a foreign proceeding has been filed. 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.

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

**Rule 2015. Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status**

1

\* \* \* \* \*

2

(d) FOREIGN REPRESENTATIVE. In a case in which

3

the court has granted recognition of a foreign proceeding

4

under chapter 15, the foreign representative shall file any

5

notice required under § 1518 of the Code within 15 days after

6

the date when the representative becomes aware of the

7

subsequent information.

8           ~~(d)~~ (e) TRANSMISSION OF REPORTS. (text of former  
 9           subdivision (d) becomes (e)).

**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 (e).

**RULE 1002.1 and the Commencement of a Voluntary or Involuntary Case by the Foreign Representative of a Recognized Foreign Debtor**

There are two proposed alternatives for Rule 1002.1 set out below for the Committee’s consideration. Section 1511 of the Code provides in subsection (a) that the foreign representative of a debtor in a case in which the court has granted recognition may commence an involuntary case under § 303, or, if the foreign proceeding is a foreign main proceeding, a voluntary case under either §301 or 302. Subsection (b) of that section, however, provides that “the court where the petition for recognition has been filed must be advised of the foreign representative’s intent to commence a case under subsection (a) prior to such commencement.” The Subcommittee discussed the need for a rule to implement this provision, and it could not reach a consensus on the issue.

The section as written is susceptible to more than one interpretation. For example, one could read the statute as requiring only a notification to the court of the foreign representative’s intention to commence a case under another chapter of the Code. The court would have no authority to limit or constrain the foreign representative’s actions. At most, the filing of a petition without prior notification would be evaluated in a manner similar to the scrutiny of a chapter 11 filing by a corporation where the authority of the filing person is in question. The filing is essentially treated as effective until the court has an opportunity, if raised by a party in interest, to evaluate the authority of the person signing the petition and schedules. The same could be done for these cases. As a practical matter, if the court has no power to restrict or deny the representative’s authority to file

under another chapter, there may be no harm in a representative failing to notify the court in a timely fashion. If problems thereafter arise, the court can consider them at a later date and the case would still be effective. If the representative fails to respond adequately to court requests for information or action, the court can dismiss the case entirely for failing to follow its orders. Alternative A below adopts this interpretation of the statute.

A second interpretation of the language of the statute would be that there must be some purpose for the pre-notification requirement, and that purpose would be for the court to evaluate the proposed action. Furthermore, for the court to have a realistic opportunity to make the evaluation, it needs the input of interested parties who can raise and advocate the relevant issues. Therefore, the statement of intention should be filed in a manner that permits the court to give those parties notice and an opportunity to be heard on the issue. Alternative B below adopts this interpretation of the statute and provides for notice to the court and to parties in interest prior to the commencement of another bankruptcy case.

A third alternative follows from the first interpretation of the statute. That alternative is to have no rule promulgated to implement the statute. The argument is that the statute simply requires notice to the court and does not authorize the court to take any action in regards to the matter. I have spoken with Dan Glosband since our meeting, and he indicated that the § 1511 notification requirement is intended to support the goals of § 1529 of the Code. That section specifically requires the "chapter 15" court to "seek cooperation and coordination" if there is both a foreign proceeding and "a case under another chapter of this title" pending concurrently. Therefore, the "chapter 15 court" needs to be informed that the foreign representative is about to commence a "chapter case" so that the "chapter 15 court" can begin to make whatever arrangements may be necessary to coordinate the proceedings.

Given this purpose for § 1511, it would seem that either the first or third alternatives would be preferable. On one hand, the statute could stand on its own and not require any particular rule to implement its provisions. A person attempting to comply with the statute will know that the notice must be filed with the court that recognized the foreign proceeding before filing the voluntary or involuntary case. There would be no rule directing the notice to include the identity of the debtor and the court in which the voluntary or involuntary petition will be filed, but it is likely that the foreign representative will include at least that information in the notice. On the other hand, it may be helpful to have a rule that establishes a deadline for filing the notice and sets out the information that must be included in the notice to the court.

#### ALTERNATIVE A OF RULE 1002.1

**Rule 1002.1 Commencement of a Case Under §§ 301, 302, or 303 by a Foreign Representative**

1           Unless the court orders otherwise, at least 10 days before  
2           a foreign representative commences a case under § 301, 302,  
3           or 303, the foreign representative shall file with the court that  
4           granted recognition a notice stating the representative's  
5           intention to commence a case. The notice shall identify the  
6           debtor and the court in which the case will be commenced.

**COMMITTEE NOTE**

This rule is added to implement § 1511 which was added to the Code in 2005. That section requires the foreign representative to advise the court that granted recognition of the foreign proceeding that the representative intends to commence a case under another chapter of the Code. The court can shorten the time for the representative to advise the court of an intention to commence a case under § 301, 302, or 303 when the circumstances make a shorter notification period appropriate. Section 1511 requires the representative to notify the court so that the court can meet its obligations under § 1529 of the Code to seek cooperation and coordination between the foreign court and the court in which a case under a chapter other than chapter 15 is pending. No process is established either to provide notice to other parties in interest or for the court to review and approve the actions of the foreign representative. The rule also sets out the information that the



representative must include in the notice to the court.

ALTERNATIVE B OF RULE 1002.1

**Rule 1002.1 Commencement of a Case Under §§ 301, 302, or 303 by a Foreign Representative**

1 Unless the court orders otherwise, at least 10 days before  
2 a foreign representative commences a case under § 301, 302,  
3 or 303, the foreign representative shall file with the court that  
4 granted recognition a notice stating the representative's  
5 intention to commence a case. The notice shall identify the  
6 debtor and the court in which the case will be commenced.  
7 The clerk, or some other person as the court may direct, shall  
8 give notice by mail of the foreign representative's intention  
9 to commence the case in the manner provided by Rule  
10 2002(q).

**COMMITTEE NOTE**

This rule is added to implement § 1511 which was added to the Code in 2005. That provision requires the foreign representative to advise the court that granted recognition of the foreign proceeding that the representative intends to commence a case under another

chapter of the Code. Interested parties can then be notified of the representative's intentions and can take appropriate action in that court. The rule also sets out the information that the representative must include in the notice to the court.

**If the Committee chooses Alternative B of Rule 1002.1**, notice of the foreign representative's intention to commence a voluntary or involuntary case will be sent to a number of entities. That notice should be treated identically to the notices of the filing of the petition for recognition and the notice of the court's intention to communicate with a foreign court or representative. Therefore, if Alternative B is selected, Rule 2002(q) should be amended to add the notice of intent to file a case under § 301, 302, or 303 to the list of notices governed by that provision. The revised Rule 2002(q) that includes the Rule 1002.1 notice follows.

**Rule 2002. Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Cross-Border Cases, United States, and United States Trustee**

1 \* \* \* \* \*

2 (q) NOTICES OF PETITION FOR RECOGNITION OF

3 FOREIGN PROCEEDING, OF COURT'S INTENTION TO

4 COMMUNICATE WITH FOREIGN COURTS AND

5 FOREIGN REPRESENTATIVES, AND OF FOREIGN

6 REPRESENTATIVE'S INTENTION TO COMMENCE A

14 FEDERAL RULES OF BANKRUPTCY PROCEDURE

7 CASE UNDER § 301, 302, OR 303.

8 (1) Notice of Petition for Recognition. The clerk, or  
9 some other person as the court may direct, shall forthwith  
10 give the debtor, all administrators in foreign proceedings of  
11 the debtor, all entities against whom provisional relief is  
12 being sought under § 1519 of the Code, all parties to any  
13 litigation in which the debtor is a party and that is pending in  
14 the United States at the time of the filing of the petition, and  
15 such other entities as the court may direct, notice by mail of  
16 the filing of a petition for recognition of a foreign proceeding.

17 (2) Notice of Court's Intention to Communicate with  
18 Foreign Courts and Foreign Representatives. The clerk, or  
19 some other person as the court may direct, shall give the  
20 debtor, all administrators in foreign proceedings of the debtor,  
21 all entities against whom provisional relief is being sought  
22 under § 1519 of the Code, all parties to any litigation in which  
23 the debtor is a party and that is pending in the United States

24 at the time of the filing of the petition, and such other entities  
25 as the court may direct, notice by mail of the court's intention  
26 to communicate with a foreign court or foreign representative  
27 as prescribed by Rule 5012.\*\*\*\*

28 (3) Notice of Foreign Representative's Intention to  
29 Commence a Case Under § 301, 302, or 303. The clerk, or  
30 some other person as the court may direct, shall forthwith  
31 give the debtor, all administrators in foreign proceedings of  
32 the debtor, all entities against whom provisional relief is  
33 being sought under § 1519 of the Code, all parties to any  
34 litigation in which the debtor is a party and that is pending in

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\*\*\*\* The Committee might also consider requiring that notice be given to the 20 largest unsecured creditors in the case. See Rule 1007(d). This would provide some protection for creditors generally while avoiding the need to inform potentially thousands of creditors (and incur those specific costs) when all that is being initiated is a case ancillary to a foreign proceeding. If the Committee decides to include a requirement that notice be given to the creditors holding the 20 largest claims, then Rule 1007(a)(4) would have to be amended to require the entity filing the petition for recognition to include a list of these creditors along with the petition.

16 FEDERAL RULES OF BANKRUPTCY PROCEDURE  
35 the United States at the time of the filing of the petition, and  
36 such other entities as the court may direct, notice by mail of  
37 the intention of a foreign representative to commence a case  
38 under § 301, 302, or 303 as prescribed by Rule 1002.1.

#### COMMITTEE NOTE

Subdivision (q) is added to the rule to require that notice 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 that a petition for recognition of a foreign proceeding has been filed. 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.

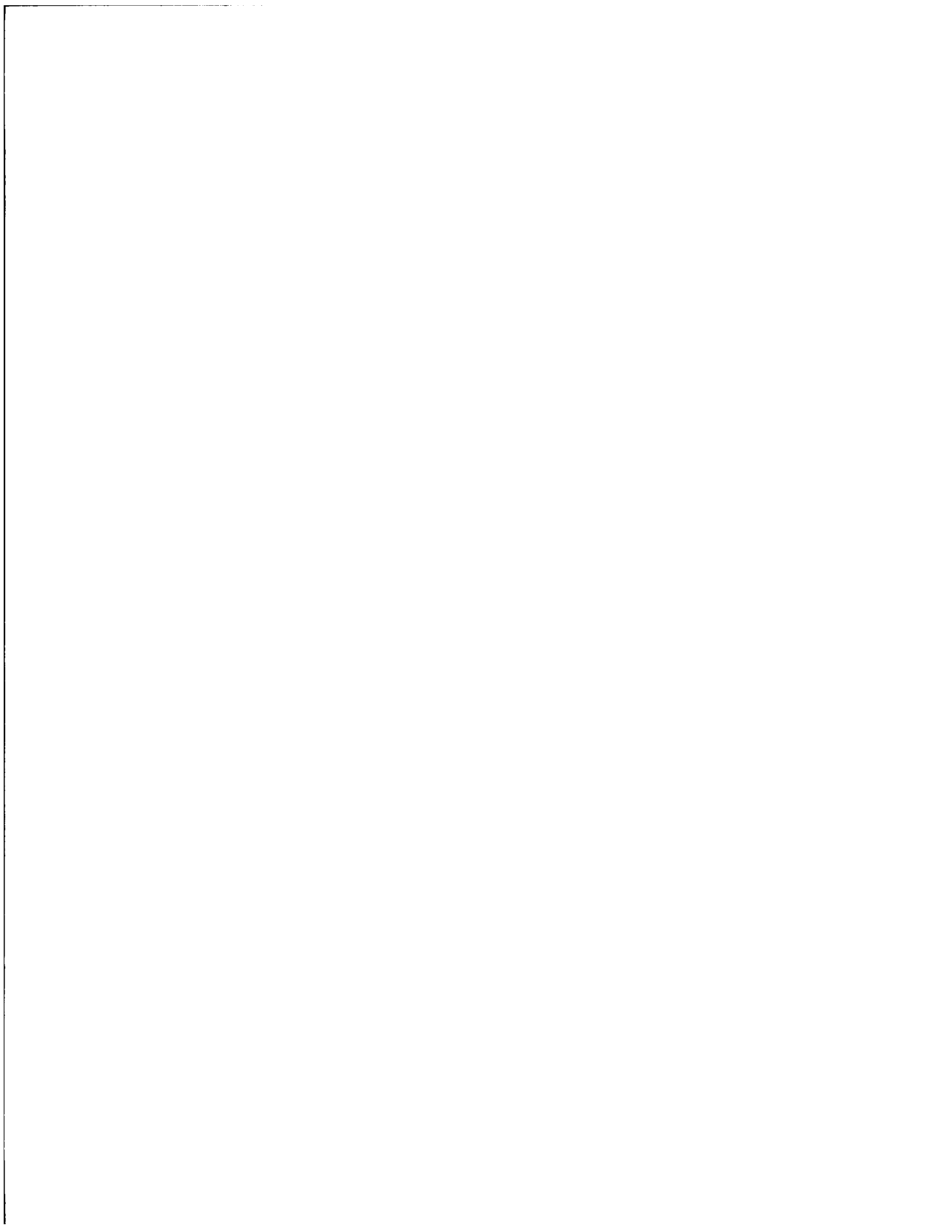
The rule also requires notice to those entities of the court's intention to communicate with a foreign court or foreign representative under Rule 5012, and the intention of a foreign representative to commence a case under § 301, 302, or 303 of the Code.

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

1       Except for communications for scheduling and  
2       administrative purposes, the court in any case commenced by  
3       a foreign representative shall give at least 20 days notice of its  
4       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 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.



MEMORANDUM

TO: ADVISORY COMMITTEE ON BANKRUPTCY RULES  
FROM: JEFF MORRIS, REPORTER  
RE: APPEAL RULES AMENDMENTS  
DATE: JULY 23, 2005

The 2005 bankruptcy reform legislation included an amendment to 28 U.S.C. § 158 governing appeals. The new provision authorizes appeals directly to the courts of appeals from the bankruptcy court, the district court, or the bankruptcy appellate panel if there is a certification that the judgment, order, or decree being appealed fits the stated certification criteria set out in § 158(d)(2)(A)(i)-(iii). The court (bankruptcy, district, or BAP) can certify the matter either on its own motion, or on the motion of fewer than all of the parties to the appeal. If all of the parties to the appeal, including appellees, agree, they can make their own certification without the need to obtain court approval of the certification. Still another possibility exists. If a majority of the appellants and a majority of the appellees request certification, the court must make the certification.

This variety of ways in which certification might arise posed a number of difficult problems for the Subcommittee. The statute does not provide any guidance as to how to identify the proper court to issue a certification, so the Subcommittee concluded that the rules should adopt the convention that docketing of the appeal as set out in Rule 8007(b) should be the bright line for determining whether the matter is pending in a particular court. The rule also provides that the granting of leave to appeal a particular judgment, order, or decree has the same effect. This determination set the foundation for the way in which the rule has been drafted as will be



described below.

Another of the Subcommittee's fundamental decisions was to require a notice of appeal in each case in which there is a certification. This serves to place the certification process squarely within Part VIII of the Bankruptcy Rules and provides a number of procedural and mechanical benefits as a result. Requiring a notice of appeal in turn requires that the parties be aware that a certification determination or request has been made, and the Subcommittee determined that the rules should require that certifications be made on separate documents (or by an Official Form) similar to the separate document rule of Bankruptcy Rule 9021.

Finally, the variety of ways in which the certification can arise also drove the Subcommittee's decisions regarding the rules amendments. The certification can occur in the bankruptcy court in after it has already been appealed either to the district court or the bankruptcy appellate panel. The certification can come from the court itself, or from one, some, or all of the parties to the proceeding. Each of these routes to certification essentially require a somewhat different process, and the rule attempts to accommodate each of these possibilities.

Only two rules are amended. The Subcommittee on Privacy, Public Access, and Appeals recommends that the Advisory Committee approve the amendments to Rules 8001 and 8003.

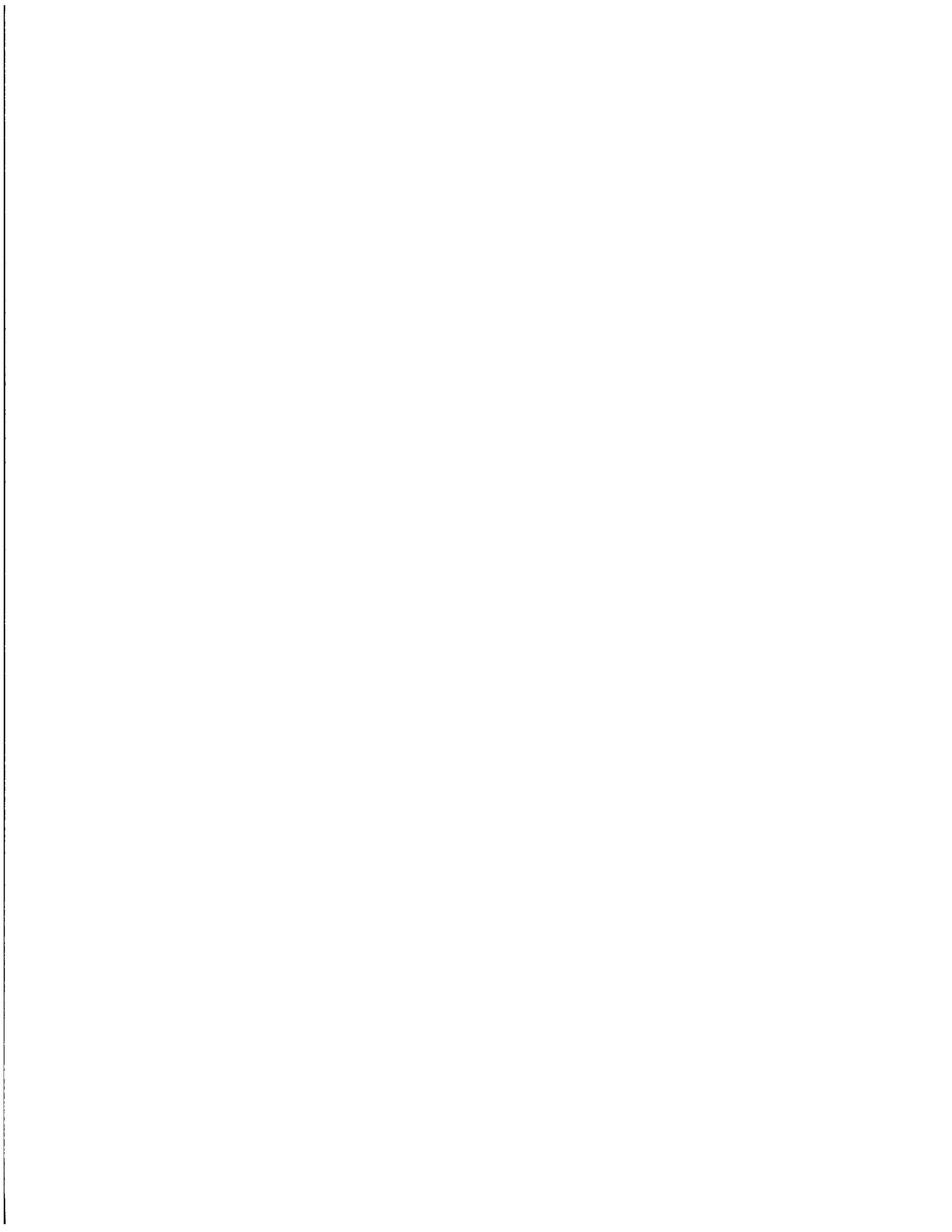
**Rule 8001 – Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals**

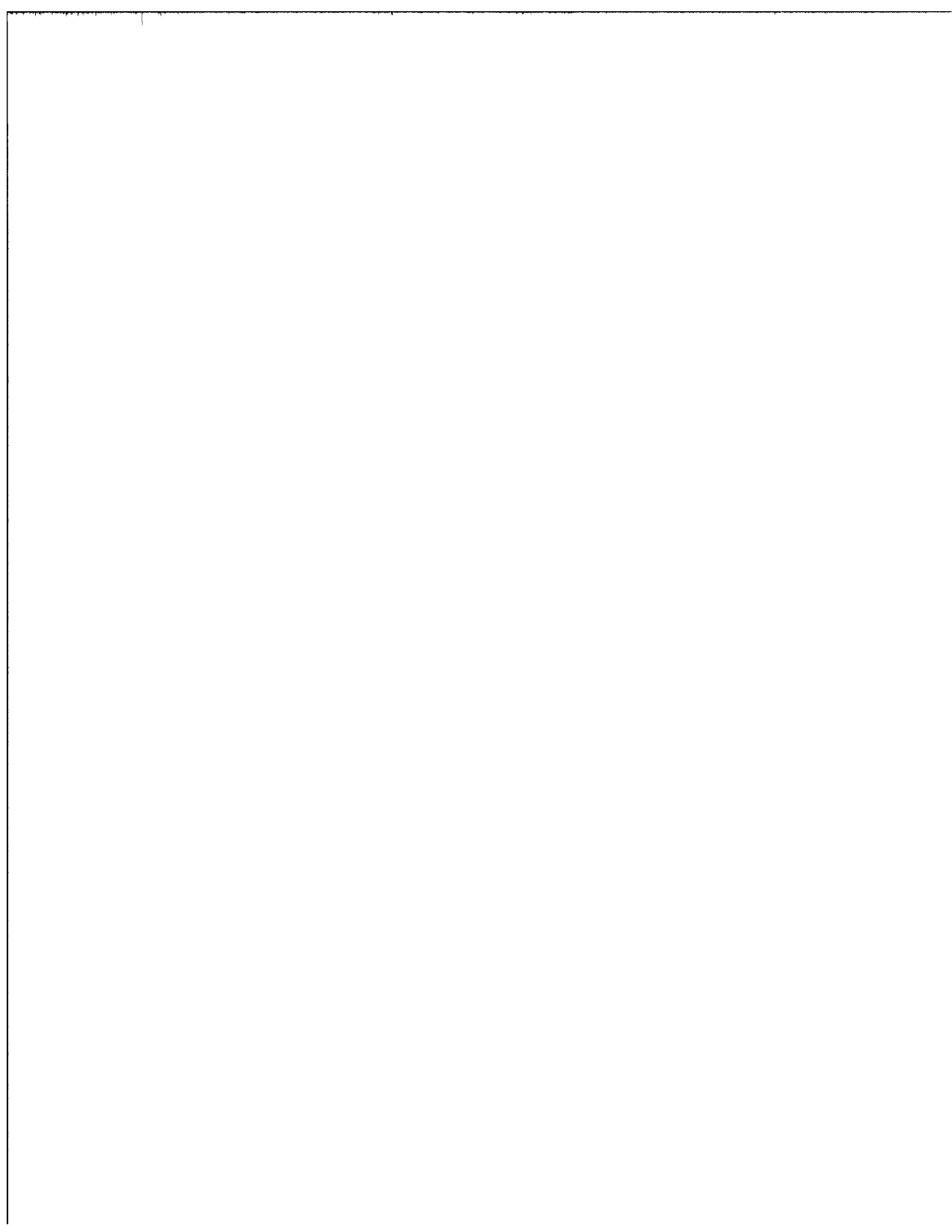
The rule is amended by adding a new subdivision (d) to govern the certification of a judgment, order, or decree to the court of appeals. Subdivision (d)(1) requires that a notice of appeal be filed, and (d)(2) identifies the court in which the certification must be made. The identification of the court is based on whether an appeal of the matter has been docketed or leave

has been granted to appeal. It also includes the directive that if all of the appellants and appellees have joined to certify the matter, they must use an Official Form for the certification. That ensures that the proper information will be included and meets the “separate document” requirement. The rule also sets out the contents and service requirements for a certification request.

**RULE 8003 – Leave to Appeal**

The Subcommittee proposes a minor addition to Rule 8003. It provides that if the court of appeals authorizes a direct appeal, that authorization is deemed to satisfy the requirement for leave to appeal. This resolves any jurisdictional question that could arise if the lower court had not granted leave to appeal when the court of appeals authorized the direct appeal.





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

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

\* \* \* \* \*

1           (f) CERTIFICATION FOR DIRECT APPEAL TO  
2           COURT OF APPEALS

3                   (1) Timely Appeal Required. A certification of a  
4           judgment, order, or decree of a bankruptcy court to a court  
5           of appeals under 28 U.S.C. § 158(d)(2) is ineffective until a  
6           timely appeal has been taken in the manner required by  
7           subdivisions (a) and (b) of this rule. If a certification is  
8           filed before the time for the filing of a notice of appeal  
9           under Rule 8002 expires, the certification shall be deemed  
10           conditional and the clerk shall enter it on the docket as a  
11           conditional certification. After a notice of appeal has been  
12           timely filed and, if a motion of the kind specified in Rule  
13           8002(b) is made, the notice of appeal has become effective,

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

2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

14 the clerk shall re-enter the certification on the docket as a  
15 certification.

16 (2) Court Where Made. A certification that a  
17 circumstance specified in 28 U.S.C. § 158(d)(2)(A)(i)-(iii)  
18 exists shall be made in the court in which a matter is  
19 pending for purposes of 28 U.S.C. § 158(d)(2). A matter is  
20 pending in a bankruptcy court until the earlier of the  
21 docketing of the appeal in accordance with Rule 8007(b) or  
22 the grant of leave to appeal under 28 U.S.C. § 158(a). A  
23 matter is pending in a district court or bankruptcy appellate  
24 panel after an appeal has been docketed in accordance with  
25 Rule 8007(b) or leave to appeal has been granted under 28  
26 U.S.C. § 158(a).

27 (A) Certification by Court on Request or  
28 Court's Own Initiative.

29 (i) Before Docketing or Grant of Leave to  
30 Appeal. Only a bankruptcy court may make a certification

31 on request or on its own initiative until the earlier of the  
32 docketing of the appeal in accordance with Rule 8007(b) or  
33 the grant of leave to appeal under 28 U.S.C. § 158(a).

34 *(ii) After Docketing or Grant of Leave to*  
35 *Appeal.* After an appeal has been docketed in accordance  
36 with Rule 8007(b) or leave to appeal has been granted  
37 under 28 U.S.C. § 158(a), only the district court or  
38 bankruptcy appellate panel involved may make a  
39 certification on request of the parties or on its own  
40 initiative.

41 *(B) Certification by All Appellants and*  
42 *Appellees Acting Jointly.* A certification by all the  
43 appellants and appellees, if any, acting jointly may be made  
44 by filing the appropriate Official Form with the clerk of the  
45 court in which the matter is pending. The certification may  
46 be accompanied by a short statement of the basis for the  
47 certification, which may include the information listed in

4 FEDERAL RULES OF BANKRUPTCY PROCEDURE

48 subdivision (f)(3)(C) of this rule.

49 (3) Request for Certification; Filing; Service;

50 Contents.

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

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

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

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

61 (ii) the question itself;

62 (iii) the relief sought;

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



65 a circumstance specified in 28 U.S.C. § 158(d)(2)(A)(i)-(iii)

66 exists; and

67 (v) an attached copy of the judgment, order,

68 or decree complained of and any related opinion or

69 memorandum.

70 (D) A party may file a response to a request for

71 certification or a cross-request within 10 days after the

72 notice of the request is served, or another time fixed by the

73 court.

74 (E) The request, cross request, and any response

75 shall not be governed by Rule 9014 and shall be submitted

76 without oral argument unless the court otherwise directs.

77 (F) A certification of an appeal under 28 U.S.C.

78 § 158(d)(2) shall be made in a separate document served on

79 the parties.

80 (4) Certification on Court's Own Initiative.

81 (A) A certification of an appeal on the court's

6 FEDERAL RULES OF BANKRUPTCY PROCEDURE  
82 own initiative under 28 U.S.C. § 158(d)(2) shall be made in  
83 a separate document served on the parties in the manner  
84 required for service of a notice of appeal under Rule 8004.  
85 The certification shall be accompanied by an opinion or  
86 memorandum that contains the information required by  
87 subdivision (f)(3)(C)(i)-(iv) of this rule.

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

91 \* \* \* \* \*

#### COMMITTEE NOTE

Subdivision (f) is added to the rule to implement the 2005 amendments to 28 U.S.C. § 158(d). That 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)(i)-(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.

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” of an appeal as that concept is used in Rule 8001(c). The term “docketing” an appeal is a term of art governed by Rule 8007(b) that refers to receipt by the clerk of the district court or bankruptcy appellate panel of the completed record transmitted by the clerk of the bankruptcy court. The granting of leave to appeal also serves to identify the court in which a matter is pending for purposes of this rule.

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
- 4 direct appeal by a court of appeals under 28 U.S.C. §

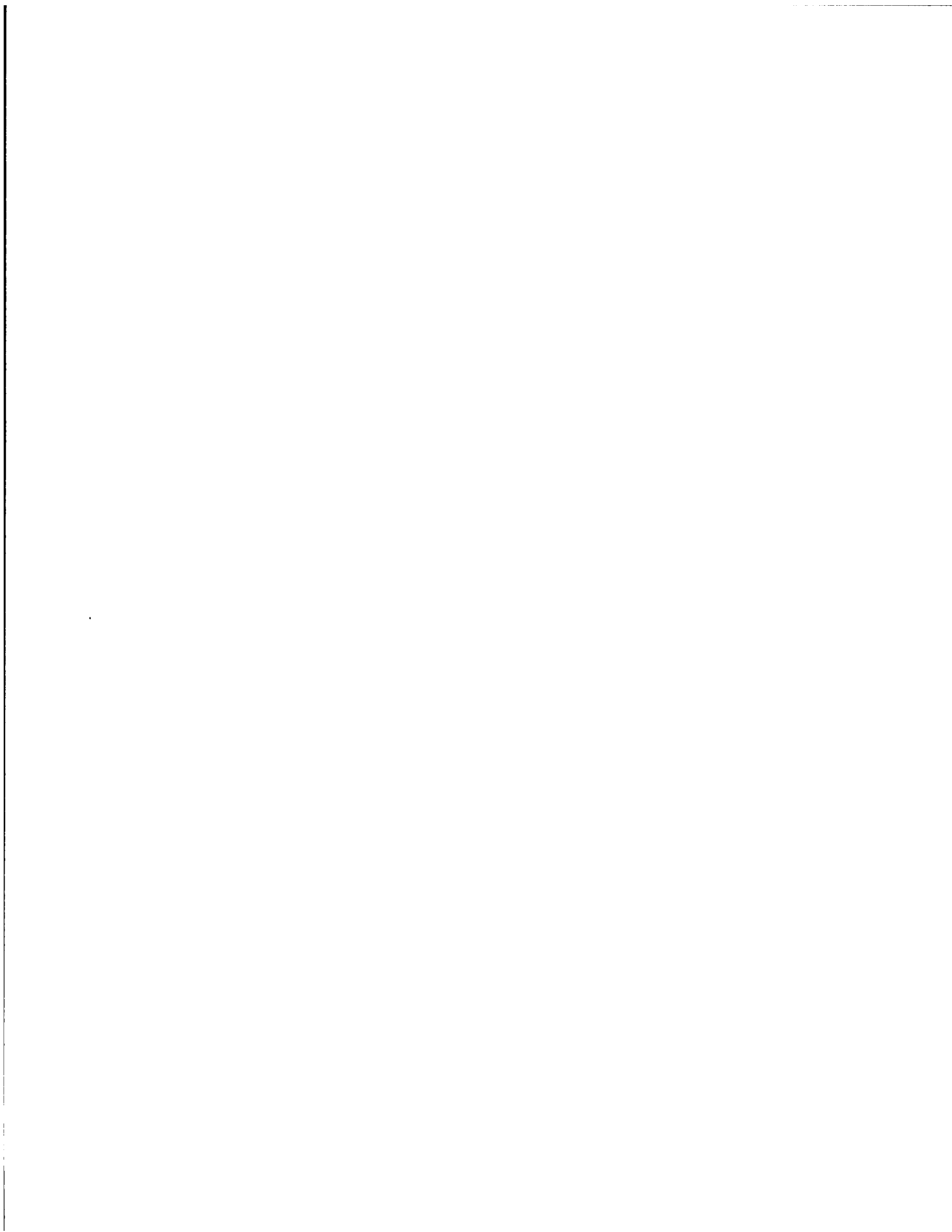
8 FEDERAL RULES OF BANKRUPTCY PROCEDURE  
5 158(d)(2) shall be deemed to satisfy the requirement for  
6 leave to appeal.

#### COMMITTEE NOTE

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.

**Official Forms to be revised or added:**

Form 1, Voluntary Petition  
Form 3A, Application to Pay Filing Fee in Installments  
Form 3B, Application for waiver of Chapter 7 Filing Fee  
Form 4, List of Creditors Holding 20 Largest Unsecured Claims  
Form 5, Involuntary Petition  
Form 6, Summary of Schedules (cover sheet)  
Form 6, Summary of Schedules  
Form 6A, Real Property  
Form 6B, Personal Property  
Form 6C, Property Claimed as exempt  
Form 6D, Creditors Holding Secured Claims  
Form 6E, Creditors Holding Unsecured Priority Claims  
Form 6F, Creditors Holding Unsecured Nonpriority Claims  
Form 6G, Executory Contracts and Unexpired Leases  
Form 6H, Codebtors  
Form 6I, Current Income of Individual Debtor(s)  
Form 6J, Current Expenditures of Individual Debtor(s)  
Form 6, Declaration Concerning Debtor's Schedules  
Form 7, Statement of Financial Affairs  
Form 8, Chapter 7 Individual Debtor's Statement of Intention  
Form 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, § 341 Notice, Chapter 11 Individual or Joint Debtor 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  
9H, § 341 Notice, Chapter 12 Corporation/Partnership Family Farmer  
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  
19B, Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer  
22A, Statement of Current Monthly Income and Means Test Calculation (Chapter 7)  
22B, Statement of Current Monthly Income (Chapter 11)  
22C, Statement of Current Monthly Income and Disposable Income Calculation (Chapter 13)  
23, Debtor's Certification of Completion of Instructional Course Concerning Financial Management  
24, Certification to Court of Appeals



<b>United States Bankruptcy Court</b> District of _____	<b>Voluntary Petition</b>
--	---------------------------

Name of Debtor (if individual, enter Last, First, Middle)	Name of Joint Debtor (Spouse) (Last, First, Middle)
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names)	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names)
Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (if more than one, state all)	Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (if more than one, state all)
Street Address of Debtor (No. & Street, City, and State)	Street Address of Joint Debtor (No. & Street, City, and State)
ZIPCODE	ZIPCODE
County of Residence or of the Principal Place of Business	County of Residence or of the Principal Place of Business.
Mailing Address of Debtor (if different from street address)	Mailing Address of Joint Debtor (if different from street address)
ZIPCODE	ZIPCODE
Location of Principal Assets of Business Debtor (if different from street address above)	
ZIPCODE	

<b>Type of Debtor (Form of Organization)</b> (Check one box ) <ul style="list-style-type: none"> <li><input type="checkbox"/> Individual (includes Joint Debtors)</li> <li><input type="checkbox"/> Corporation (includes LLC and LLP)</li> <li><input type="checkbox"/> Partnership</li> <li><input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and provide the information requested below ) State type of entity _____</li> </ul>	<b>Nature of Business</b> (Check all applicable boxes ) <ul style="list-style-type: none"> <li><input type="checkbox"/> Health Care Business</li> <li><input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)</li> <li><input type="checkbox"/> Railroad</li> <li><input type="checkbox"/> Stockbroker</li> <li><input type="checkbox"/> Commodity Broker</li> <li><input type="checkbox"/> Clearing Bank</li> <li><input type="checkbox"/> Nonprofit Organization qualified under 15 U.S.C. § 501(c)(3)</li> </ul>	<b>Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Chapter 7      <input type="checkbox"/> Chapter 11      <input type="checkbox"/> Chapter 13</li> <li><input type="checkbox"/> Chapter 9      <input type="checkbox"/> Chapter 12      <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Proceeding</li> </ul>
		<b>Nature of Debts (Check one box)</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Consumer/Non-Business      <input type="checkbox"/> Business</li> </ul>

<b>Filing Fee (Check one box)</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Full Filing Fee attached</li> <li><input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b) See Official Form No. 3A</li> <li><input type="checkbox"/> Filing Fee waiver requested (Applicable to individuals only) Must attach signed application for the court's consideration. See Official Form 3B</li> </ul>	<b>Chapter 11 Debtors: (Check any applicable box )</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D)</li> <li><input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D)</li> <li><input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts owed to non-insiders or affiliates are less than \$2 million</li> </ul>
---	--

<b>Statistical/Administrative Information</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors</li> <li><input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors</li> </ul>	THIS SPACE IS FOR COURT USE ONLY																				
<b>Estimated Number of Creditors</b> <table style="width:100%; text-align: center;"> <tr> <td>1-49</td> <td>50-99</td> <td>100-199</td> <td>200-299</td> <td>1,000-5,000</td> <td>5,001-10,000</td> <td>10,001-25,000</td> <td>25,001-50,000</td> <td>50,001-100,000</td> <td>OVER 100,000</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	1-49	50-99	100-199	200-299	1,000-5,000	5,001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	OVER 100,000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1-49	50-99	100-199	200-299	1,000-5,000	5,001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	OVER 100,000												
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
<b>Estimated Assets</b> <table style="width:100%; text-align: center;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million														
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
<b>Estimated Debts</b> <table style="width:100%; text-align: center;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million														
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														

<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s)	
<b>Prior Bankruptcy Case Filed Within Last 8 Years</b> (If more than one, attach additional sheet)		
Location Where Filed	Case Number	Date Filed
<b>Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor</b> (If more than one, attach additional sheet)		
Name of Debtor	Case Number	Date Filed
District	Relationship	Judge
<p style="text-align:center;"><b>Exhibit A</b></p> <p>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition</p>	<p style="text-align:center;"><b>Exhibit B</b></p> <p style="text-align:center;"><small>(To be completed if debtor is an individual whose debts are primarily consumer debts.)</small></p> <p>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by § 342(b) of the Bankruptcy Code</p> <p style="text-align:center;">X _____</p> <p style="text-align:center;"><small>Signature of Attorney for Debtor(s)                      Date</small></p>	
<p style="text-align:center;"><b>Exhibit C</b></p> <p>Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?</p> <p><input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition.</p> <p><input type="checkbox"/> No</p>	<p style="text-align:center;"><b>Certification Concerning Debt Counseling by Individual/Joint Debtor(s)</b></p> <p><input type="checkbox"/> I/we have received approved budget and credit counseling during the 180-day period preceding the filing of this petition</p> <p><input type="checkbox"/> I/we request a waiver of the requirement to obtain budget and credit counseling prior to filing based on exigent circumstances. (Must attach certification describing )</p>	
<b>Information Regarding the Debtor (Check the Applicable Boxes)</b>		
<b>Venue</b> (Check any applicable box)		
<p><input type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.</p> <p><input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District</p> <p><input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District</p>		
<b>Statement by a Debtor Who Resides as a Tenant of Residential Property</b>		
<i>Check all applicable boxes.</i>		
<p><input type="checkbox"/> Landlord has a judgment for possession of debtor's residence (If box checked, complete the following)</p> <p style="text-align:center;">_____</p> <p style="text-align:center;"><small>(Name of landlord or lessor that obtained judgement)</small></p> <p style="text-align:center;">_____</p> <p style="text-align:center;"><small>(Address of landlord or lessor)</small></p>		
<p><input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and</p> <p><input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition</p>		



**Voluntary Petition**  
*(This page must be completed and filed in every case)*

Name of Debtor(s)

**Signatures**

**Signature(s) of Debtor(s) (Individual/Joint)**

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

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by § 342(b) of the Bankruptcy Code

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

X \_\_\_\_\_  
Signature of Debtor

X \_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Telephone Number (If not represented by attorney)

\_\_\_\_\_  
Date

**Signature of a Foreign Representative of a Recognized Foreign Proceedings**

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 main proceeding, and that I am authorized to file this petition. A certified copy of the order granting recognition is attached

X \_\_\_\_\_  
(Signature of Foreign Representative)

\_\_\_\_\_  
(Printed Name of Foreign Representative)

\_\_\_\_\_  
(Date)

**Signature of Attorney**

X \_\_\_\_\_  
Signature of Attorney for Debtor(s)

\_\_\_\_\_  
Printed Name of Attorney for Debtor(s)

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date

**Signature of Non-Attorney Petition Preparer**

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. § 110(b), 110(h), and 342(b); and, 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 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 in that section. Official Form 19B is attached

\_\_\_\_\_  
Printed Name and title, if any, of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110)

\_\_\_\_\_  
Address

X \_\_\_\_\_

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

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 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.*

**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

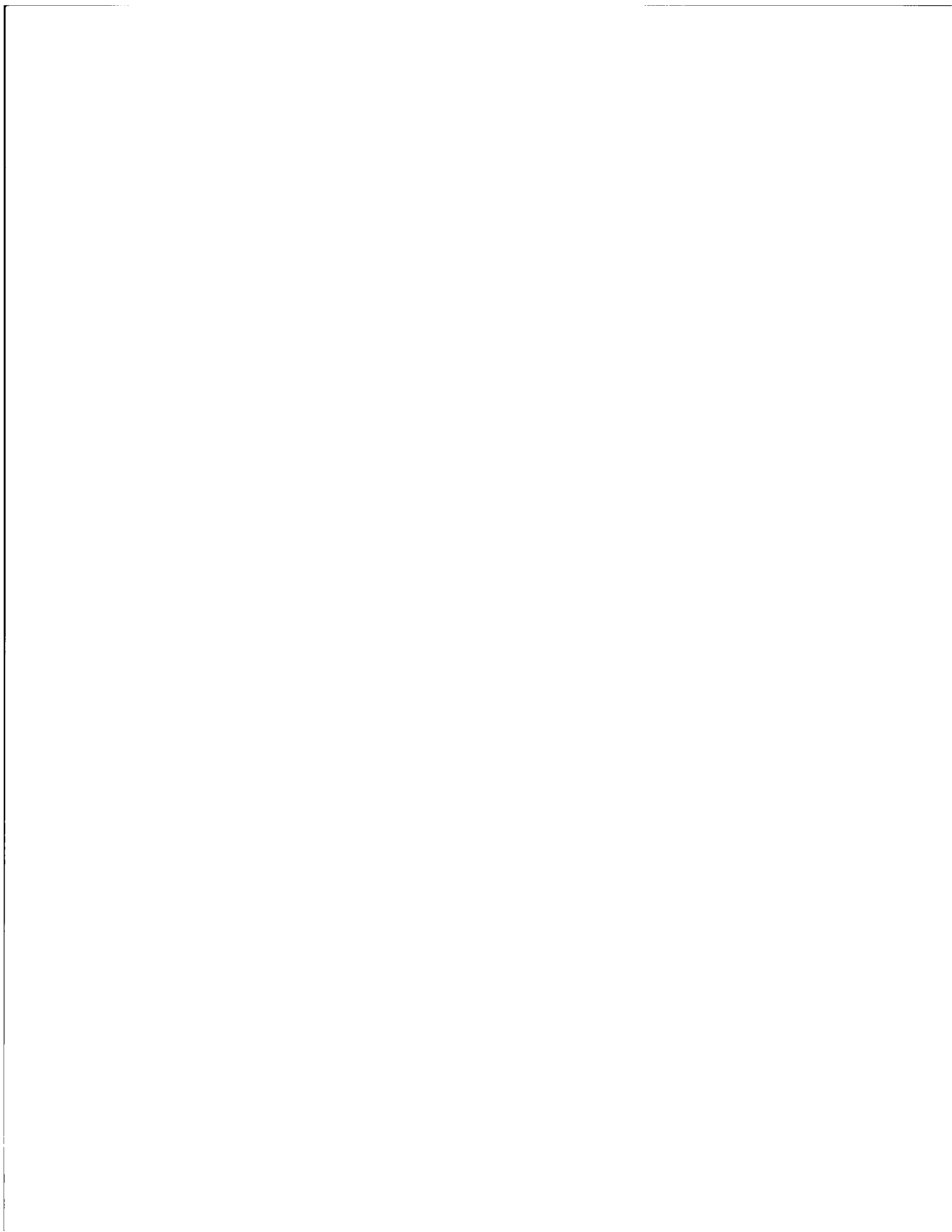
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition

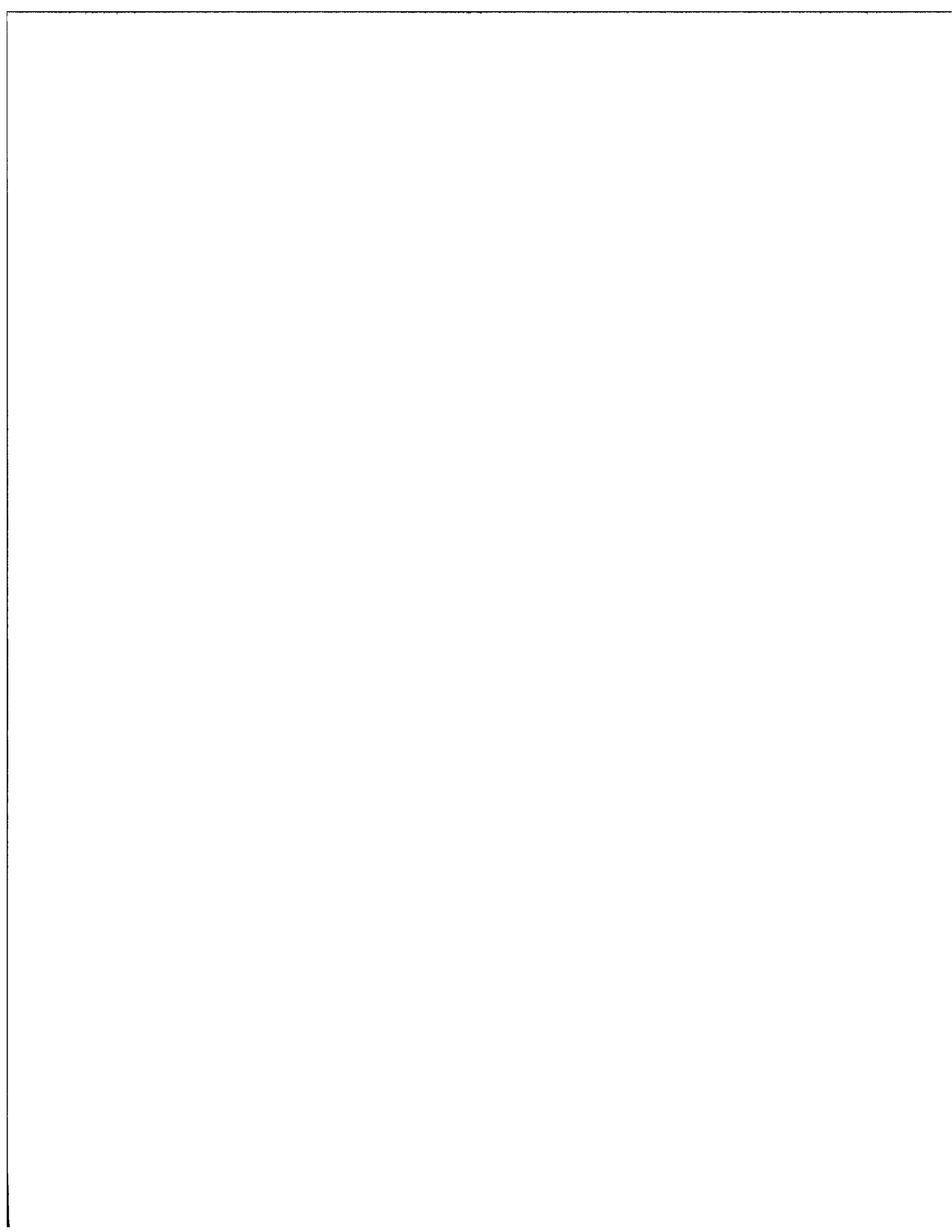
X \_\_\_\_\_  
Signature of Authorized Individual

\_\_\_\_\_  
Printed Name of Authorized Individual

\_\_\_\_\_  
Title of Authorized Individual

\_\_\_\_\_  
Date





COMMITTEE NOTE

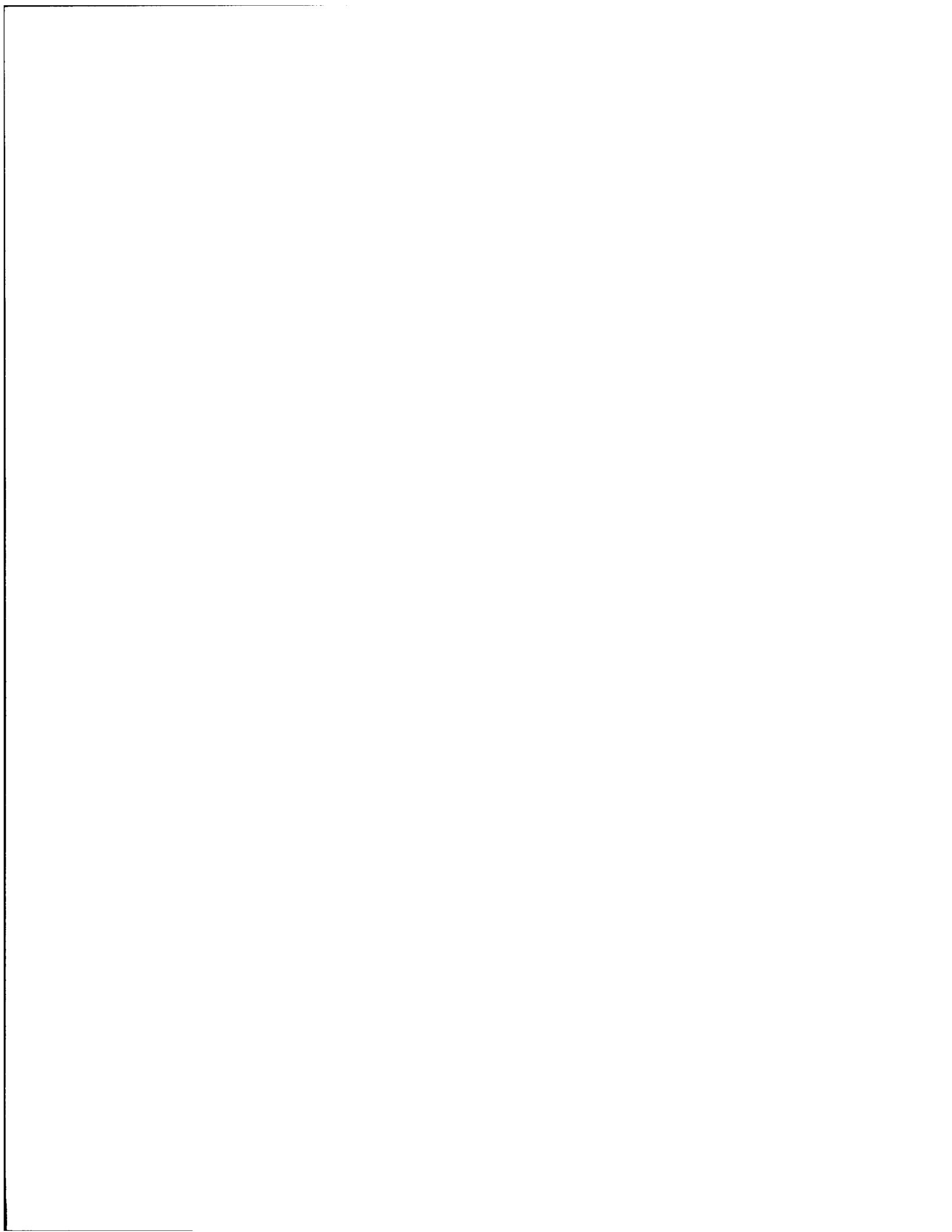
The form is amended to implement amendments to the Bankruptcy Code contained in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109 - 8, 119 Stat. 23, (April 20, 2005). The period for which the debtor must provide all names used and information about any prior bankruptcy 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 chapter under which to file the case been amended to delete "Sec. 304 - Case ancillary to foreign proceeding and replace it with "Chapter 15 - Petition for Recognition of a Foreign Proceeding,." reflecting the 2005 repeal of § 304 and the adding to the Code of chapter 15. 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 checkboxes 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. § 1930(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.

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 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(l) 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.



# United States Bankruptcy Court

District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

## APPLICATION TO PAY FILING FEE IN INSTALLMENTS

- In accordance with Fed. R. Bankr. P. 1006, I apply for permission to pay the filing fee amounting to \$ \_\_\_\_\_ in installments.
- I am unable to pay the filing fee except in installments.
- I [ ] have/ [ ] have not/ paid money or transferred property to an attorney or bankruptcy petition preparer for services in connection with this case.
- I will not make any payment or transfer any property for services in connection with this case until the filing fee is paid in full.
- I propose the following terms for the payment of the Filing Fee.\*

\$ \_\_\_\_\_ Check one  With the filing of the 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. For cause shown, the court may extend the time of any installment, provided the last installment is paid not later than 180 days after filing the petition. Fed. R. Bankr. P. 1006(b)(2).
- 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  
(In a joint case, both spouses must sign.)

\_\_\_\_\_  
Name of Attorney

\_\_\_\_\_  
Signature of Joint Debtor (if any) Date

### DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION (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. §§ 110(b), 110(h), and 342(b); (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 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 under that section; and (4) I will not accept money or any other property from the debtor before the filing fee is paid in full.

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

\_\_\_\_\_  
Social Security No. (Required by 11 U.S.C. § 110.)

*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

x \_\_\_\_\_  
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.*

United States Bankruptcy Court  
\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

**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.

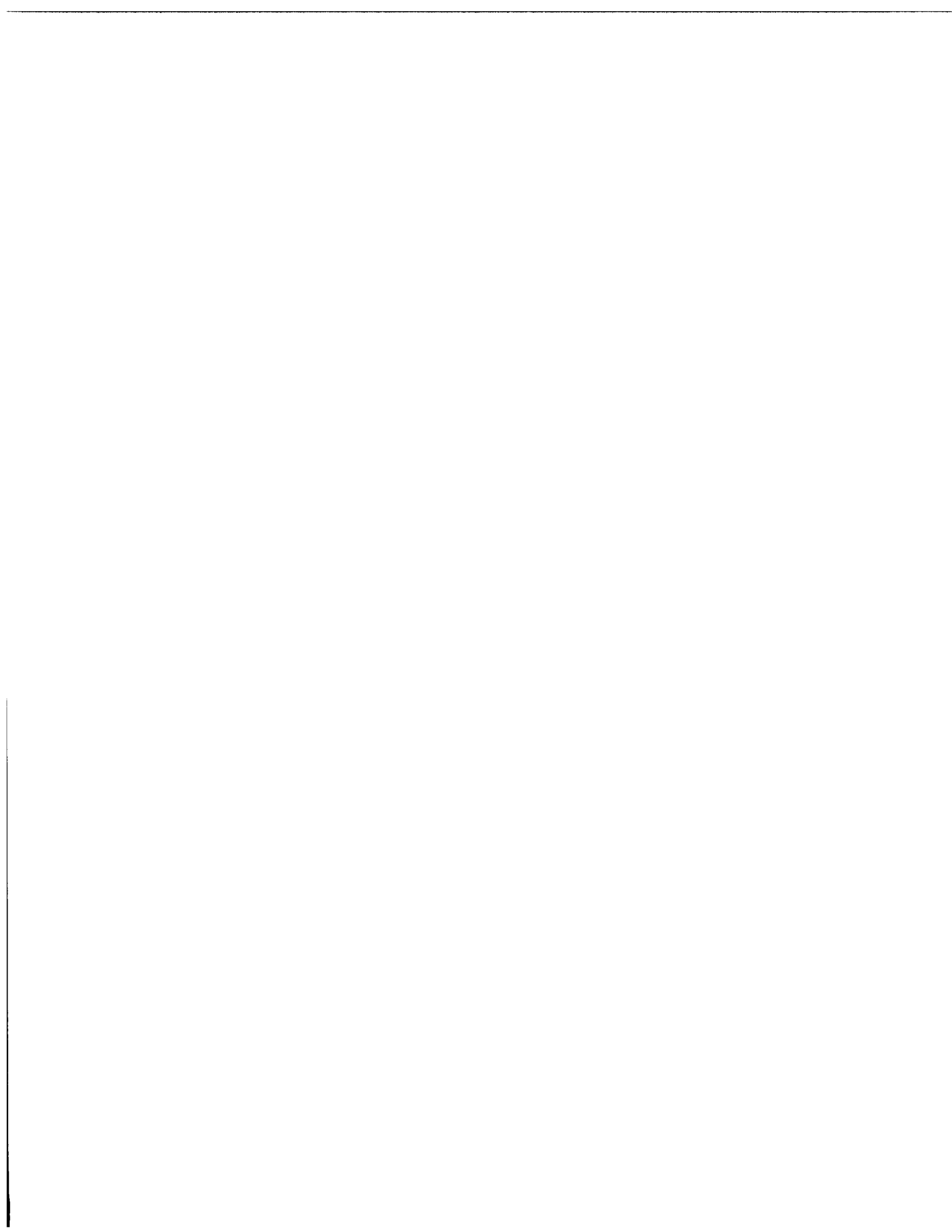
IT IS FURTHER ORDERED that until the filing fee is paid in full the debtor shall not pay any money for services in connection with this case, and the debtor shall not relinquish any property as payment for services in connection with this case.

BY THE COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*United States Bankruptcy Judge*

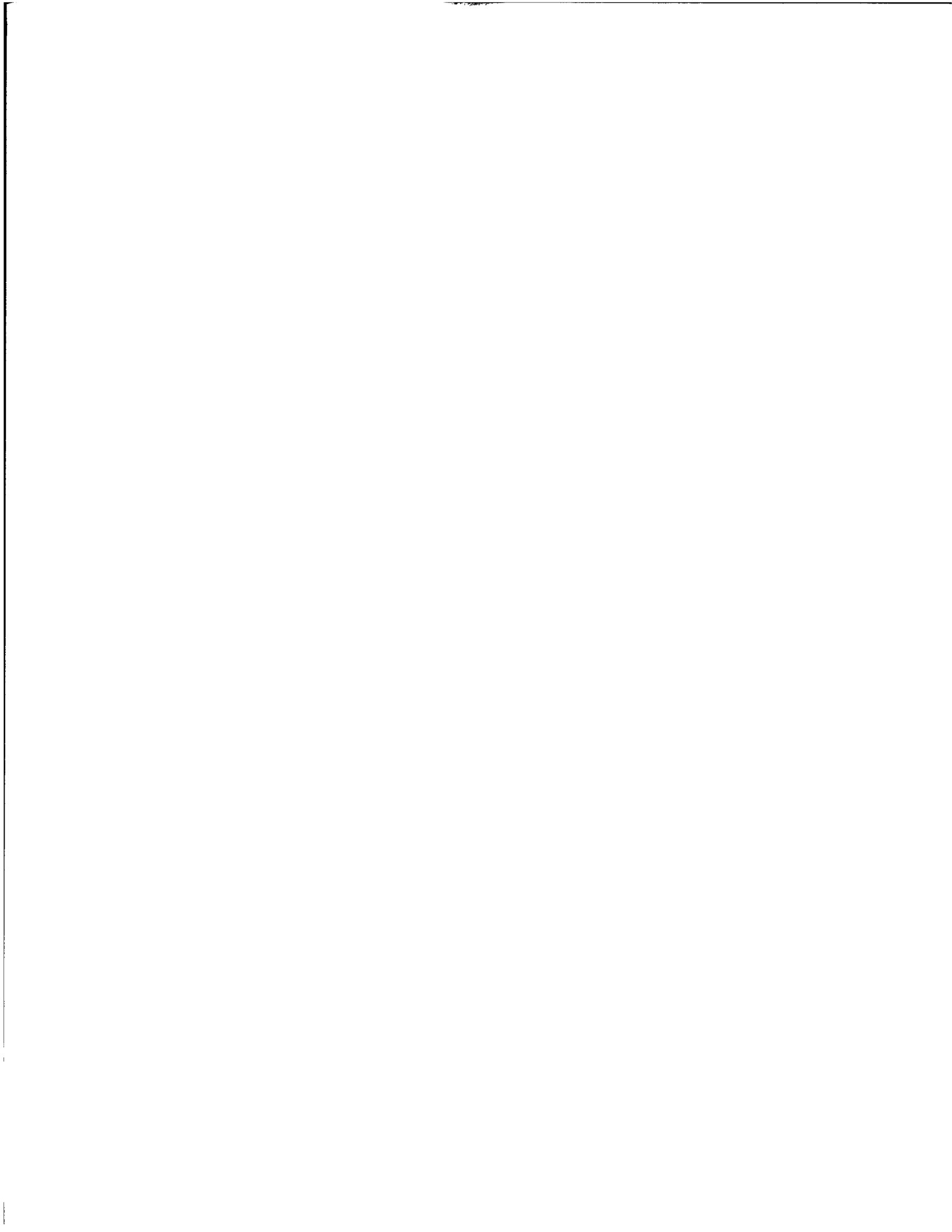




COMMITTEE NOTE

The form is amended to direct the debtor to state whether the debtor has paid either an attorney or a non-attorney bankruptcy petition preparer for services in connection with the case. The court has discretion to consider whether making such payment disqualifies the debtor from paying the filing fee in installments under [interim] Rule 1006(b) [as amended]. 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 § 110 of the Code as amended in 2005.





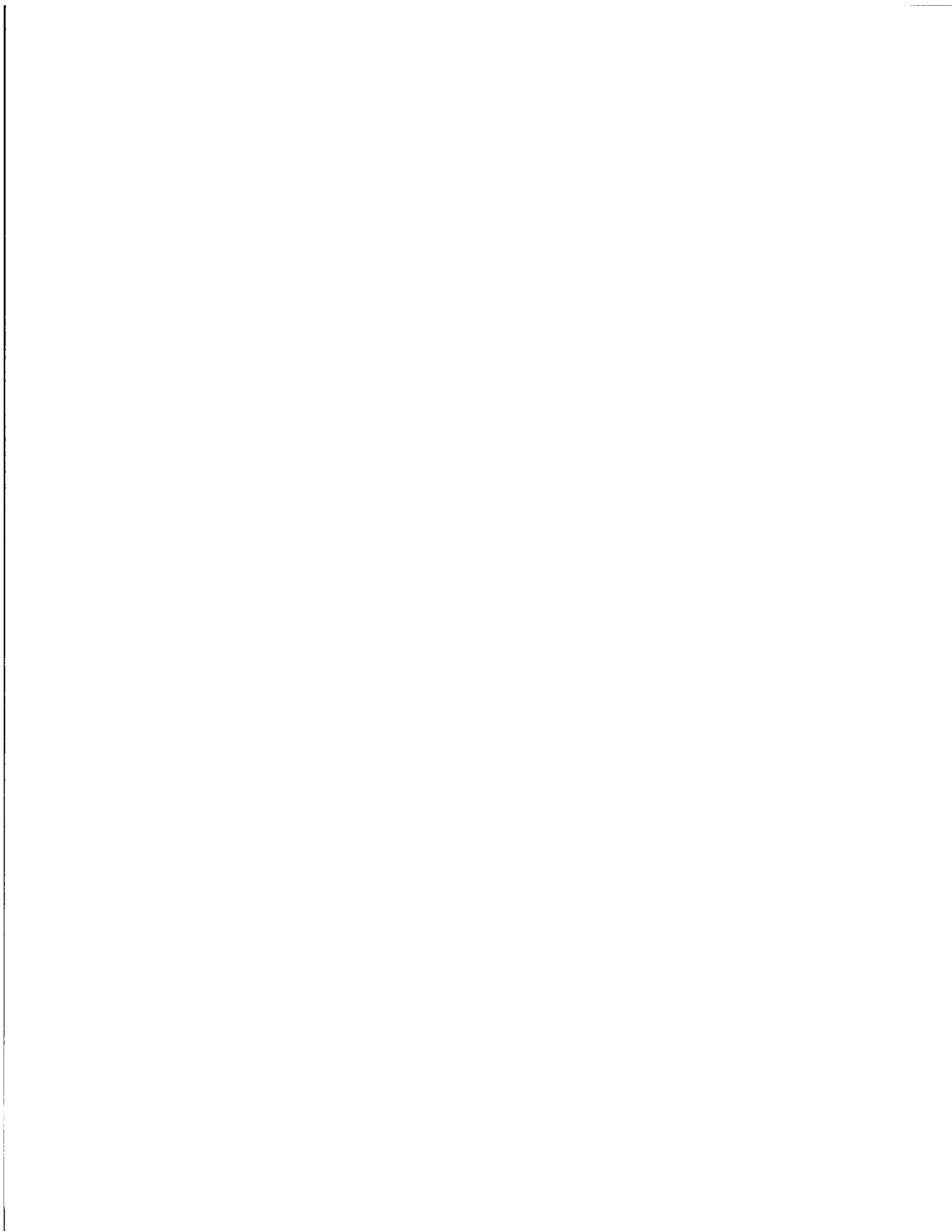
**APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE  
FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE  
IN FULL OR IN INSTALLMENTS**

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 Clerk of Court, 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.

**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.



In re: \_\_\_\_\_  
Debtor(s)

Case No. \_\_\_\_\_  
(if known)

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, how many people are in your family? (Do not include your spouse if you are separated AND are not filing a joint petition). \_\_\_\_\_

2. Re-state the following information that you provided, or will provide, on Schedule I (Current Income of Individual Debtor(s)), and then total it.

Total Combined Monthly Income (Line 16 Schedule I): \$ \_\_\_\_\_  
Subtotal of Payroll Deductions for Self (Line 3 of Schedule I): \$ \_\_\_\_\_  
Subtotal of Payroll Deductions for Spouse (Line 3 Schedule I): \$ \_\_\_\_\_

TOTAL Monthly *Gross* Income of Debtor and Spouse (sum of the above): \$ \_\_\_\_\_

3. State the monthly gross 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 monthly gross income of debtor and spouse from Question 2 to your dependents' monthly gross 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 completed 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.

\$ \_\_\_\_\_

**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.

7. State the amount of cash you have on hand: \$ \_\_\_\_\_

8. 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:
_____	_____	\$ _____
_____	_____	\$ _____

9. State below the assets owned by you. **Do not list ordinary household furnishings and clothing.**

Home	Address: _____ _____	Value: \$ _____ Amount owed on mortgages and liens: \$ _____
Other real estate	Address: _____ _____	Value: \$ _____ Amount owed on mortgages and liens: \$ _____
Motor vehicle	Model/Year: _____ _____	Value: \$ _____ Amount owed: \$ _____
Motor vehicle	Model/Year: _____ _____	Value: \$ _____ Amount owed: \$ _____
Other	Description _____ _____	Value: \$ _____ Amount owed: \$ _____

10. 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	Amount Owed
_____	\$ _____
_____	\$ _____

**Part D. Additional Information.**

11. 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? \$ \_\_\_\_\_
12. 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? \$ \_\_\_\_\_
13. 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? \$ \_\_\_\_\_
14. 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? \$ \_\_\_\_\_
15. Has anyone paid an attorney or other person or service in connection with this case, on your behalf?  
Yes \_\_\_ No \_\_\_  
If yes, explain.



16. 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 ___

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

18. 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. §§ 110(b), 110(h), and 342(b); 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 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 under that section; and 4) I will not accept money or any other property from the debtor before the filing fee is paid in full.

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer	Social Security No. (Required by 11 U.S.C. § 110.)
--	--

*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 \_\_\_\_\_

x \_\_\_\_\_  
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.*

United State Bankruptcy Court  
District of \_\_\_\_\_

In re: \_\_\_\_\_  
Debtor(s)

Case No. \_\_\_\_\_

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.

IT IS FURTHER ORDERED THAT:

The debtor either (1) pay the chapter 7 filing fee in full within \_\_\_\_\_ days of the date this Order was entered, or (2) begin making installment payments according to the following terms:

\$ \_\_\_\_\_ on or before \_\_\_\_\_

\$ \_\_\_\_\_ on or before \_\_\_\_\_

\$ \_\_\_\_\_ on or before \_\_\_\_\_

\$ \_\_\_\_\_ on or before \_\_\_\_\_

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 Wavier 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 DEEM SUCH FAILURE TO BE THE DEBTOR'S CONSENT TO THE ENTRY OF AN ORDER DENYING THE FEE WAIVER APPLICATION BY DEFAULT.

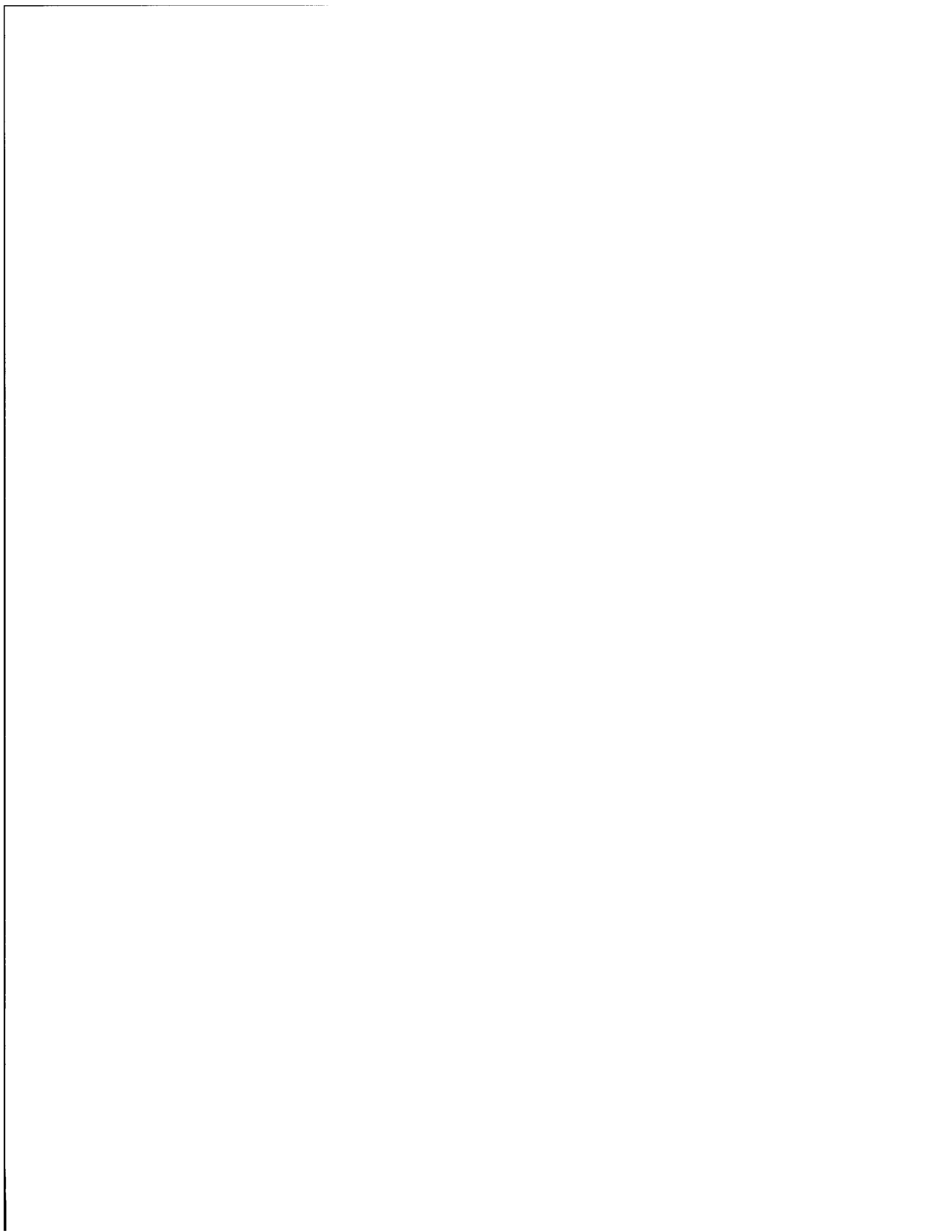
BY THE COURT:

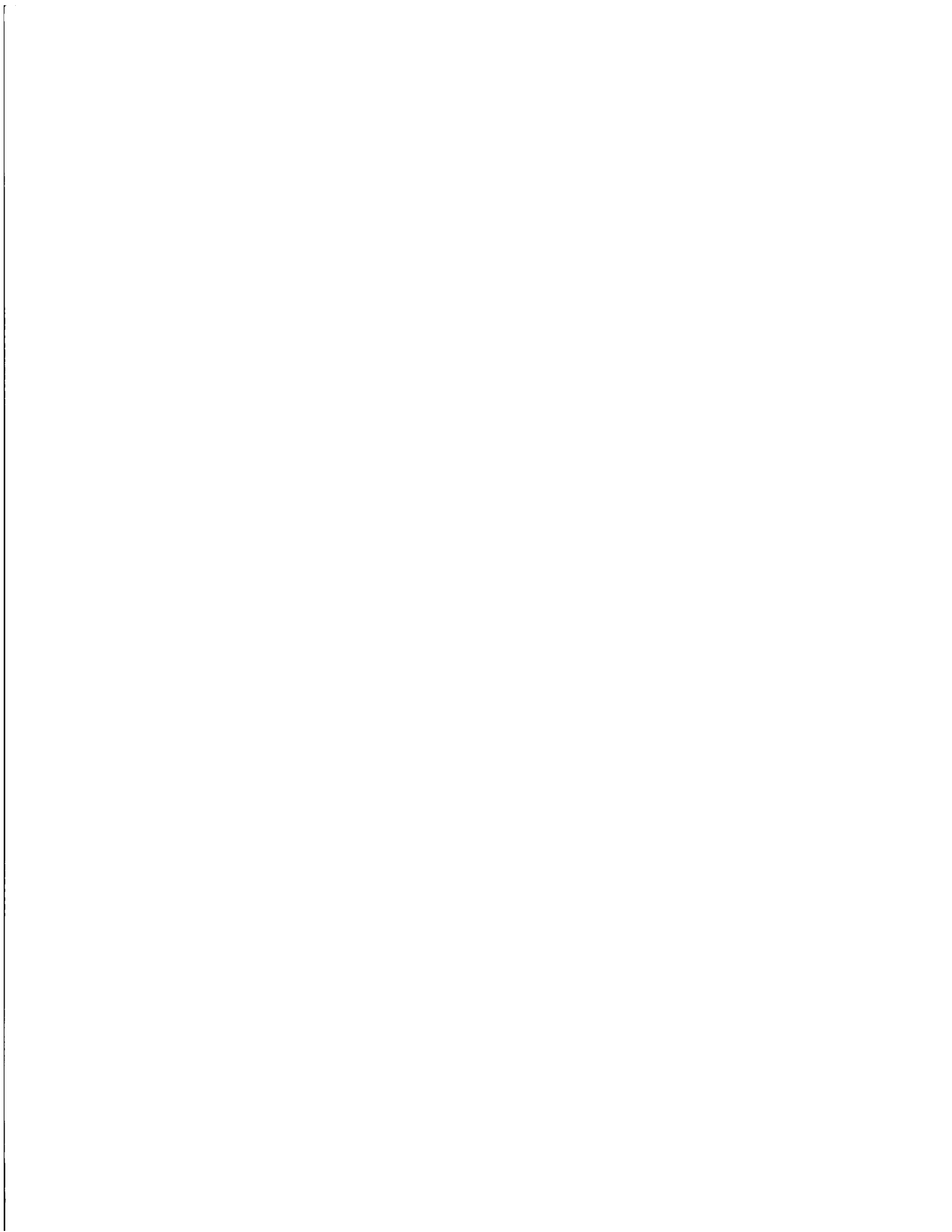
DATE ORDER ENTERED: \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge

COMMITTEE NOTE

This form is new. 28 U.S.C. § 1930(f), enacted as part of the Bankruptcy Abuse and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), provides that “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 Bankruptcy Rule 1006(c) is added to] Bankruptcy Rule 1006 [is amended to add 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.





# United States Bankruptcy Court

\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

## 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." See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

---

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc )</i>	<i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	<i>Amount of claim [if secured also state value of security]</i>

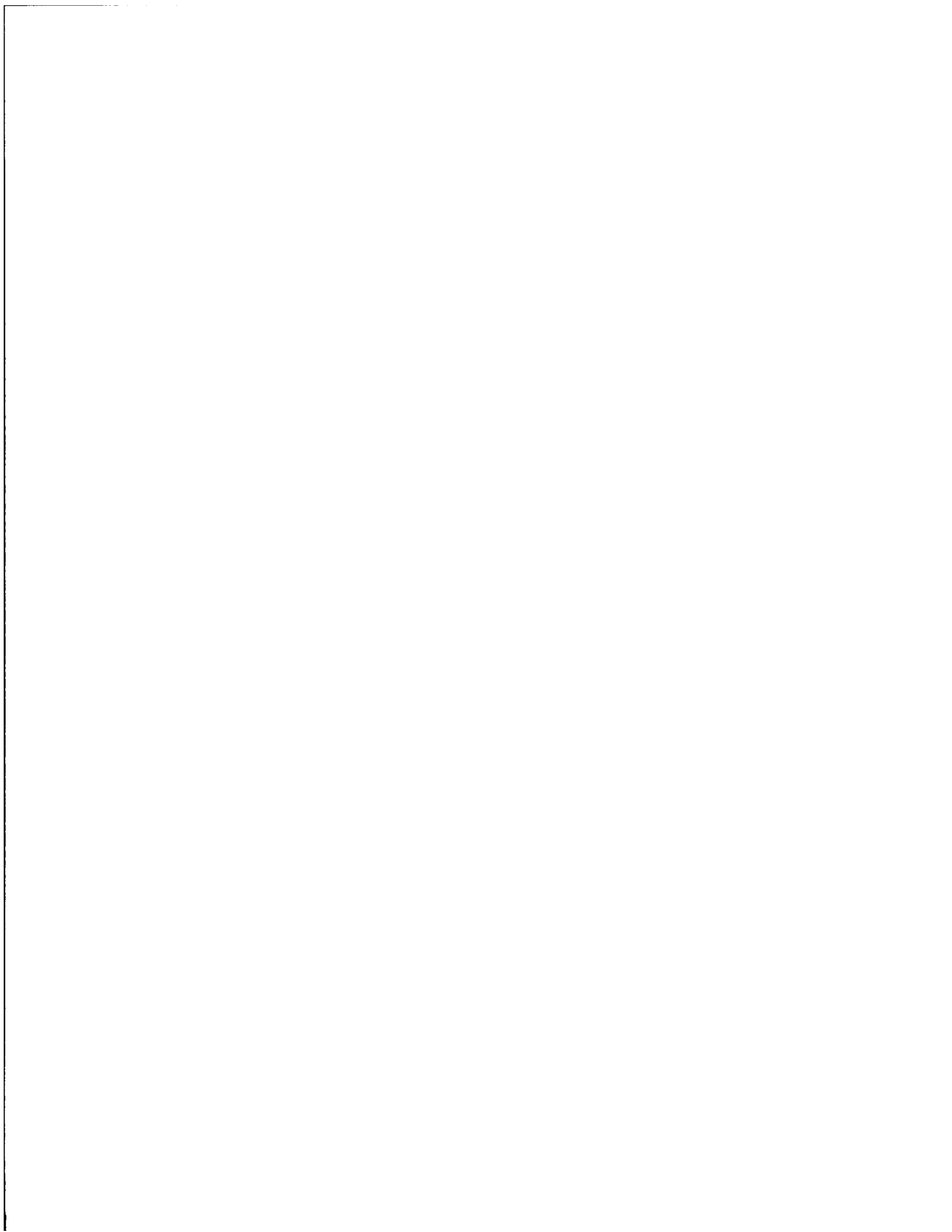
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Date: \_\_\_\_\_

\_\_\_\_\_  
Debtor

[Declaration as in Form 2]

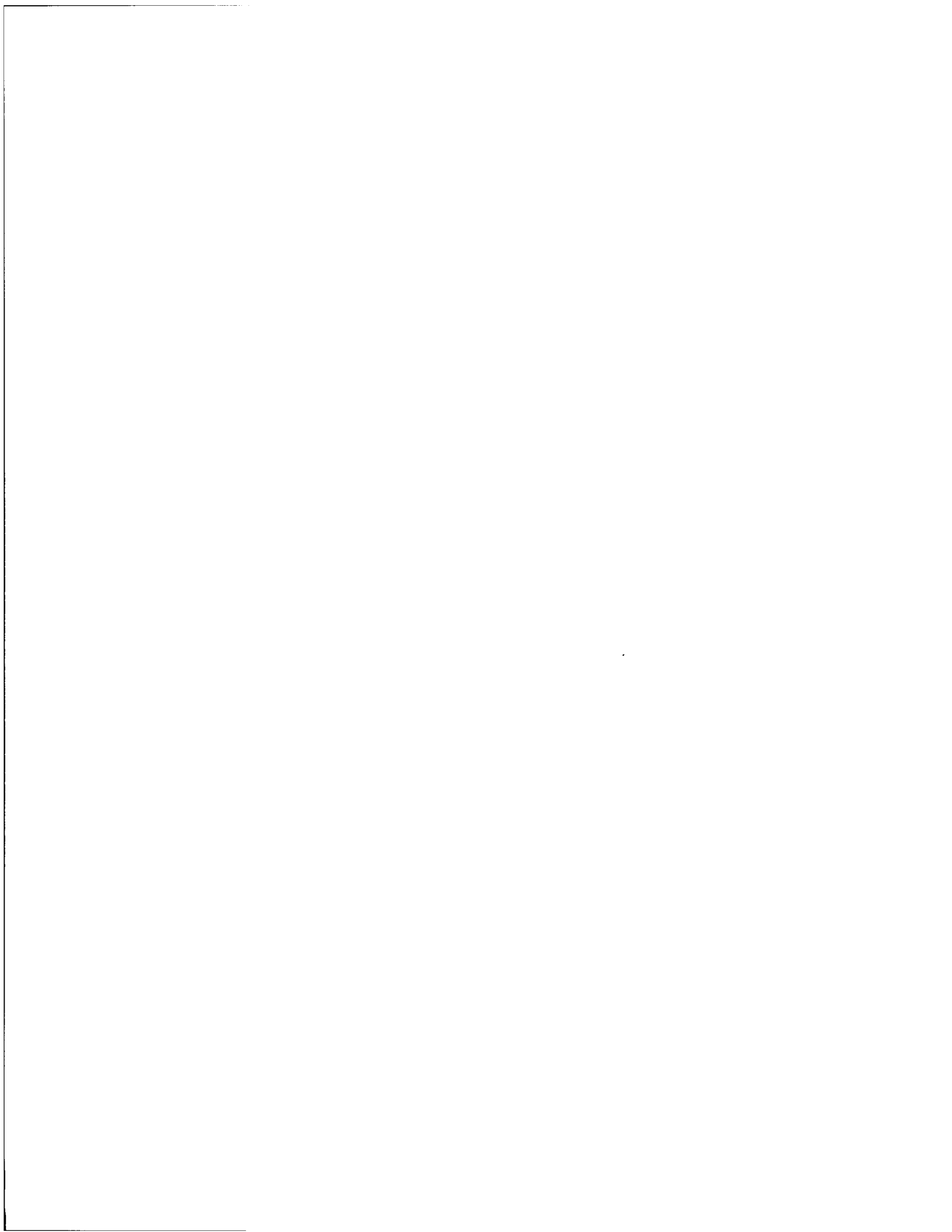


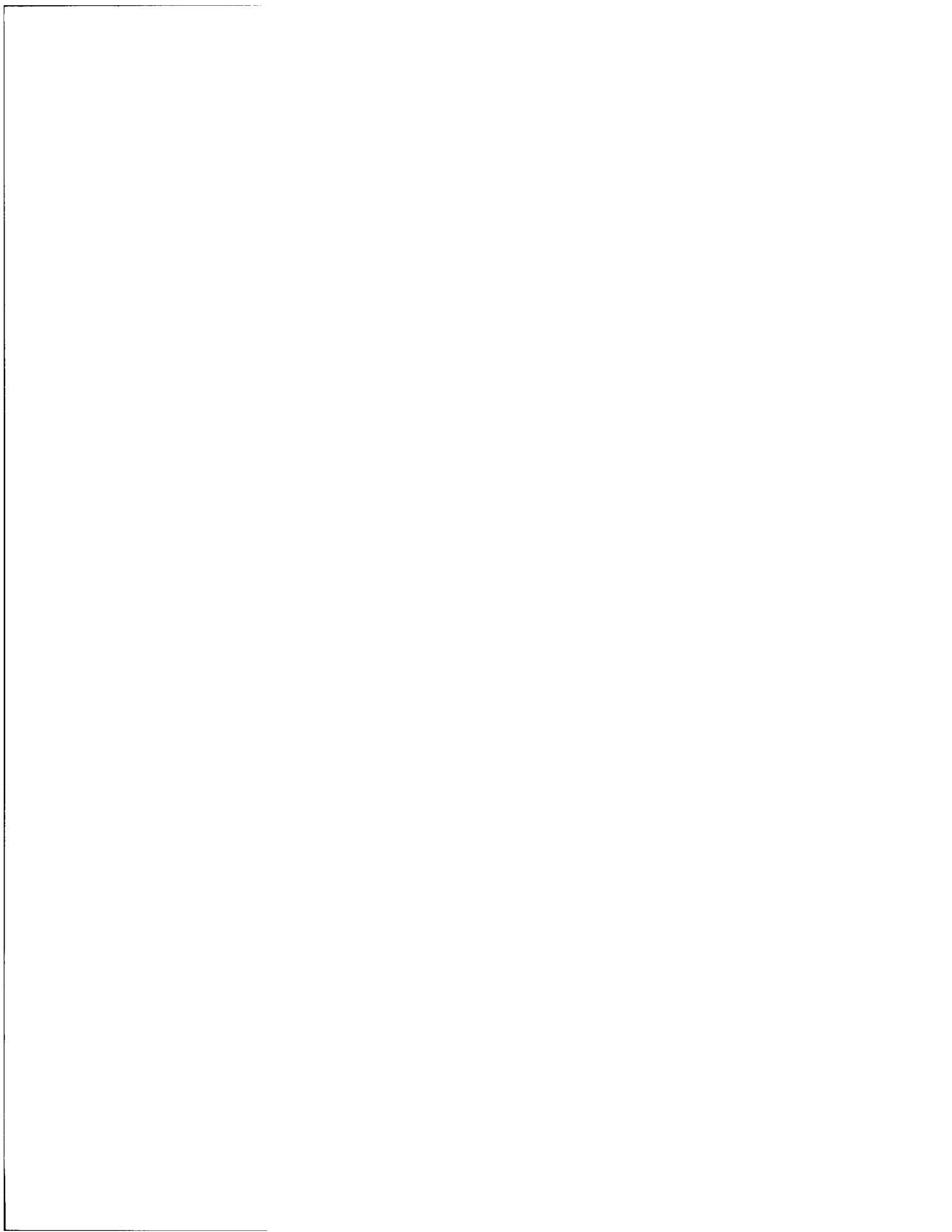




COMMITTEE NOTE

The form is amended to direct that the name and address 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).





<b>United States Bankruptcy Court</b>	<b>INVOLUNTARY PETITION</b>
District of _____	

IN RE (Name of Debtor - If Individual: Last, First, Middle)	ALL OTHER NAMES used by debtor in the last 6 years (Include married, maiden, and trade names)
---	--

LAST FOUR DIGITS OF SOC SEC NO./Complete EIN or other TAX I.D. 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	ZIP CODE	ZIP CODE
--	----------	----------

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)**

Petitioners believe: <input type="checkbox"/> Debts are primarily consumer debts <input type="checkbox"/> Debts are primarily business debts	<b>TYPE OF DEBTOR</b> <input type="checkbox"/> Individual <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Railroad <input type="checkbox"/> Corporation <input type="checkbox"/> Health Care Business <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other: _____
--	--

BRIEFLY DESCRIBE NATURE OF BUSINESS

<b>VENUE</b> <input type="checkbox"/> 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.  <input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.	<b>FILING FEE (Check one box)</b>  <input type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Petitioner is a child support creditor or its representative, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached.
---	---

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

Name of Debtor	Case Number	Date
Relationship	District	Judge

<p style="text-align: center;"><b>ALLEGATIONS</b> (Check applicable boxes)</p> <p>1. <input type="checkbox"/> Petitioner(s) are eligible to file this petition pursuant to 11 U.S.C. § 303(b).</p> <p>2. <input type="checkbox"/> The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code.</p> <p>3.a. <input type="checkbox"/> 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;</p> <p style="text-align: center;">or</p> <p>b. <input type="checkbox"/> Within 120 days preceding the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.</p>	<b>COURT USE ONLY</b>
---	-----------------------

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

**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(a).

**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 recognition is attached.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.

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**

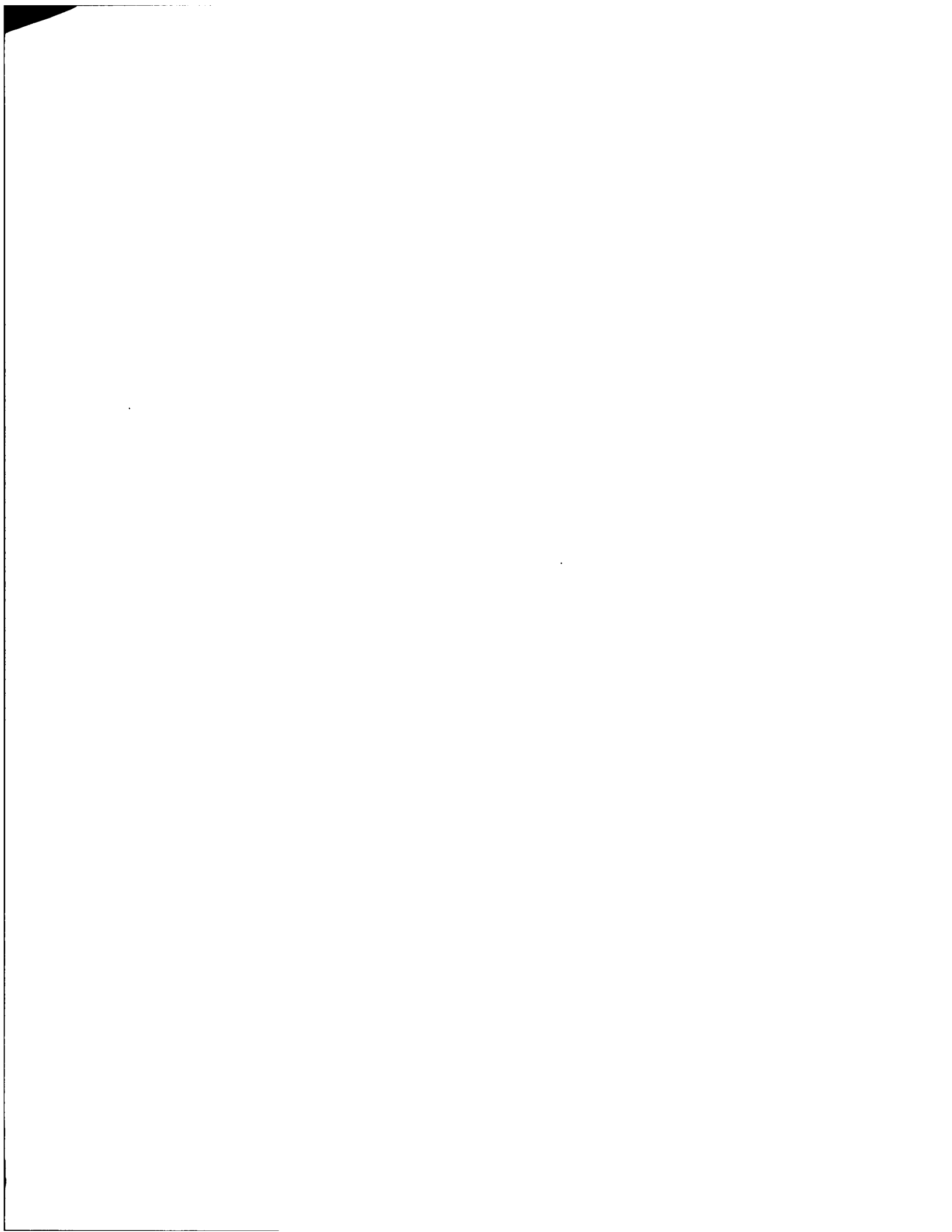
Name and Address of Petitioner	Nature of Claim	Amount of Claim

**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.

Total Amount of  
 Petitioners' Claims

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 § 303 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). 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 B6  
(10/05)

## **FORM 6. SCHEDULES**

### Summary of Schedules

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 - Executory Contracts and Unexpired Leases

Schedule H - Codebtors

Schedule I - Current Income of Individual Debtor(s)

Schedule J - Current Expenditures of Individual Debtor(s)

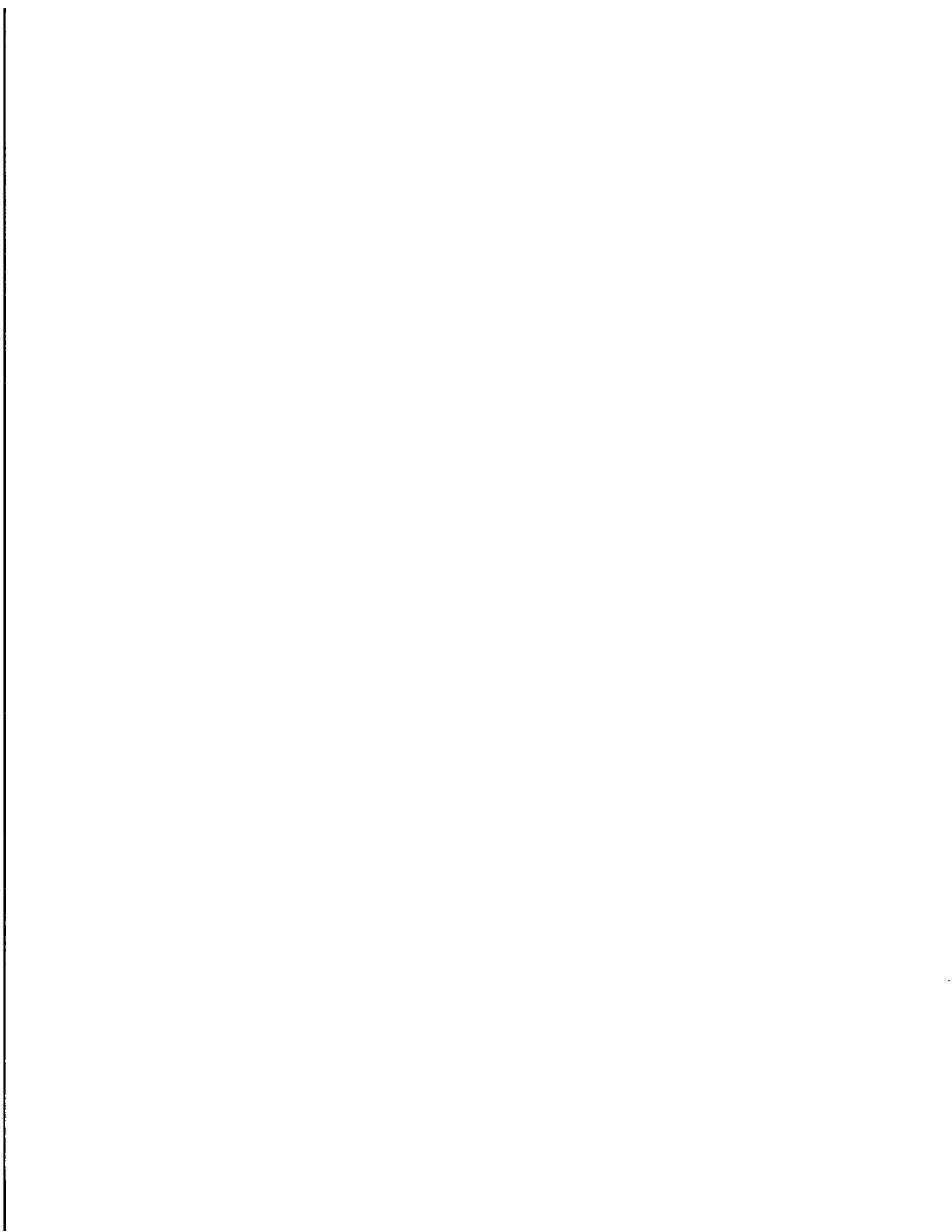
### Unsworn Declaration under Penalty of Perjury

**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 still 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

District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

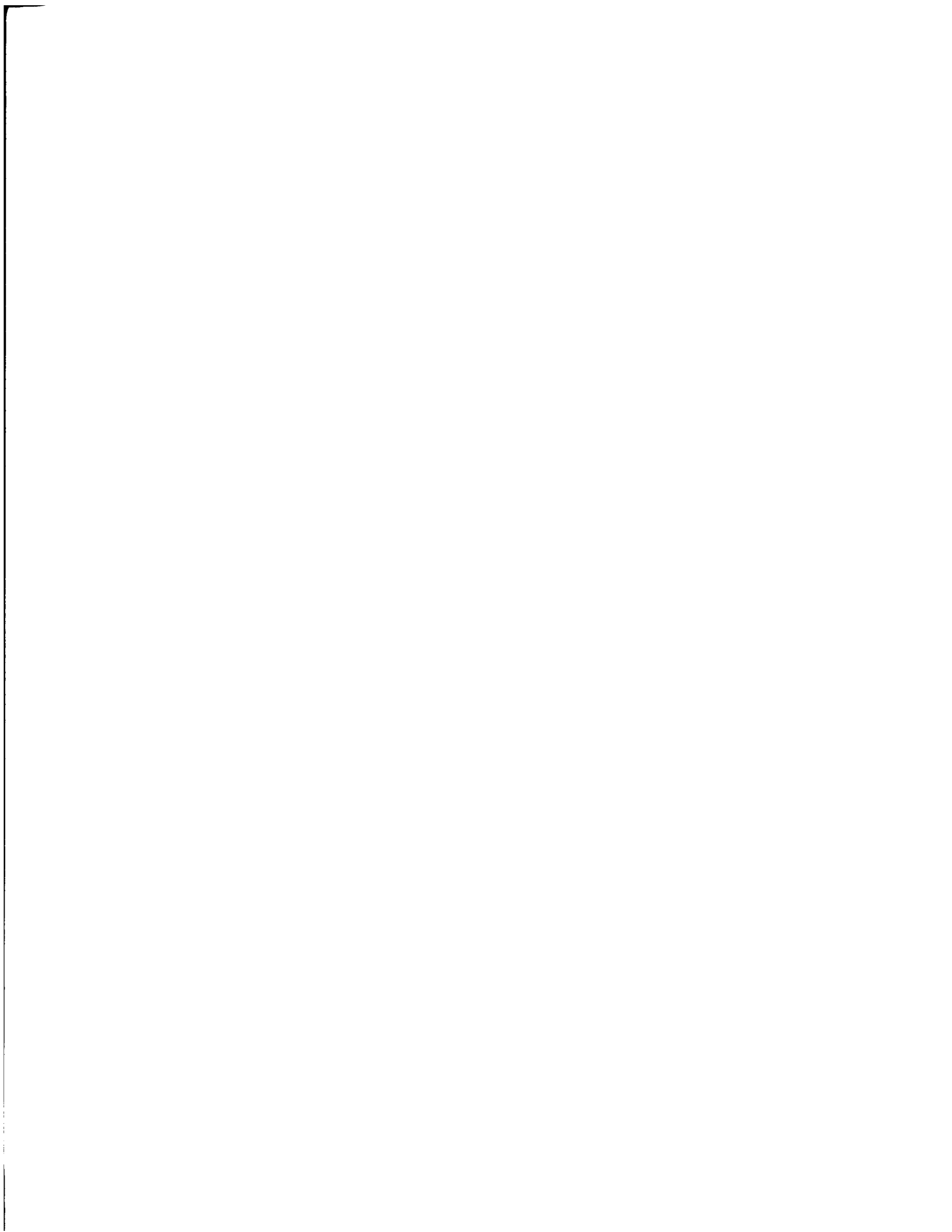
Chapter \_\_\_\_\_

## SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, C, 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 amount from Schedule D, the amounts entitled to priority under §§ 507(a)(1) and (a)(8) of the Bankruptcy Code (11 U.S.C. § 101 et seq.) from Schedule E, and the amount of "PND" claims from Schedule F to determine the total amount of the debtor's liabilities "in categories that are predominantly nondischargeable." Designating a claim as "PND" is for statistical purposes only; it does not determine the status of the claim. Making the designation is not intended as an admission by the debtor concerning the dischargeability of any particular claim. Designating claims as "PND" and totaling them separately in addition to including them in the total of all liabilities will enable the courts to report to Congress as required under 28 U.S.C. § 159. Add the amounts of ALL claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities.

**AMOUNTS SCHEDULED**

NAME OF SCHEDULE	ASSETS	PREDOMINANTLY NONDISCHARGEABLE LIABILITIES	ALL LIABILITIES	OTHER
A - Real Property	\$			
B - Personal Property	\$			
C - Property Claimed as Exempt				
D - Creditors Holding Secured Claims		\$	\$	
E - Creditors Holding Unsecured Priority Claims		\$	\$	
F - Creditors Holding Unsecured Nonpriority Claims		\$	\$	
G - Executory Contracts and Unexpired Leases				
H - Codebtors				
I - Current Income of Individual Debtor(s)				\$
J - Current Expenditures of Individual Debtor(s)				\$
Total Assets	\$			
Total PND Liabilities				
Total All Liabilities			\$	



In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(If known)

## 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.

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
Total ▶				

(Report also on Summary of Schedules.)

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(If known)

## 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," "J," 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 the 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."

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITH- OUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1 Cash on hand  2 Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.  3 Security deposits with public utilities, telephone companies, landlords, and others  4 Household goods and furnishings, including audio, video, and computer equipment.  5. Books; pictures and other art objects, antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles.  6 Wearing apparel.  7 Furs and jewelry  8. Firearms and sports, photographic, and other hobby equipment  9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each  10 Annuities. Itemize and name each issuer  11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s) 11 U.S.C. § 521(c); Rule 1007(b)).				

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(If known)

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

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITH- OUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
<p>12 Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.</p> <p>13 Stock and interests in incorporated and unincorporated businesses. Itemize.</p> <p>14 Interests in partnerships or joint ventures. Itemize.</p> <p>15 Government and corporate bonds and other negotiable and non-negotiable instruments.</p> <p>16 Accounts receivable.</p> <p>17 Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.</p> <p>18 Other liquidated debts owing debtor including tax refunds. Give particulars.</p> <p>19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.</p> <p>20 Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.</p> <p>21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.</p>				

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(If known)

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

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITH- OUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
22 Patents, copyrights, and other intellectual property Give particulars  23 Licenses, franchises, and other general intangibles. Give particulars.  24 Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) in customer lists or similar compilations provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes  25 Automobiles, trucks, trailers, and other vehicles and accessories.  26 Boats, motors, and accessories.  27 Aircraft and accessories  28 Office equipment, furnishings, and supplies  29 Machinery, fixtures, equipment, and supplies used in business.  30 Inventory.  31 Animals.  32 Crops - growing or harvested Give particulars  33 Farming equipment and implements  34 Farm supplies, chemicals, and feed.  35 Other personal property of any kind not already listed. Itemize.				

\_\_\_\_\_ continuation sheets attached Total ▶

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules )

\$

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(If known)

### SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:  
(Check one box)

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

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION



Debtor

(If known)

## 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 creditor 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." See 11 U.S.C. § 112, Fed. R. Bankr. P. 1007(m). If all secured 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 - 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," "J," 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 secured claims to report on this Schedule D

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND ACCOUNT NUMBER <i>(See Instructions Above)</i>	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO.			VALUE \$					
ACCOUNT NO.			VALUE \$					
ACCOUNT NO.			VALUE \$					
ACCOUNT NO.			VALUE \$					

\_\_\_\_\_ continuation sheets attached

Subtotal ▶  
(Total of this page)

\$

Total ▶

(Use only on last page)

\$

Form B6D - Cont  
(10/05)

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(If known)

### SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS (Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND ACCOUNT NUMBER <i>(See Instructions)</i>	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO								
			VALUE \$					
ACCOUNT NO								
			VALUE \$					
ACCOUNT NO.								
			VALUE \$					
ACCOUNT NO.								
			VALUE \$					
ACCOUNT NO.								
			VALUE \$					

Sheet no. \_\_\_ of \_\_\_ continuation sheets attached to Schedule of Creditors Holding Secured Claims

Subtotal ▶	\$
(Total of this page)	
Total ▶ (Use only on last page)	\$

In re \_\_\_\_\_  
Debtor

Case No. \_\_\_\_\_  
(if known)

## 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 sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of 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 subsection of the Bankruptcy Code described below which assigns the priority, such as "Sec. 507(a)(4)."

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." Do not include the name or address of a minor child in this schedule. See 11 U.S.C. § 112; Fed.R.Bankr.P. 1007(m).

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," "J," 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 "Subtotal" on each sheet. On the last sheet of this Schedule E, report the total of all claims entitled to priority under § 507(a)(1) and § 507(a)(8) in the box labeled "Total of Claims Entitled to Priority under §§ 507(a)(1) and (a)(8)" and report separately the total of all other claims in the box labeled "Total of ALL Claims Entitled to Priority." Report these totals also on the Summary of Schedules.

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 box(es) 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 to whom 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 a 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).

In re \_\_\_\_\_ ,  
Debtor

Case No. \_\_\_\_\_  
(if known)

**Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to \$4,925\* 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 \$2,225\* 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

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(If known)

## SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

(Continuation Sheet)

TYPE OF PRIORITY (Example: "Sec. 507(a)(1)")

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY
ACCOUNT NO.								
ACCOUNT NO.								
ACCOUNT NO.								
ACCOUNT NO.								
ACCOUNT NO.								

Sheet no. \_\_\_\_\_ of \_\_\_\_\_ sheets attached to Schedule of Creditors  
Holding Priority Claims

Subtotal ▶ \$ \_\_\_\_\_  
(Total of this page)

Total ▶ \$ \_\_\_\_\_

(Use only on last page of the completed Schedule E.)

(Report total also on Summary of Schedules)

In re \_\_\_\_\_,

Case No. \_\_\_\_\_

Debtor

(If known)

## 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. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

*Individual debtors with primarily consumer debts:* If any claim is or may be predominantly nondischargeable under §§ 523(a)(8), (a)(15), or (a)(18) of the Bankruptcy Code (11 U.S.C. § 101 et seq.), place an "X" in the column labeled "PND" and total the amounts of these claims separately. Designating a claim as "PND" is not intended to be an admission by the debtor concerning the dischargeability of any particular scheduled debt. For example, a debt of the kind described in §523(a)(15) of the Code would not be discharged in a chapter 7 case, but may be discharged in a chapter 13 case. Nevertheless, a debtor filing under any chapter should mark a §523(a)(15) debt as "PND." The designation is for statistical purposes only and will enable the courts to report to Congress concerning the amount of debt scheduled "in categories which are predominantly nondischargeable," as required by 28 U.S.C. § 159(c)(3)(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 maybe liable on each claim by placing an "H," "W," "J," 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 "PND" claims listed on each sheet in the box labeled "Subtotal of PND Claims" and the total of ALL claims listed on each sheet (including "PND" claims) in the box labeled "Subtotal of All Claims." On the last sheet of the completed Schedule F, report also the total of all "PND" claims listed in this schedule in the box labeled "Total of all "PND" Claims" and the total of ALL claims listed in this schedule (including "PND" claims) in the box labeled "Total of All Claims." Report these totals also on the Summary of Schedules.

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

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <small>(See instructions above)</small>	CODEBTOR	HUSBAND, WIFE JOINT, OR	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	PND	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL
ACCOUNT NO.								
ACCOUNT NO.								
ACCOUNT NO.								

Subtotal of PND Claims ▶

\$

\_\_\_\_ continuation sheets attached

Subtotal of ALL Claims ▶

\$

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

Total of PND Claims ▶

\$

Total of ALL Claims ▶

\$

In re \_\_\_\_\_,  
 Debtor

Case No. \_\_\_\_\_  
 (If known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
 (Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, APND ACCOUNT NUMBER <small>(See instructions above.)</small>	CODEBTOR	HUSBAND, WIFE JOINT, OR	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	PND	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL
ACCOUNT NO.  								
ACCOUNT NO.  								
ACCOUNT NO.  								
ACCOUNT NO.  								
ACCOUNT NO.  								

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

Subtotal of PND Claims ▶

\$
----

Subtotal of ALL Claims ▶

\$
----

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

Total of PND Claims ▶

\$
----

Total of ALL Claims ▶

\$
----

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(if known)

### 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," "Agent," etc. State whether debtor is the lessor or lessee 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." See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

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

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



In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(if known)

### 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 nondebtor 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." See 11 U.S.C. § 112; Fed. Bankr. P. 1007(m).

Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(if known)

## SCHEDULE I - 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.

Debtor's Marital Status	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP:	AGE:
	DEBTOR	SPOUSE
<b>Employment:</b>		
Occupation		
Name of Employer		
How long employed		
Address of Employer		

INCOME: (Estimate of average monthly income)	DEBTOR	SPOUSE
1. Current monthly gross wages, salary, and commissions (Prorate if not paid monthly.)	\$ _____	\$ _____
2. Estimate monthly overtime	\$ _____	\$ _____
3. SUBTOTAL	\$ _____ \$ _____	
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$-----	\$-----
b. Insurance	\$-----	\$-----
c. Union dues	\$-----	\$-----
d. Other (Specify):-----	\$-----	\$-----
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$----- \$-----	
6. TOTAL NET MONTHLY TAKE HOME PAY	\$----- \$-----	
7. Regular income from operation of business or profession or firm. (Attach detailed statement)	\$-----	\$-----
8. Income from real property	\$-----	\$-----
9. Interest and 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):-----	\$-----	\$-----
14. SUBTOTAL OF LINES 7 THROUGH 13	\$----- \$-----	
15. TOTAL MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$----- \$-----	
16. TOTAL COMBINED MONTHLY INCOME: \$-----	\$----- \$-----	

(Report also on Summary of Schedules.)

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

-----

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In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(if known)

### 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 rented for mobile home) \$ \_\_\_\_\_
  - a. Are real estate taxes included? Yes \_\_\_\_\_ No \_\_\_\_\_
  - b. Is property insurance included? Yes \_\_\_\_\_ No \_\_\_\_\_
- 2. Utilities: a. Electricity 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 (Report also on Summary of Schedules) \$ \_\_\_\_\_
- 19. Describe any increase or decrease in expenditures anticipated to occur within the year following the filing of this document:  
\_\_\_\_\_
- 20. STATEMENT OF MONTHLY NET INCOME
  - a. Total projected monthly income \$ \_\_\_\_\_
  - b. Total projected monthly expenses \$ \_\_\_\_\_
  - c. Monthly net income (a. minus b.) \$ \_\_\_\_\_

*[Chapter 12 and 13 Debtors Only. State amount and whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.]*

21. Total amount to be paid into plan \$ \_\_\_\_\_ each \_\_\_\_\_ (interval).

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
(If known)

## 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: \_\_\_\_\_  
(Joint Debtor, if any)

[If joint case, both spouses must sign.]

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### 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 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. §§ 110(b), 110(h) and 342(b), and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 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 \_\_\_\_\_

Social Security No \_\_\_\_\_

(Required by 11 U.S.C. § 110)

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 \_\_\_\_\_

X \_\_\_\_\_  
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

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

I, the \_\_\_\_\_ [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] named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of \_\_\_\_\_ sheets, and that they are true and correct to the best of my knowledge, information, and belief  
(Total shown on summary page plus 1.)

Date \_\_\_\_\_

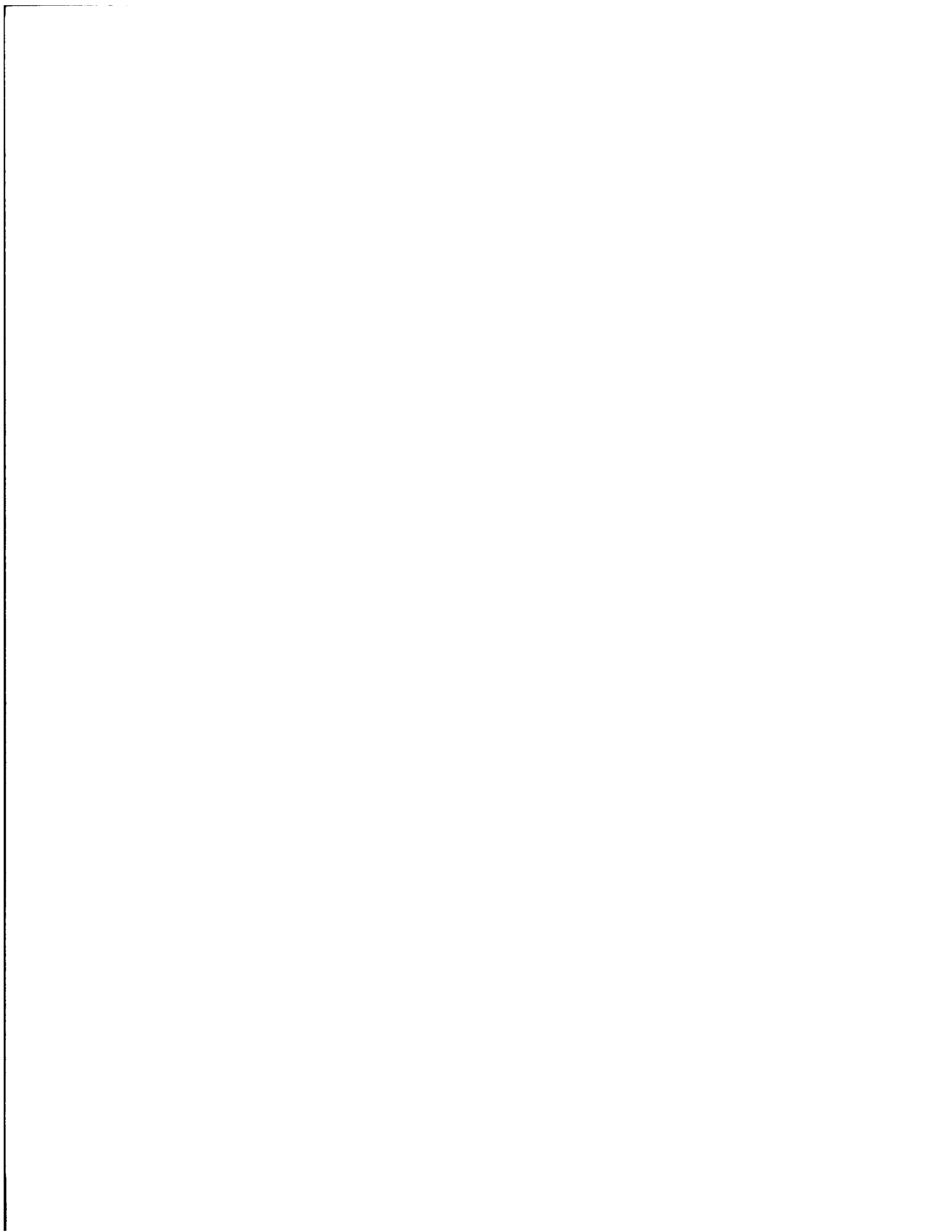
Signature: \_\_\_\_\_

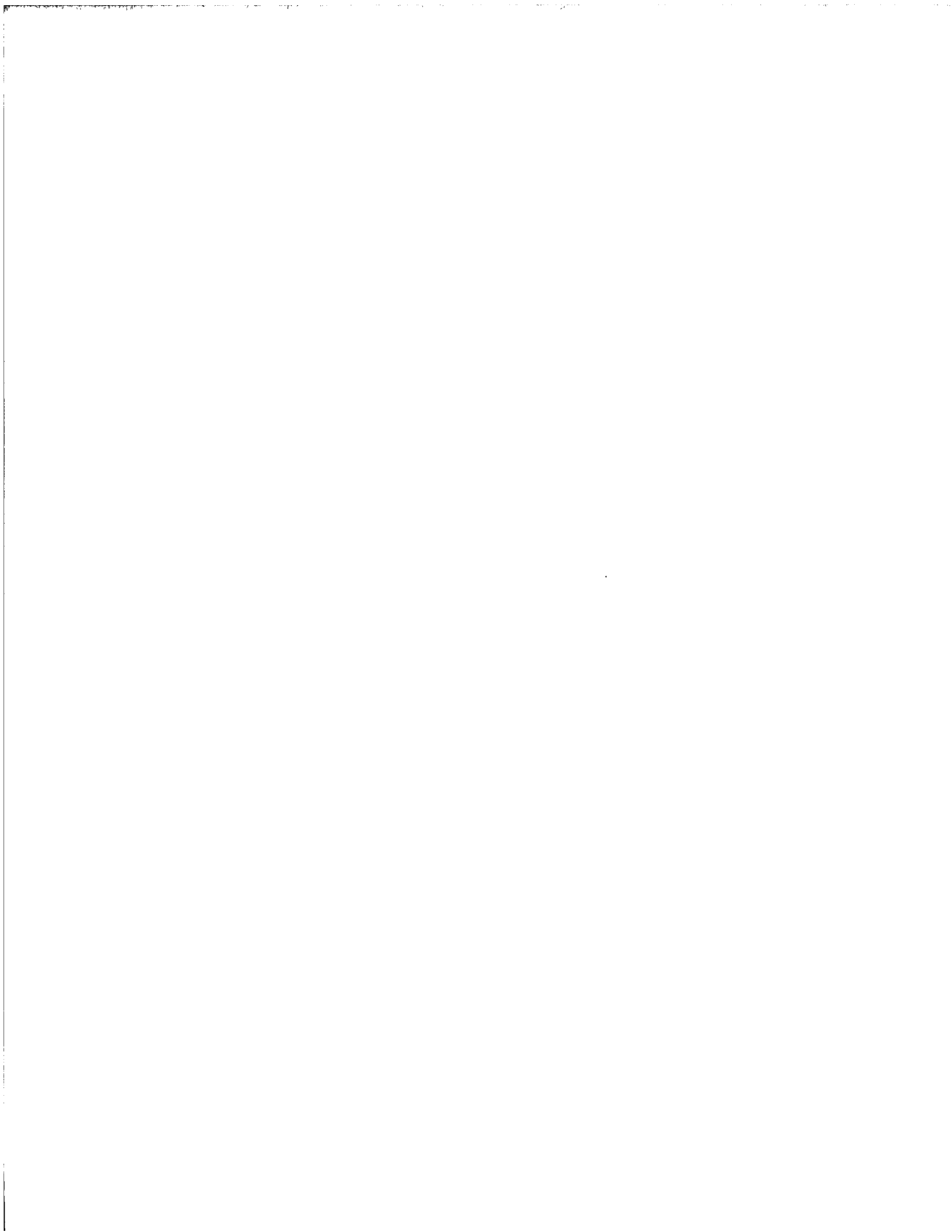
\_\_\_\_\_  
[Print or type name of individual signing on behalf of debtor.]

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

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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.





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 and address 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 Summary of Schedules is amended to include additional information needed to prepare statistical reports required under 28 U.S.C. § 159, which was enacted as part of the 2005 Act. Among the information to be reported annually to Congress under § 159 is the aggregate amount of debt discharged by debtors in each judicial district “determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable.” 28 U.S.C. § 159(c)(3)(C). Instructions have been added concerning calculating and reporting totals. Debtors also are advised that reporting a debt as being in a category that is “predominantly nondischargeable” is for statistical purposes only and does not determine the status of the debt. Amendments to Schedules D, E, and F made in furtherance of § 159 are discussed separately under those schedules.

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 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 the 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

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 to § 522 of the Code concerning these requirements enacted in 2005 might inadvertently cause the debtor to lose important rights. Accordingly, the form now simply directs the debtor to indicate whether exemptions are being claimed under § 522(b)(2) or § 522(b)(3).

Schedule D - Creditors Holding Secured Claims is amended to direct the debtor to report the total of secured claims in both the "Predominantly Nondischargeable" and the "All Liabilities" columns of the Summary and Schedules.

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. The form also is amended to direct the debtor to provide separate totals of certain debts "in categories which are predominantly nondischargeable," and to direct the debtor to report these totals appropriately on the Summary of Schedules.

Schedule F - Creditors Holding Unsecured Nonpriority Claims is amended to direct the debtor to identify and separately total the amounts of debts the separate or otherwise identified listing of certain debts "in categories which are predominantly nondischargeable," and to report these totals appropriately on the Summary of Schedules. The debtor is advised that designating a debt as being in a "predominantly nondischargeable" category does not determine the status of the debt and is not intended as an admission by the debtor concerning any particular scheduled debt, but rather is for statistical purposes only, to implement 28 U.S.C. § 159 which was enacted in 2005.

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 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



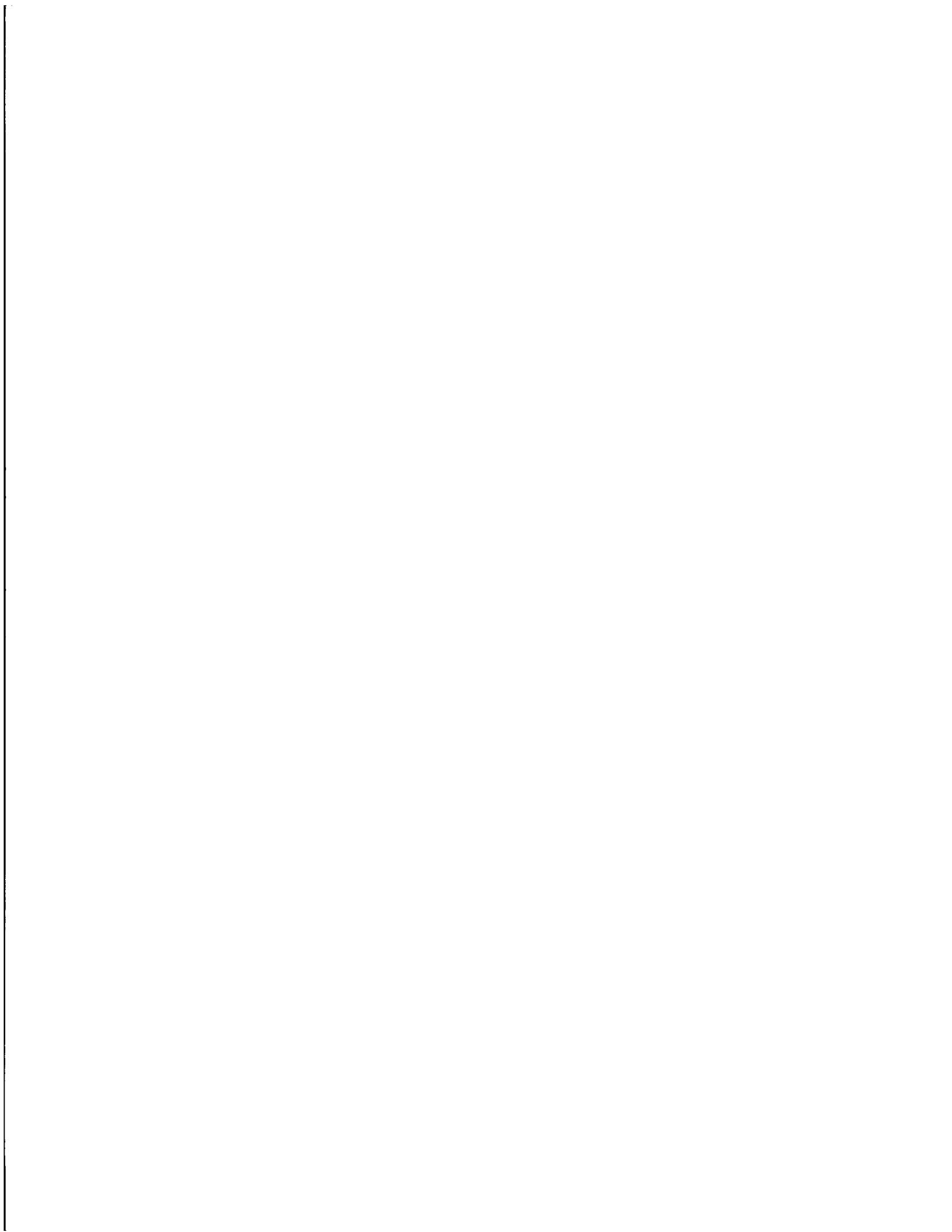
that these codebtors receive notice of the filing of the bankruptcy case. The form also is amended to extend from six years to eight years the time period for which this information is reported pursuant to the 2005 amendments to § 727(a)(8) of the Code.

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 in 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 of more than ten percent 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. This section of the form also can be used to apply the "disposable income test" in cases under chapter 12 and those cases under chapters 11 and 13 where the debtor is not required to complete disposable income section of Official Forms 22B or 22C. The section in which debtors in cases under chapter 12 and chapter 13 state the amount and interval of anticipated plan payments has been separated from the "monthly net income" section.

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.





# UNITED STATES BANKRUPTCY COURT

DISTRICT OF \_\_\_\_\_

In re: \_\_\_\_\_,  
(Name)  
Debtor

Case No. \_\_\_\_\_  
(if known)

## 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. 10007(m).

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 the 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 is [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.

### 1. Income from employment or operation of business

None

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 either as 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 amounts 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

**2. Income other than from employment or operation of business**

None

State the amount of income received by the debtor other than from employment, trade, profession, 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.)

AMOUNT

SOURCE

**3. Payments to creditors**

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

None

a. *Individual or joint debtor(s) with primarily consumer debts:* List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, [except for a debt on account of a domestic support obligation,]made within **90 days** immediately preceding the commencement of this case. Indicate with an \* any payments that were made to the creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and creditor 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.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
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None

b. *Debtor whose debts are not primarily consumer debts:* List all payments or other transfers to any creditor aggregating more than \$5,000 in value made within 90 days immediately preceding the commencement of the case. (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.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS/ TRANSFERS	AMOUNT PAID OR VALUE OF TRANSFERS	AMOUNT STILL OWING
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None

c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to 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.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
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#### 4. Suits and administrative proceedings, executions, garnishments and attachments

None

- a. List all suits and administrative proceedings to which the debtor is or was a party 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.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
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None

- 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.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
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#### 5. Repossessions, foreclosures and returns

None

- 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.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
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#### 6. Assignments and receiverships

None

- 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.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
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None  

- b. List all property which has been in the hands of a custodian, receiver, or court-appointed official 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.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE Of PROPERTY
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### 7. Gifts

None  

- 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 PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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### 8. Losses

None  

- 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
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### 9. Payments related to debt counseling or bankruptcy

None  

- 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 PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
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**10. Other transfers**

 None  


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.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
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 None

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.

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR'S INTEREST IN PROPERTY
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**11. Closed financial accounts**

 None  


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.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
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**12. Safe deposit boxes**

 None  


List each safe deposit 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.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
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**13. Setoffs**



None

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.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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**14. Property held for another person**

None

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

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
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**15. Prior address of debtor**

None

a. *Individual debtor(s)*: If the debtor has moved within the **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.

ADDRESS	NAME USED	DATES OF OCCUPANCY
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b. *All other debtors*: If the debtor has moved within the **two 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.

ADDRESS OCCUPANCY	NAME USED	DATES OF
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**16. Spouses and Former Spouses**

None

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.

NAME

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**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, soil, 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

None

- a. List the name and address of every site for 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:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None

- 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.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None

- 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 that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
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**18. Nature, location and name of business**

None

- a. *If the debtor is an individual*, list the names, 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 the **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 the **six years** immediately preceding the commencement of this case.

*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 the **six years** immediately preceding the commencement of this case.

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 the six years immediately preceding the commencement of this case.

NAME	LAST FOUR DIGITS OF SOC. SEC. NO./ COMPLETE EIN OR OTHER TAXPAYER I.D. NO.	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
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None  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
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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 the 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 the six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)

**19. Books, records and financial statements**

None  a. List all bookkeepers and accountants who within the two years immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS	DATES SERVICES RENDERED
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None  b. List all firms or individuals who within the 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
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None  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
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- None  d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the **two years** immediately preceding the commencement of this case by the debtor.

NAME AND ADDRESS DATE ISSUED

**20. Inventories**

- None  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 cost, market or other basis)

- None  b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY RECORDS

**21 . Current Partners, Officers, Directors and Shareholders**

- None  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

- None  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**

- None  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

None

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 this case.

NAME AND ADDRESS	TITLE	DATE OF TERMINATION
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**23 . Withdrawals from a partnership or distributions by a corporation**

None

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.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
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**24. Tax Consolidation Group.**

None

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 the **six-year period** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION	TAXPAYER IDENTIFICATION NUMBER (EIN)
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**25. Pension Funds.**

None

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 the **six-year period** immediately preceding the commencement of the case.

NAME OF PENSION FUND	TAXPAYER IDENTIFICATION NUMBER (EIN)
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\* \* \* \* \*

*[If completed by an individual or individual and spouse]*

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 \_\_\_\_\_  
of Debtor

Date \_\_\_\_\_

Signature \_\_\_\_\_  
of Joint Debtor  
(if any)

*[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 to debtor.]

\_\_\_\_\_ continuation sheets 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 3571*

**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 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 §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 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 and Title, if any, of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security No.(Required by 11 U.S.C. § 110 )

*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

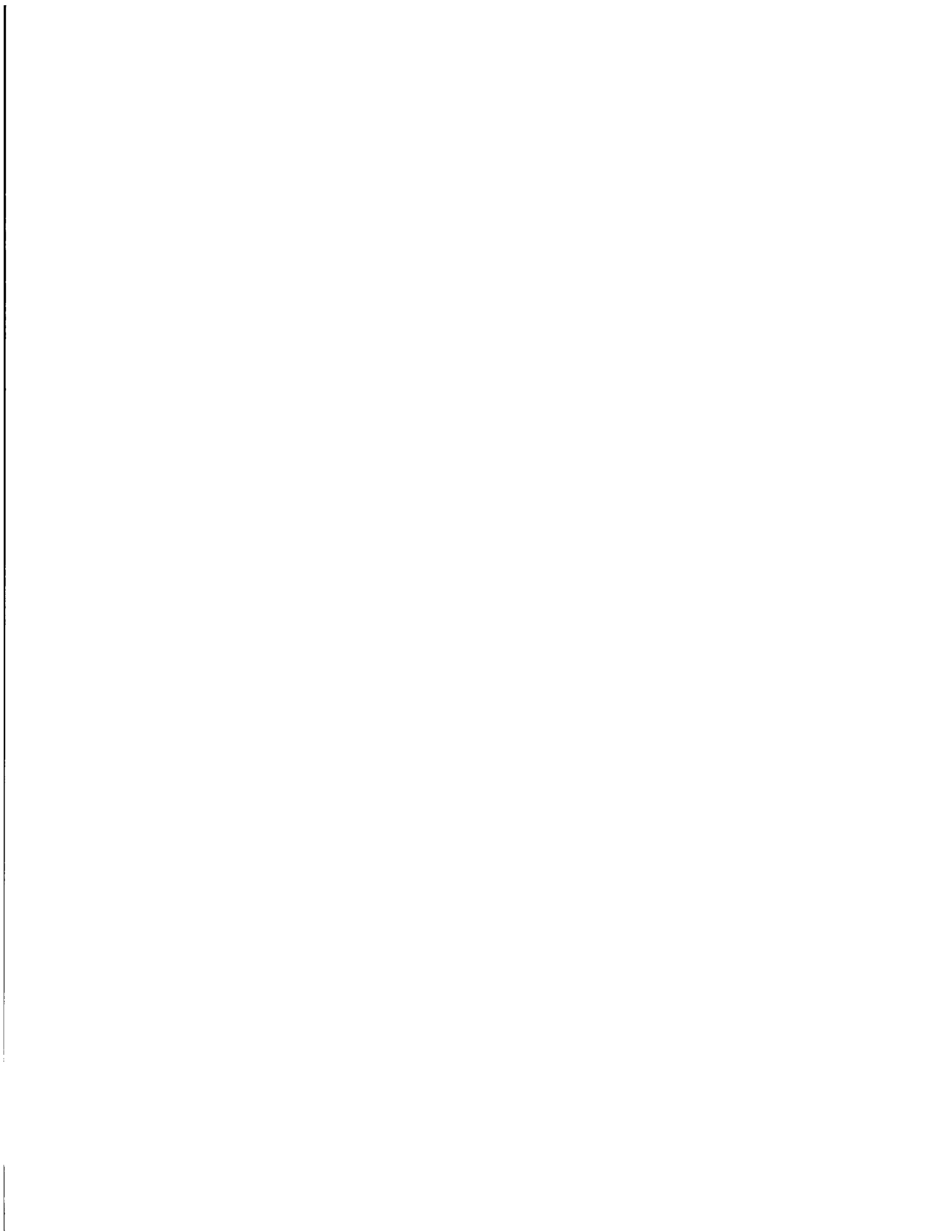
X \_\_\_\_\_  
Signature of Bankruptcy Petition Preparer

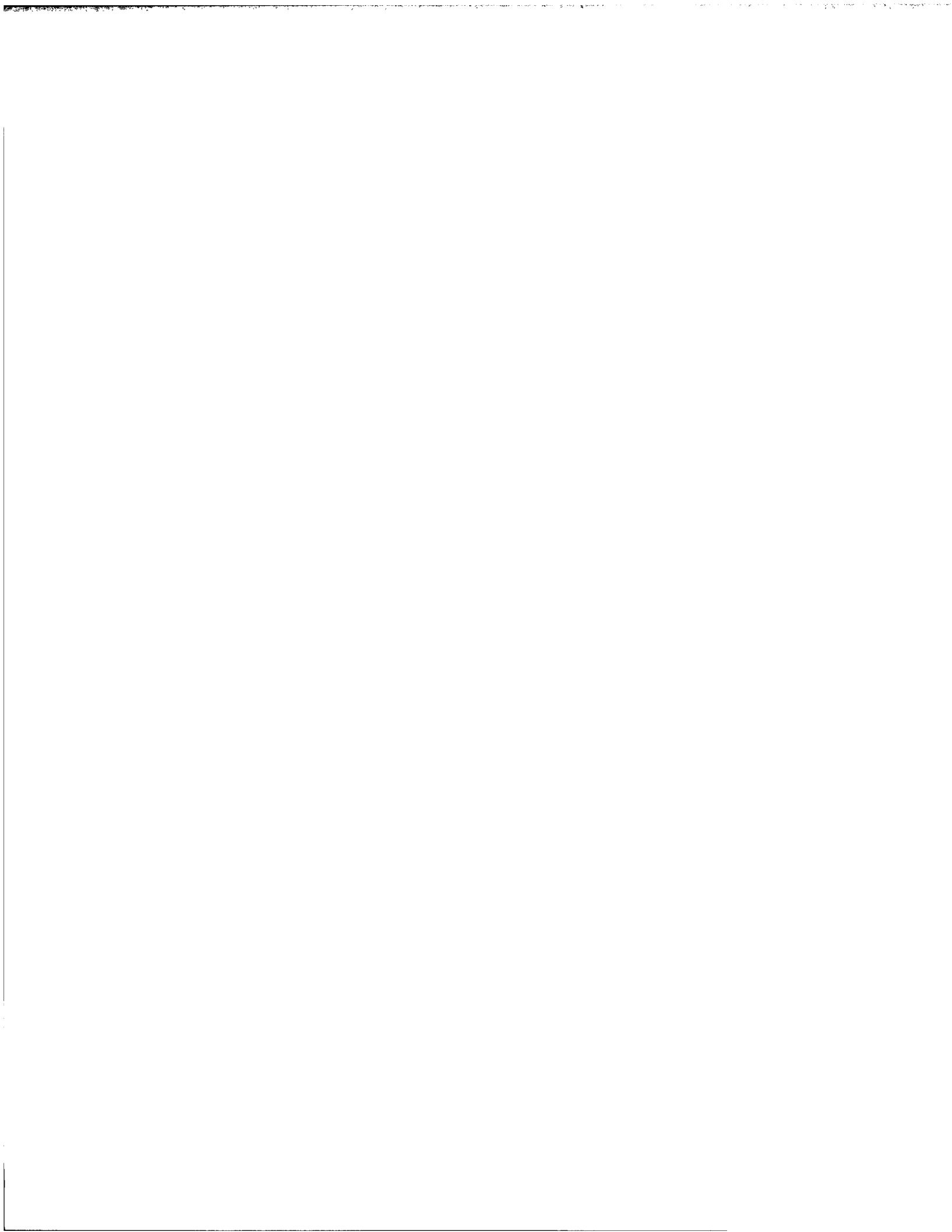
\_\_\_\_\_  
Date

Names and 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 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. 18 U.S.C. § 156.***







COMMITTEE NOTE

The form is amended in several ways to reflect changes in the Bankruptcy Code made by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109 - 8, 119 Stat. 23, (April 20, 2005). A new sentence in the introduction advises the debtor not to disclose the name and address of any minor child.

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

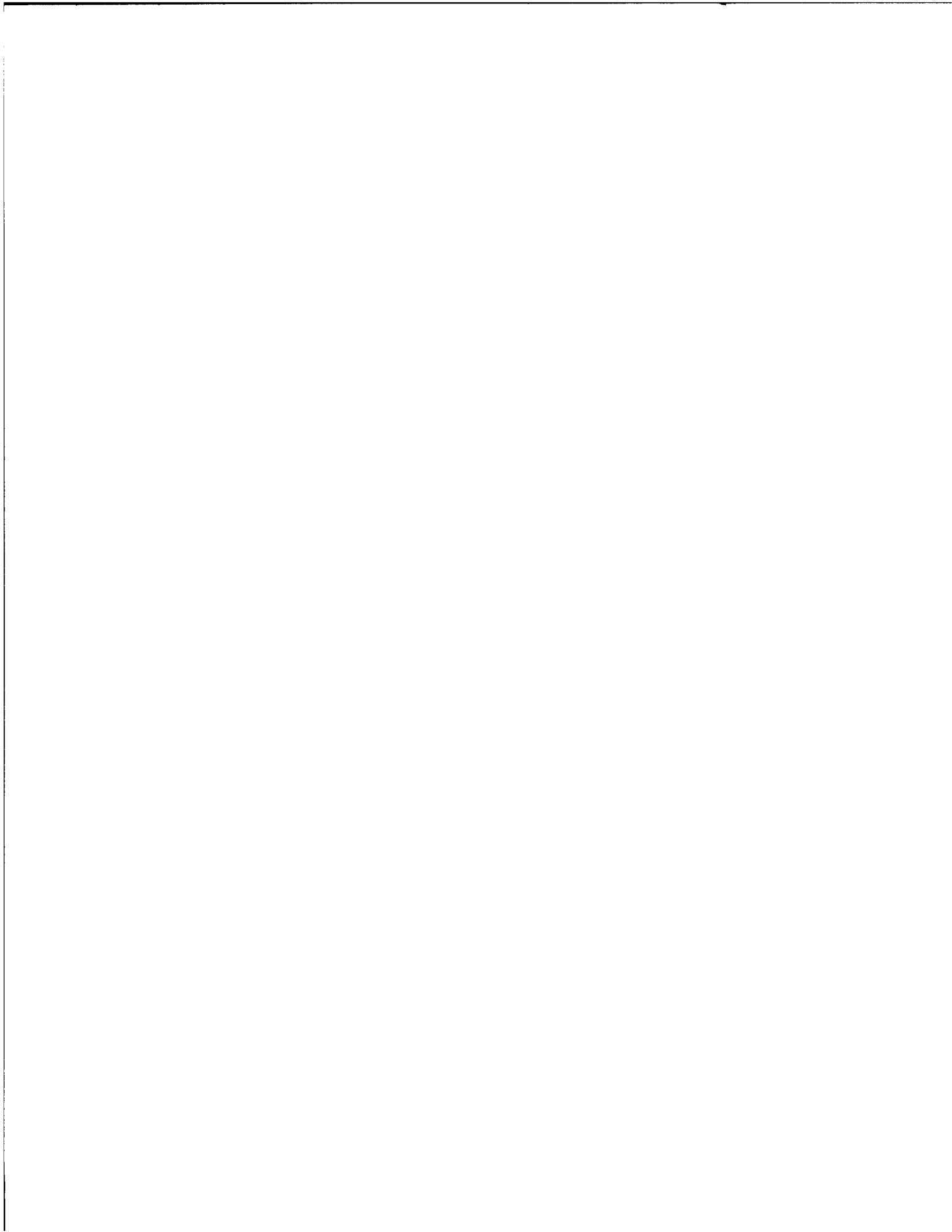
Question 1. is amended to specify that, in addition to the income from the debtor's primary employment, the debtor must include income from part-time activities either as an employee or from self-employment. The debtor now also will report the source of all income from employment or operation of a business, 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 a domestic support obligation or 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 debts 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 amendment 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 prepetition time period for which the 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.



# United States Bankruptcy Court

District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
Chapter 7

## CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

[Check each applicable box]

- 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 take the following action with respect to the property of the estate which secures those debts or is subject to a lease:

Description of Secured Property	Creditor's Name	Property will be Surrendered	Property will be redeemed pursuant to 11 U.S.C. § 722	Debt will be reaffirmed pursuant to 11 U.S.C. § 524(c)

Description of Leased Property	Lessor's Name	Property will be Surrendered	Lease will be assumed pursuant to 11 U.S.C. § 362(h)(1)(A)

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Debtor

### CERTIFICATION 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 document for compensation and have provided the debtor with a copy of this document and the notices and required under 11U.S.C. §§ 110(b), 110(h), and 342(b); (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 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 in that section.

\_\_\_\_\_  
Printed or Typed Name of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security No. (Required under U.S.C. § 110.)

*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

X \_\_\_\_\_

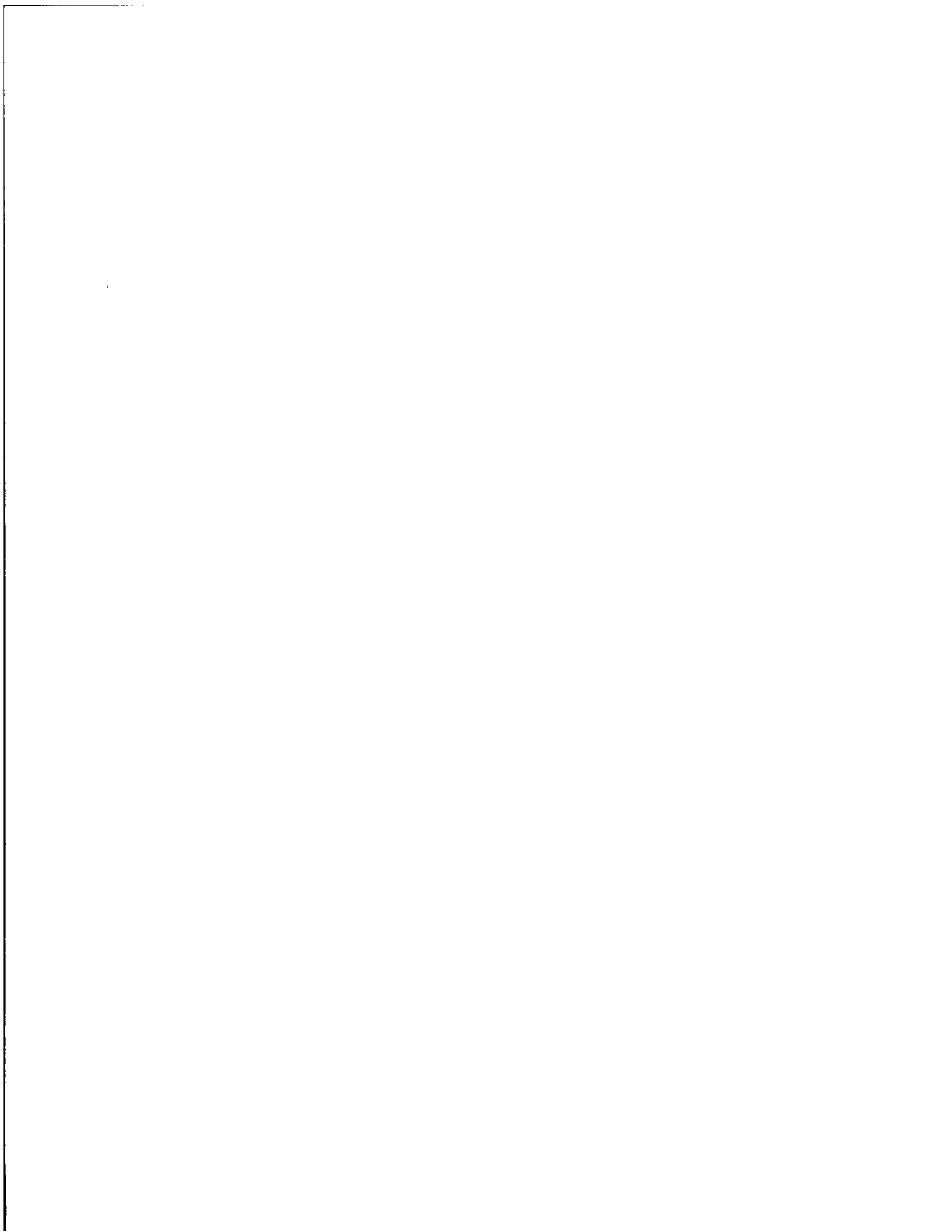
Signature of Bankruptcy Petition Preparer

\_\_\_\_\_  
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.*



United States Bankruptcy Court  
District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
Chapter 7

**CHAPTER 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 secures those debts or is subject to a lease:

Description of Secured Property	Creditor's Name	Property will be Surrendered	Property is claimed as exempt	Property will be redeemed pursuant to 11 U.S.C. § 722	Debt will be reaffirmed pursuant to 11 U.S.C. § 524(c)

Description of Leased Property	Lessor's Name	Property will be Surrendered	Lease will be assumed pursuant to 11 U.S.C. § 362(h)(1)(A)

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Debtor

**DECLARATION 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 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. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 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 in that section.

\_\_\_\_\_  
Printed or 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 signs this document.*

\_\_\_\_\_  
Social Security No. (Required under 11 U.S.C. § 110.)

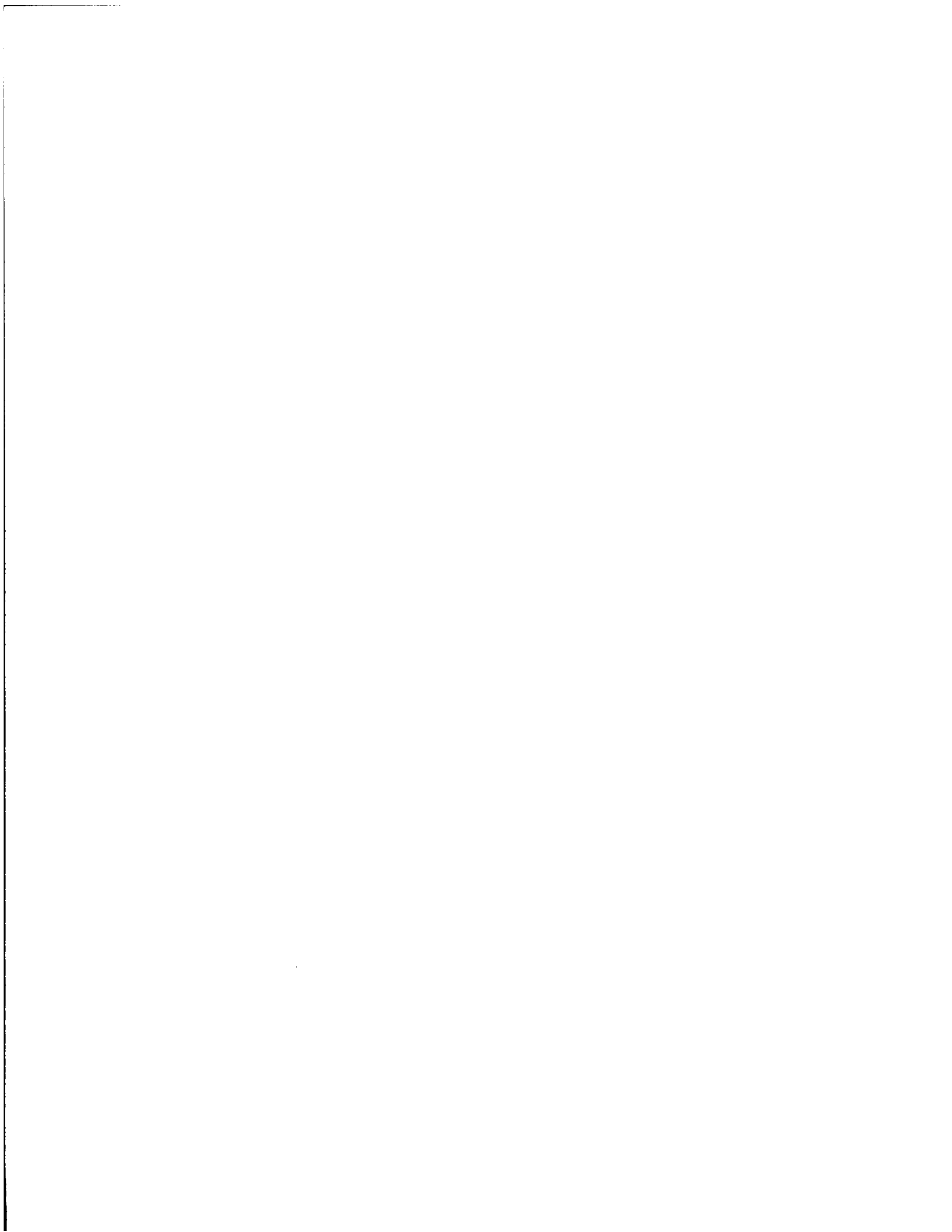
\_\_\_\_\_  
Address

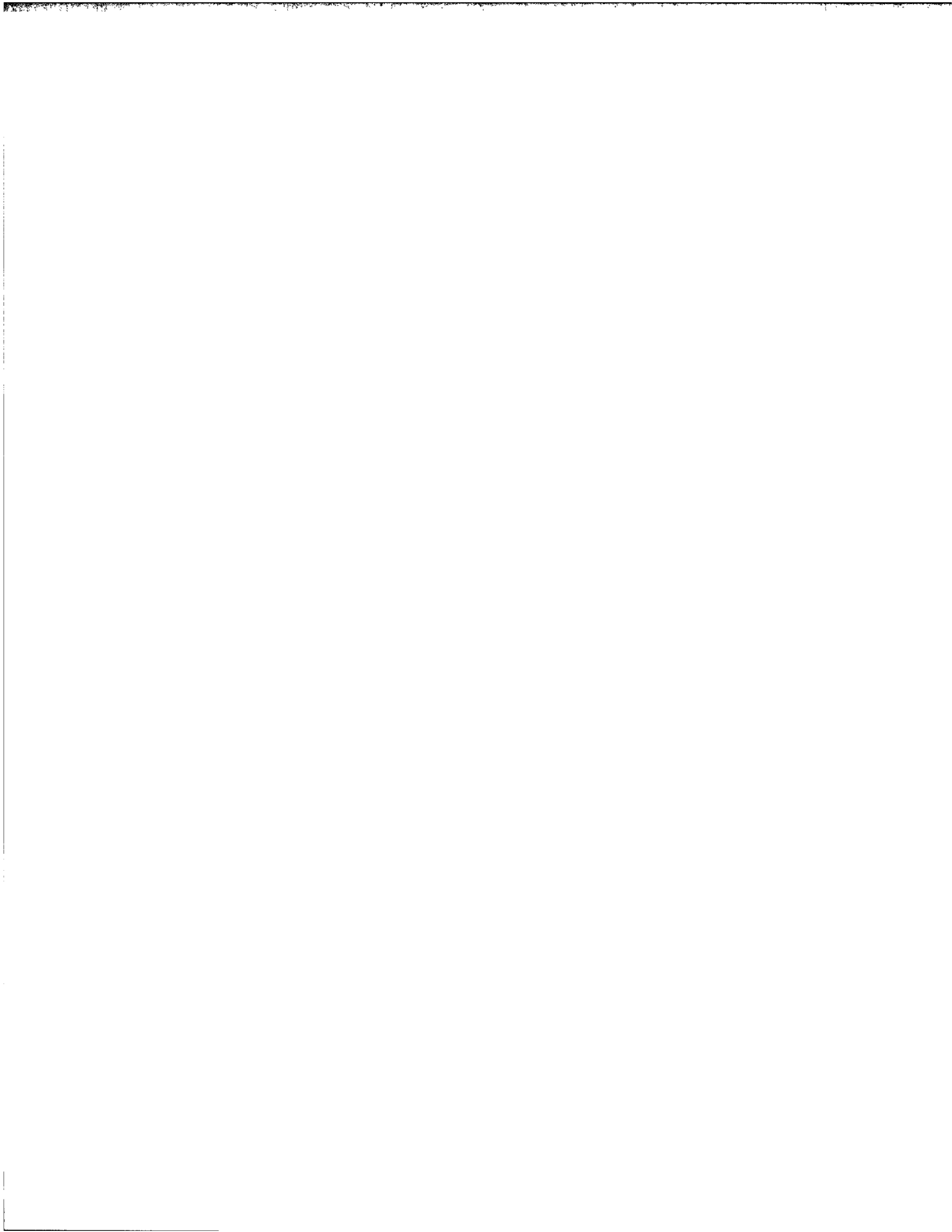
X \_\_\_\_\_  
Signature of Bankruptcy Petition Preparer                      Date

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.*







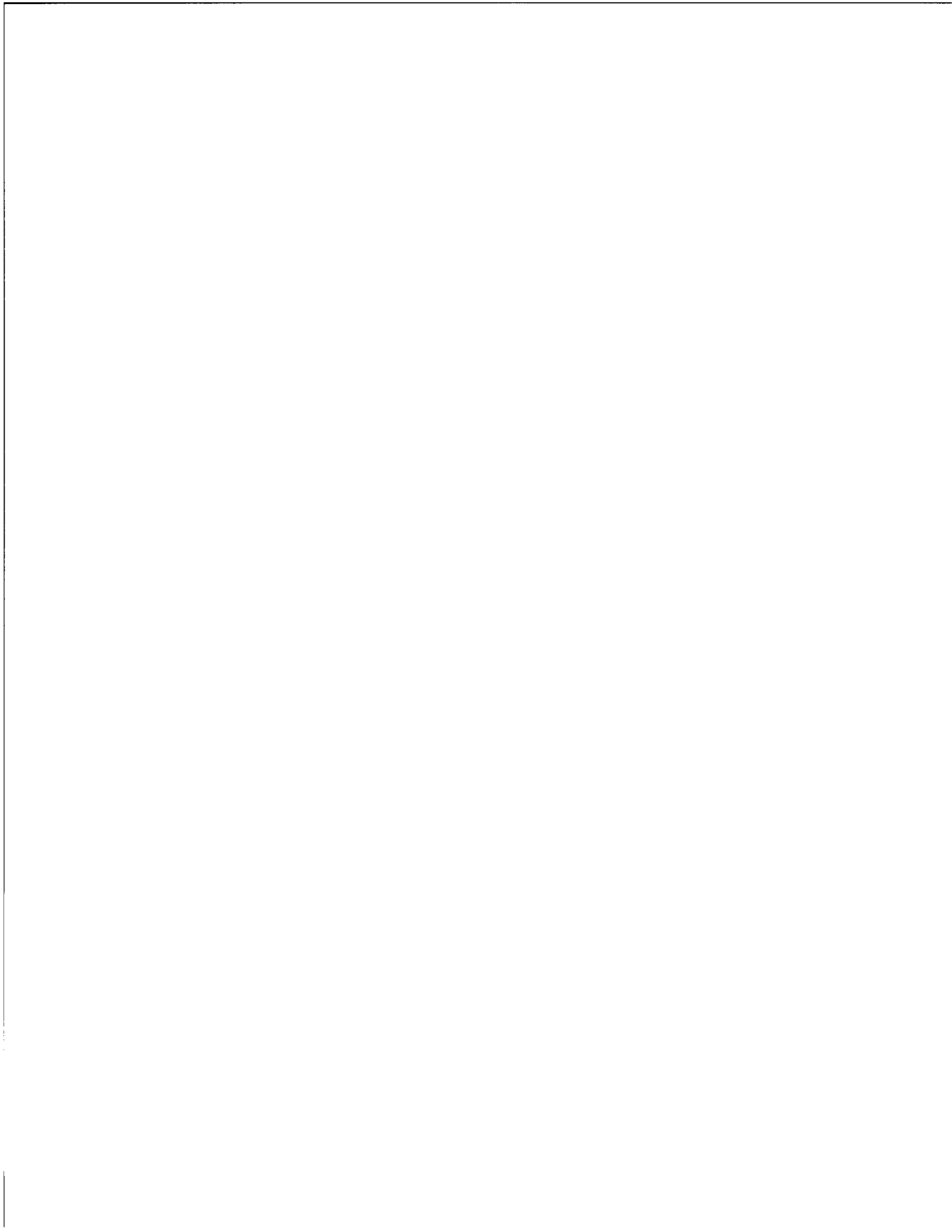
COMMITTEE NOTE

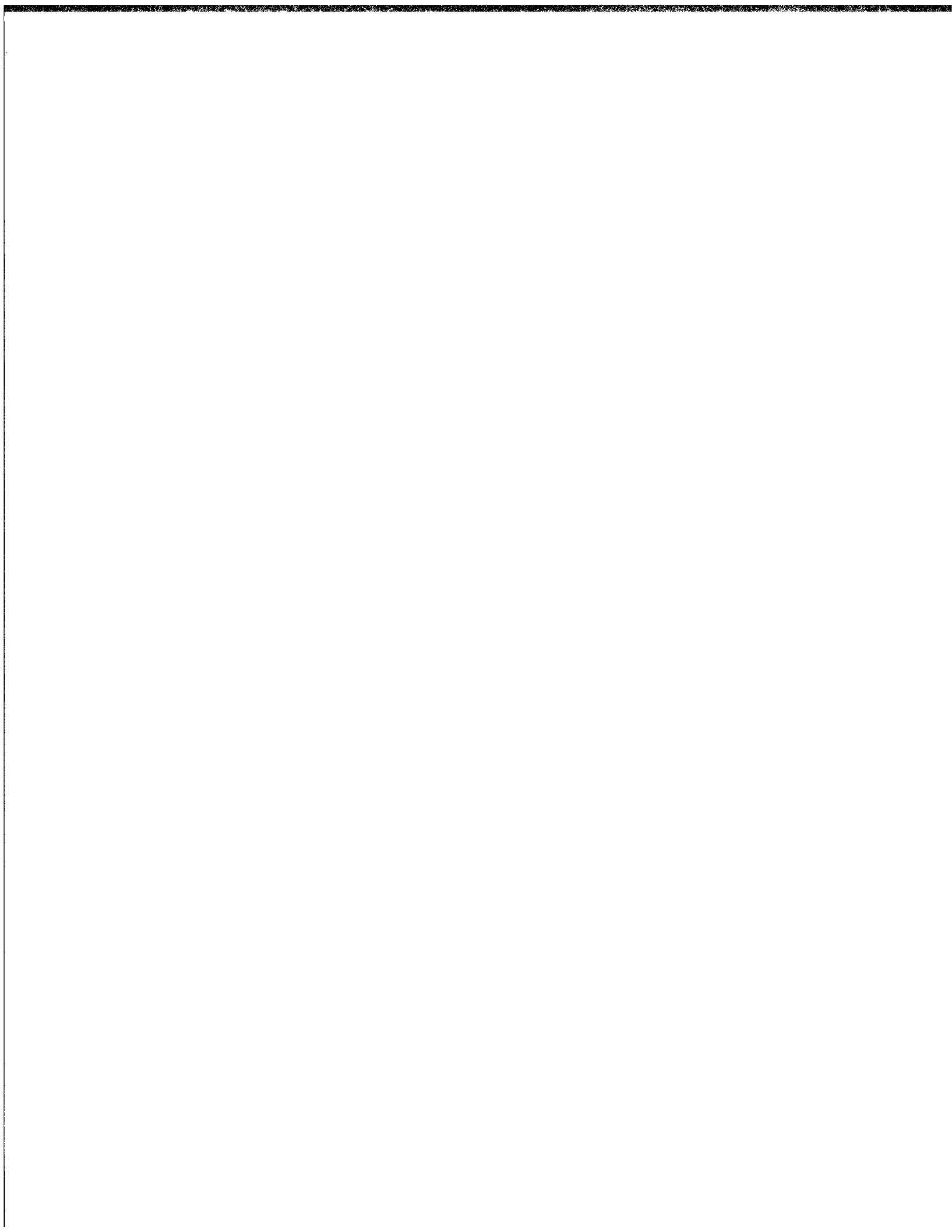
The form is amended to conform to § 521(a)(6), which was added to the Code by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), by deleting “property claimed as exempt” as an option open to the debtor with respect to personal property the debtor intends to retain. The form also is amended to add “lease will be assumed pursuant to 11 U.S.C. § 362(h)(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.

Form 8 Alternate Version

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(h)(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.





UNITED STATES BANKRUPTCY COURT \_\_\_\_\_ District of \_\_\_\_\_

## 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 \_\_\_\_\_ on \_\_\_\_\_ (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.

Debtor(s) (name(s) and address):	Case Number: <u>No./Complete EIN or Other</u>
	Last four digits of Social Security/Taxpayer ID No.: <u>2</u>
Attorney for Debtor(s) (name and address):	Bankruptcy Trustee (name and address):
Telephone number:	Telephone number:

### Meeting of Creditors:

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

Based on the petition filed by the debtor in this case, a presumption of abuse  
 has not  
 has been triggered.

**See Inset:  
"Presumption of Abuse"**

### Deadlines:

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 Dischargeability of Certain Debts or to Request a Hearing under § 522(g) of the Bankruptcy Code:**  
**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 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.

**See Inset  
"Foreign Creditors"**

Address of the Bankruptcy Clerk's Office:	For the Court:
	Clerk of the Bankruptcy Court:
Telephone number:	
Hours Open:	Date:

INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and 9B, only----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1----

Forms 9A and 9C, only----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms 9C - 9I----

*[Insert in the box labeled "Deadlines" where the deadlines for filing Proofs of Claim appear.]*

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

# EXPLANATIONS

FORM B9A (DRAFT)

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.

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. Consult a lawyer to determine your rights in this case.

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.

*See insert ~~XXXXXX~~ for information for foreign creditors (9A). (Page 2, # 2)*

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 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 the required filing fee by that Deadline.

*Insert #4*

*or motion*

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 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.

*Insert new box*

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

*Insert from Page 2, # 3  
"Presumption of Abuse"*

*Insert  
new box,  
"Foreign Creditors"  
(from Page 2, # 1)*

—Refer To Other Side For Important Deadlines and Notices—

INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

Forms 9A, 9I (All forms)----

# 1 [Make a new box at the bottom of the page, under the box labeled "Legal Advice."]

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

INSERT TO PAGE 2-----

Forms 9A and 9B, only----

# 2 [Insert in box labeled "Do Not File a Proof of Claim at This Time."]

**Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only----

# 3 [Make a new box.]

Presumption of Abuse

If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.

INSERT TO PAGE 2 -----

Forms 9A and 9C only -----

Insert in box labeled "Discharge of Debts" at the location shown:

A motion requesting a hearing to determine whether the circumstances described in Bankruptcy Code § 522(g) exist must be filed by the Deadline listed on the front side.





UNITED STATES BANKRUPTCY COURT \_\_\_\_\_ District of \_\_\_\_\_

### 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 \_\_\_\_\_ on \_\_\_\_\_ (date) and was converted to a case under chapter 7 on \_\_\_\_\_.]

You may be a creditor of the debtor. 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 (name(s) and address):	Case Number:
	Social Security No./ Complete EIN or Other Last four digits of Taxpayer ID No. <u>2</u>

Attorney for Debtor (name and address):	Bankruptcy Trustee (name and address):
Telephone number:	Telephone number:

#### Meeting of Creditors:

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

#### 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 in duration or not exist at all, although the debtor may have the right to 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.

See Insert  
"Foreign Credi"

Address of the Bankruptcy Clerk's Office:	For the Court:
	Clerk of the Bankruptcy Court:
Telephone number:	Date:
Hours Open:	

INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and (9B) only-----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1-----

Forms 9A and 9C, only-----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms 9C - 9I-----

*[Insert in the box labeled "Deadlines" where the deadlines for filing Proofs of Claim appear.]*

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

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.

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 in duration or not exist at all, although the debtor may have the right to request the court to extend or impose a stay. Consult a lawyer to determine your rights in this 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 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. *See insert ~~at the~~ #2 for information for foreign creditors (AB).*

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 at the bankruptcy clerk's office.

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

Insert  
new box  
"Foreign Creditors"  
p. 2  
#1

—Refer To Other Side For Important Deadlines and Notices—

INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

#1 Forms 9A - 9I (All forms)-----

*[Make a new box at the bottom of the page, under the box labeled "Legal Advice."]*

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

INSERT TO PAGE 2-----

Forms 9A and 9B only-----

*[Insert in box labeled "Do Not File a Proof of Claim at This Time.]*

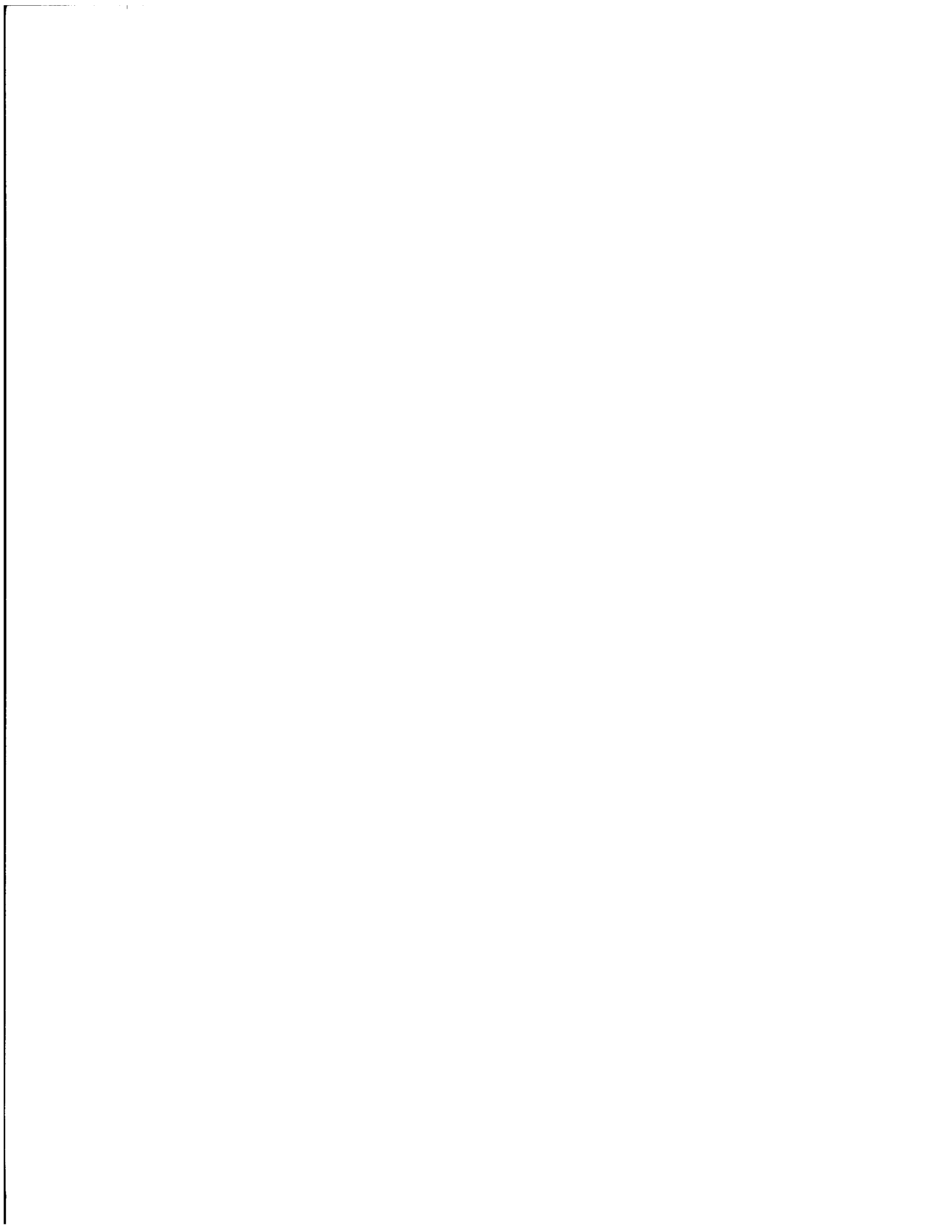
#2 **Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only-----

*[Make a new box.]*

Presumption of Abuse      If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.



UNITED STATES BANKRUPTCY COURT \_\_\_\_\_ District of \_\_\_\_\_

## 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 \_\_\_\_\_ on \_\_\_\_\_ (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.

Debtor(s) (name(s) and address)	Case Number:
	Last four digits Social Security/Taxpayer ID Nos.:
Attorney for Debtor(s) (name and address).	Bankruptcy Trustee (name and address)
Telephone number:	Telephone number.

### Meeting of Creditors:

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

Based on the petition filed by the debtor in this case, a presumption of abuse  
 has  
 has not \_\_\_\_\_ been triggered.

See Insert "Presumption of Abuse"

### Deadlines:

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

See Insert  
"Foreign Creditors"

#### Deadline to File a Proof of Claim:

For all creditors (except a governmental unit ~~or a creditor with a foreign address~~): For a governmental unit:  
~~For a creditor with a foreign address: \_\_\_\_\_ or [A creditor with a foreign address should contact the court concerning the applicable deadline.]~~

**Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts or to Request a hearing under § 522 (g) of the Bankruptcy Code:**

#### 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 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:	<b>For the Court:</b>
	Clerk of the Bankruptcy Court:
Telephone number:	
Hours Open:	Date:

INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and 9B, only----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1-----

Forms 9A and 9C, only----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms 9C, 9I----

*[Insert in the box labeled "Deadlines" where the deadlines for filing Proofs of Claim appear.]*

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

# EXPLANATIONS

FORM B9C (DRAFT)

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

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. Consult a lawyer to determine your rights in this case.

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

*Use Insect from Page 2, #2*  
*Familiar with United States bankruptcy law*  
*Use substitute p. 2, #2*

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 security 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 against the debtor 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. A secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial concerning the claim. A secured creditor should consult a lawyer before filing a Proof of Claim. [A secured creditor need not file a Proof of Claim to retain rights in its security, but failure to file a Proof of Claim will deny the creditor any distribution from the other assets of the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain.]

*collateral*

Discharge of Debts

*Insert #4*  
*or motion*

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 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 the required filing fee by that Deadline.

*Familiar with United States bankruptcy law*

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 objection by the "Deadline to Object to Exemptions" listed on the front side.

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.

*NEW BOX*  
*Insert P. 2, #3*  
*"Presumption..."*

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.

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

*Insert P. 2, #1*

—Refer To Other Side For Important Deadlines and Notices—

*NEW BOX*



INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

Forms 9A - 9I (All forms)---

*[Make a new box at the bottom of the page, under the box labeled "Legal Advice."]*

#1

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

INSERT TO PAGE 2-----

Forms 9A and 9B, only----

*[Insert in box labeled "Do Not File a Proof of Claim at This Time.]*

**Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only----

*[Make a new box.]*

#3

Presumption of Abuse

If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.

INSERT TO PAGE 2-----

Forms 9A and 9C only -----

Insert in box labeled "Discharge of Debts" at the location shown:

A motion requesting a hearing to determine whether the circumstances described in Bankruptcy Code § 522 (g) exist must be filed by the Deadline listed on the front side.

INSERTS TO FORMS 9A - 9I, PAGE 2, Cont'd.

INSERT TO PAGE 2-----

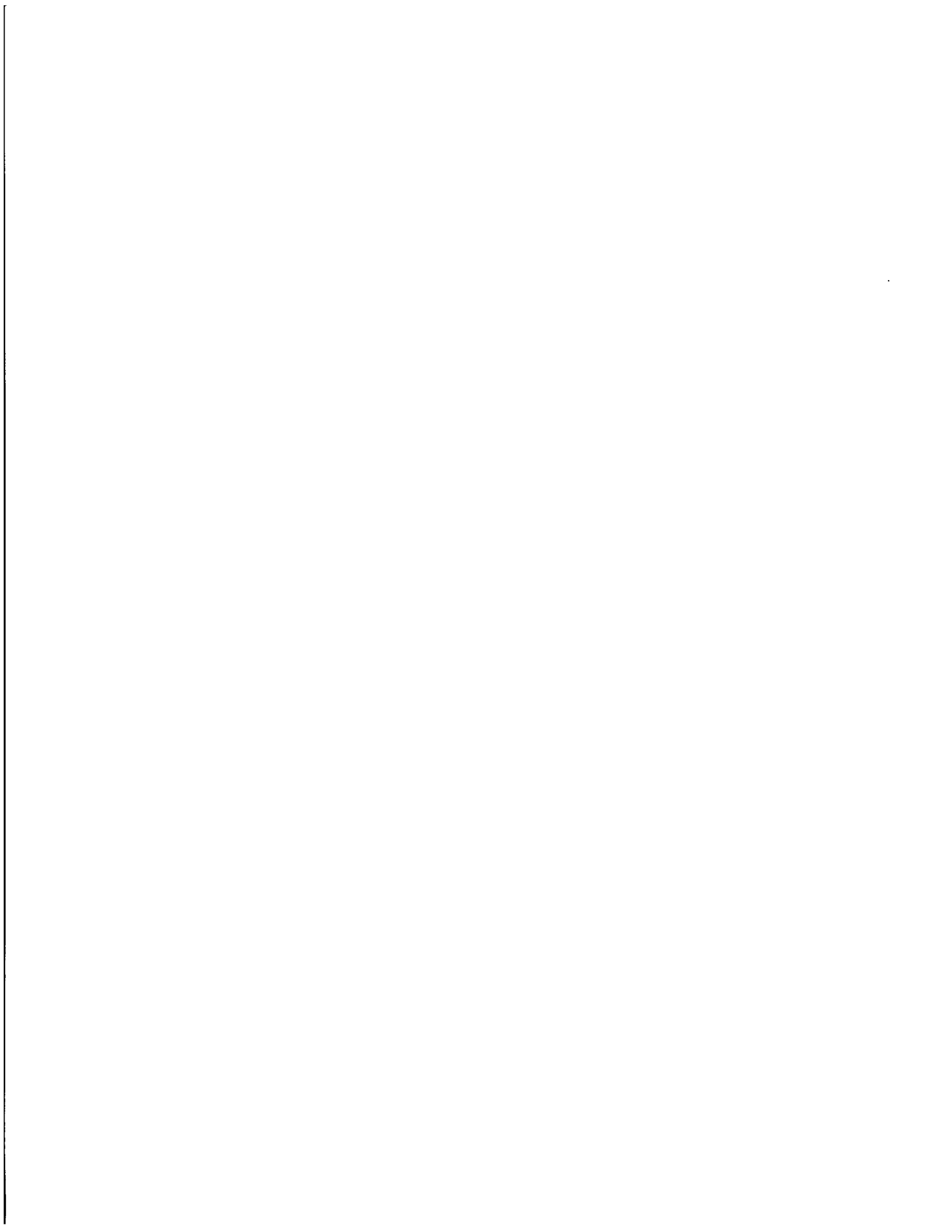
Forms 9C, 9D, 9G, 9H, and 9I-----

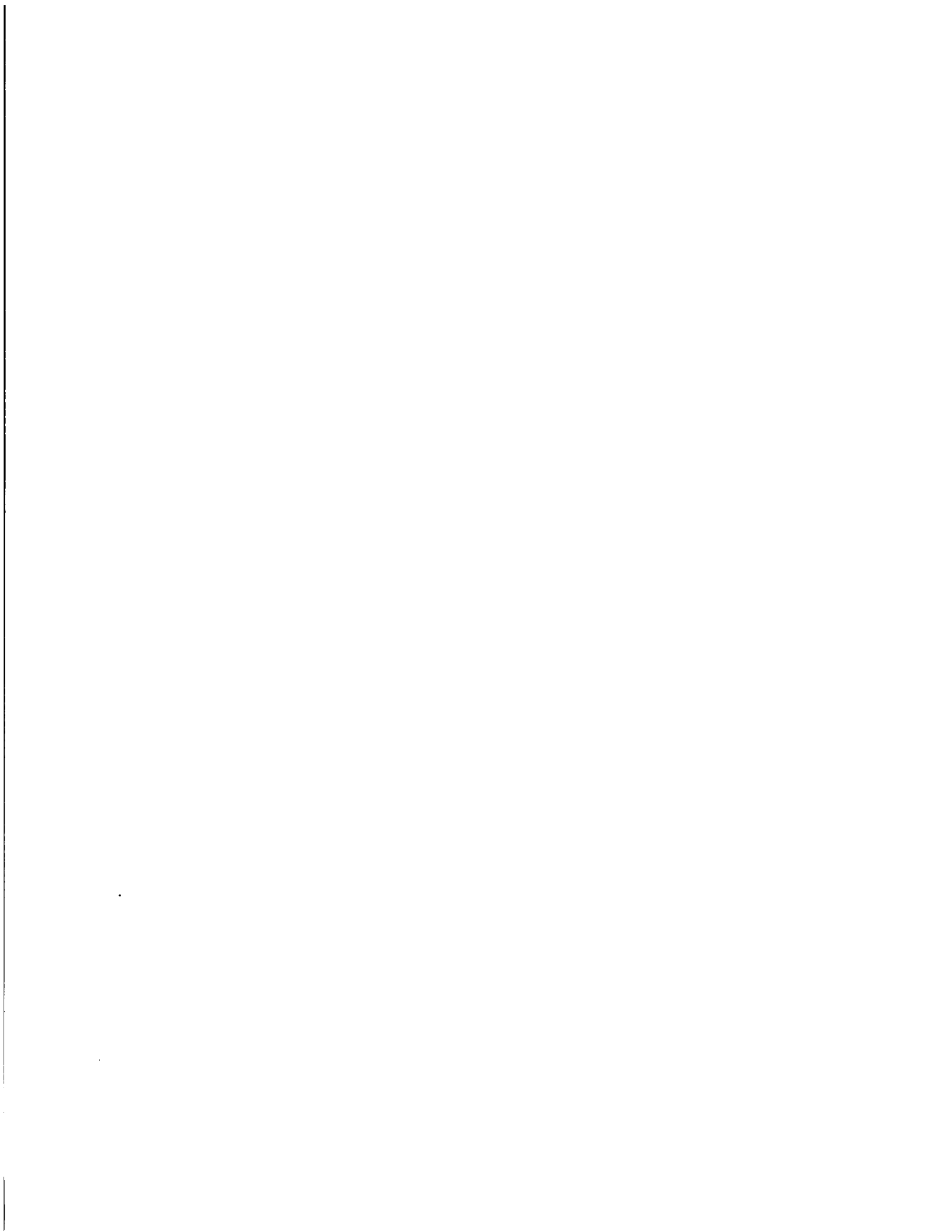
*[Substitute this text for what is in the box labeled "Claims."]*

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 against the debtor 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 concerning the claim. **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 and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

\*2





UNITED STATES BANKRUPTCY COURT \_\_\_\_\_ District of \_\_\_\_\_

## Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 7 bankruptcy case concerning the debtor [corporation] or [partnership] listed below was filed 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 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 (name(s) and address):	Case Number:
	Social Security No./ Complete EIN or Other
	Last four digits of Taxpayer ID No.:
Attorney for Debtor (name and address)	Bankruptcy Trustee (name and address):
Telephone number:	Telephone number:

### Meeting of Creditors:

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

### Deadline to File a Proof of Claim

Proof of Claim must be *received* by the bankruptcy clerk's office by the following deadline: See insert Sheet #1

For all creditors (except a governmental unit ~~or a creditor with a foreign address~~): For a governmental unit:  
~~For a creditor with a foreign address: or [A creditor with a foreign address should contact the court concerning the applicable deadline.]~~

### 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 in duration or not exist at all, although the debtor may have the right to 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:	
Hours Open:	Date:

INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and 9B, only-----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1-----

Forms 9A and 9C, only-----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms ~~9C - 9I~~

*[Insert in the box labeled "**Deadlines**" where the deadlines for filing Proofs of Claim appear.]*

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

# EXPLANATIONS

FORM B9D (DRAFT)

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 listed on the front side, and an order for relief has been entered.

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 in duration or not exist at all, although the debtor may have the right to request the court to extend or impose a stay. Consult a lawyer to determine your rights in this 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 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 security 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 against the debtor 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. A secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial concerning the claim. A secured creditor should consult a lawyer before filing a Proof of Claim. [A secured creditor need not file a Proof of Claim to retain rights in its security, but failure to file a Proof of Claim will deny the creditor any distribution from the other assets of the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain.]

Use new text

familiar with  
United States  
bankruptcy law

~~Insert from~~ Sheet #2 (9D)  
Substitute Page 2)

Collateral

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

The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To 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, at the bankruptcy clerk's office.

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

Insert  
new box  
"Foreign Creditors"  
p. 2, #1

—Refer To Other Side For Important Deadlines and Notices—

INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

Forms 9A - 9I (All forms)---

#1 *[Make a new box at the bottom of the page, under the box labeled "Legal Advice."]*

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

INSERT TO PAGE 2-----

Forms 9A and 9B, only----

*[Insert in box labeled "Do Not File a Proof of Claim at This Time.]*

**Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only----

*[Make a new box.]*

Presumption of Abuse      If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.



INSERTS TO FORMS 9A - 9I, PAGE 2, Cont'd.

INSERT TO PAGE 2-----

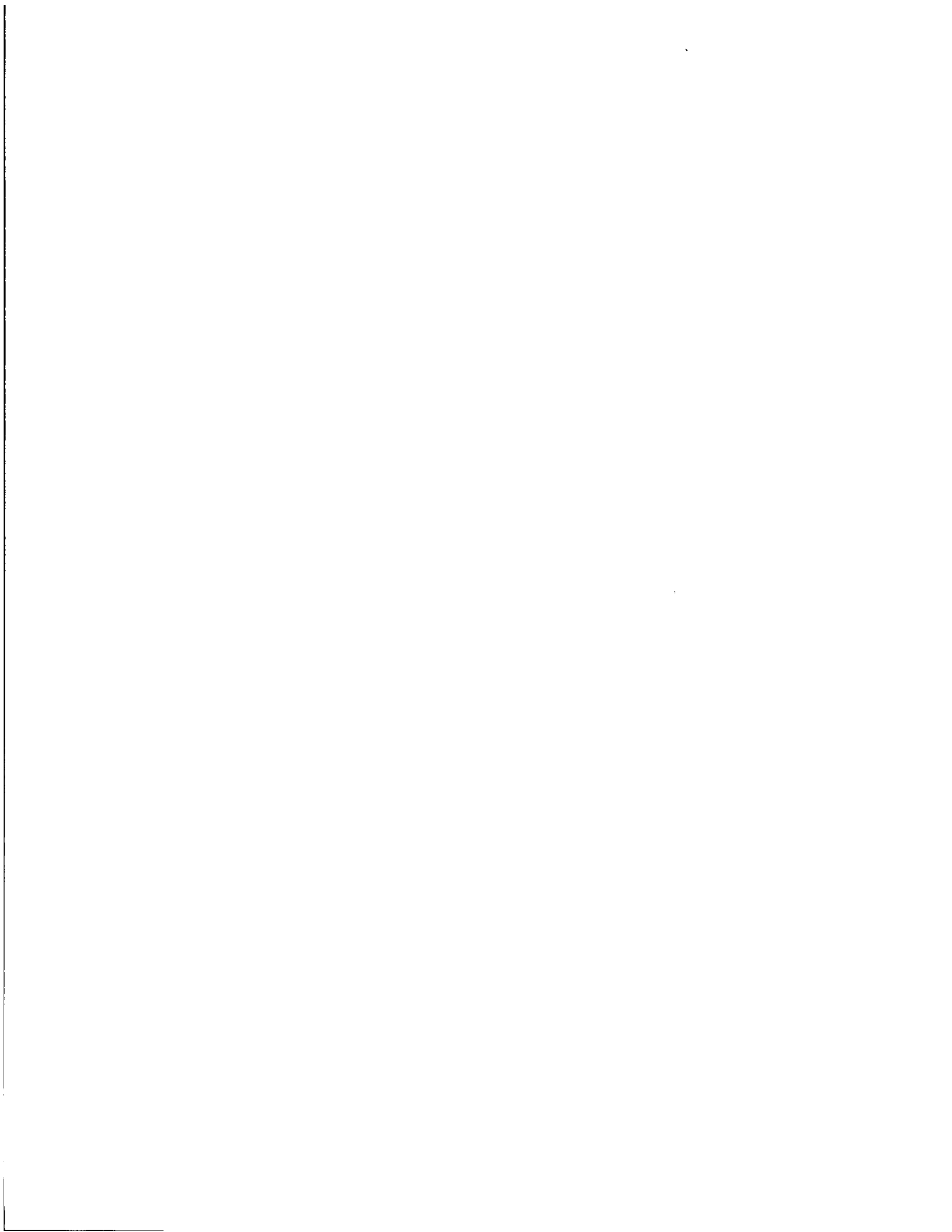
Forms 9C, 9D, 9G, 9H, and 9I-----

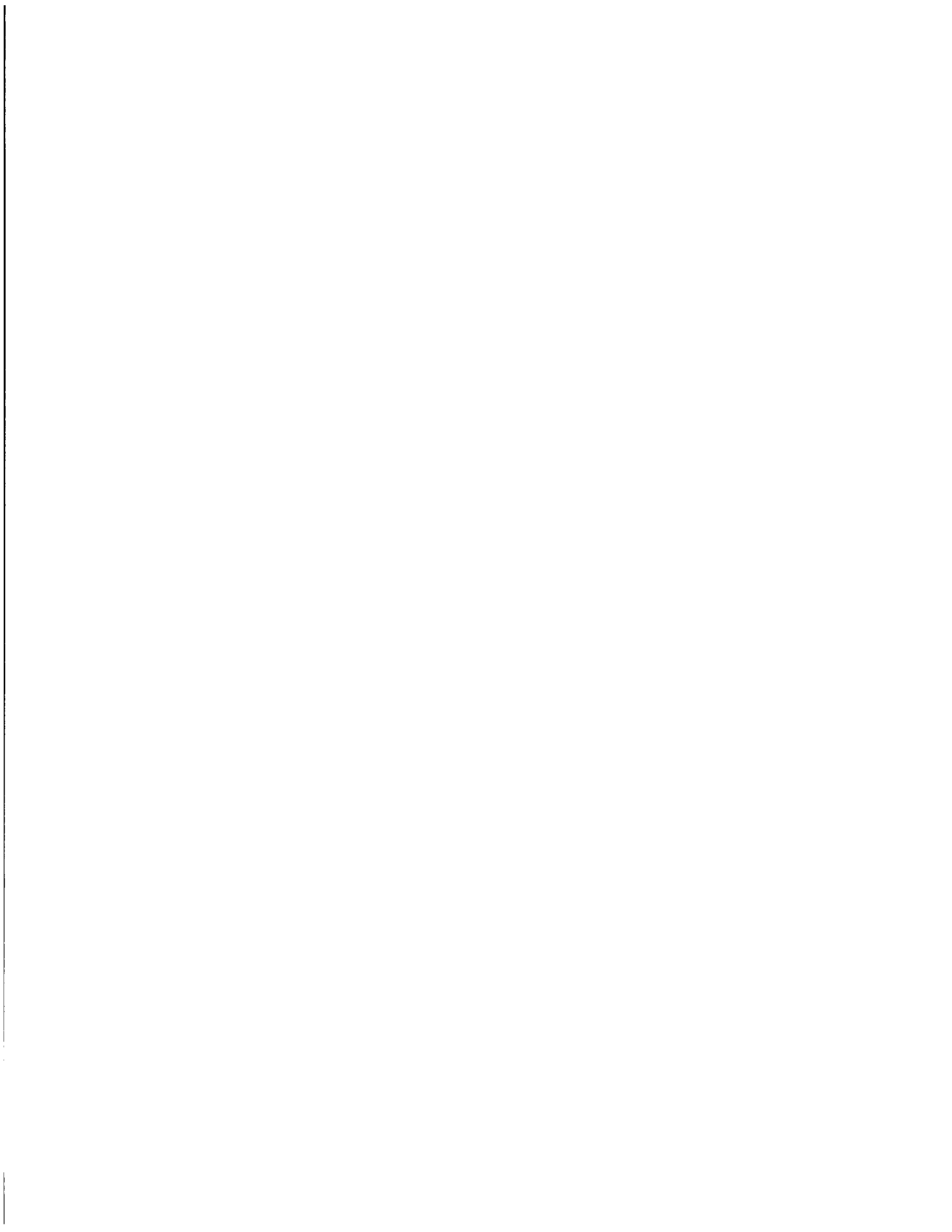
*[Substitute this text for what is in the box labeled "Claims."]*

Claims

#2

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 against the debtor 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 concerning the claim. **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 and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.





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 \_\_\_\_\_.]

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. <span style="float: right;"><i>Complete EIN or other</i></span>
	Last four digits Social Security/Taxpayer ID No. <span style="float: right;"><i>No. →</i></span>
Attorney for Debtor(s) (name and address)	Telephone number:

## Meeting of Creditors:

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

## 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. See Insert Sheet #1

**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 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 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:	<b>For the Court:</b>
	Clerk of the Bankruptcy Court:
Telephone number:	
Hours Open:	Date:

INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and 9B, only----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1----

Forms 9A and 9C, only----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms 9C - 9I----

*[Insert in the box labeled "**Deadlines**" where the deadlines for filing Proofs of Claim appear.]*

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

# EXPLANATIONS

FORM B9E (DRAFT)

<p>Filing of Chapter 11 Bankruptcy Case</p>	<p>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.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>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. Consult a lawyer to determine your rights in this case.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>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.</i> 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.</p>
<p>Claims</p> <p><i>Substitute new text from p. 2, #2</i></p> <p><i>Familiar with United States bankruptcy law</i></p>	<p>A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, 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 <i>not</i> 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 at all <i>or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim against the debtor in the bankruptcy case.</i> 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 security regardless of whether that creditor files a Proof of Claim. A secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial concerning the claim. A secured creditor should consult a lawyer before filing a Proof of Claim. <del>[A secured creditor need not file a Proof of Claim to retain rights in its security, but failure to file a Proof of Claim may expose the creditor to the risk of not receiving any distribution from other assets of the debtor.]</del> Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. <i>Insert from sheet #2 (9E)</i></p>
<p>Discharge of Debts</p> <p><i>Prevent a distribution to the creditor from other assets of the debtor and deprive the creditor of a vote on the plan.</i></p>	<p>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 § 1141(d). 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 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 § 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 Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d)(3), 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 that date.</p>
<p>Exempt Property</p>	<p>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.</p>
<p>Bankruptcy Clerk's Office</p>	<p>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.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.</p>

*p. 2, #1* *new box*

INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

Forms 9A - 9I (All forms)----

*[Make a new box at the bottom of the page, under the box labeled "Legal Advice."]*

#1

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

INSERT TO PAGE 2-----

Forms 9A and 9B, only----

*[Insert in box labeled "Do Not File a Proof of Claim at This Time.]*

**Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only----

*[Make a new box.]*

Presumption of Abuse      If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.

INSERTS TO FORMS B9A - 9I, PAGE 2, Cont'd.-----

INSERT TO PAGE 2-----

Forms 9E and 9F-----

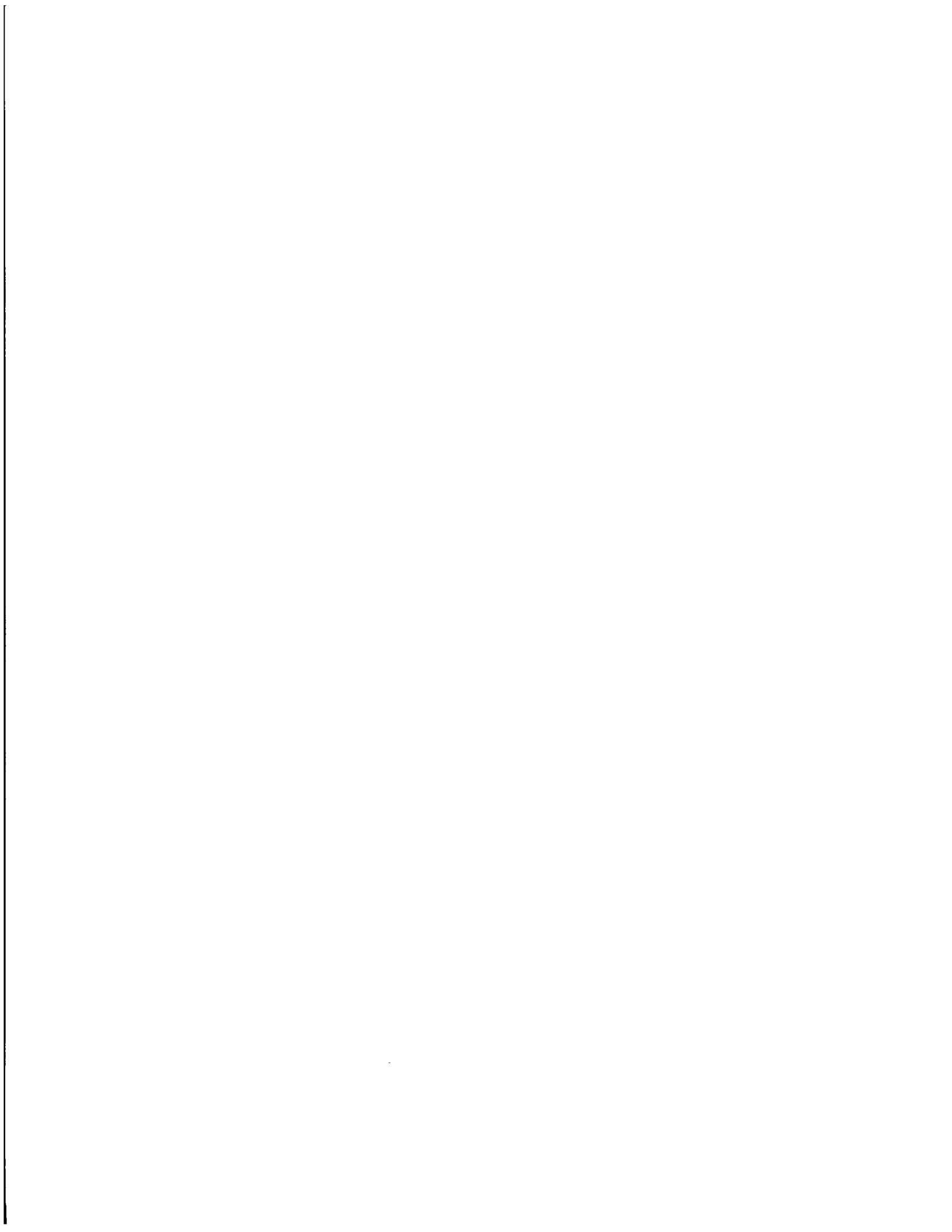
*[Substitute this text for what is in the box labeled "Claims.]*

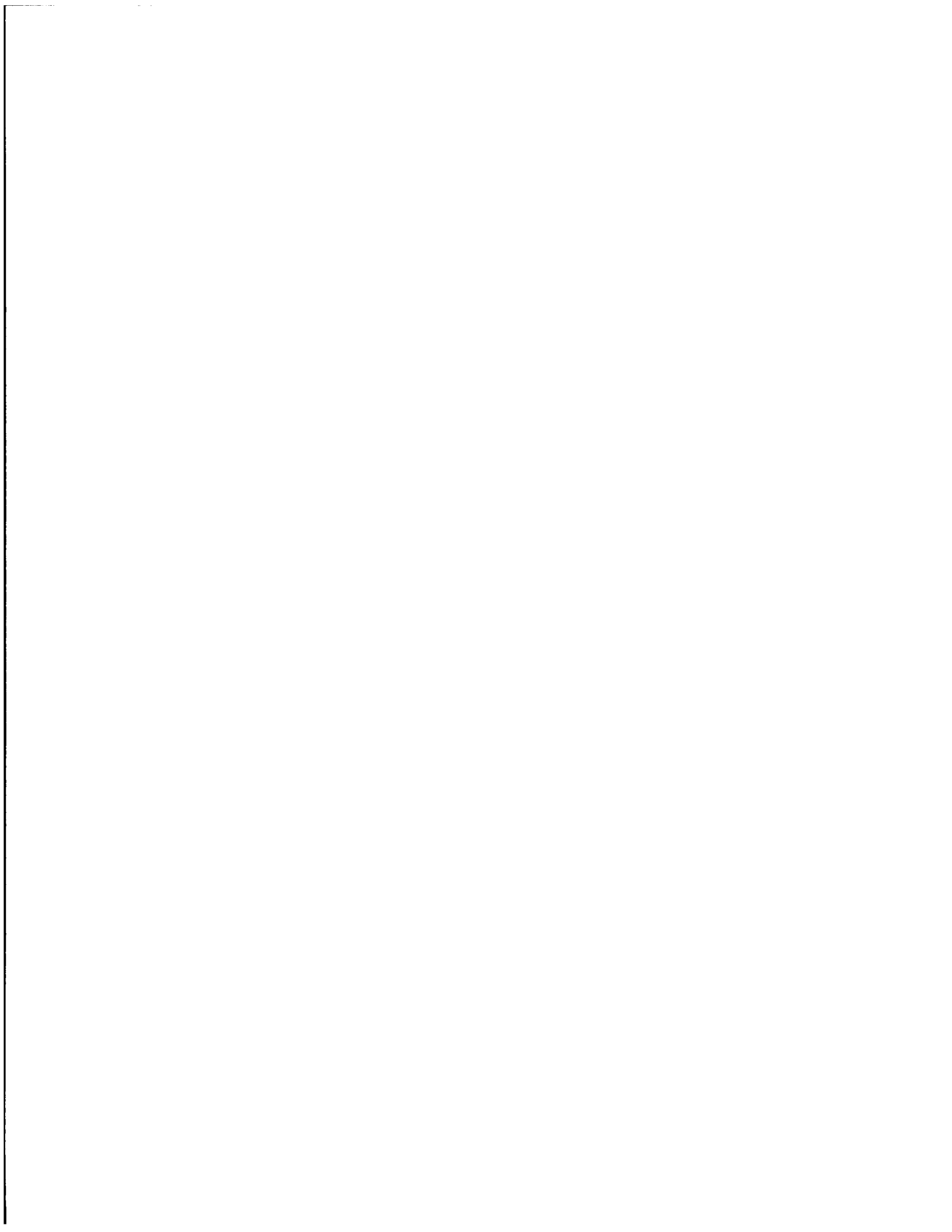
Claims

#2

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, then you must file a Proof of Claim or you might not be paid any money on your claim against the debtor and may be unable to vote on the plan in the bankruptcy case. 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 concerning the claim. **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 and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.







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 \_\_\_\_\_.]

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: <u>No./Complete EIN or Other</u>
	Last four digits of Social Security/Taxpayer ID No.: <u>2</u>
Attorney for Debtor(s) (name and address)	Telephone number:

## Meeting of Creditors:

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

## Deadlines:

**See Inset Sheet #1**

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 <sup>or a creditor with a foreign address</sup>): For a governmental unit:  
~~For a creditor with a foreign address: or [A creditor with a foreign address should contact the court concerning the applicable deadline.]~~

### 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 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 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:	
Hours Open:	Date:

INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and 9B, only----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1----

Forms 9A and 9C, only----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms 9C - 9I----

*[Insert in the box labeled "**Deadlines**" where the deadlines for filing Proofs of Claim appear.]*

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

# EXPLANATIONS

FORM B9E (ALT.) (DRAFT)

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 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.
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. Consult a lawyer to determine your rights in this case.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>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.</i> 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.
Claims <i>Substitute new form p. 2, #2 collateral</i>  <i>familiar with United States bankruptcy law</i>	<del>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 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, or you might not be paid any money on your claim against the debtor in the bankruptcy case. A secured creditor retains rights in its security regardless of whether that creditor files a Proof of Claim. A secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial concerning the claim. A secured creditor should consult a lawyer before filing a Proof of Claim. [A secured creditor need not file a Proof of Claim to retain rights in its security, but failure to file a Proof of Claim may expose the creditor to the risk of not receiving any distribution from other assets of the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain.]</del> <i>See Inset from page #2 (AE (Alt.))</i>
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 § 1141(d). 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 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 § 523(a)(2), (4), (6), or (15), 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 the required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d)(3), 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 that 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 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.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights. <i>* Foreign Creditors *</i> <i>Insert new box</i> <i>page #2, #1</i>

INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

Forms 9A - 9I (All forms)-----

*[Make a new box at the bottom of the page, under the box labeled "Legal Advice."]*

# 1  
Foreign Creditors

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

INSERT TO PAGE 2-----

Forms 9A and 9B, only-----

*[Insert in box labeled "Do Not File a Proof of Claim at This Time.]*

**Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only-----

*[Make a new box.]*

Presumption of Abuse

If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.

INSERTS TO FORMS B9A - 9I, PAGE 2, Cont'd.-----

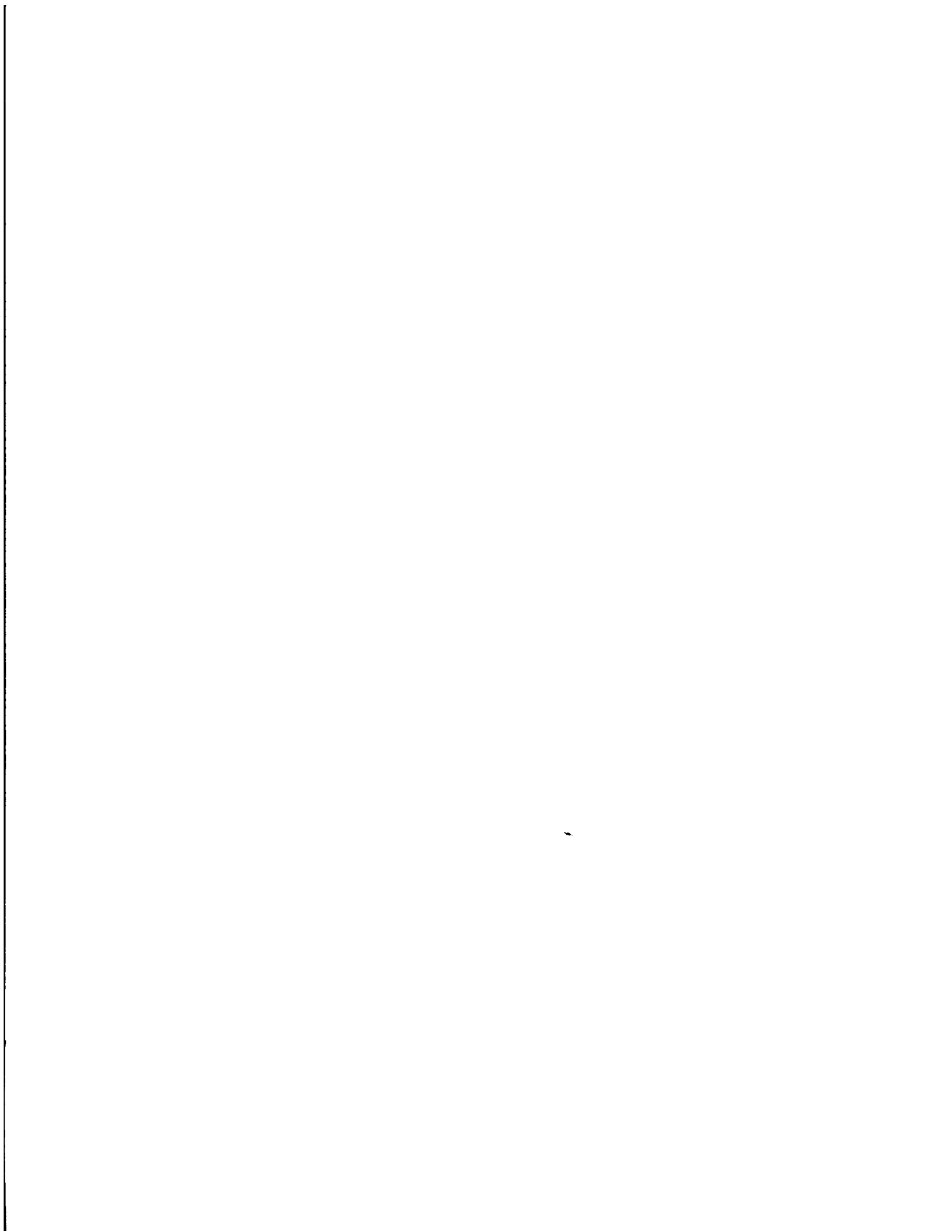
INSERT TO PAGE 2-----

Forms 9E(Alt.) and 9F(Alt.)-----

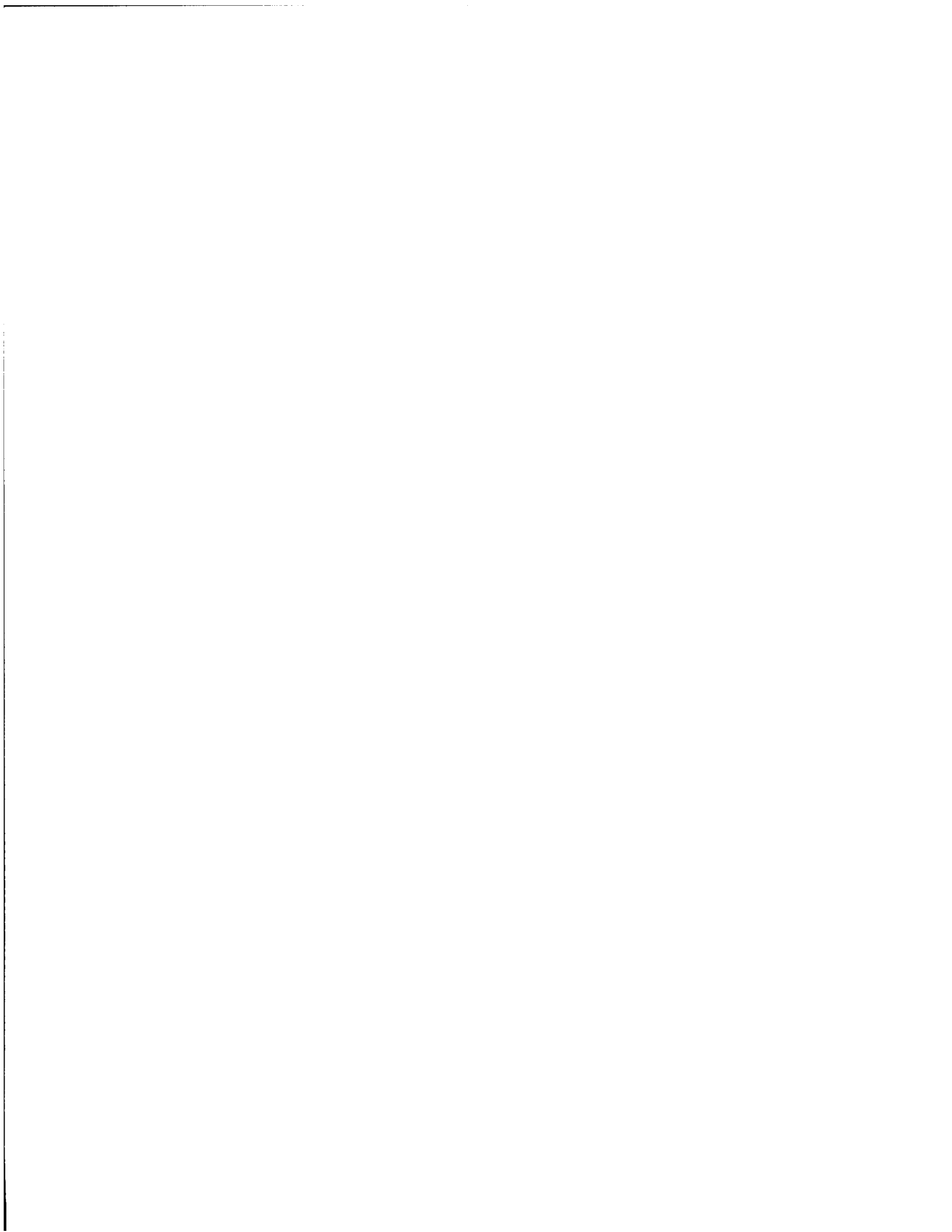
*[Substitute this text for what is in the box labeled "Claims." ]*

#2  
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 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, or you might not be paid any money on your claim against the debtor and may be unable to vote on the plan in the bankruptcy case. 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 concerning the claim. **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 and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.







UNITED STATES BANKRUPTCY COURT \_\_\_\_\_ District of \_\_\_\_\_

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

[A chapter 11 bankruptcy case concerning the debtor [corporation] or [partnership] listed below was filed 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 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 (name(s) and address):	Case Number <u>(By Social Security No. / Complete EIN or Other)</u>
	Last four digits / Taxpayer ID No.: <u>2</u>
Attorney for Debtor (name and address):	Telephone number:

### Meeting of Creditors:

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

### Deadline to File a Proof of Claim

Proof of Claim must be *received* by the bankruptcy clerk's office by the following deadline:

Notice of deadline will be sent at a later time.

**See Insert Sheet #1**

~~Deadline to File a Complaint to Determine Dischargeability of Certain Debts: [To be included if House version enacted.]~~

### 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 in duration or not exist at all, although the debtor may have the right to 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:	
Hours Open:	Date:

INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and 9B, only----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1----

Forms 9A and 9C, only----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms 9C - 9I----

*[Insert in the box labeled "Deadlines" where the deadlines for filing Proofs of Claim appear.]*

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

# EXPLANATIONS

FORM B9F (DRAFT)

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 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.

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. 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. Consult a lawyer to determine your rights in this 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 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.

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 at all or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim against the debtor in the bankruptcy case. 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 security regardless of whether that creditor files a Proof of Claim. A secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial concerning the claim. A secured creditor should consult a lawyer before filing a Proof of Claim. [A secured creditor need not file a Proof of Claim to retain rights in its security, but failure to file a Proof of Claim may expose the creditor to the risk of not receiving any distribution from other assets of the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain.]

Collateral

Use substitute form p.2, #2

Familiar with United States bankruptcy law

Insert Sheet #2 page 2

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 § 1141(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 § 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 Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that deadline.]

Prevent a distribution to the creditor from other assets of the debtor and deprive the creditor of a vote on the plan.

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 at the bankruptcy clerk's office.

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

"Foreign creditors" Insert new box about Address PRM

—Refer To Other Side For Important Deadlines and Notices—

p. 2, #1

INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

Forms 9A - 9I (All forms)-----

*[Make a new box at the bottom of the page, under the box labeled "Legal Advice."]*

# 1

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

INSERT TO PAGE 2-----

Forms 9A and 9B, only----

*[Insert in box labeled "Do Not File a Proof of Claim at This Time.]*

**Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only----

*[Make a new box.]*

Presumption of Abuse      If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.

INSERTS TO FORMS B9A - 9I, PAGE 2, Cont'd.-----

INSERT TO PAGE 2-----

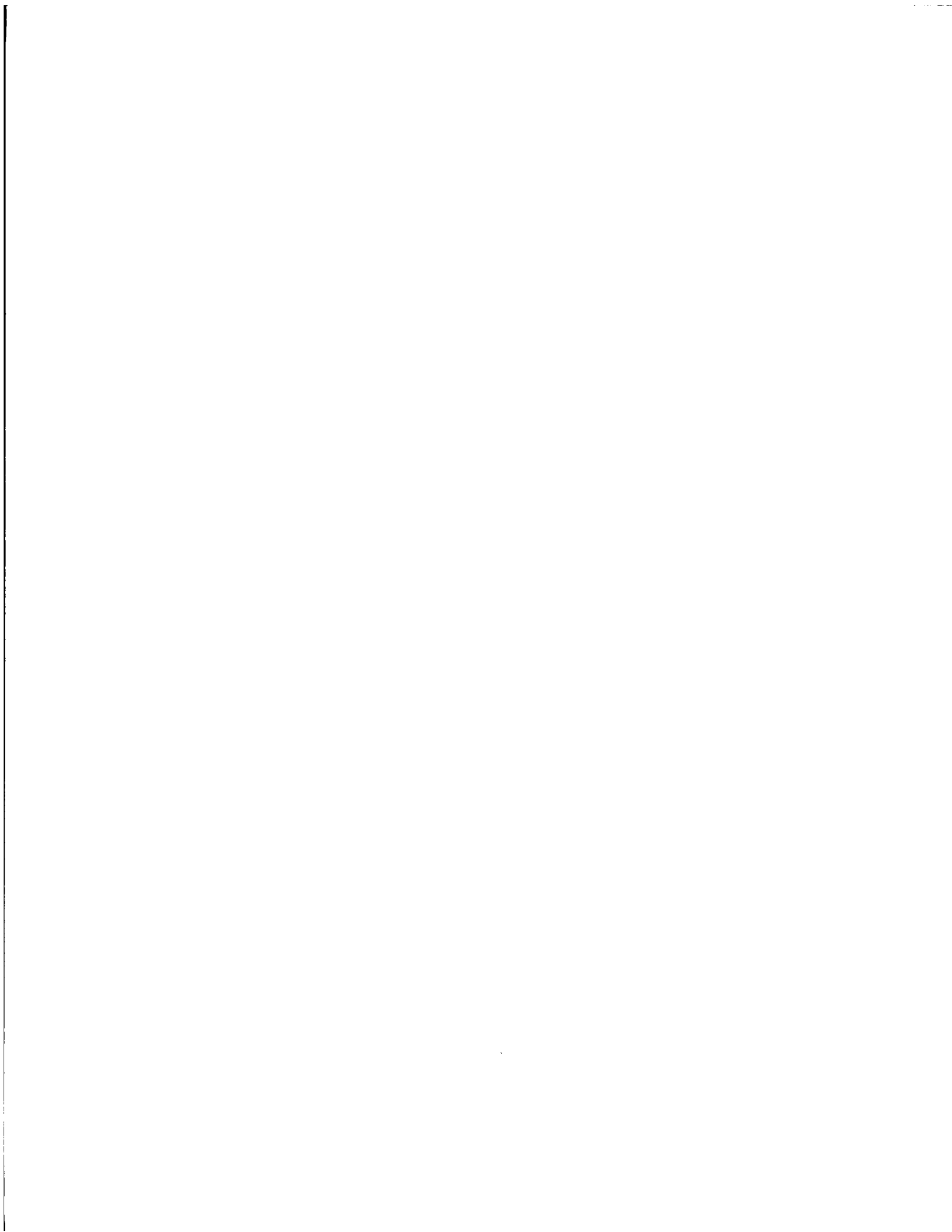
Forms 9E and 9F-----

*[Substitute this text for what is in the box labeled "Claims.]*

Claims

#2

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, then you must file a Proof of Claim or you might not be paid any money on your claim against the debtor and may be unable to vote on the plan in the bankruptcy case. 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 concerning the claim. **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 and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.







UNITED STATES BANKRUPTCY COURT \_\_\_\_\_ District of \_\_\_\_\_

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

[A chapter 11 bankruptcy case concerning the debtor [corporation] or [partnership] listed below was filed 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 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 (name(s) and address):

Case Number:

*Social Security No. / Complete EIN or other*

Last four digits of Taxpayer ID No.:

Attorney for Debtor (name and address):

Telephone number:

### Meeting of Creditors:

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

(    ) P.M.

### Deadlines to File a Proof of Claim

Proof of Claim must be *received* by the bankruptcy clerk's office by the following deadline:

*See Insert Sheet #1*

For all creditors (except a governmental unit):

For a governmental unit:

~~For a creditor with a foreign address: or [A creditor with a foreign address should contact the court concerning the applicable deadline.]~~

~~Deadline to File a Complaint to Determine Dischargeability of Certain Debts. [To be included if House version is enacted.]~~

### 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 in duration or not exist at all, although the debtor may have the right to 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:

Hours Open:

Date:

INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and 9B, only----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1----

Forms 9A and 9C, only----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms 9C - 9I----

*[Insert in the box labeled "Deadlines" where the deadlines for filing Proofs of Claim appear.]*

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

# EXPLANATIONS

FORM B9F (Alt.) (DRAFT)

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 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.

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. Under certain circumstances, the stay may be limited in duration or may not exist at all, although the debtor may have the right to request the court to extend or impose a stay. Consult a lawyer to determine your rights in this 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 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.

Claims

*Substitute  
new text, p.2 #2  
collateral*

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 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, or you might not be paid any money on your claim against the debtor in the bankruptcy case. A secured creditor retains rights in its security regardless of whether that creditor files a Proof of Claim. A secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial concerning the claim. A secured creditor should consult a lawyer before filing a Proof of claim. [A secured creditor need not file a Proof of Claim to retain rights in its security, but failure to file a Proof of Claim may expose the creditor to the risk of not receiving any distribution from other assets of the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain.] *Insert sheet #2 (9F(Alt.))*

*Familiar with  
United States  
bankruptcy law*

Discharge of Debts

*prevent a distribution  
to the creditor from  
other assets of the  
debtor and deprive  
the creditor of a  
vote on the plan.*

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 § 1141(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 § 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 Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the 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, at the bankruptcy clerk's office.

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

*Insert new box  
"Foreign Creditors"  
from p.2, #2*

—Refer To Other Side For Important Deadlines and Notices—

INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

Forms 9A - 9I (All forms)----

*[Make a new box at the bottom of the page, under the box labeled "Legal Advice." ]*

# 1

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

INSERT TO PAGE 2-----

Forms 9A and 9B, only----

*[Insert in box labeled "Do Not File a Proof of Claim at This Time.]*

**Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only----

*[Make a new box.]*

Presumption of Abuse      If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.

INSERTS TO FORMS B9A - 9I, PAGE 2, Cont'd.-----

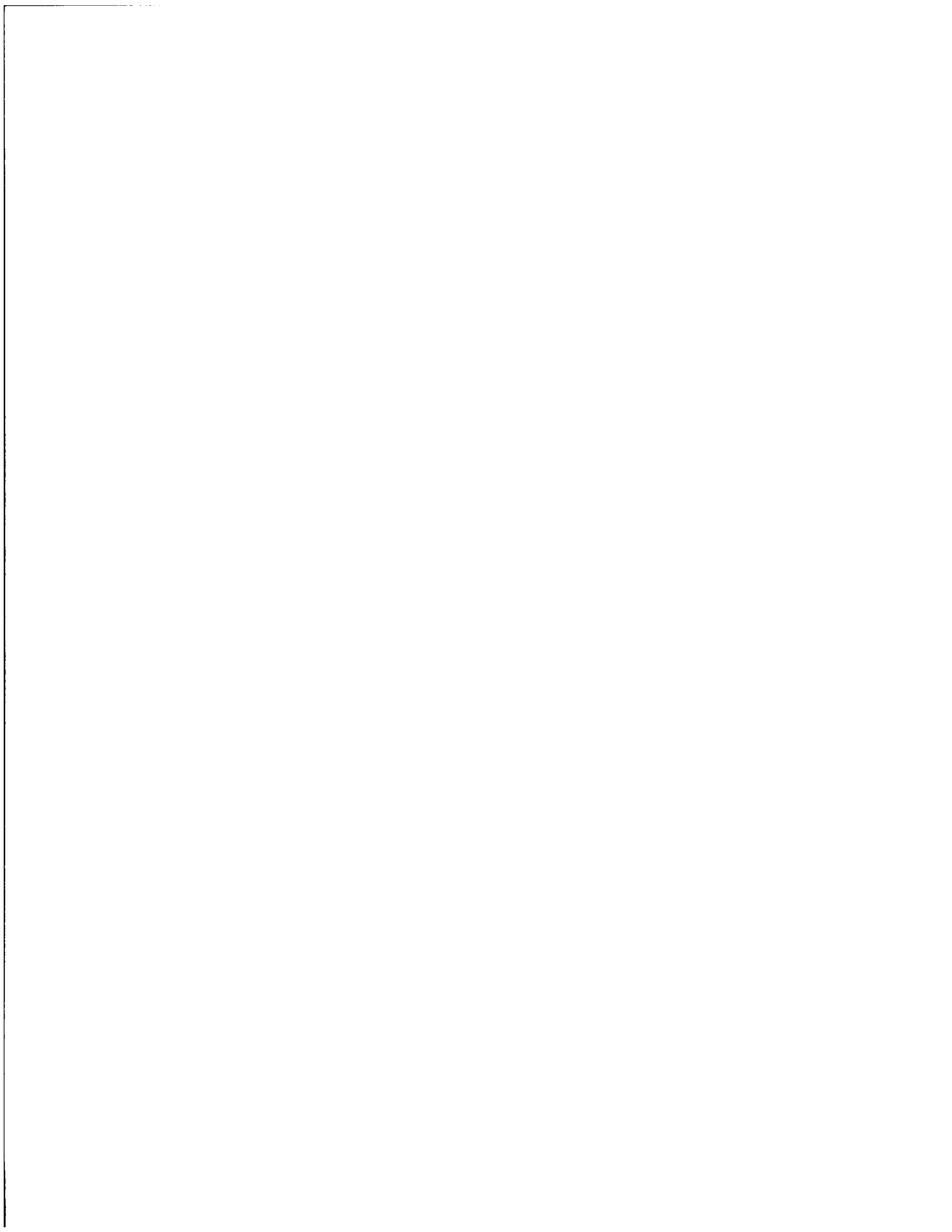
INSERT TO PAGE 2-----

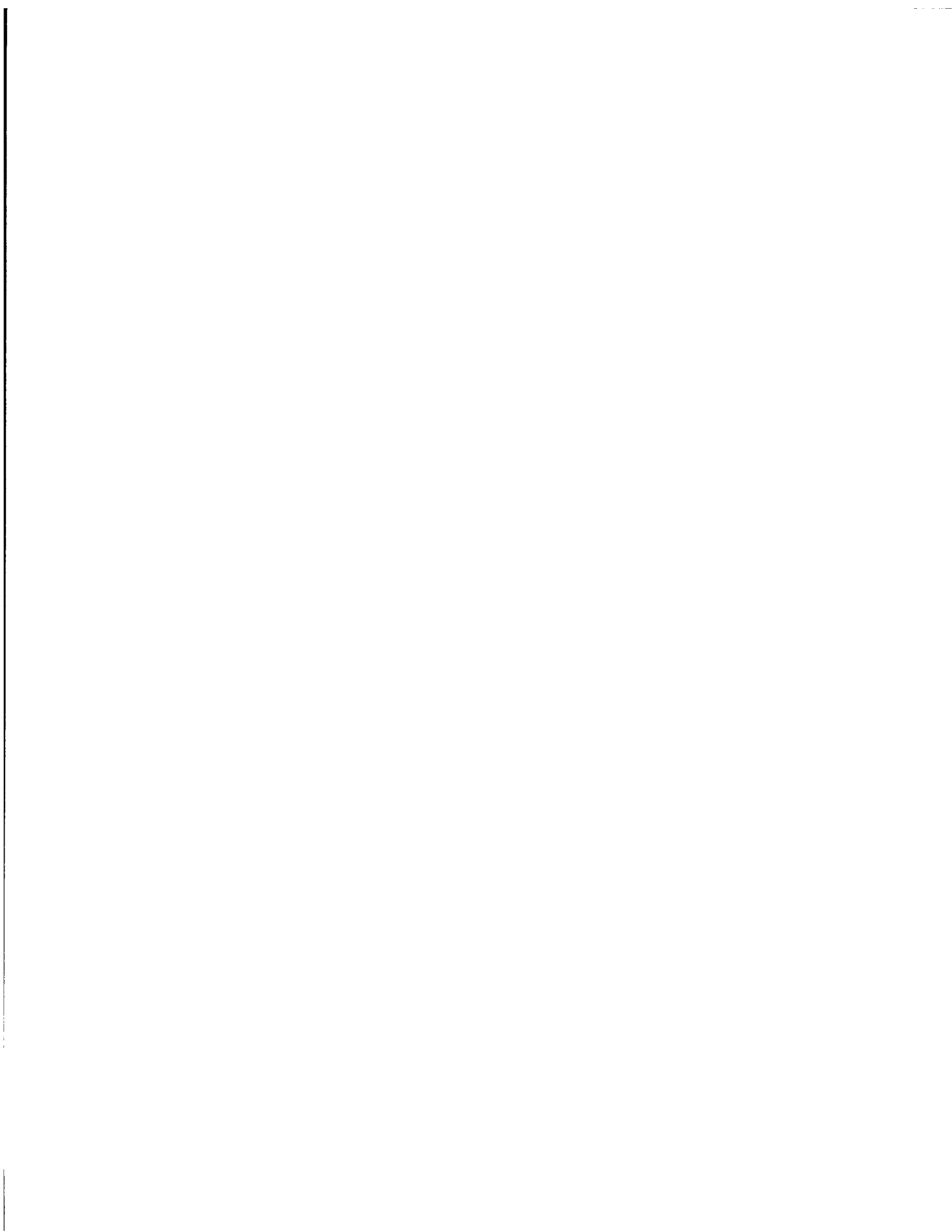
Forms 9E(Alt.) and 9F(Alt.)-----

*[Substitute this text for what is in the box labeled "Claims." ]*

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 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, or you might not be paid any money on your claim against the debtor and may be unable to vote on the plan in the bankruptcy case. 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 concerning the claim. **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 and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.





UNITED STATES BANKRUPTCY COURT \_\_\_\_\_ District of \_\_\_\_\_

## 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 \_\_\_\_\_ on  
\_\_\_\_\_ (date) and was converted to a case under chapter 12 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: <u>                    </u> <b>Complete EIN or other</b>
Attorney for Debtor(s) (name and address):	Last four Social Security Taxpayer ID No.: <u>                    </u> <b>No. 7</b>
Telephone number:	Bankruptcy Trustee (name and address):
Telephone number:	Telephone number:

### Meeting of Creditors:

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

### Deadlines:

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

See Insert  
Sheet #1

**Deadline to File a Proof of Claim:**

For all creditors (except a governmental unit or a creditor with a foreign address). For a governmental unit:  
~~For a creditor with a foreign address:          or [A creditor with a foreign address should contact the court concerning the applicable deadline.]~~

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

**Deadline to Object to Exemptions:**  
Thirty (30) days after the *conclusion* 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 stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. 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. 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:	<b>For the Court:</b>
	Clerk of the Bankruptcy Court:
Telephone number:	Date:
Hours Open:	Date:



INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and 9B, only----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1-----

Forms 9A and 9C, only----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms 9C - 9I----

*[Insert in the box labeled "**Deadlines**" where the deadlines for filing Proofs of Claim appear.]*

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

# EXPLANATIONS

FORM B9G (DRAFT)

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.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 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; 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. Consult a lawyer to determine your rights in this case.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>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.</i> 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 security 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 against the debtor 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. A secured creditor who files a Proof of Claim may surrender important nomenclary rights, including the right to a jury trial concerning the claim. A secured creditor should consult a lawyer before filing a Proof of Claim. [A secured creditor need not file a Proof of Claim to retain rights in its security, but failure to file a Proof of Claim will deny the creditor any distribution from the other assets of the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain.] <b>Insert sheet #2 (9G)</b> <i>collateral</i>
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 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 the 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.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

*Substitute new text p. 2 #2*  
*familiar with United States bankruptcy law*

*Insert new box "Foreign Creditors" p. 2 #1*

INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

Forms 9A - 9I (All forms)-----

*[Make a new box at the bottom of the page, under the box labeled "Legal Advice."]*

#1  
Foreign Creditors      Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

INSERT TO PAGE 2-----

Forms 9A and 9B, only-----

*[Insert in box labeled "Do Not File a Proof of Claim at This Time.]*

**Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only-----

*[Make a new box.]*

Presumption of Abuse      If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.

INSERTS TO FORMS 9A - 9I, PAGE 2, Cont'd.

INSERT TO PAGE 2-----

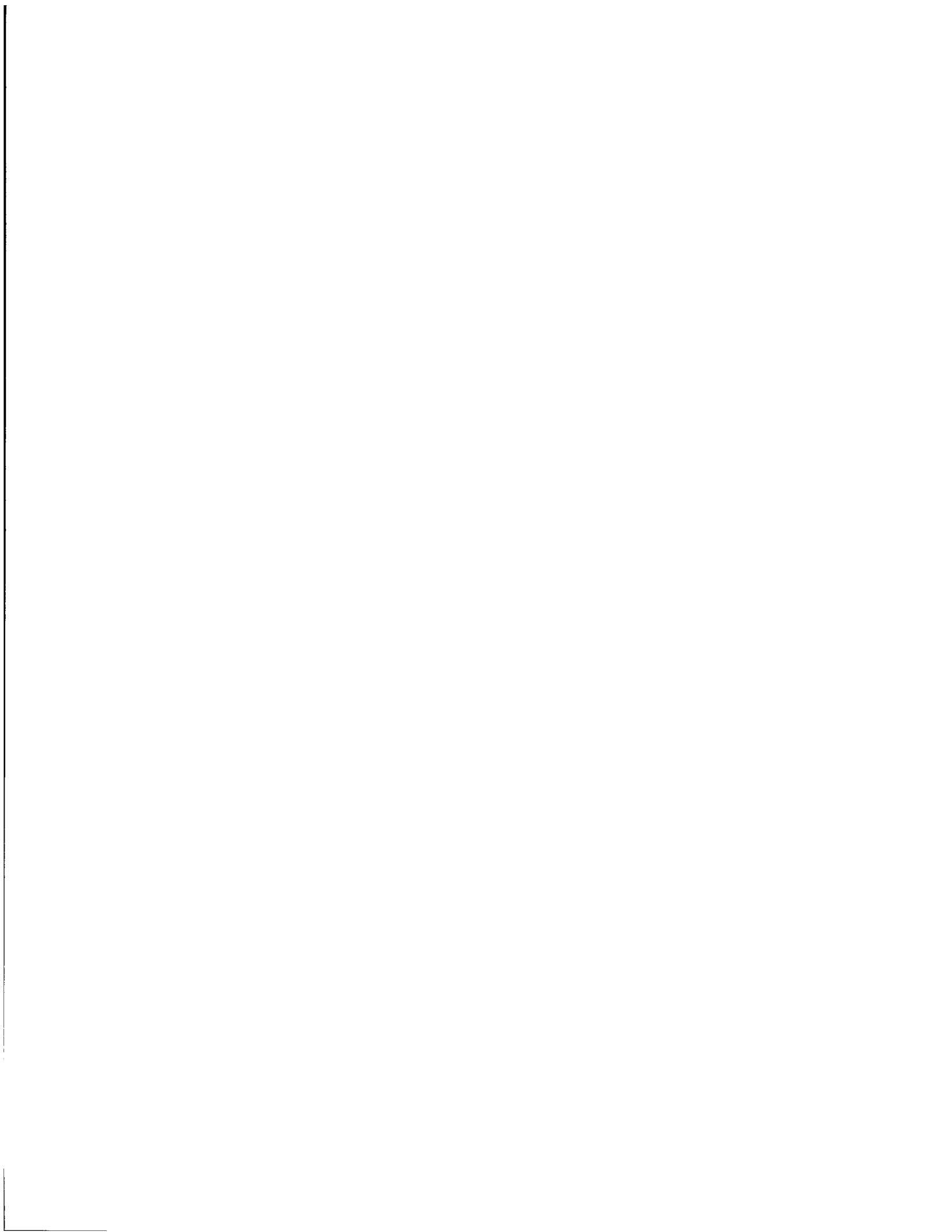
Forms 9C, 9D, 9G, 9H, and 9I-----

*[Substitute this text for what is in the box labeled "Claims." ]*

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 against the debtor 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 concerning the claim. **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 and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

#2





UNITED STATES BANKRUPTCY COURT \_\_\_\_\_ District of \_\_\_\_\_

# 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 \_\_\_\_\_.]

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 (name(s) and address):	Case Number: <u>BD</u>
	Last four digits Social Security/Taxpayer ID No.: <u>Complete EIN or other No.</u>
Attorney for Debtor (name and address):	Bankruptcy Trustee (name and address):
Telephone number:	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:

**See Insert Sheet #1**

### Q Deadline to File a Proof of Claim:

For all creditors (except a governmental unit or a creditor with a foreign address): For a governmental unit:

~~For a creditor with a foreign address: or [A creditor with a foreign address should contact the court concerning the applicable deadline.]~~

### 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 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 and other actions against the debtor, the debtor's property, and certain codebtors. 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. 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:	
Hours Open:	Date:

INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and 9B, only----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1----

Forms 9A and 9C, only----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms 9C - 9I----

*[Insert in the box labeled "Deadlines" where the deadlines for filing Proofs of Claim appear.]*

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



# EXPLANATIONS

FORM B9H (DRAFT)

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 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.

Creditors Generally May  
Not Take Certain Actions

Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 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. Consult a lawyer to determine your rights in this 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 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

*substitute  
new text p. 2, #2  
collateral  
Familiar with  
United States  
bankruptcy law*

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 security 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 against the debtor 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. A secured creditor who files a Proof of Claim may surrender important nonproperty rights, including the right to a jury trial concerning the claim. A secured creditor should consult a lawyer before filing a Proof of Claim. [A secured creditor need not file a Proof of Claim to retain rights in its security, but failure to file a Proof of Claim will deny the creditor any distribution from the other assets of the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court with consequences a lawyer can explain.]

*INSERT SHEET # 2 (9H)*

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 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 the 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, at the bankruptcy clerk's office.

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—

*Insert new box  
"Foreign Creditors"  
p. 2, # 1*

INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

# 2  
Forms 9A - 9I (All forms)----

*[Make a new box at the bottom of the page, under the box labeled "Legal Advice."]*

Foreign Creditors

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

INSERT TO PAGE 2-----

Forms 9A and 9B, only----

*[Insert in box labeled "Do Not File a Proof of Claim at This Time.]*

**Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only----

*[Make a new box.]*

Presumption of Abuse

If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.

INSERTS TO FORMS 9A - 9I, PAGE 2, Cont'd.

INSERT TO PAGE 2-----

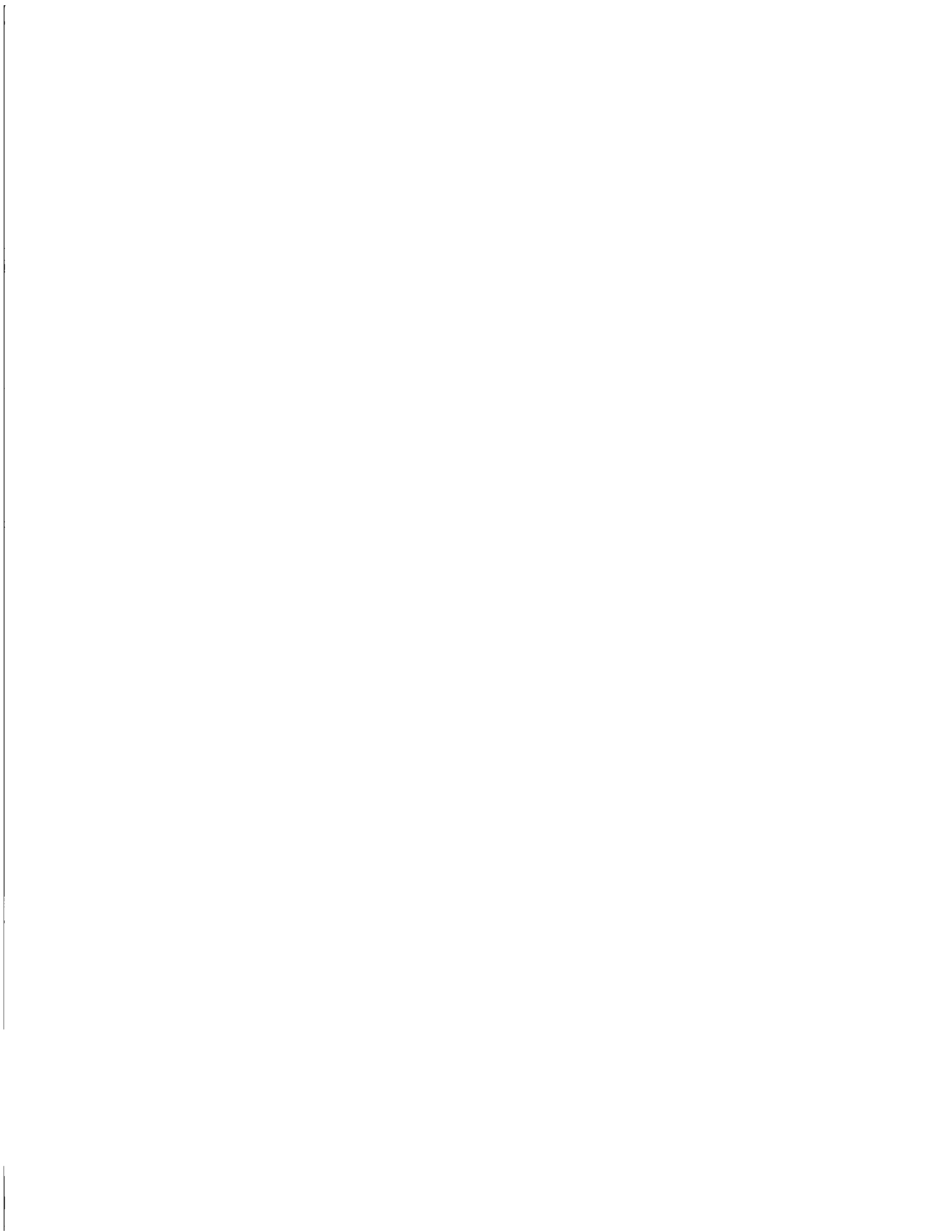
Forms 9C, 9D, 9G, 9H, and 9I-----

*[Substitute this text for what is in the box labeled "Claims."]*

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 against the debtor 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 concerning the claim. **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 and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

#2





UNITED STATES BANKRUPTCY COURT \_\_\_\_\_ District of \_\_\_\_\_

# 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 \_\_\_\_\_ on \_\_\_\_\_ (date) and was converted to a case under chapter 13 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: <u>(No. / Complete EIN or Other)</u>
	Last four digits of Social Security/Taxpayer ID Nos
Attorney for Debtor(s) (name and address)	Bankruptcy Trustee (name and address)
Telephone number:	Telephone number:

## Meeting of Creditors:

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

## Deadlines:

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

**See Inset Sheet #1**

2 **Deadline to File a Proof of Claim:**  
For all creditors (except a governmental unit ~~or a creditor with a foreign address~~): For a governmental unit.  
~~For a creditor with a foreign address: or [A creditor with a foreign address should contact the court concerning the applicable deadline.]~~

### Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* 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 stays certain collection and other actions against the debtor, debtor's property, and certain codebtors. 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:	<b>For the Court:</b>
	Clerk of the Bankruptcy Court:
Telephone number:	
Hours Open:	Date:

INSERTS TO OFFICIAL FORMS B9A - B9I, PAGE 1-----

INSERT TO PAGE 1-----

Forms 9A and 9B, only----

*[Insert in box that states: "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 "Do Not File a Proof of Claim at This Time" on the reverse side.

INSERT TO PAGE 1----

Forms 9A and 9C, only----

*[Make a new box.]*

**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.

*Or*

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.

INSERT TO PAGE 1-----

Forms 9C - 9I----

*[Insert in the box labeled "Deadlines" where the deadlines for filing Proofs of Claim appear.]*

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

# EXPLANATIONS

FORM B9I (DRAFT)

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.

Creditors Generally May  
Not Take Certain Actions

Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1301. 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 exceed or impose a stay. Consult a lawyer to determine your rights in this case.

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

Substitute  
new text, P. 2, #2  
collateral

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 security 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 against the debtor 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. A secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial concerning the claim. A secured creditor should consult a lawyer before filing a Proof of Claim. [A secured creditor need not file a Proof of Claim to retain rights in its security, but failure to file a Proof of Claim will deny the creditor any distribution from other assets of the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain.]

Familiar with  
United States  
bankruptcy law

INSERT - SHEET #2 (AI)  
P. 2

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.

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 property claimed as exempt, at the bankruptcy clerk's office.

Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

Insert new box  
"Foreign Creditors"  
P. 2, #1

—Refer To Other Side For Important Deadlines and Notices—



INSERTS TO OFFICIAL FORMS 9A - 9I, PAGE 2-----

INSERT TO PAGE 2-----

Forms 9A - 9I (All forms)----

*[Make a new box at the bottom of the page, under the box labeled "Legal Advice."]*

#1

Foreign Creditors

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

INSERT TO PAGE 2-----

Forms 9A and 9B, only----

*[Insert in box labeled "Do Not File a Proof of Claim at This Time.]*

**Foreign Creditors:** If this notice is mailed to a creditor at a foreign address and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

INSERT TO PAGE 2-----

Forms 9A and 9C, only----

*[Make a new box.]*

Presumption of Abuse

If the presumption of abuse arises, creditors 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. Consult a lawyer to determine your rights in this case.

INSERTS TO FORMS 9A - 9I, PAGE 2, Cont'd.

INSERT TO PAGE 2-----

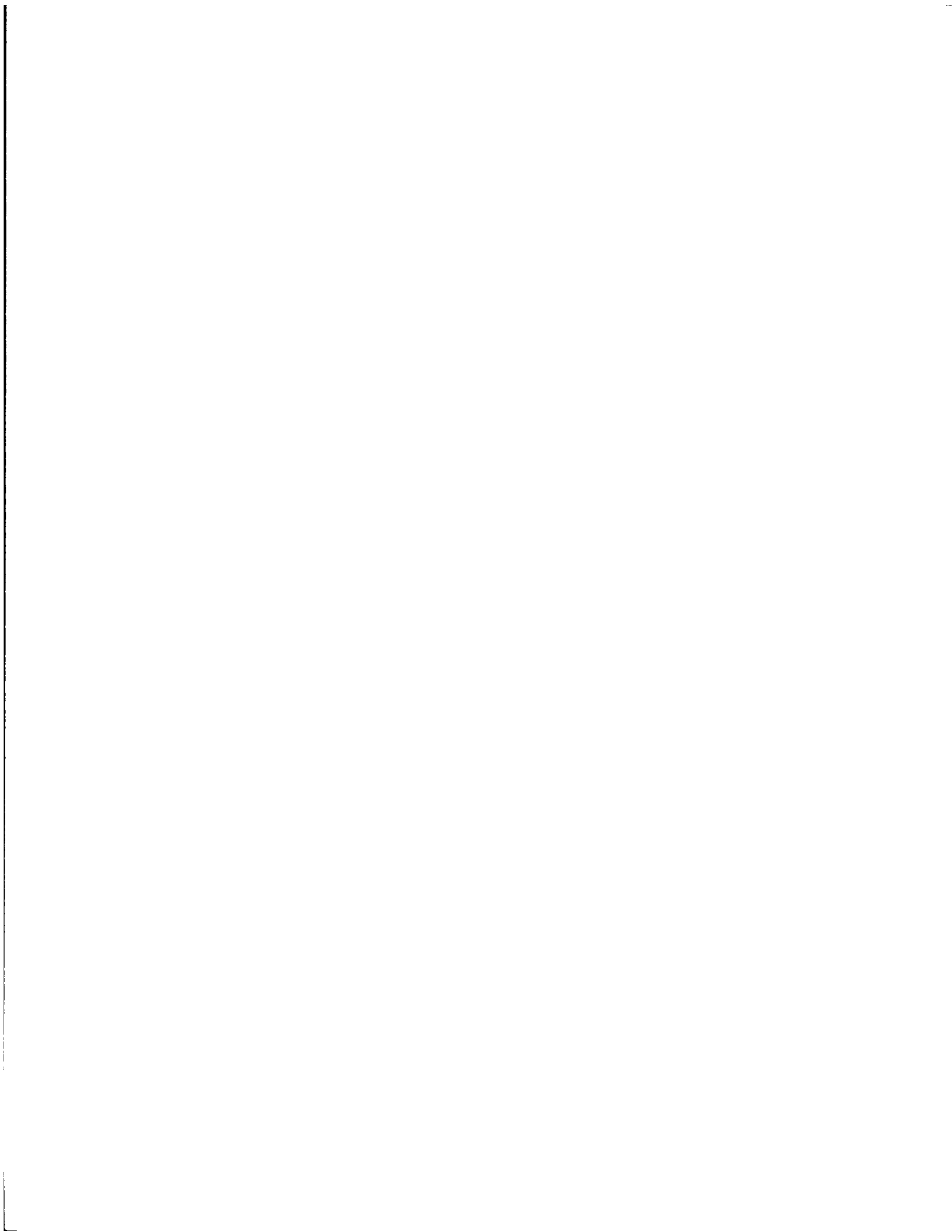
Forms 9C, 9D, 9G, 9H, and 9I-----

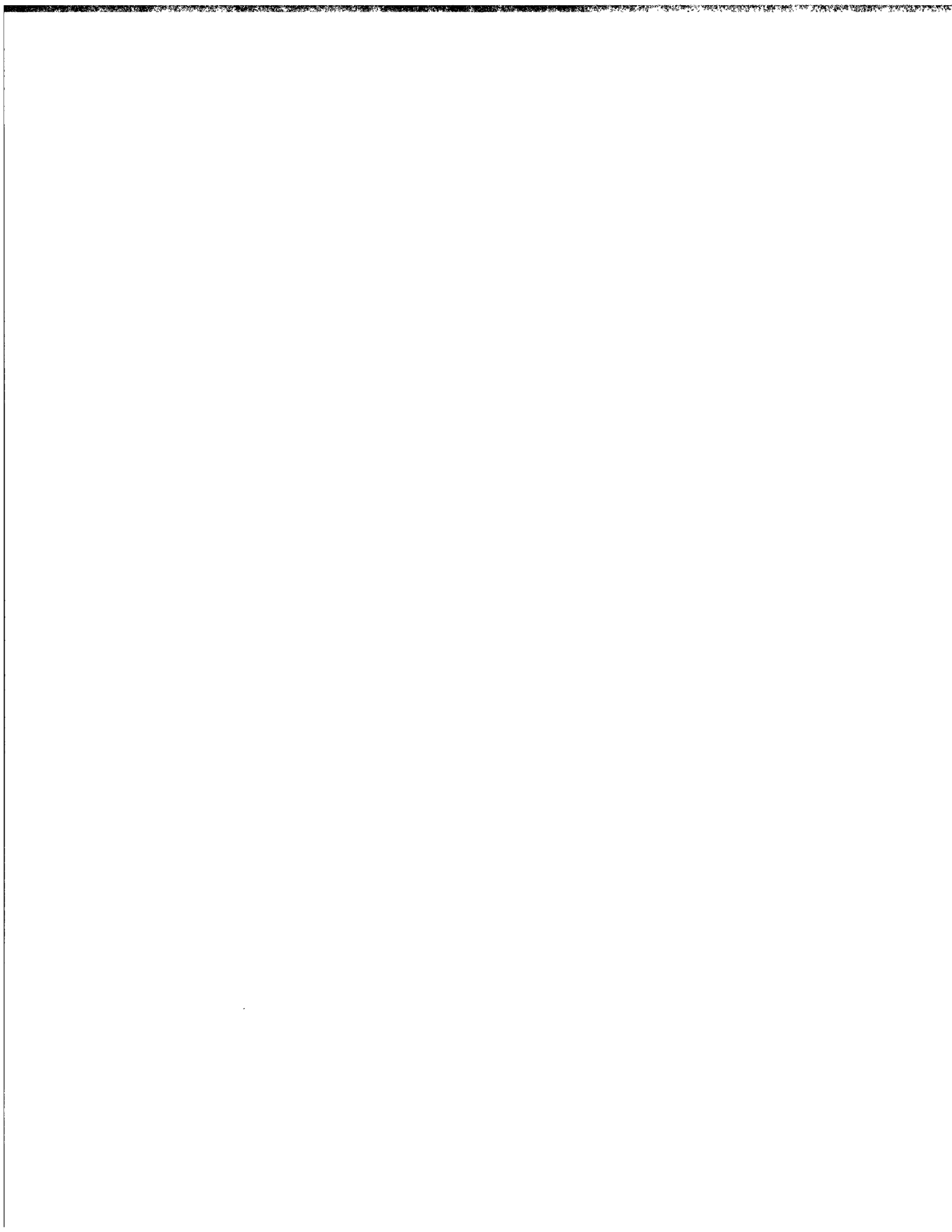
*[Substitute this text for what is in the box labeled "Claims." ]*

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 against the debtor 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 concerning the claim. **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 and the creditor does not receive the notice in time to file a Proof of Claim before the deadline, the creditor may file a motion requesting the court to extend the deadline.

# 2





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 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.

Forms 9A and 9C also are amended to include on the front of the form the deadline for filing a request to delay the debtor's discharge under § 727(a)(12) of the Code and schedule a hearing to determine whether the circumstances described in § 522(q) of the Code exist. Both sections were added to the Code in 2005.

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. All versions of the form are amended to alert creditors to consult an attorney concerning what rights the creditor may have in the specific case.

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 a general information addressing that question. Forms 9E, 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.

Forms 9E and 9E Alt. are amended to state that 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, and Forms 9F and 9F (Alt.) are amended to add a deadline for filing a complaint to determine the dischargeability of a debt, in conformity with § 1141(d)(6), which was added to the Code in 2005.



UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____		<b>PROOF OF CLAIM</b>
Name of Debtor	Case Number	
NOTE: This form should not 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		
Name of Creditor (The person or other entity to whom the debtor owes money or property):	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Name and address where notices should be sent:	THIS SPACE IS FOR COURT USE ONLY	
Telephone number:		
Last four digits of account or other number by which creditor identifies debtor:	Check here <input type="checkbox"/> replaces if this claim <input type="checkbox"/> amends a previously filed claim, dated: _____	
<b>1. Basis for Claim</b> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____		
<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of your SS #: _____ Unpaid compensation for services performed from _____ (date) to _____ (date)		
<b>2. Date debt was incurred:</b>		<b>3. If court judgment, date obtained:</b>
<b>4. Classification of Claim.</b> Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed. See reverse side for important explanations.		
<b>Unsecured Nonpriority Claim</b> \$ _____ <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.		<b>Secured Claim</b> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff).  Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____  Amount of arrearage and other charges <u>at time case filed</u> included in secured claim, if any. \$ _____
<b>Unsecured Priority Claim</b> <input type="checkbox"/> Check this box if you have an unsecured claim, all or part of which is entitled to priority. Amount entitled to priority \$ _____  Specify the priority of the claim: <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B) <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,000),* earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).		
<b>5. Total Amount of Claim at Time Case Filed:</b> \$ _____ (unsecured) (secured) (priority) (Total)		THIS SPACE IS FOR COURT USE ONLY
<input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
<b>6. Credits:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		THIS SPACE IS FOR COURT USE ONLY
<b>7. Supporting Documents:</b> Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
<b>8. Date-Stamped Copy:</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		
Date	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):	



## INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

### — DEFINITIONS —

**Debtor**

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

**Creditor**

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

**Proof of Claim**

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

**Secured Claim**

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*.)

**Unsecured Claim**

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

**Unsecured Priority Claim**

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

### Items to be completed in Proof of Claim form (if not already filled in)

**Court, Name of Debtor, and Case Number:**

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

**Information about Creditor:**

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

**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 employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

**2. Date Debt Incurred:**

Fill in the date when the debt first was owed by the debtor.

**3. Court Judgments:**

If you have a court judgment for this debt, state the date the court entered the judgment.

**4. Classification of Claim**

**Secured 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 documentation of your lien, and state the

amount past 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).

**Unsecured Priority Claim:**

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

**Unsecured Nonpriority Claim:**

Check the appropriate place if you have an unsecured nonpriority claim, sometimes referred to as a "general unsecured claim". (See DEFINITIONS, above.) If your claim is partly secured and partly unsecured, state here the amount that is unsecured. If part of your claim is entitled to priority, state here the amount **not** entitled to priority.

**5. Total Amount of Claim at Time Case Filed:**

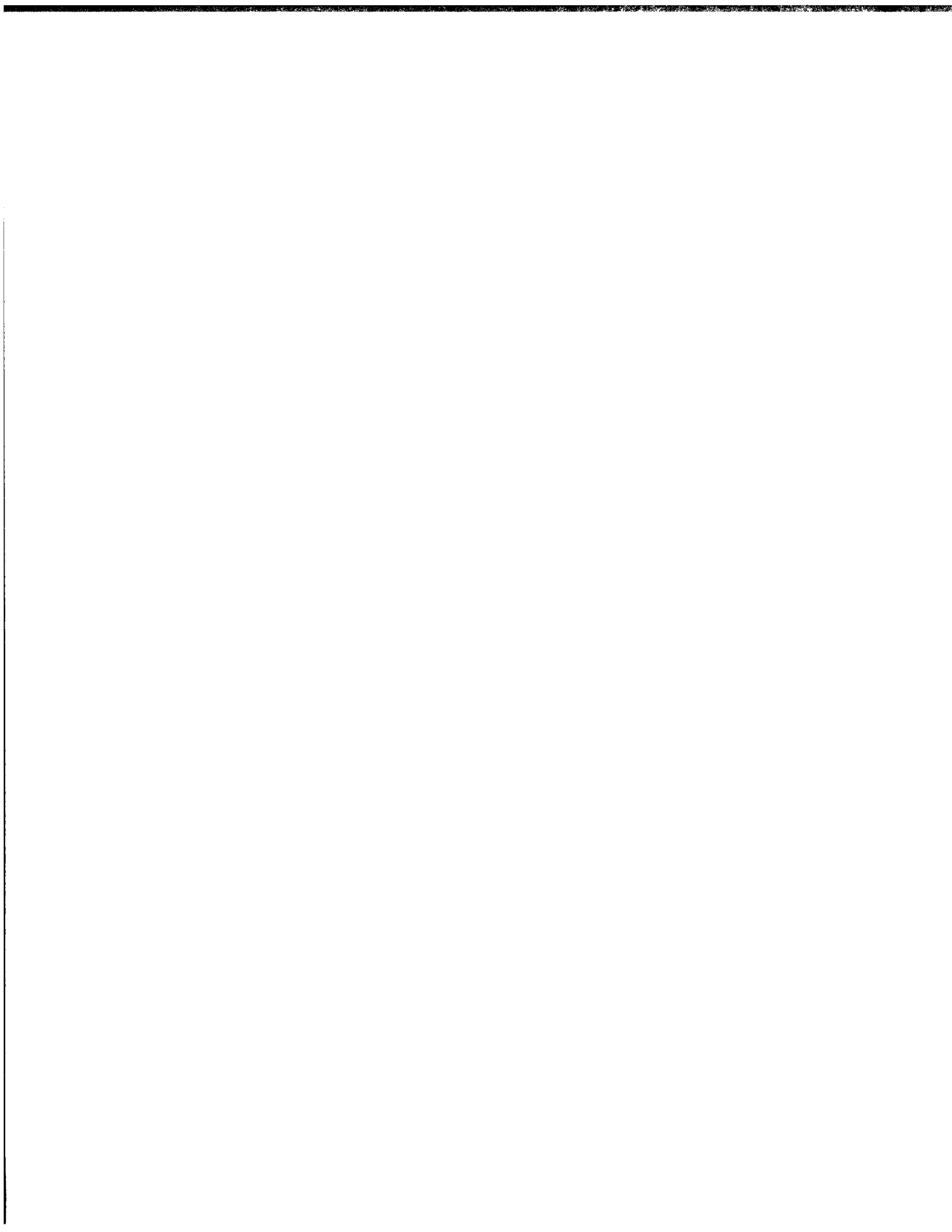
Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

**6. Credits:**

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

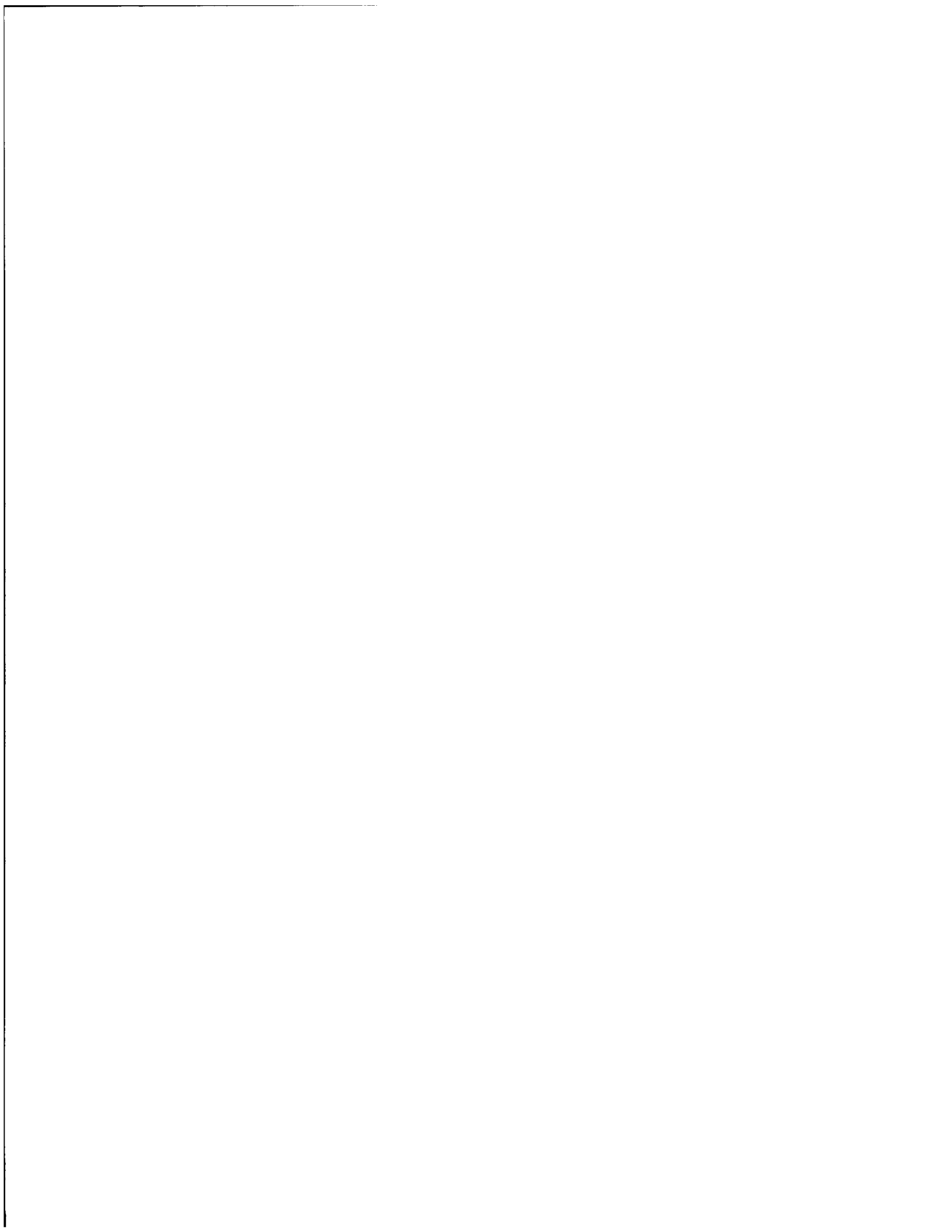
**7. Supporting Documents:**

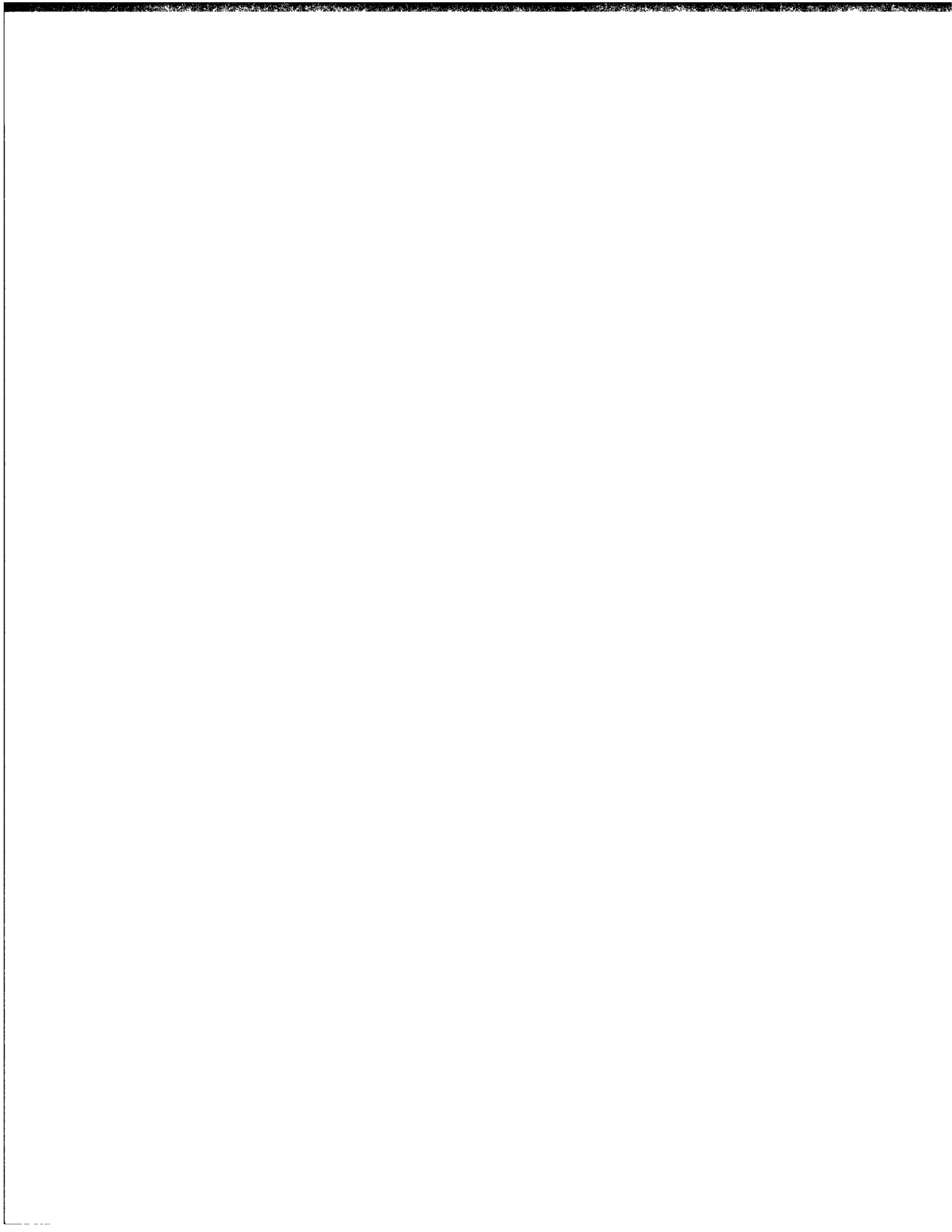
You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.



COMMITTEE NOTE

The form is amended to conform to changes in the priority afforded the claims of certain creditors in § 507(a) 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).





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 \_\_\_\_\_ )

\_\_\_\_\_ )

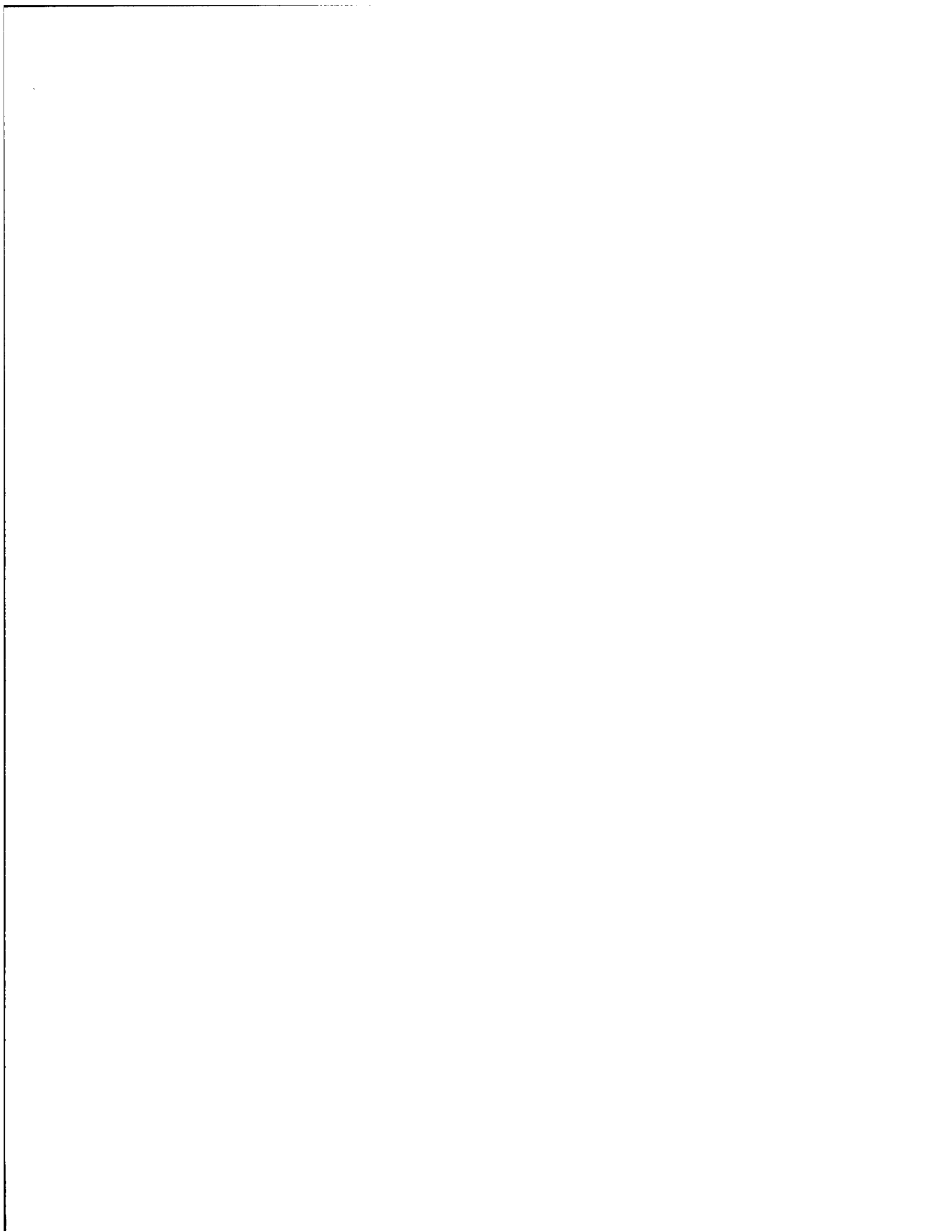
Chapter \_\_\_\_\_

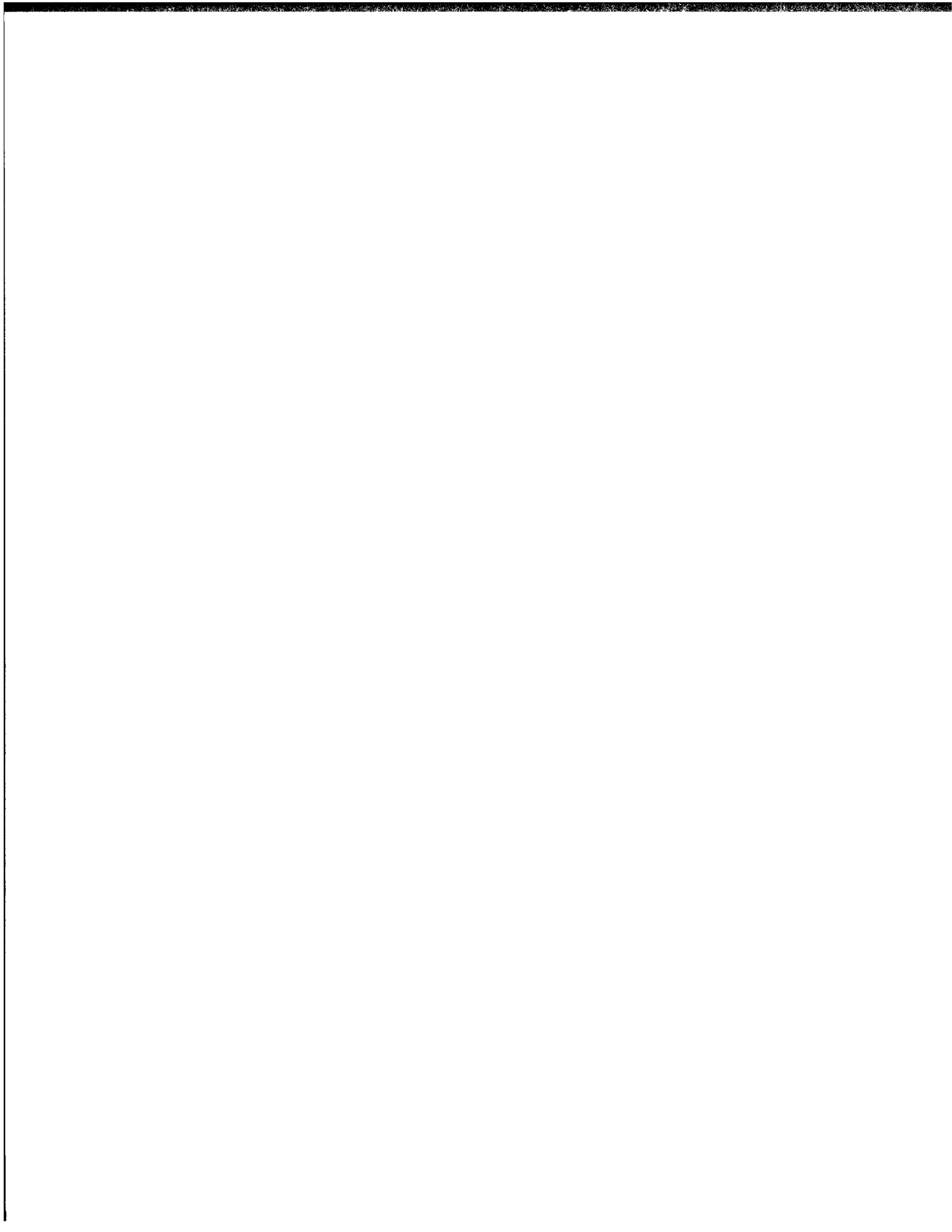
Last four digits of Social Security No(s): \_\_\_\_\_ )

Employer's Tax Identification No(s). *[if any]*: \_\_\_\_\_ )

\_\_\_\_\_ )

*[Designation of Character of Paper]*



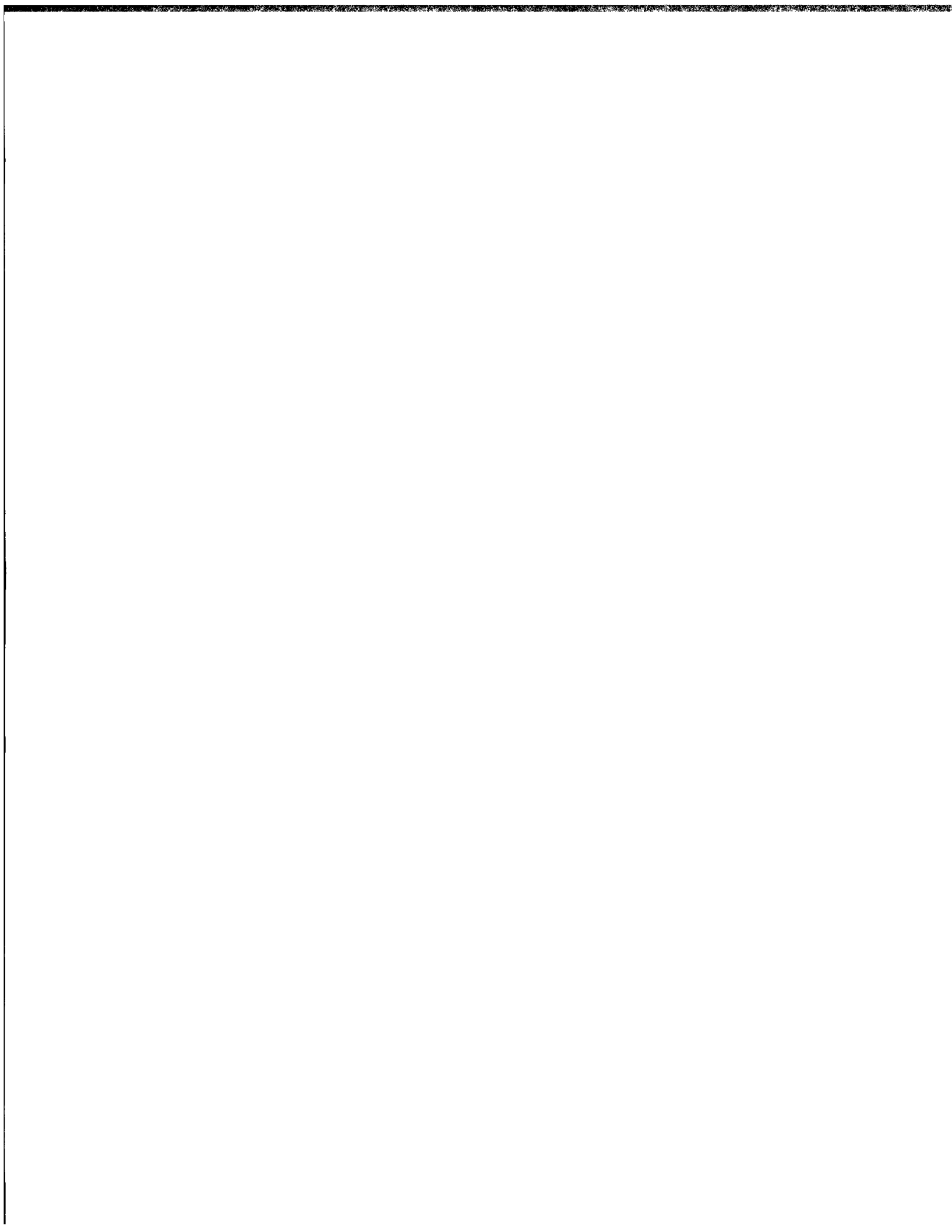




COMMITTEE NOTE

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 \_\_\_\_\_ )  
*Set forth here all names including married,* )  
*maiden, and trade names used by debtor within* )  
*last 8 years.]* )  

Debtor ) Case No. \_\_\_\_\_ )  
 )  
 )  
 Address \_\_\_\_\_ )  
 \_\_\_\_\_ ) Chapter 7 )  
 )  
 Last four digits of Social Security No(s): \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 Employer's Tax Identification No(s). *[if any]*: \_\_\_\_\_ )  
 \_\_\_\_\_ )

## 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 a 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

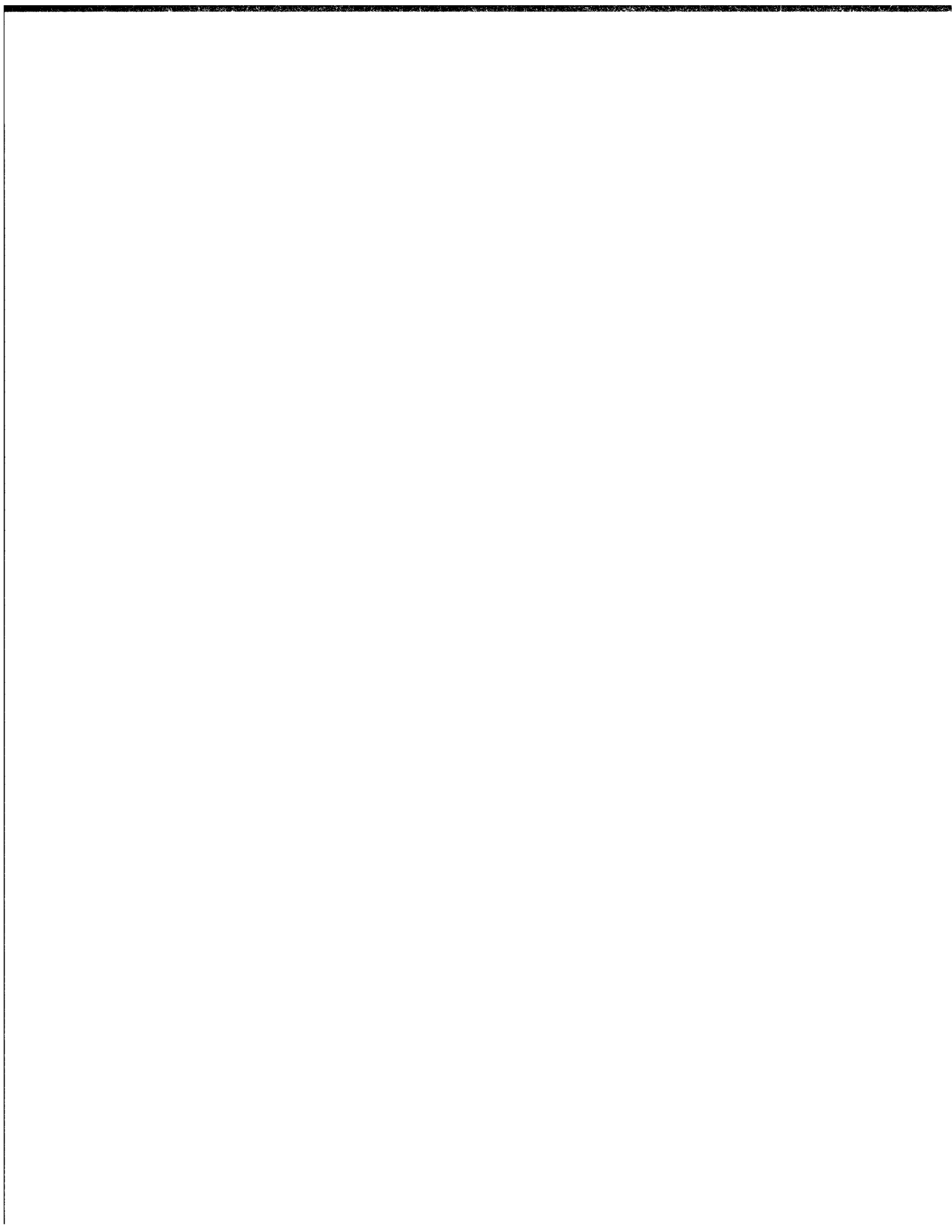
The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted 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:

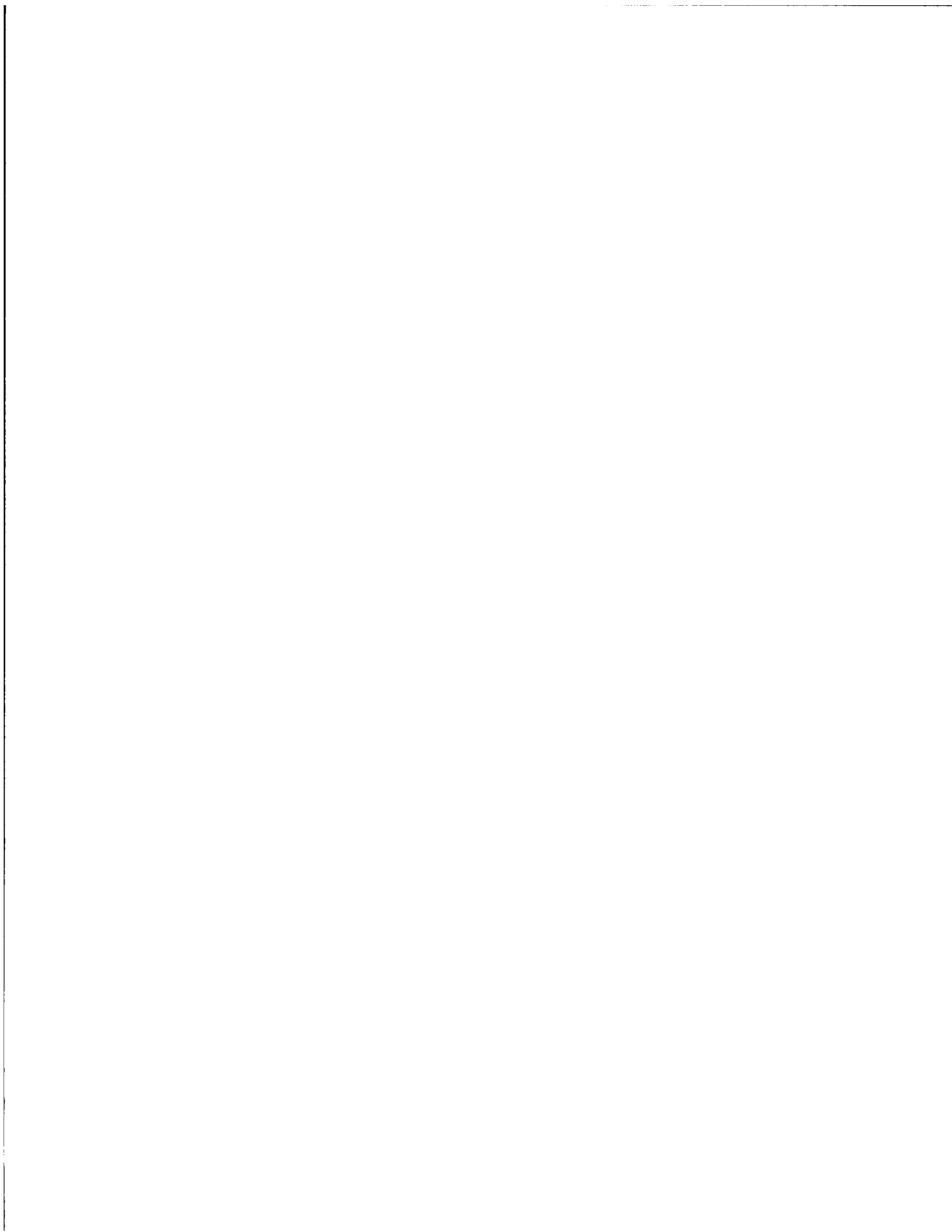
- a. Debts for most taxes;
- b. Debts incurred to pay nondischargeable taxes;
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by 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.

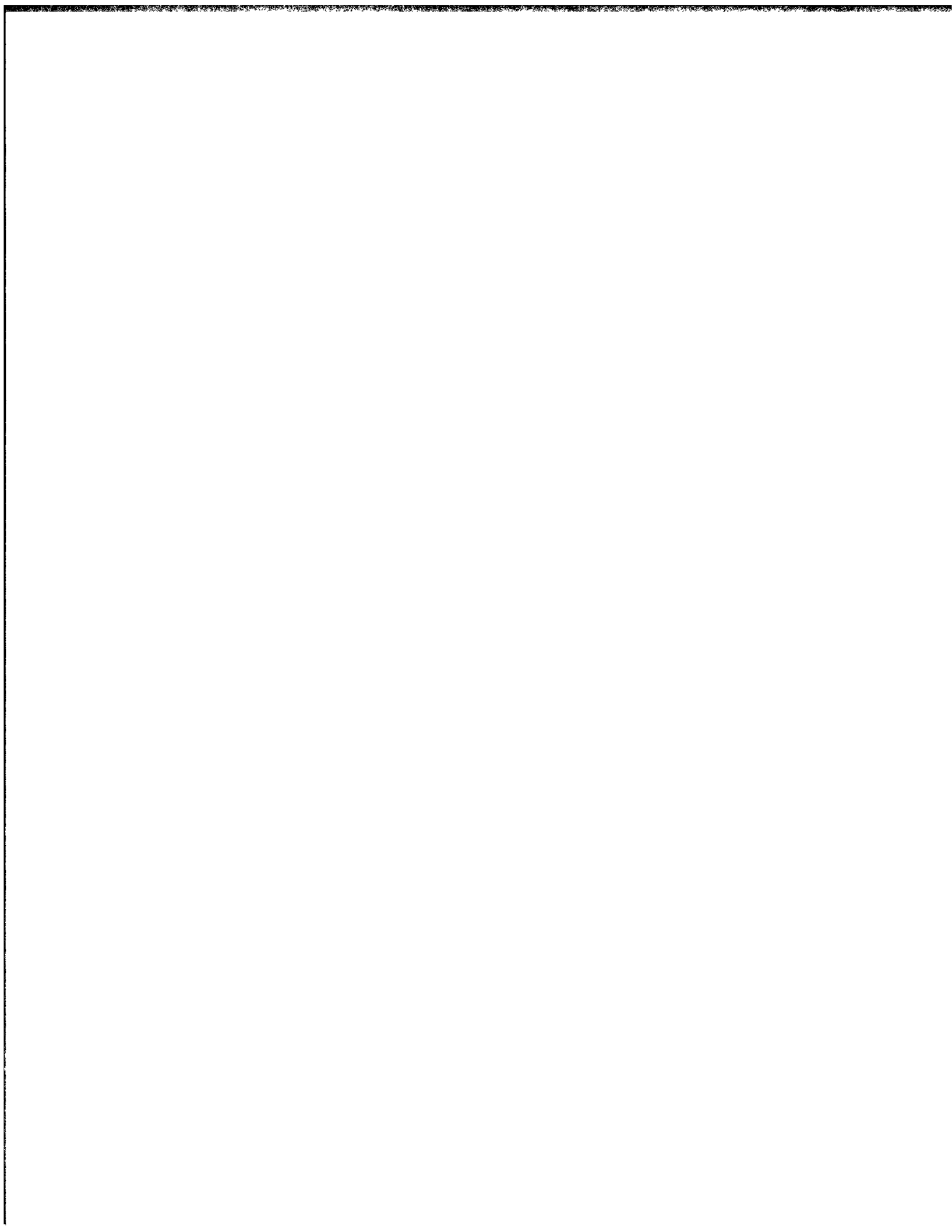


COMMITTEE NOTE

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.







# United States Bankruptcy Court

\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

## 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 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. §§ 110(b), 110(h), and 342 (b); and,
- (3) if rules and guidelines have been promulgated pursuant to 11 U.S.C. § 110 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

X \_\_\_\_\_

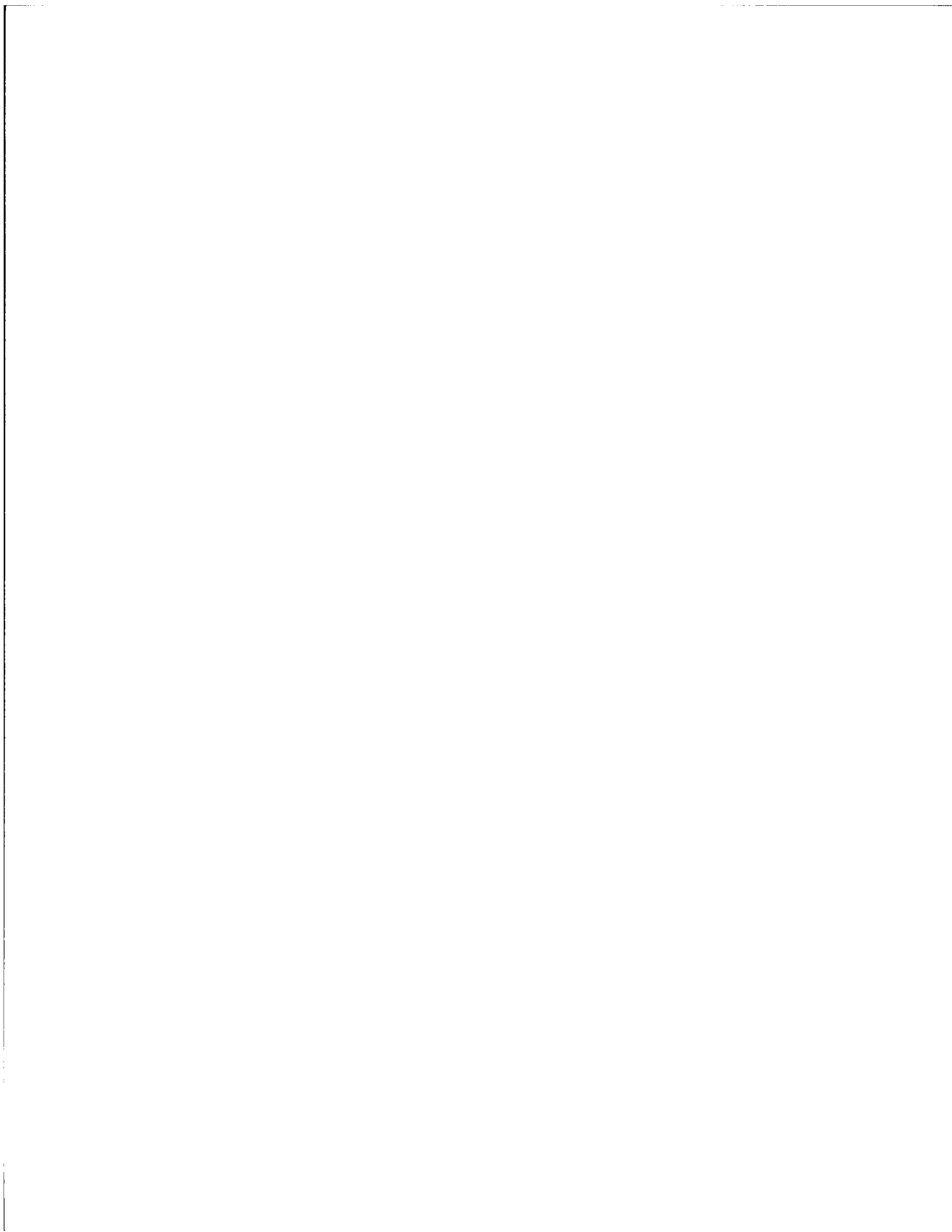
Signature of Bankruptcy Petition Preparer

\_\_\_\_\_  
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.*

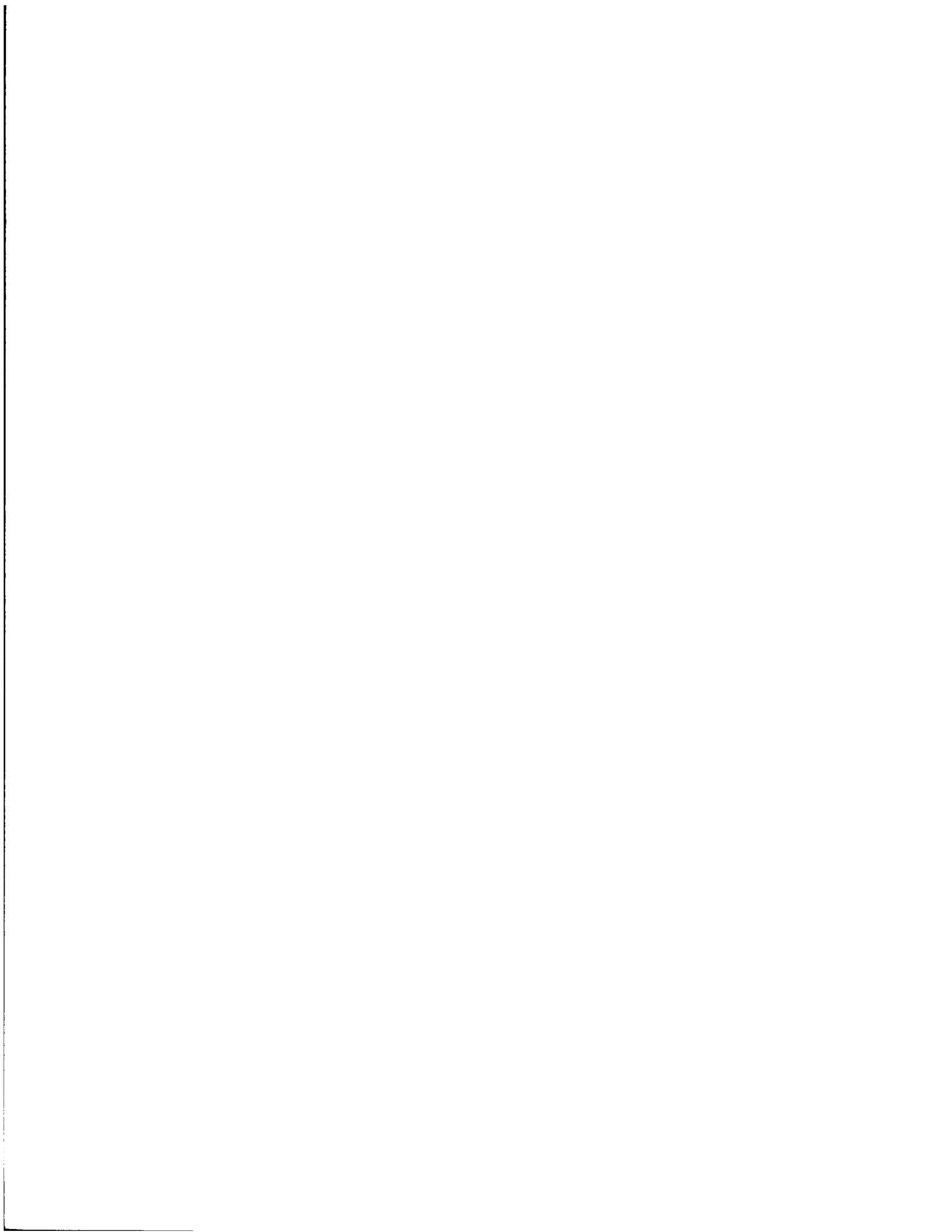
*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.*





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).





# United States Bankruptcy Court

\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

## **NOTICE TO DEBTOR BY NON-ATTORNEY BANKRUPTCY PETITION PREPARER**

*[Must be filed with any document prepared by a bankruptcy petition preparer.]*

I am a bankruptcy petition preparer. I am not an attorney and may not practice law or give legal advice. Before preparing any document for filing as defined in § 110(a)(2) of the Bankruptcy Code or accepting any fees, I am required by law to provide you with this notice concerning bankruptcy petition preparers. Under the law, § 110 of the Bankruptcy Code (11 U.S.C. § 110), I am forbidden to offer a potential bankruptcy debtor any legal advice, including advice about any of the following:

- whether to file a petition under the Bankruptcy Code (11 U.S.C. § 101 et seq.);
- whether commencing a case under chapter 7, 11, 12, or 13 is appropriate;
- whether your debts will be eliminated or discharged in a case under the Bankruptcy Code;
- whether you will be able to retain your home, car, or other property after commencing a case under the Bankruptcy Code;
- concerning the tax consequences of a case brought under the Bankruptcy Code;
- concerning the dischargeability of tax claims;
- whether you may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;
- concerning how to characterize the nature of your interests in property or your debts; or
- concerning bankruptcy procedures and rights.

*[The notice may provide additional examples of legal advice that a bankruptcy petition preparer is not authorized to give.]*

In addition, under 11 U.S.C. § 110(h), the Supreme Court or the Judicial Conference of the United States may prescribe guidelines for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. I am required by law to notify you of any such maximum amount before preparing any document for filing for you or accepting any fee from you.

\_\_\_\_\_  
Signature of Debtor                      Date  
*[In a joint case, both spouses must sign.]*

\_\_\_\_\_  
Joint Debtor (if any)                      Date



**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 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. §§ 110(b), 110(h) and 342(b); (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 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 and Title, if any, of  
Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security No.  
(Required by 11 U.S.C. § 110.)

*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

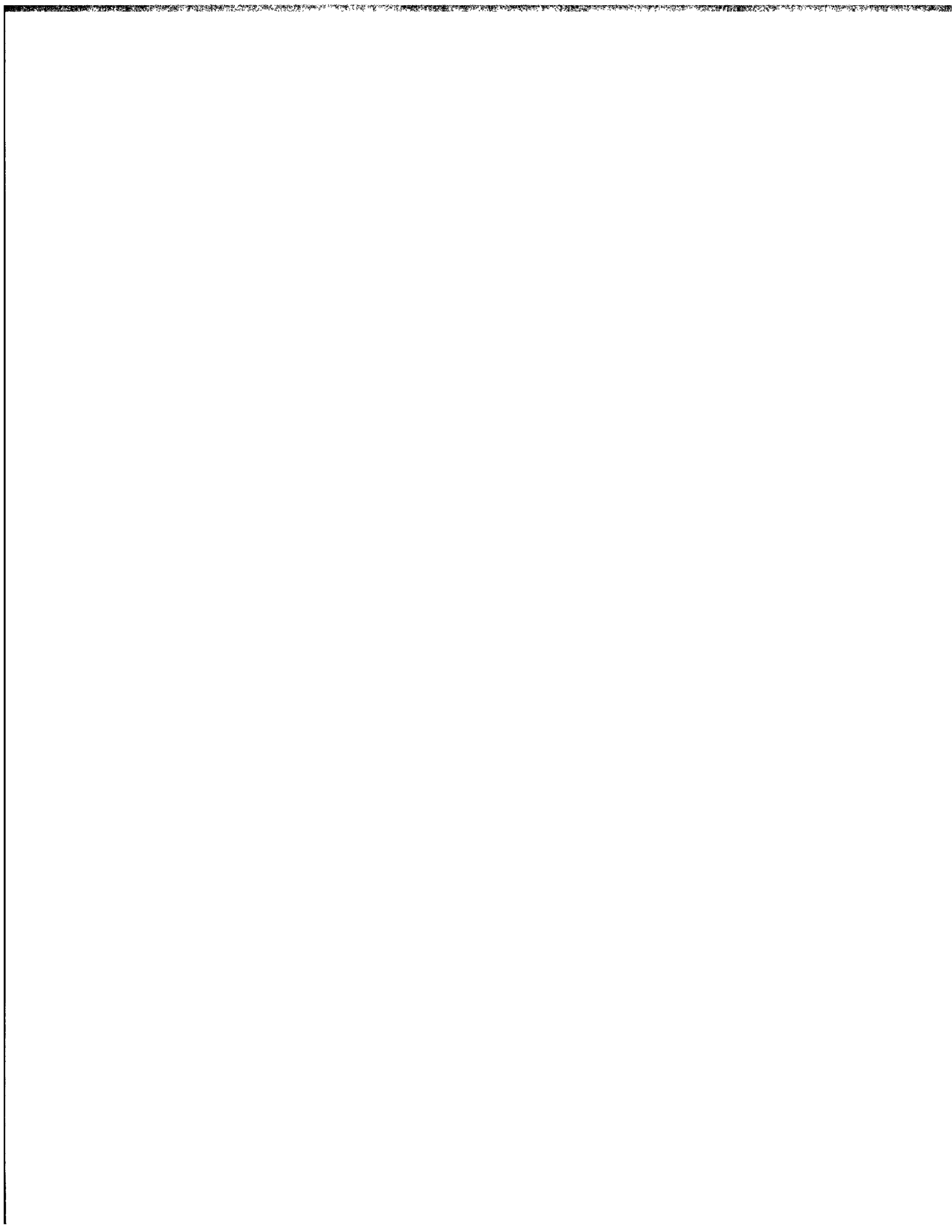
X \_\_\_\_\_  
Signature of Bankruptcy Petition Preparer

\_\_\_\_\_  
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:

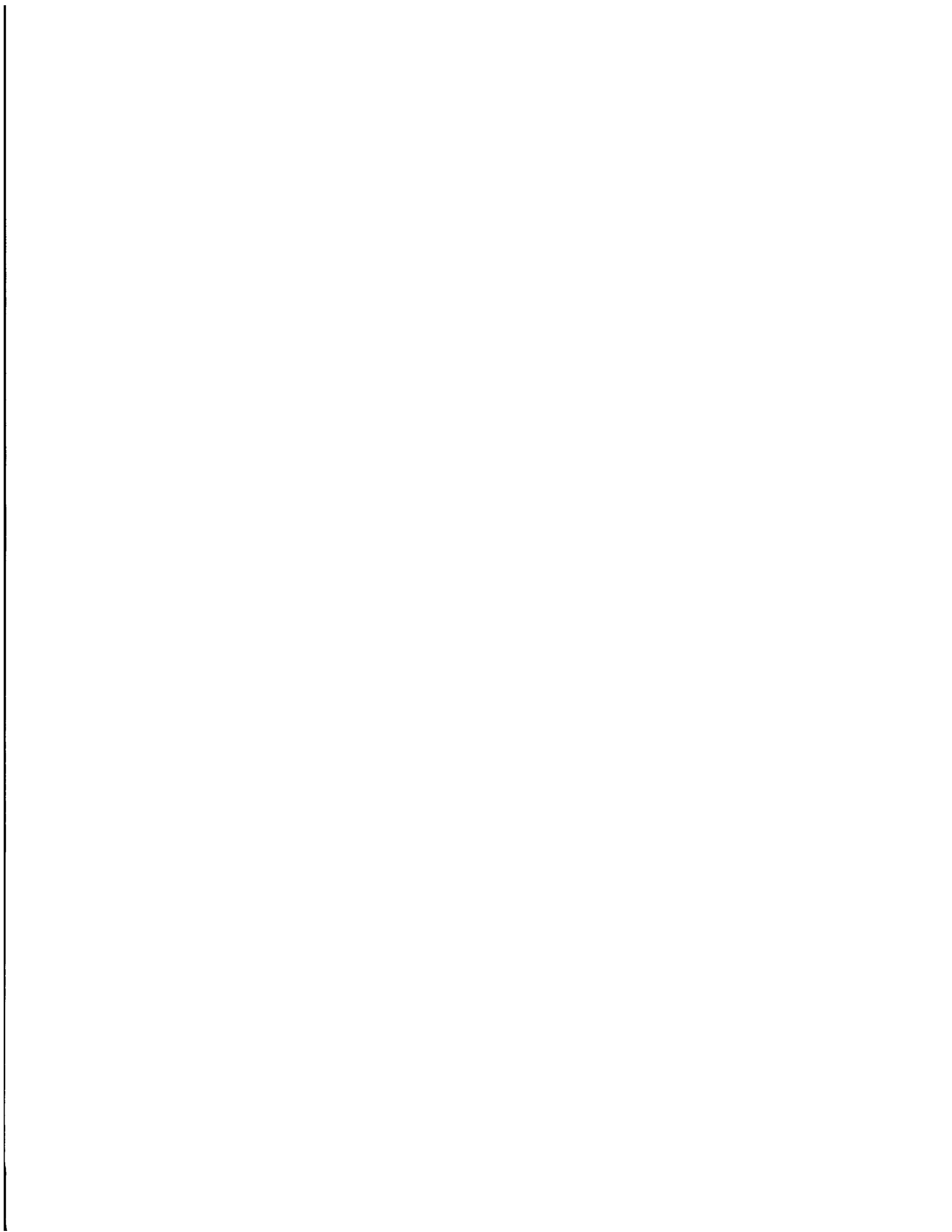
*If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.*

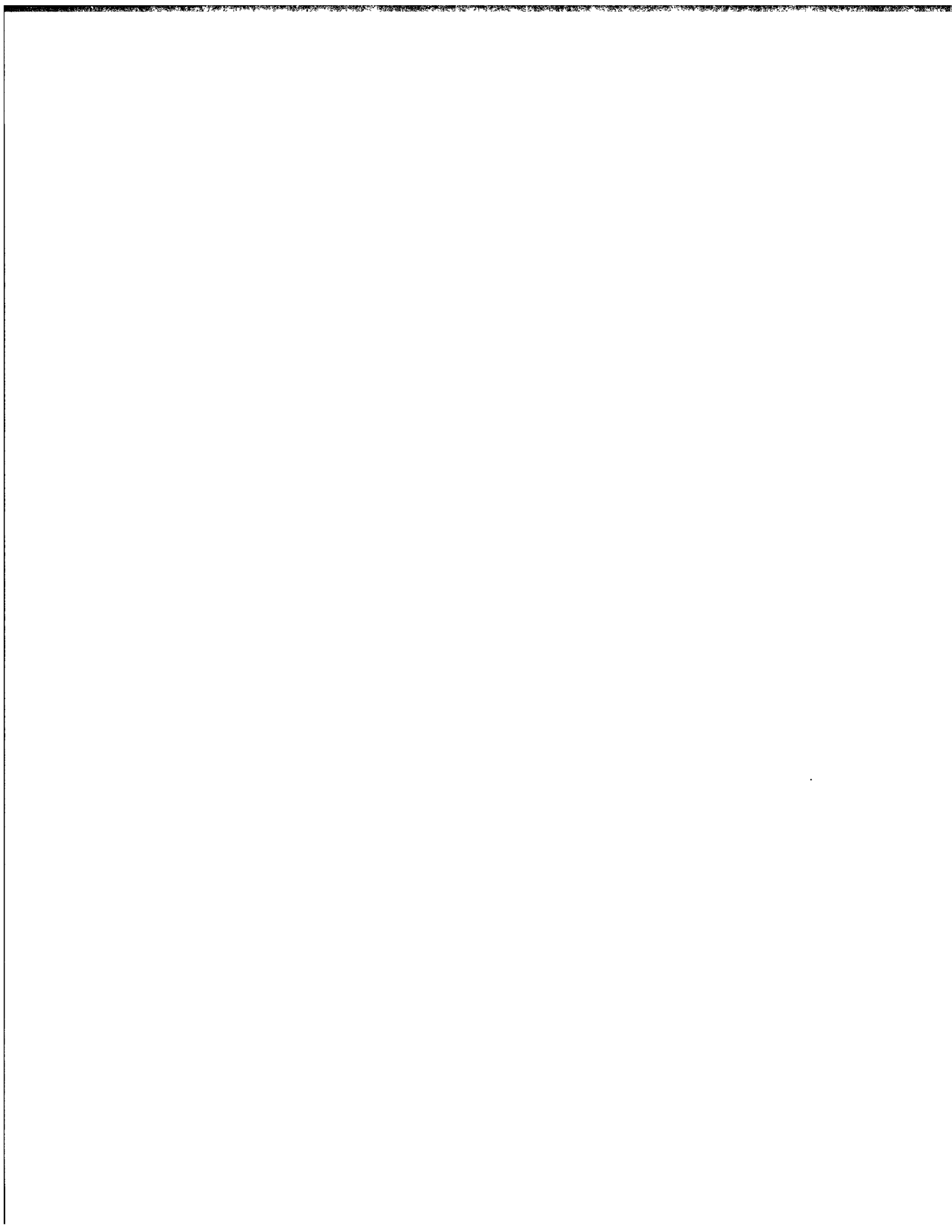
**A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.**



COMMITTEE NOTE

This form is new. It contains the notice a non-attorney bankruptcy petition preparer is required to give to a debtor under § 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 notice states, in language mandated in the 2005 Act, that the bankruptcy petition preparer is not an attorney and must not give legal advice. The form includes examples of advice a bankruptcy petition preparer may not give that are take from § 110(e)(2), which also was added to the Code in 2005. The notice must be signed by the debtor and by the bankruptcy petition preparer and filed with any document for filing prepared by the bankruptcy petition preparer.





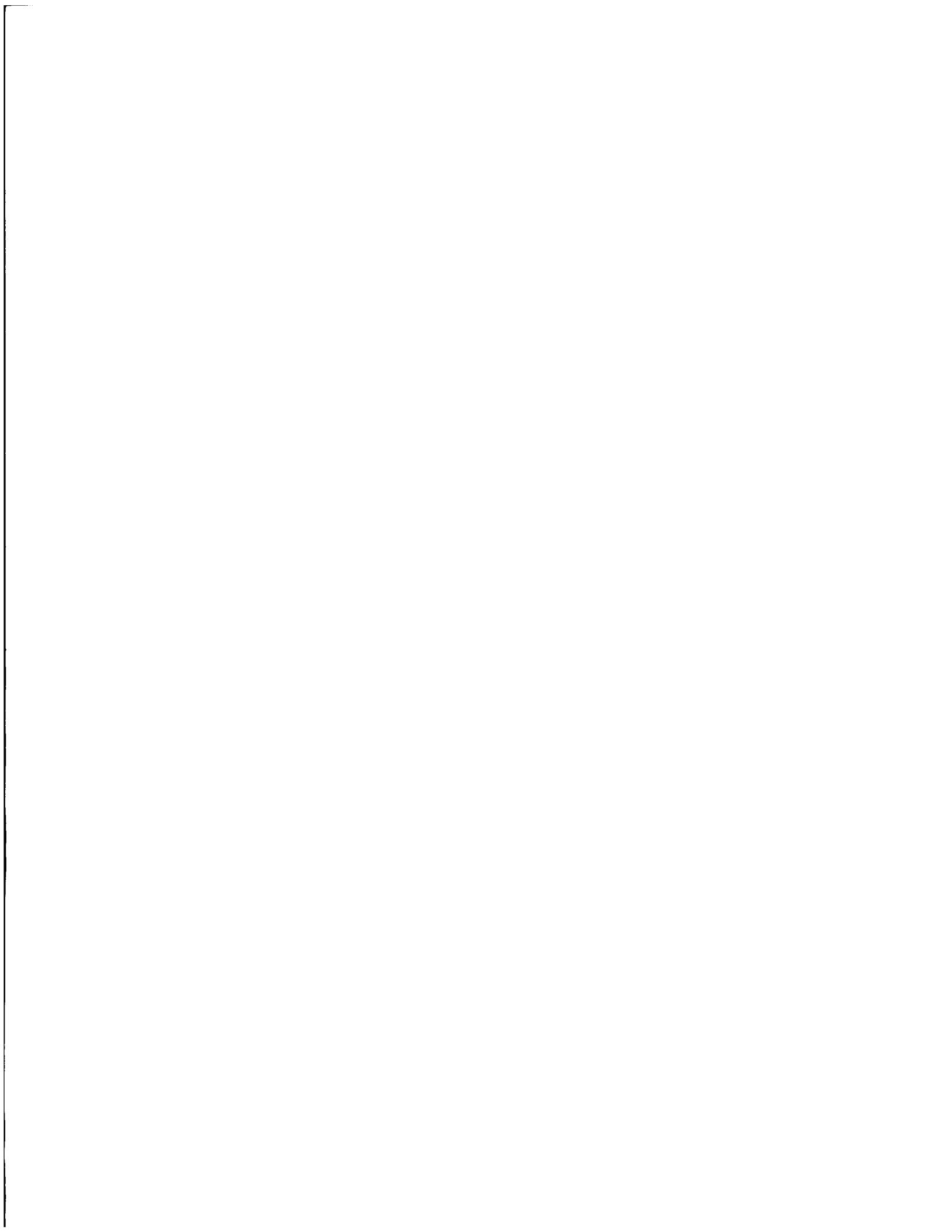
THE 5 FORMS THAT FOLLOW COMPRISE THE 'MEANS TEST'  
FORMS---3 FORMS, 2 OF WHICH HAVE ALTERNATE VERSIONS,  
A CIRCUMSTANCE WHICH IS EXPLAINED IN THE COMMITTEE NOTE.

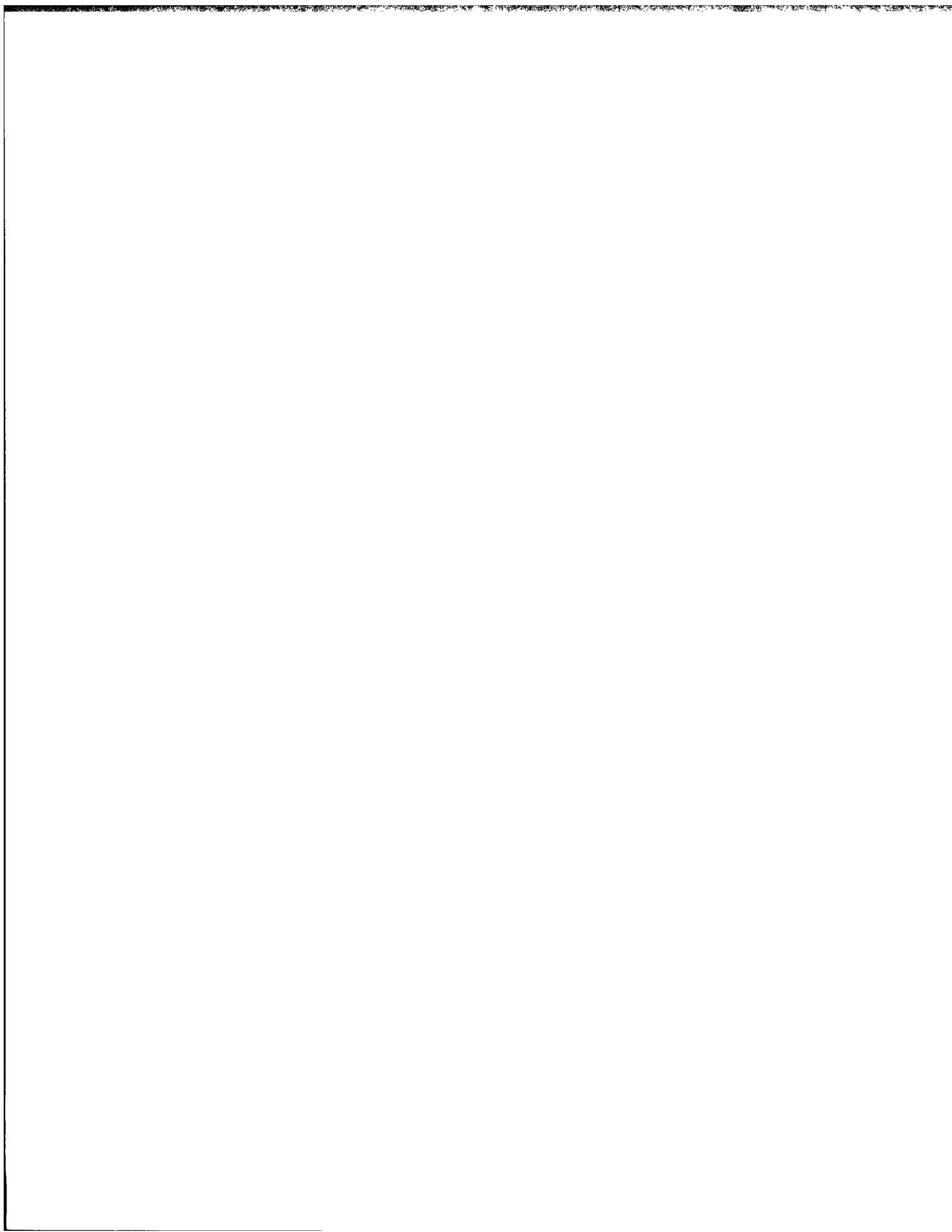
The Official Form numbers tentatively assigned to these forms are

Official Form 22A (Ch.7)

Official Form 22B (Ch.11)

Official Form 22C (Ch. 13)







In re \_\_\_\_\_  
 Debtor(s)

Case Number: \_\_\_\_\_  
 (If known)

Check the box as directed in Parts I, III, and IV of this statement.

**Presumption arises**

**Presumption does not arise**

## STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION FOR USE IN CHAPTER 7 ONLY

In addition to Schedule 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.

<b>Part I. EXCLUSION FOR DISABLED VETERANS</b>	
1	<p>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 VII. Do not complete any of the remaining parts of this statement.</p> <p><input type="checkbox"/> <b>Veteran's Declaration.</b> 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(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. § 901(1)).</p>

<b>Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION</b>									
2	<p><b>Marital/filing status.</b> Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. <b>Complete only Column A ("Debtor's Income") for Lines 3-11.</b></p> <p>b. <input type="checkbox"/> 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." <b>Complete only Column A ("Debtor's Income") for Lines 3-11.</b></p> <p>c. <input type="checkbox"/> Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. <b>Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-11.</b></p> <p>d. <input type="checkbox"/> Married, filing jointly. <b>Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-11.</b></p> <p>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.</p>								
3	Wages, salary, tips, bonuses, overtime, commissions.	\$	\$						
4	Gross income from the operation of a business, profession or farm.	\$	\$						
5	Interest, dividends and royalties.	\$	\$						
6	Rents and other real property income.	\$	\$						
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.	\$	\$						
9	<p>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:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="padding: 2px;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="padding: 2px;">Debtor \$ _____</td> <td style="padding: 2px;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____							
10	<p>Income from all other sources. If necessary, list additional sources on a separate page. <b>Do not include</b> 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.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 5%; padding: 2px;">a.</td> <td style="width: 70%; padding: 2px;"></td> <td style="width: 25%; padding: 2px;">\$</td> </tr> <tr> <td style="padding: 2px;">b.</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">\$</td> </tr> </table> <p>Total and enter on Line 10</p>	a.		\$	b.		\$	\$	\$
a.		\$							
b.		\$							

11	<b>Subtotal of Current Monthly Income for § 707(b)(7).</b> 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).	\$	\$
12	<b>Total Current Monthly Income for § 707(b)(7).</b> 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

13	<b>Annualized Current Monthly Income for § 707(b)(7).</b> Multiply the amount from Line 12 by the number 12 and enter the result.	\$
14	<b>Applicable median family income.</b> Enter the median family income for the 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.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$
15	<b>Application of Section 707(b)(7).</b> Check the applicable box and proceed as directed. <input type="checkbox"/> <b>The amount on Line 13 is less than or equal to the amount on Line 14.</b> Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete Part VII; do not complete Parts IV, V, and VI. <input type="checkbox"/> <b>The amount on Line 13 is more than the amount on Line 14.</b> Complete the remaining parts of this statement.	

Complete Parts IV, V, and VI of this statement only if required. (See Line 15).

### Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)

16	<b>Enter the amount from Line 12.</b>	\$
17	<b>Marital adjustment.</b> If you checked the box at Line 2.c, enter the amount of the income listed in Line 10, 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	<b>Current monthly income for § 707(b)(2).</b> 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	<b>National Standards: food, clothing, household supplies, personal care, and miscellaneous.</b> Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
20	<b>Local Standards: housing and utilities.</b> Enter amount from the IRS Housing and Utilities Standards for the applicable county and family size. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on secured debts, such as mortgage payments, to the extent that they are accounted for in the IRS Housing and Utilities Standards.</b>	\$
21	<b>Local Standards: transportation; vehicle operation/public transportation expense.</b> 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. Enter the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 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 <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$

22	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 1.</b> 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.)  <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>Enter the amount from IRS Transportation Standards, Ownership Costs, First Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a>; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 1 included in Line 40. Subtract the amount of the Line 40 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, First Car, but do not list an amount less than zero.</b></p>	\$												
23	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 2.</b> Complete this Line only if you checked the "2 or more" Box in Line 21.</p> <p>Enter the amount from IRS Transportation Standards, Ownership Costs, Second Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a>; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 2 included in Line 40. Subtract the amount of the Line 40 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, Second Car, but do not list an amount less than zero.</b></p>	\$												
24	<p><b>Other Necessary Expenses: taxes.</b> 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. <b>Do not include real estate or sales taxes.</b></p>													
25	<p><b>Other Necessary Expenses: mandatory payroll deductions.</b> Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. <b>Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</b></p>	\$												
26	<p><b>Other Necessary Expenses: insurance.</b> Enter average monthly premiums that you actually pay for term life, dental, vision, long term care, and other types of insurance not deducted elsewhere in the statement. <b>Do not include automobile, liability, homeowner's or contents insurance, whole life premiums, or any amounts included in Lines 29 or 32.</b></p>	\$												
27	<p><b>Other Necessary Expenses: court-ordered payments.</b> Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. <b>Do not include payments on past due support obligations included in Line 42.</b></p>	\$												
28	<p><b>Other Necessary Expenses: childcare.</b> Enter the average monthly amount that you actually expend on childcare. <b>Do not include payments made for primary and secondary education.</b></p>	\$												
29	<p><b>Other Necessary Expenses: health care.</b> 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.</p>	\$												
30	<p><b>Other Necessary Expenses: business expenses.</b> Enter the average monthly expenses that you incur in order to operate a business or otherwise produce income. <b>Do not include any amount previously deducted.</b></p>	\$												
31	<p><b>Total Expenses Allowed under IRS Standards.</b> Enter the total of Lines 19 through 30</p>	\$												
<p><b>Subpart B: Additional Expense Deductions under § 707(b)</b>  <b>Note: Do not include any expenses that you have listed in Lines 19-30</b></p>														
32	<p><b>Health Insurance, Disability Insurance and Health Savings Account Expenses.</b> List the average monthly amounts that you actually expend in each of the following categories and enter the total.</p> <table border="1" data-bbox="228 1513 1133 1676"> <tr> <td data-bbox="228 1513 297 1555">a.</td> <td data-bbox="297 1513 797 1555">Health Insurance</td> <td data-bbox="797 1513 1133 1555">\$</td> </tr> <tr> <td data-bbox="228 1555 297 1598">b.</td> <td data-bbox="297 1555 797 1598">Disability Insurance</td> <td data-bbox="797 1555 1133 1598">\$</td> </tr> <tr> <td data-bbox="228 1598 297 1640">c.</td> <td data-bbox="297 1598 797 1640">Health Savings Account</td> <td data-bbox="797 1598 1133 1640">\$</td> </tr> <tr> <td colspan="2" data-bbox="228 1640 797 1676"></td> <td data-bbox="797 1640 1133 1676">Total: Add Lines a, b and c</td> </tr> </table>	a.	Health Insurance	\$	b.	Disability Insurance	\$	c.	Health Savings Account	\$			Total: Add Lines a, b and c	\$
a.	Health Insurance	\$												
b.	Disability Insurance	\$												
c.	Health Savings Account	\$												
		Total: Add Lines a, b and c												
33	<p><b>Continued contributions to the care of household or family members.</b> 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.</p>	\$												
34	<p><b>Protection against family violence.</b> 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.</p>	\$												

35	<b>Home energy costs in excess of the allowance specified by the IRS Local Standards.</b> Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$
36	<b>Education expenses for dependent children less than 18.</b> 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. <b>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.</b>	\$
37	<b>Additional food and clothing expense.</b> 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 exceed five percent of those combined allowances. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$
38	<b>Continued charitable contributions.</b> 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).	\$
39	<b>Total Additional Expense Deductions under § 707(b).</b> Enter the total of Lines 32 through 38	\$

**Subpart C: Deductions for Debt Payment**

40	<p><b>Future payments on secured claims.</b> 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. <b>Do not include items you have previously deducted, such as insurance and taxes.</b></p> <table border="1"> <thead> <tr> <th></th> <th>Name of Creditor</th> <th>Property Securing the Debt</th> <th>Average Monthly Payment</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 colspan="3"></td> <td>Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt	Average Monthly Payment	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt	Average Monthly Payment																			
a.			\$																			
b.			\$																			
c.			\$																			
			Total: Add Lines a, b and c																			

41	<p><b>Past due payments on secured claims.</b> If any of the debts listed in Line 40 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.</p> <table border="1"> <thead> <tr> <th></th> <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> <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 colspan="3"></td> <td>Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount																			
a.			\$																			
b.			\$																			
c.			\$																			
			Total: Add Lines a, b and c																			

42	<b>Payments on priority claims.</b> Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.	\$
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43	<p><b>Chapter 13 administrative expenses.</b> 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.</p> <table border="1"> <tbody> <tr> <td>a.</td> <td>Projected average monthly Chapter 13 plan payment.</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</td> <td>x</td> </tr> <tr> <td>c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td>Total: Multiply Lines a and b</td> </tr> </tbody> </table>	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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$
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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x									
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b									

44	<b>Total Deductions for Debt Payment.</b> Enter the total of Lines 40 through 43.	\$
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**Subpart D: Total Deductions Allowed under § 707(b)(2)**

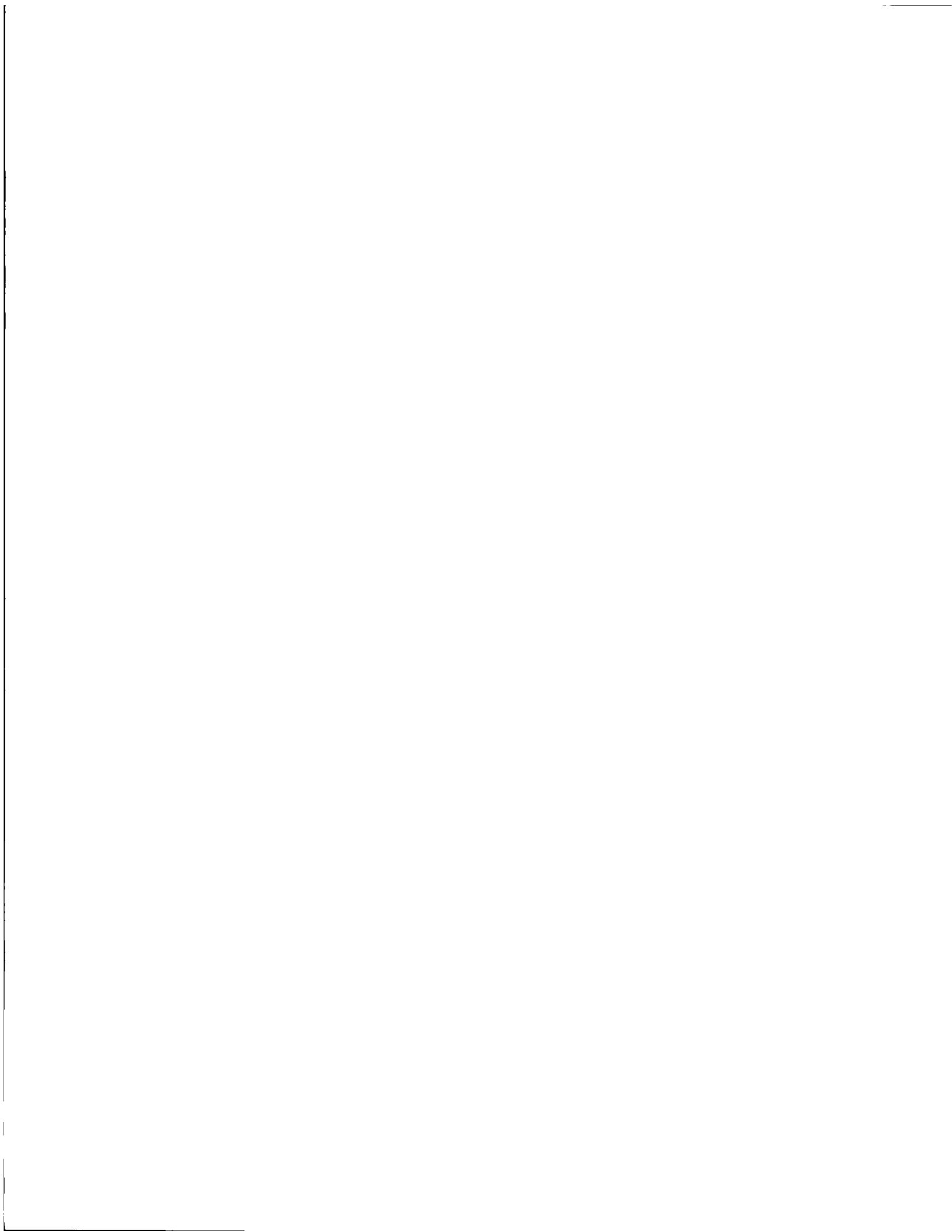
45	<b>Total of all deductions allowed under § 707(b)(2).</b> Enter the total of Lines 31, 39, and 44.	\$
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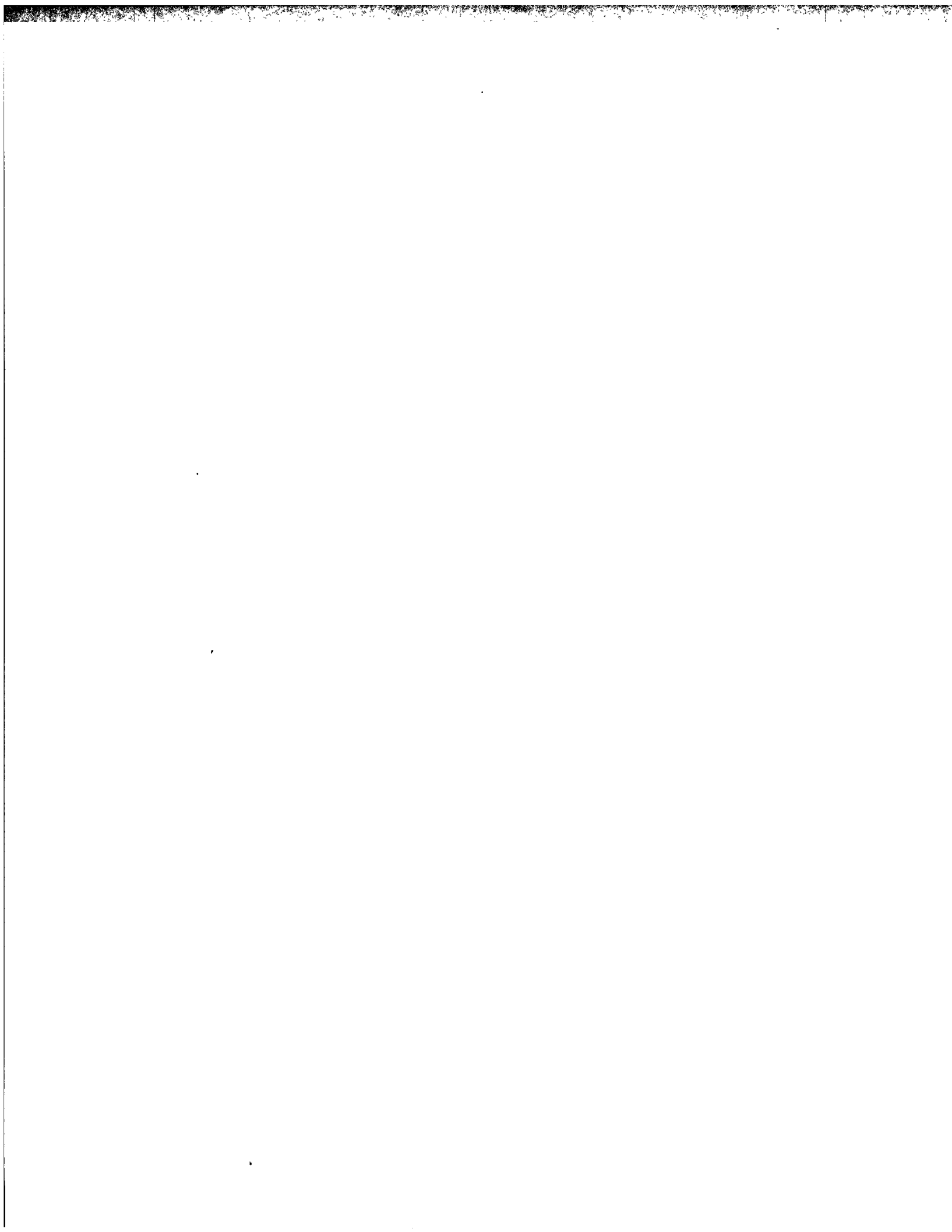
## Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION

46	Enter the amount from Line 18 (Current monthly income for § 707(b)(2))	\$
47	Enter the amount from Line 45 (Total of all deductions allowed under § 707(b)(2))	\$
48	Monthly disposable income under § 707(b)(2). Subtract Line 47 from Line 46 and enter the result	\$
49	60-month disposable income under § 707(b)(2). Multiply the amount in Line 48 by the number 60 and enter the result.	\$
50	<p><b>Initial presumption determination.</b> Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> <b>The amount on Line 49 is less than \$6,000</b> 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.</p> <p><input type="checkbox"/> <b>The amount set forth on Line 49 is more than \$10,000.</b> 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.</p> <p><input type="checkbox"/> <b>The amount on Line 49 is at least \$6,000, but not more than \$10,000.</b> Complete the remainder of Part VI (Lines 51 through 53).</p>	
51	Enter the amount of your total non-priority unsecured debt	\$
52	Threshold debt payment amount. Multiply the amount in Line 51 by the number 0.25 and enter the result.	\$
53	<p><b>Secondary presumption determination.</b> Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> <b>The amount on Line 49 is less than the amount on Line 52.</b> Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete the verification in Part VII.</p> <p><input type="checkbox"/> <b>The amount on Line 49 is equal to or greater than the amount on Line 52.</b> Check the "Presumption arises" box at the top of page 1 of this statement, and complete the verification in Part VII.</p>	

## Part VII: VERIFICATION

54	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i></p>	
	Date: _____	Signature: _____ (Debtor)
	Date: _____	Signature: _____ (Joint Debtor, if any)





In re \_\_\_\_\_  
 Debtor(s)

Case Number: \_\_\_\_\_  
 (If known)

Check the box as directed in Parts I, III, and IV of this statement.

**Presumption arises**

**Presumption does not arise**

**STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION**  
 FOR USE IN CHAPTER 7 ONLY IRS EXTRA

In addition to Schedule 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**

1 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 VII. 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(d)(1)) 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**

**Marital/filing status.** Check the box that applies and complete the balance of this part of this statement as directed.

2 a.  Unmarried. **Complete only Column A ("Debtor's Income") for Lines 3-10.**

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 3-10.**

c.  Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. **Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-10.**

d.  Married, filing jointly. **Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-10.**

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.		Column A Debtor's Income	Column B Spouse's Income						
3	Wages, salary, tips, bonuses, overtime, commissions.	\$	\$						
4	Gross income from the operation of a business, profession or farm.	\$	\$						
5	Interest, dividends and royalties.	\$	\$						
6	Rents and other real property income.	\$	\$						
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.	\$	\$						
9	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 border="1" style="width: 100%;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____							
10	Income from all other sources. If necessary, list additional sources on a separate page. <b>Do not include</b> 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.  <table border="1" style="width: 100%;"> <tr> <td style="width: 10%;">a.</td> <td style="width: 60%;"></td> <td style="width: 30%;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td>\$</td> </tr> </table> Total and enter on Line 10	a.		\$	b.		\$	\$	\$
a.		\$							
b.		\$							



11	<b>Subtotal of Current Monthly Income for § 707(b)(7).</b> Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 9 in Column B. Enter the total(s).	\$	\$
12	<b>Total Current Monthly Income for § 707(b)(7).</b> 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.	\$	

<b>Part III. APPLICATION OF § 707(b)(7) EXCLUSION</b>			
13	<b>Annualized Current Monthly Income for § 707(b)(7).</b> Multiply the amount from Line 12 by the number 12 and enter the result.	\$	
14	<b>Applicable median family income.</b> Enter the median family income for the 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.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$	
15	<b>Application of Section 707(b)(7).</b> Check the applicable box and proceed as directed. <input type="checkbox"/> <b>The amount on Line 13 is less than or equal to the amount on Line 14.</b> Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete Part VII; do not complete Parts IV, V, and VI. <input type="checkbox"/> <b>The amount on Line 13 is more than the amount on Line 14.</b> Complete the remaining parts of this statement.		

**Complete Parts IV, V, and VI of this statement only if required. (See Line 15).**

<b>Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)</b>			
16	<b>Enter the amount from Line 12.</b>	\$	
17	<b>Marital adjustment.</b> 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.	\$	
18	<b>Current monthly income for § 707(b)(2).</b> Subtract Line 17 from Line 16 and enter the result.	\$	

<b>Part V. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)</b>			
<b>Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)</b>			
19	<b>National Standards: food, clothing, household supplies, personal care, and miscellaneous.</b> Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at <a href="http://www.irs.gov/">www.irs.gov/</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$	
20	<b>Local Standards: housing and utilities; utilities/maintenance expense.</b> Enter amount from the IRS Housing and Utilities Standards; Utilities/Maintenance Expense for the applicable county and family size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court).	\$	
21	<b>Local Standards: housing and utilities; mortgage/rental expense.</b> Enter amount from the IRS Housing and Utilities Standards; Mortgage/Rental Expense for the applicable county and family size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by your home included in Line 41. Subtract the amount of the Line 41 Average Monthly Payment attributable to such debts from the IRS Mortgage/Rental Expense, but do not list an amount less than zero.</b>	\$	
22	<b>Local Standards: transportation; vehicle operation/public transportation expense.</b> 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. Enter the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 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 <a href="http://www.irs.gov/">www.irs.gov/</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$	

23	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 1.</b> 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.)  <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>Enter the amount from IRS Transportation Standards, Ownership Costs, First Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a>; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 1 included in Line 41. Subtract the amount of the Line 41 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, First Car, but do not list an amount less than zero.</b></p>	\$												
24	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 2.</b> Complete this Line only if you checked the "2 or more" Box in Line 21.</p> <p>Enter the amount from IRS Transportation Standards, Ownership Costs, Second Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a>; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 2 included in Line 41. Subtract the amount of the Line 41 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, Second Car, but do not list an amount less than zero.</b></p>	\$												
25	<p><b>Other Necessary Expenses: taxes.</b> 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. <b>Do not include real estate or sales taxes.</b></p>													
26	<p><b>Other Necessary Expenses: mandatory payroll deductions.</b> Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. <b>Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</b></p>	\$												
27	<p><b>Other Necessary Expenses: insurance.</b> Enter average monthly premiums that you actually pay for term life, dental, vision, long-term care, and other types of insurance not deducted elsewhere in the statement. <b>Do not include automobile, liability, homeowner's or contents insurance, whole life premiums, or any amounts included in Lines 30 or 33.</b></p>	\$												
28	<p><b>Other Necessary Expenses: court-ordered payments.</b> Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. <b>Do not include payments on past due support obligations included in Line 43.</b></p>	\$												
29	<p><b>Other Necessary Expenses: childcare.</b> Enter the average monthly amount that you actually expend on childcare. <b>Do not include payments made for primary and secondary education.</b></p>	\$												
30	<p><b>Other Necessary Expenses: health care.</b> 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.</p>	\$												
31	<p><b>Other Necessary Expenses: business expenses.</b> Enter the average monthly expenses that you incur in order to operate a business or otherwise produce income. <b>Do not include any amount previously deducted.</b></p>	\$												
32	<p><b>Total Expenses Allowed under IRS Standards.</b> Enter the total of Lines 19 through 31</p>	\$												
<p><b>Subpart B: Additional Expense Deductions under § 707(b)</b>  <b>Note: Do not include any expenses that you have listed in Lines 19-31.</b></p>														
33	<p><b>Health Insurance, Disability Insurance and Health Savings Account Expenses.</b> List the average monthly amounts that you actually expend in each of the following categories and enter the total.</p> <table border="1" data-bbox="227 1506 1128 1676"> <tr> <td data-bbox="227 1506 300 1549">a.</td> <td data-bbox="300 1506 787 1549">Health Insurance</td> <td data-bbox="787 1506 1128 1549">\$</td> </tr> <tr> <td data-bbox="227 1549 300 1591">b.</td> <td data-bbox="300 1549 787 1591">Disability Insurance</td> <td data-bbox="787 1549 1128 1591">\$</td> </tr> <tr> <td data-bbox="227 1591 300 1634">c.</td> <td data-bbox="300 1591 787 1634">Health Savings Account</td> <td data-bbox="787 1591 1128 1634">\$</td> </tr> <tr> <td colspan="2" data-bbox="227 1634 787 1676"></td> <td data-bbox="787 1634 1128 1676">Total: Add Lines a, b and c</td> </tr> </table>	a.	Health Insurance	\$	b.	Disability Insurance	\$	c.	Health Savings Account	\$			Total: Add Lines a, b and c	\$
a.	Health Insurance	\$												
b.	Disability Insurance	\$												
c.	Health Savings Account	\$												
		Total: Add Lines a, b and c												
34	<p><b>Continued contributions to the care of household or family members.</b> 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.</p>	\$												
35	<p><b>Protection against family violence.</b> 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.</p>	\$												

36		<b>Home energy costs in excess of the allowance specified by the IRS Local Standards.</b> Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$																				
37		<b>Education expenses for dependent children less than 18.</b> 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. <b>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.</b>	\$																				
38		<b>Additional food and clothing expense.</b> 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 exceed five percent of those combined allowances. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$																				
39		<b>Continued charitable contributions.</b> 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).	\$																				
40		<b>Total Additional Expense Deductions under § 707(b).</b> Enter the total of Lines 33 through 39.	\$																				
<b>Subpart C: Deductions for Debt Payment</b>																							
41		<b>Future payments on secured claims.</b> 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. <b>Do not include items you have previously deducted, such as insurance and taxes.</b>																					
		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:25%;">Name of Creditor</th> <th style="width:40%;">Property Securing the Debt</th> <th style="width:30%;">Average Monthly Payment</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align:right;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt	Average Monthly Payment	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt	Average Monthly Payment																				
a.			\$																				
b.			\$																				
c.			\$																				
			Total: Add Lines a, b and c																				
42		<b>Past due payments on secured claims.</b> 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 1/60th 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 border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:25%;">Name of Creditor</th> <th style="width:40%;">Property Securing the Debt in Default</th> <th style="width:30%;">1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align:right;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
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a.			\$																				
b.			\$																				
c.			\$																				
			Total: Add Lines a, b and c																				
43		<b>Payments on priority claims.</b> Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.	\$																				
44		<b>Chapter 13 administrative expenses.</b> 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.																					
		<table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td style="width:5%;">a.</td> <td style="width:60%;">Projected average monthly Chapter 13 plan payment.</td> <td style="width:35%; text-align:right;">\$</td> </tr> <tr> <td>b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</td> <td style="text-align:center;">x</td> </tr> <tr> <td>c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td style="text-align:right;">Total: Multiply Lines a and b</td> </tr> </tbody> </table>	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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$											
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c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b																					
45		<b>Total Deductions for Debt Payment.</b> Enter the total of Lines 41 through 44.	\$																				

**Subpart D: Total Deductions Allowed under § 707(b)(2)**

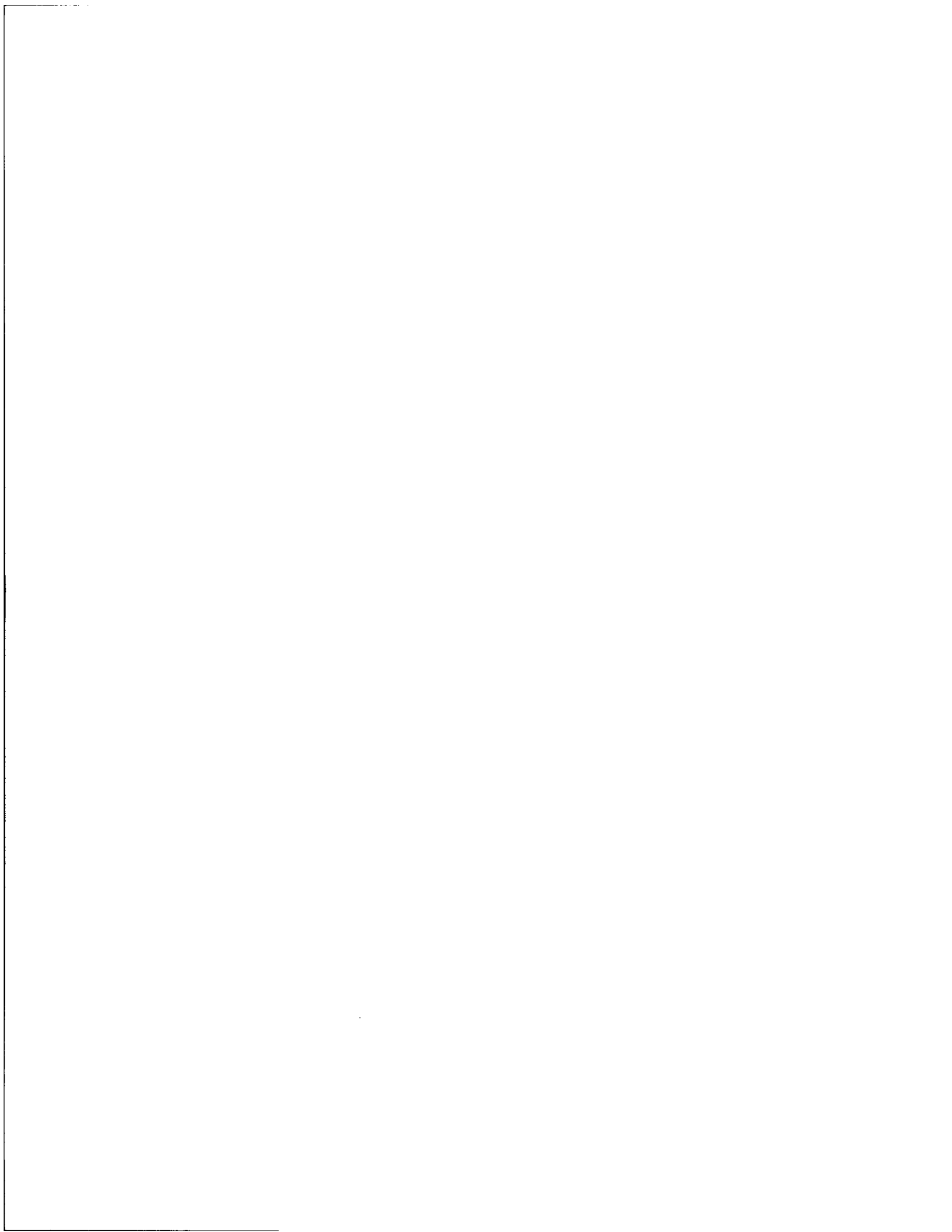
46	Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 32, 40, and 45.	\$
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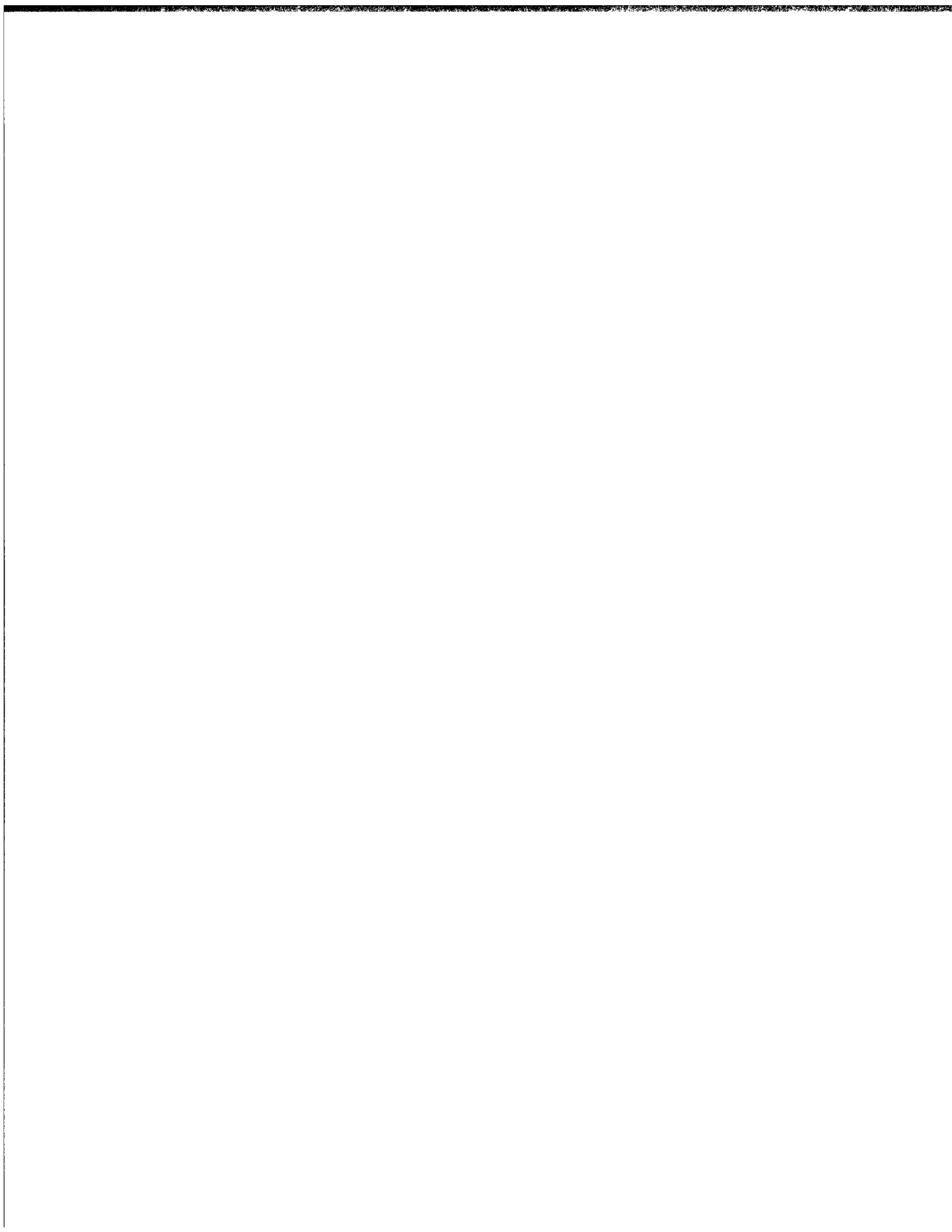
**Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION**

47	Enter the amount from Line 18 (Current monthly income for § 707(b)(2))	\$
48	Enter the amount from Line 46 (Total of all deductions allowed under § 707(b)(2))	\$
49	Monthly disposable income under § 707(b)(2). Subtract Line 48 from Line 47 and enter the result	\$
50	60-month disposable income under § 707(b)(2). Multiply the amount in Line 49 by the number 60 and enter the result.	\$
51	<p><b>Initial presumption determination.</b> Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> <b>The amount on Line 50 is less than \$6,000.</b> 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.</p> <p><input type="checkbox"/> <b>The amount set forth on Line 50 is more than \$10,000.</b> 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.</p> <p><input type="checkbox"/> <b>The amount on Line 50 is at least \$6,000, but not more than \$10,000.</b> Complete the remainder of Part VI (Lines 52 through 54).</p>	
52	Enter the amount of your total non-priority unsecured debt	\$
53	Threshold debt payment amount. Multiply the amount in Line 52 by the number 0.25 and enter the result.	\$
54	<p><b>Secondary presumption determination.</b> Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> <b>The amount on Line 50 is less than the amount on Line 53.</b> Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete the verification in Part VII.</p> <p><input type="checkbox"/> <b>The amount on Line 50 is equal to or greater than the amount on Line 53.</b> Check the "Presumption arises" box at the top of page 1 of this statement, and complete the verification in Part VII.</p>	

**Part VII: VERIFICATION**

55	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i></p> <p>Date: _____ Signature: _____  <small>(Debtor)</small></p> <p>Date: _____ Signature: _____  <small>(Joint Debtor, if any)</small></p>	
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In re \_\_\_\_\_  
 Debtor(s)

Case Number: \_\_\_\_\_  
 (If known)

**STATEMENT OF CURRENT MONTHLY INCOME**  
 FOR USE IN CHAPTER 11 ONLY

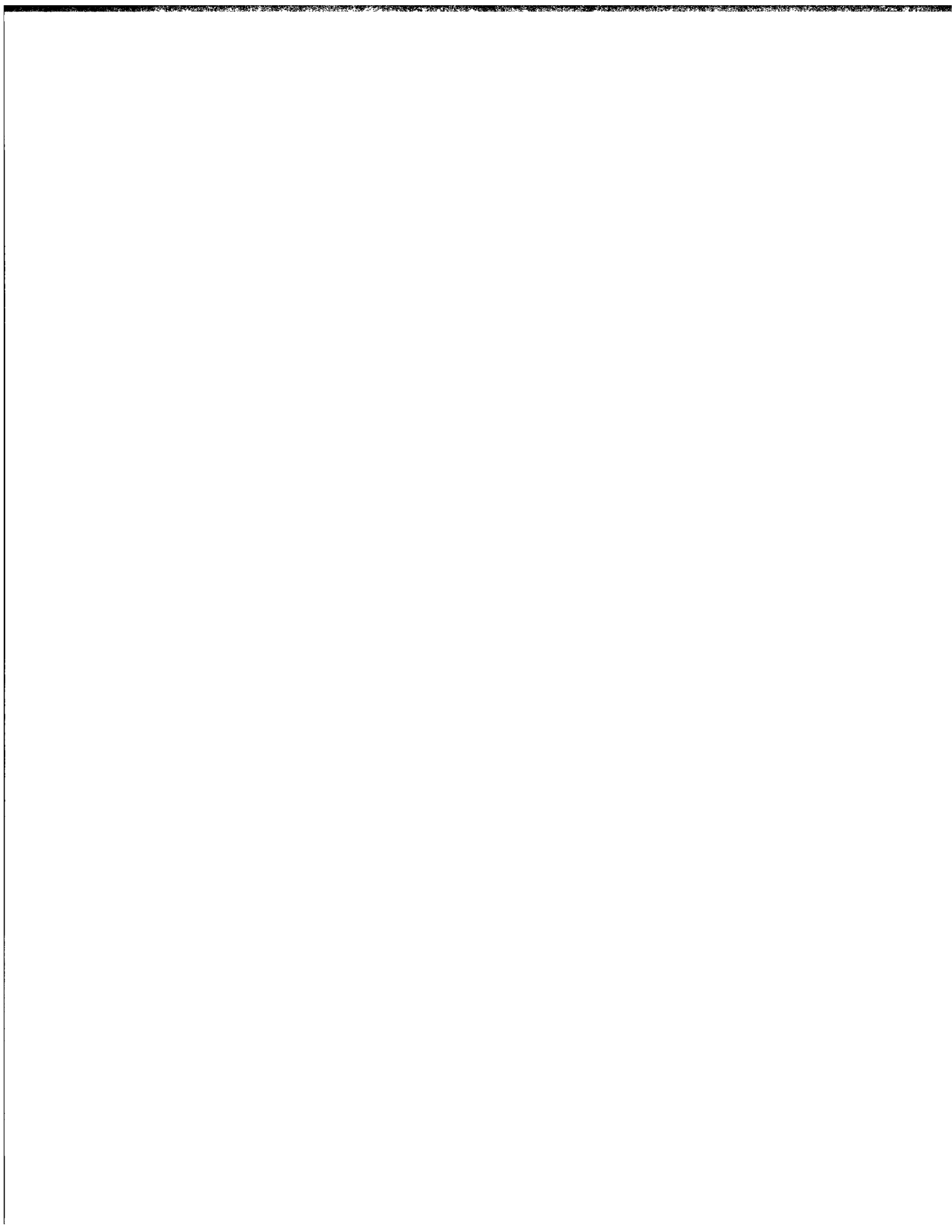
In addition to Schedule I and J, this statement must be completed by every individual Chapter 11 debtor, whether or not filing jointly. Joint debtors may complete one statement only..

<b>Part I. CALCULATION OF CURRENT MONTHLY INCOME</b>									
1	<p><b>Marital/filing status.</b> Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>b. <input type="checkbox"/> Married, not filing jointly. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>c. <input type="checkbox"/> Married, filing jointly. <b>Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 2-9.</b></p> <p>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.</p>	<b>Column A Debtor's Income</b>	<b>Column B Spouse's Income</b>						
2	Wages, salary, tips, bonuses, overtime, commissions.	\$	\$						
3	Gross income from the operation of a business, profession or farm.	\$	\$						
4	Interest, dividends and royalties.	\$	\$						
5	Rents and other real property income.	\$	\$						
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	<p>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:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____							
9	<p>Income from all other sources. If necessary, list additional sources on a separate page. <b>Do not include</b> 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">a.</td> <td style="width: 60%;"></td> <td style="width: 30%; text-align: center;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> </table> <p>Total and enter on Line 9</p>	a.		\$	b.		\$	\$	\$
a.		\$							
b.		\$							
10	<b>Subtotal of current monthly income.</b> 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).	\$	\$						
11	<b>Total current monthly income.</b> 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 amount from Line 10, Column A.	\$	\$						

<b>Part II: VERIFICATION</b>	
12	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i></p> <p>Date: _____ Signature: _____  <small>(Debtor)</small></p> <p>Date: _____ Signature: _____  <small>(Joint Debtor, if any)</small></p>







In re \_\_\_\_\_  
 Debtor(s)

Case Number: \_\_\_\_\_  
 (If known)

Check the box as directed in Part II, Line 13 of this statement.

Disposable income determined under § 1325(b)(3)

Disposable income not determined under § 1325(b)(3)

## STATEMENT OF CURRENT MONTHLY INCOME AND DISPOSABLE INCOME CALCULATION

FOR USE IN CHAPTER 13 ONLY

In addition to Schedule 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

<b>Part I. CALCULATION OF CURRENT MONTHLY INCOME</b>									
<b>1</b>	<p><b>Marital/filing status.</b> Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>b. <input type="checkbox"/> Married, not filing jointly. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>c. <input type="checkbox"/> Married, filing jointly. <b>Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 2-9.</b></p> <p>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.</p>	<b>Column A Debtor's Income</b>	<b>Column B Spouse's Income</b>						
2	Wages, salary, tips, bonuses, overtime, commissions.	\$	\$						
3	Gross income from the operation of a business, profession or farm.	\$	\$						
4	Interest, dividends and royalties.	\$	\$						
5	Rents and other real property income.	\$	\$						
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: <table border="1" style="width: 100%; margin-top: 5px;"> <tr> <td style="padding: 2px;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="padding: 2px;">Debtor \$ _____</td> <td style="padding: 2px;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____							
9	Income from all other sources. If necessary, list additional sources on a separate page. <b>Do not include</b> 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. <table border="1" style="width: 100%; margin-top: 5px;"> <tr> <td style="width: 10%; padding: 2px;">a.</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">\$</td> </tr> <tr> <td style="padding: 2px;">b.</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">\$</td> </tr> </table> Total and enter on Line 9	a.		\$	b.		\$	\$	\$
a.		\$							
b.		\$							
10	<b>Subtotal of current monthly income.</b> 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).	\$	\$						
11	<b>Total current monthly income.</b> 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 amount from Line 10, Column A.	\$	\$						

## Part II. APPLICATION OF § 1325(b)(3)

12	<b>Annualized current monthly income.</b> Multiply the amount from Line 11 by the number 12 and enter the result.	\$
13	<b>Applicable median family income.</b> 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.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$
14	<b>Application of § 1325(b)(3).</b> Check the applicable box and proceed as directed. <input type="checkbox"/> <b>The amount on Line 12 is less than or equal to the amount on Line 13.</b> 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 V of this statement; do not complete Parts III and IV. <input type="checkbox"/> <b>The amount on Line 12 is more than the amount on Line 13.</b> 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 and IV 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	<b>National Standards: food, clothing, household supplies, personal care, and miscellaneous.</b> Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
16	<b>Local Standards: housing and utilities.</b> Enter amount from the IRS Housing and Utilities Standards for the applicable county and family size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on secured debts, such as mortgage payments, to the extent that they are accounted for in the IRS Housing and Utilities Standards.</b>	\$
17	<b>Local Standards: transportation; vehicle operation/public transportation expense.</b> 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. Enter the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 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 <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
18	<b>Local Standards: transportation ownership/lease expense; Vehicle 1.</b> 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.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more. Enter the amount from IRS Transportation Standards, Ownership Costs, First Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 1 included in Line 36. Subtract the amount of the Line 36 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, First Car, but do not list an amount less than zero.</b>	\$
19	<b>Local Standards: transportation ownership/lease expense; Vehicle 2.</b> Complete this Line only if you checked the "2 or more" Box in Line 21. Enter the amount from IRS Transportation Standards, Ownership Costs, Second Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 2 included in Line 36. Subtract the amount of the Line 36 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, Second Car, but do not list an amount less than zero.</b>	\$
20	<b>Other Necessary Expenses: taxes.</b> 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. <b>Do not include real estate or sales taxes.</b>	\$

21	<b>Other Necessary Expenses: mandatory payroll deductions.</b> Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. <b>Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</b>	\$
22	<b>Other Necessary Expenses: insurance.</b> Enter average monthly premiums that you actually pay for term life, dental, vision, long term care, and other types of insurance not deducted elsewhere in the statement. <b>Do not include automobile, liability, homeowner's or contents insurance, whole life premiums, or any amounts included in Lines 25 or 28.</b>	\$
23	<b>Other Necessary Expenses: court-ordered payments.</b> Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. <b>Do not include payments on past due support obligations included in Line 38.</b>	\$
24	<b>Other Necessary Expenses: childcare.</b> Enter the average monthly amount that you actually expend on childcare. <b>Do not include payments made for primary and secondary education.</b>	\$
25	<b>Other Necessary Expenses: health care.</b> 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.	\$
26	<b>Other Necessary Expenses: business expenses.</b> Enter the average monthly expenses that you incur in order to operate a business or otherwise produce income. <b>Do not include any amount previously deducted.</b>	\$
27	<b>Total Expenses Allowed under IRS Standards.</b> Enter the total of Lines 15 through 26	\$

**Subpart B: Additional Expense Deductions under § 707(b)**

**Note: Do not include any expenses that you have listed in Lines 15-26**

28	<b>Health Insurance, Disability Insurance and Health Savings Account Expenses.</b> 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
29	<b>Continued contributions to the care of household or family members.</b> 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.		\$	
30	<b>Protection against family violence.</b> 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.		\$	
31	<b>Home energy costs in excess of the allowance specified by the IRS Local Standards.</b> Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>		\$	
32	<b>Education expenses for dependent children under 18.</b> 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. <b>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.</b>		\$	
33	<b>Additional food and clothing expense.</b> 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 exceed five percent of those combined allowances. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>		\$	
34	<b>Continued charitable contributions.</b> 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).		\$	
35	<b>Total Additional Expense Deductions under § 707(b).</b> Enter the total of Lines 28 through 34.		\$	

**Subpart C: Deductions for Debt Payment**

36		<p><b>Future payments on secured claims.</b> 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. <b>Do not include items you have previously deducted, such as insurance and taxes.</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:30%;">Name of Creditor</th> <th style="width:30%;">Property Securing the Debt</th> <th style="width:35%;">Average Monthly Payment</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align:right;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt	Average Monthly Payment	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt	Average Monthly Payment																				
a.			\$																				
b.			\$																				
c.			\$																				
			Total: Add Lines a, b and c																				
37		<p><b>Past due payments on secured claims.</b> If any of the debts listed in Line 36 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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:30%;">Name of Creditor</th> <th style="width:30%;">Property Securing the Debt in Default</th> <th style="width:35%;">1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align:right;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount																				
a.			\$																				
b.			\$																				
c.			\$																				
			Total: Add Lines a, b and c																				
38		<p><b>Payments on priority claims.</b> Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.</p>	\$																				
39		<p><b>Chapter 13 administrative expenses.</b> Multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:55%;">Projected average monthly Chapter 13 plan payment.</td> <td style="width:40%; text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</td> <td style="text-align:center;">x</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td style="text-align:right;">Total: Multiply Lines a and b</td> </tr> </tbody> </table>	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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$											
a.	Projected average monthly Chapter 13 plan payment.	\$																					
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c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b																					
40		<p><b>Total Deductions for Debt Payment.</b> Enter the total of Lines 36 through 39.</p>	\$																				

**Subpart D: Total Deductions Allowed under § 707(b)(2)**

41	<p><b>Total of all deductions allowed under § 707(b)(2).</b> Enter the total of Lines 27, 35, and 40.</p>	\$
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**Part IV. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)**

42	<p><b>Total current monthly income.</b> Enter the amount from Line 11.</p>	\$
43	<p><b>Support income.</b> 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.</p>	\$
44	<p><b>Qualified retirement deductions.</b> Enter the monthly average of (a) all contributions or wage deductions made to qualified retirement plans, as specified in § 541(b)(7) and (b) all repayments of loans from retirement plans, as specified in § 362(b)(19).</p>	\$
45	<p><b>Total of all deductions allowed under § 707(b)(2).</b> Enter the amount from Line 41.</p>	\$
46	<p><b>Total adjustments to determine disposable income.</b> Add the amounts on Lines 43, 44, and 45 and enter the result.</p>	\$
47	<p><b>Monthly Disposable Income Under § 1325(b)(2).</b> Subtract Line 46 from Line 42 and enter the result.</p>	\$

**Part V: 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.)*

48

Date: \_\_\_\_\_

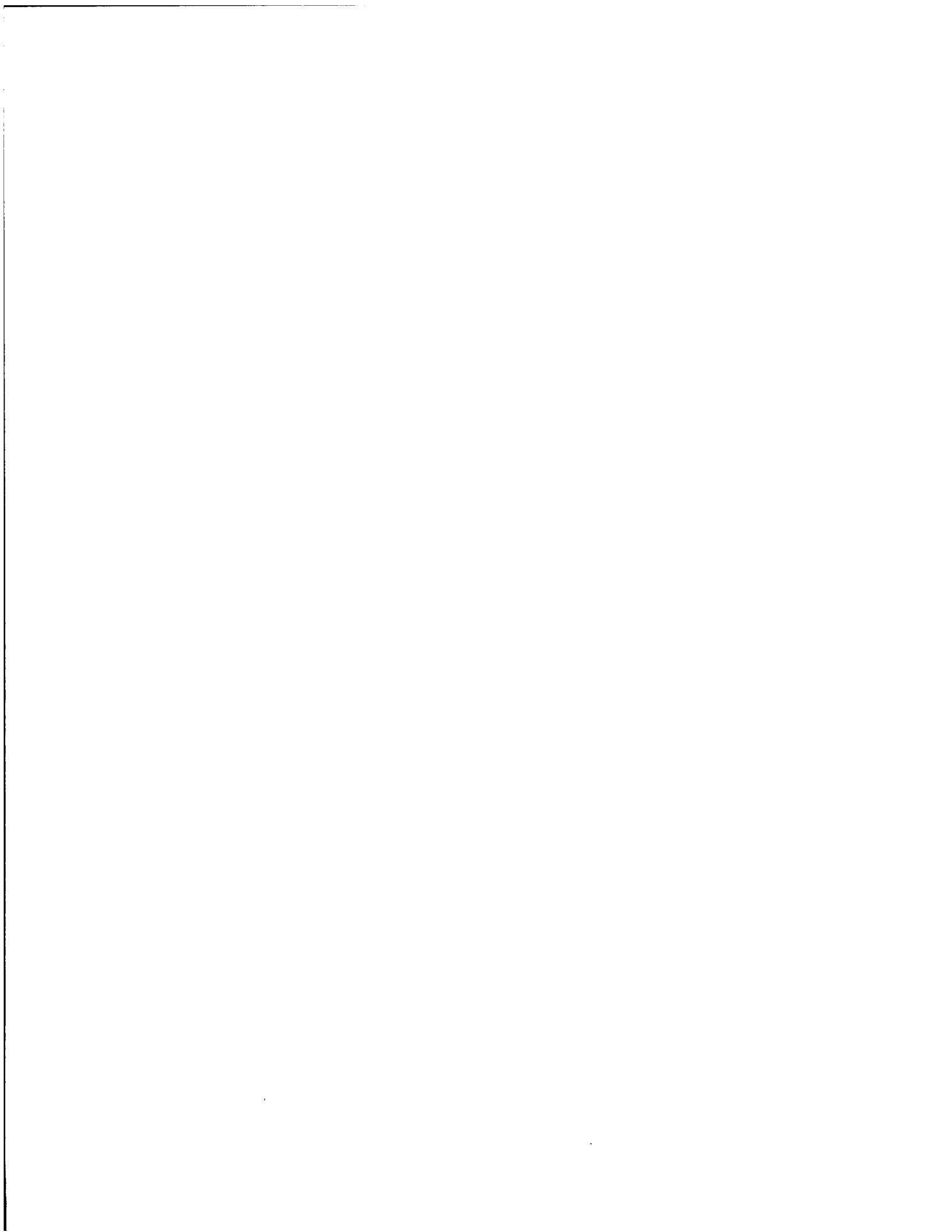
Signature: \_\_\_\_\_

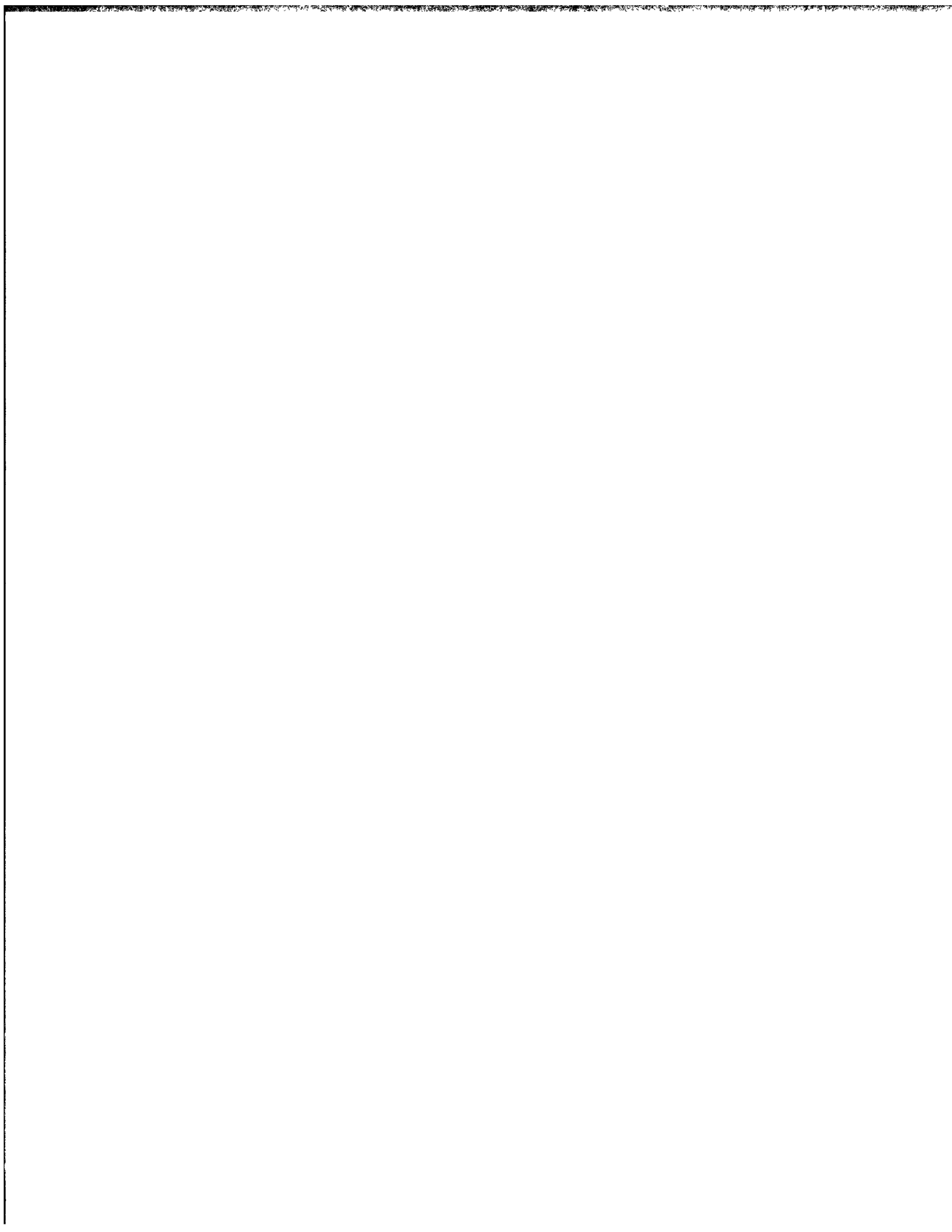
(Debtor)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(Joint Debtor, if any)







In re \_\_\_\_\_  
Debtor(s)

Case Number: \_\_\_\_\_  
(If known)

Check the box as directed in Part II, Line 13 of this statement.

Disposable income determined under § 1325(b)(3)

Disposable income not determined under § 1325(b)(3)

**STATEMENT OF CURRENT MONTHLY INCOME AND  
DISPOSABLE INCOME CALCULATION**  
FOR USE IN CHAPTER 13 ONLY IRS EXTRA

In addition to Schedule 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

<b>Part I. CALCULATION OF CURRENT MONTHLY INCOME</b>										
1	<p><b>Marital/filing status.</b> Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>b. <input type="checkbox"/> Married, not filing jointly. <b>Complete only Column A ("Debtor's Income") for Lines 2-9.</b></p> <p>c. <input type="checkbox"/> Married, filing jointly. <b>Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 2-9.</b></p> <p>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.</p>		<b>Column A Debtor's Income</b>	<b>Column B Spouse's Income</b>						
2	Wages, salary, tips, bonuses, overtime, commissions.		\$	\$						
3	Gross income from the operation of a business, profession or farm.		\$	\$						
4	Interest, dividends and royalties.		\$	\$						
5	Rents and other real property income.		\$	\$						
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	<p>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:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>		Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____								
9	<p>Income from all other sources. If necessary, list additional sources on a separate page. <b>Do not include</b> 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">a.</td> <td style="width: 70%;"></td> <td style="width: 20%; text-align: center;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> </table> <p>Total and enter on Line 9</p>		a.		\$	b.		\$	\$	\$
a.		\$								
b.		\$								
10	<p><b>Subtotal of current monthly income.</b> 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>		\$	\$						
11	<p><b>Total current monthly income.</b> 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 amount from Line 10, Column A.</p>		\$	\$						

## Part II. APPLICATION OF § 1325(b)(3)

12	<b>Annualized current monthly income.</b> Multiply the amount from Line 11 by the number 12 and enter the result.	\$
13	<b>Applicable median family income.</b> 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.)  a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$
14	<b>Application of § 1325(b)(3).</b> Check the applicable box and proceed as directed.  <input type="checkbox"/> <b>The amount on Line 12 is less than or equal to the amount on Line 13.</b> 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 V of this statement; do not complete Parts III and IV.  <input type="checkbox"/> <b>The amount on Line 12 is more than the amount on Line 13.</b> 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 and IV of this statement only if required. (See Line 13).**

## Part III. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

### Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

15	<b>National Standards: food, clothing, household supplies, personal care, and miscellaneous.</b> Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
16	<b>Local Standards: housing and utilities; utilities/maintenance expense.</b> Enter amount from the IRS Housing and Utilities Standards; Utilities/Maintenance Expense for the applicable county and family size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court).	\$
17	<b>Local Standards: housing and utilities; mortgage/rental expense.</b> Enter amount from the IRS Housing and Utilities Standards; Mortgage/Rental Expense for the applicable county and family size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by your home included in Line 37. Subtract the amount of the Line 37 Average Monthly Payment attributable to such debts from the IRS Mortgage/Rental Expense, but do not list an amount less than zero.</b>	
18	<b>Local Standards: transportation; vehicle operation/public transportation expense.</b> 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.  Enter the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 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 <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$
19	<b>Local Standards: transportation ownership/lease expense; Vehicle 1.</b> 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.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.  Enter the amount from IRS Transportation Standards, Ownership Costs, First Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 1 included in Line 37. Subtract the amount of the Line 37 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, First Car, but do not list an amount less than zero.</b>	\$

20	<b>Local Standards: transportation ownership/lease expense; Vehicle 2.</b> Complete this Line only if you checked the "2 or more" Box in Line 21. Enter the amount from IRS Transportation Standards, Ownership Costs, Second Car. (This information is available at <a href="http://www.irs.gov">www.irs.gov</a> ; <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court). <b>Do not include payments on any debt secured by Vehicle 2 included in Line 37. Subtract the amount of the Line 37 Average Monthly Payment attributable to the vehicle from the IRS Transportation Standards, Ownership Costs, Second Car, but do not list an amount less than zero.</b>	\$
21	<b>Other Necessary Expenses: taxes.</b> 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. <b>Do not include real estate or sales taxes.</b>	\$
22	<b>Other Necessary Expenses: mandatory payroll deductions.</b> Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. <b>Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</b>	\$
23	<b>Other Necessary Expenses: insurance.</b> Enter average monthly premiums that you actually pay for term life, dental, vision, long term care, and other types of insurance not deducted elsewhere in the statement. <b>Do not include automobile, liability, homeowner's or contents insurance, whole life premiums, or any amounts included in Lines 26 or 29.</b>	\$
24	<b>Other Necessary Expenses: court-ordered payments.</b> Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. <b>Do not include payments on past due support obligations included in Line 39.</b>	\$
25	<b>Other Necessary Expenses: childcare.</b> Enter the average monthly amount that you actually expend on childcare. <b>Do not include payments made for primary and secondary education.</b>	\$
26	<b>Other Necessary Expenses: health care.</b> 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.	\$
27	<b>Other Necessary Expenses: business expenses.</b> Enter the average monthly expenses that you incur in order to operate a business or otherwise produce income. <b>Do not include any amount previously deducted.</b>	\$
28	<b>Total Expenses Allowed under IRS Standards.</b> Enter the total of Lines 15 through 27	\$

**Subpart B: Additional Expense Deductions under § 707(b)**

**Note: Do not include any expenses that you have listed in Lines 15-27**

29	<b>Health Insurance, Disability Insurance and Health Savings Account Expenses.</b> 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	\$	
30	<b>Continued contributions to the care of household or family members.</b> 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.		\$	
31	<b>Protection against family violence.</b> 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.		\$	
32	<b>Home energy costs in excess of the allowance specified by the IRS Local Standards.</b> Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>		\$	
33	<b>Education expenses for dependent children under 18.</b> 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. <b>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.</b>		\$	

34	<b>Additional food and clothing expense.</b> 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 exceed five percent of those combined allowances. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) <b>You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.</b>	\$
35	<b>Continued charitable contributions.</b> 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).	\$
36	<b>Total Additional Expense Deductions under § 707(b).</b> Enter the total of Lines 29 through 35.	\$

**Subpart C: Deductions for Debt Payment**

37	<p><b>Future payments on secured claims.</b> 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. <b>Do not include items you have previously deducted, such as insurance and taxes.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name of Creditor</th> <th style="width: 35%;">Property Securing the Debt</th> <th style="width: 30%;">Average Monthly Payment</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a.</td> <td></td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td></td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td></td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: center;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt	Average Monthly Payment	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt	Average Monthly Payment																			
a.			\$																			
b.			\$																			
c.			\$																			
			Total: Add Lines a, b and c																			
38	<p><b>Past due payments on secured claims.</b> 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 1/60th 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name of Creditor</th> <th style="width: 35%;">Property Securing the Debt in Default</th> <th style="width: 30%;">1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a.</td> <td></td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td></td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td></td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: center;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
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a.			\$																			
b.			\$																			
c.			\$																			
			Total: Add Lines a, b and c																			
39	<b>Payments on priority claims.</b> Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.	\$																				
40	<p><b>Chapter 13 administrative expenses.</b> Multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 55%;">Projected average monthly Chapter 13 plan payment.</td> <td style="width: 40%; text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td style="text-align: center;">Total: Multiply Lines a and b</td> </tr> </tbody> </table>	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 <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$											
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c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b																				
41	<b>Total Deductions for Debt Payment.</b> Enter the total of Lines 37 through 40.	\$																				

**Subpart D: Total Deductions Allowed under § 707(b)(2)**

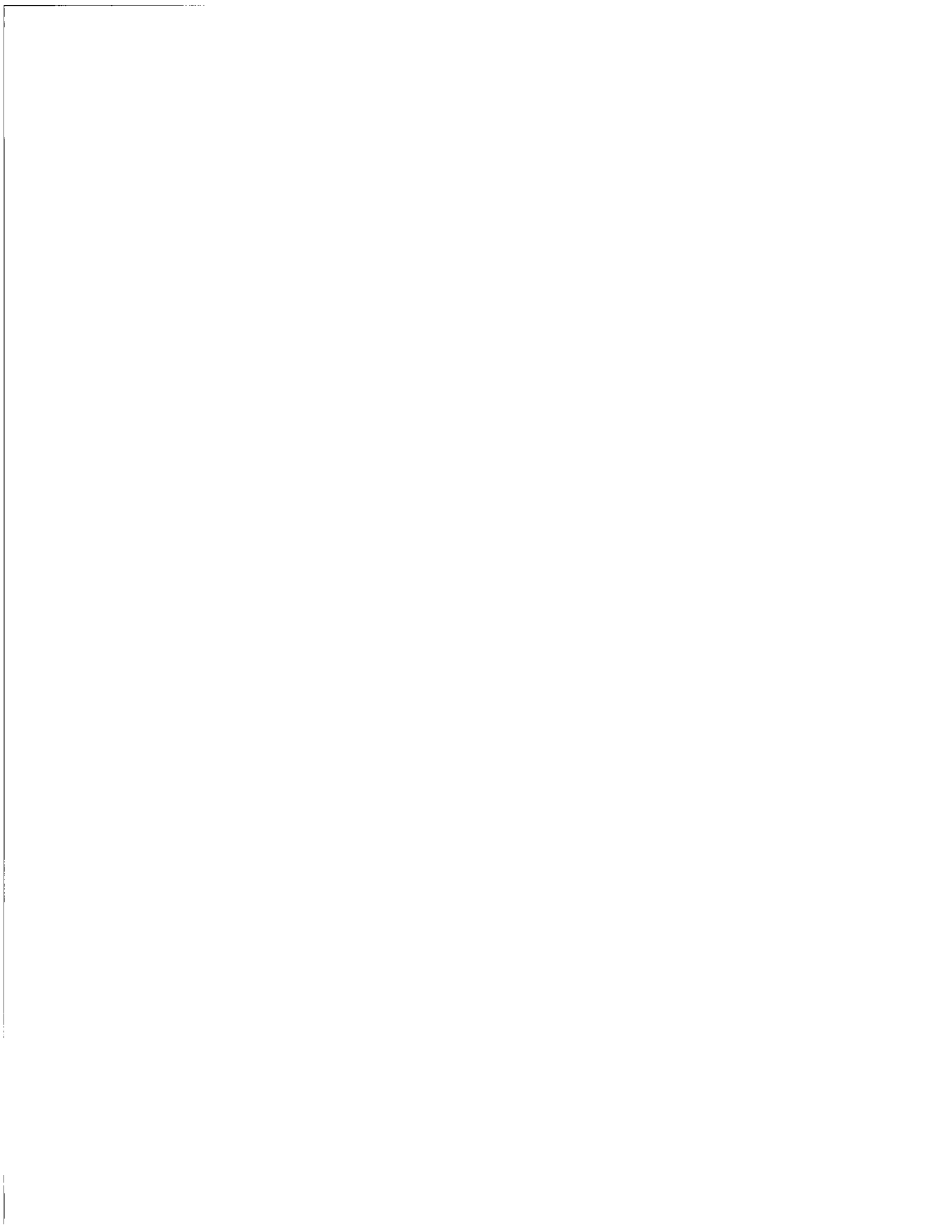
42	<b>Total of all deductions allowed under § 707(b)(2).</b> Enter the total of Lines 28, 36, and 41.	\$
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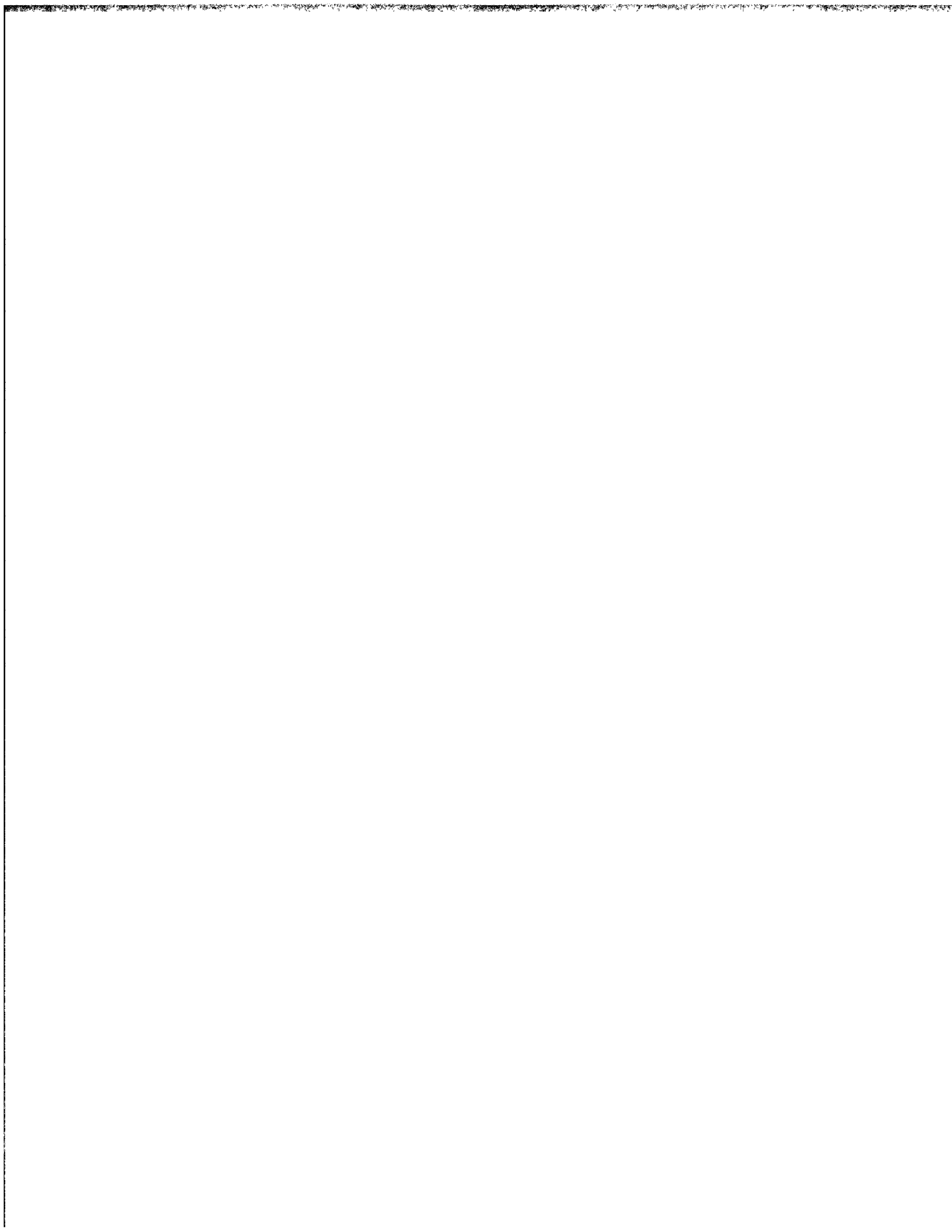
**Part IV. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)**

43	<b>Total current monthly income.</b> Enter the amount from Line 11.	\$
44	<b>Support income.</b> 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.	\$
45	<b>Qualified retirement deductions.</b> Enter the monthly average of (a) all contributions or wage deductions made to qualified retirement plans, as specified in § 541(b)(7) and (b) all repayments of loans from retirement plans, as specified in § 362(b)(19).	\$
46	<b>Total of all deductions allowed under § 707(b)(2).</b> Enter the amount from Line 42.	\$
47	<b>Total adjustments to determine disposable income.</b> Add the amounts on Lines 44, 45, and 46 and enter the result.	\$
48	<b>Monthly Disposable Income Under § 1325(b)(2).</b> Subtract Line 47 from Line 43 and enter the result.	\$

**Part V: VERIFICATION**

49	I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i>	
	Date: _____	Signature: _____ (Debtor)
	Date: _____	Signature: _____ (Joint Debtor, if any)





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 reflected in these calculations, be subject to a presumption of abuse. 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) on 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 set out all of the common forms of income and then include a "catch-all" line for other types of income. A line is included for regular contributions of support. Unemployment compensation is given special treatment. Because the federal government provides funding for state unemployment compensation under the Social Security Act, there 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 allow debtors to make the argument by excluding unemployment compensation from current monthly income and reporting it separately, so that the exclusion may be challenged. 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). In Chapter 7, these deductions result in a net number that may generate a presumption of abuse; in Chapter 13, these deductions may result in the amount of "disposable income" that a debtor may be required to pay to unsecured creditors under § 1325(b). The forms for Chapter 7 and Chapter 13 have identical sections (Parts V and III, respectively) for calculating the deductions of § 707(b)(2)(A)(ii)-(iv). The calculations are divided into subparts reflecting different kinds of deductions allowed.

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 not include "any payments for debts."

The IRS National Standards provide a single allowance for food, clothing, household supplies, personal care, and miscellany, depending on income and household size. The forms contain a single 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 family size and number of vehicles owned or leased. 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)(ii) provides for deduction in the "amounts specified under the . . . Local Standards," the forms treat these amounts as allowed deductions.

[If the IRS separates its housing allowance in time for the "IRS Extra" versions to be used: 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 expense is a simple allowance. However, for homeowners with mortgages, the mortgage/rental expense involves debt payment. 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)(iii).]

[If the IRS does not separate its housing allowance in time for the "IRS Extra" versions, so that the "Plain" versions must be used: 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 not to include their mortgage payments to the extent covered by the IRS allowance. The proper manner of calculating this required adjustment of the housing and utilities allowance will have to be determined by judicial decisions.]

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 [or "for which the debtor pays the operating expenses"], 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 deduct from allowance for ownership/lease expense 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)(iii).

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 business expenses, and the forms combine these categories into a single line entry. The remaining IRS categories are each 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.

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 deductions. Contributions to tax-exempt charities provide another statutory expense deduction. Section 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 subtotaled.

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 the administrative fees that would be incurred if the debtor made debt payments 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 for secured debts in default. In each situation, the instructions for the entry lines require dividing the total payment amount by 60, in accord with the statutory directive. Priority debt, deductible pursuant to § 707(b)(2)(A)(iv), is treated on a single entry line, also directing division by 60. The defined deduction for the expenses of administering a Chapter 13 plan, allowed by § 707(b)(2)(A)(ii)(III) for debtors eligible for Chapter 13, is treated in an entry line that requires the eligible debtor to state the amount of the debtor's 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 subtotaing the debt payment deductions.

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.

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 information provided 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, to check the "no presumption" box at the beginning of the form, but to disregard the remaining parts of the form. Debtors whose CMI does exceed the applicable state median are directed to complete the remaining parts of the form.

Part IV of the form provides for an adjustment of 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 assert 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 a 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 VII.

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 the standing trustees and 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).

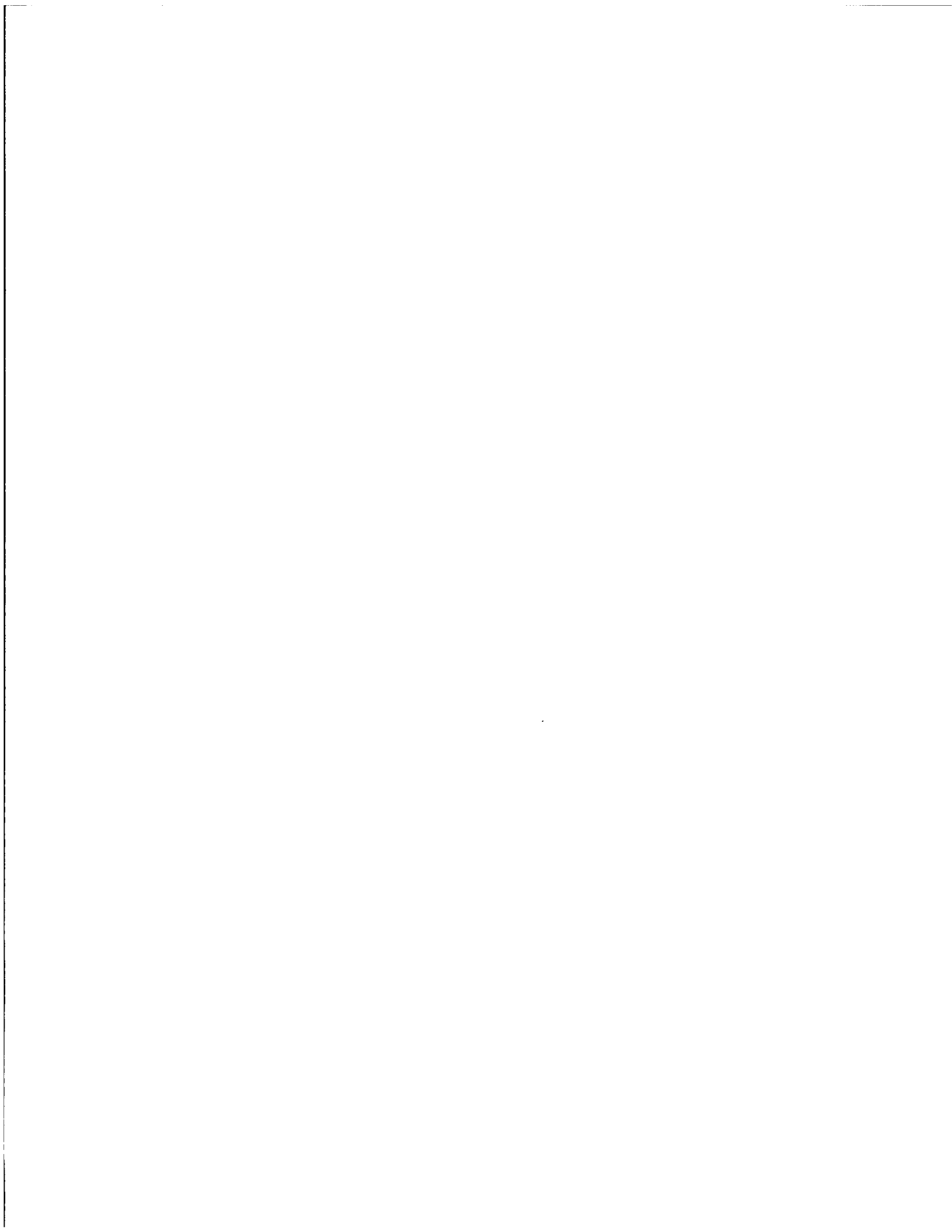
Part III provides for calculation of the means-test deductions provided in § 707(b)(2), as described above, and as incorporated by § 1325(b)(3) for debtors with CMI above the applicable state median.

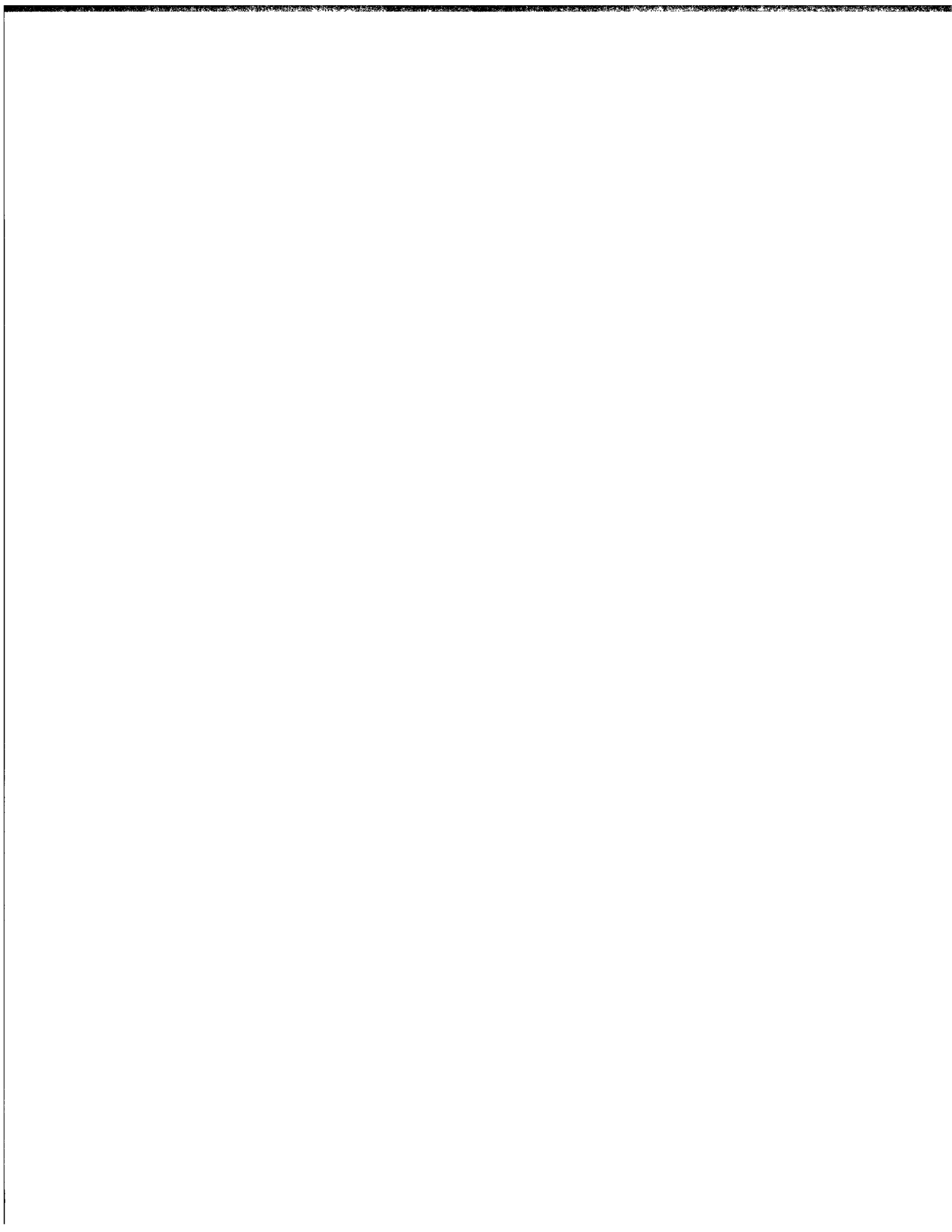
Part IV provides for three adjustments required by special provisions affecting disposable income. First, § 1325(b)(2) itself excludes from CMI as used to determine disposable income certain "child support payments, foster care payments, [and] disability payments for a dependent child." Because such payments are otherwise 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, as listed in § 541(b)(7)(B), since that provision states that such contributions "shall not constitute disposable income, as defined in section 1325(b)." Third, the same line entry also allows a deduction from 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 from 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 is the verification.







United States Bankruptcy Court  
\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

**DEBTOR'S CERTIFICATION OF COMPLETION OF INSTRUCTIONAL COURSE  
CONCERNING PERSONAL FINANCIAL MANAGEMENT**

*[Complete one of the following statements.]*

I/We, \_\_\_\_\_, the debtor(s) in the above-  
(Printed Name(s) of Debtor and Joint Debtor, if any)  
styled case hereby certify that on \_\_\_\_\_ I/we completed an instructional  
(Date)  
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.

I/We, \_\_\_\_\_, the debtor(s) in the above-styled  
(Printed Names of Debtor and Joint Debtor, if any)  
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

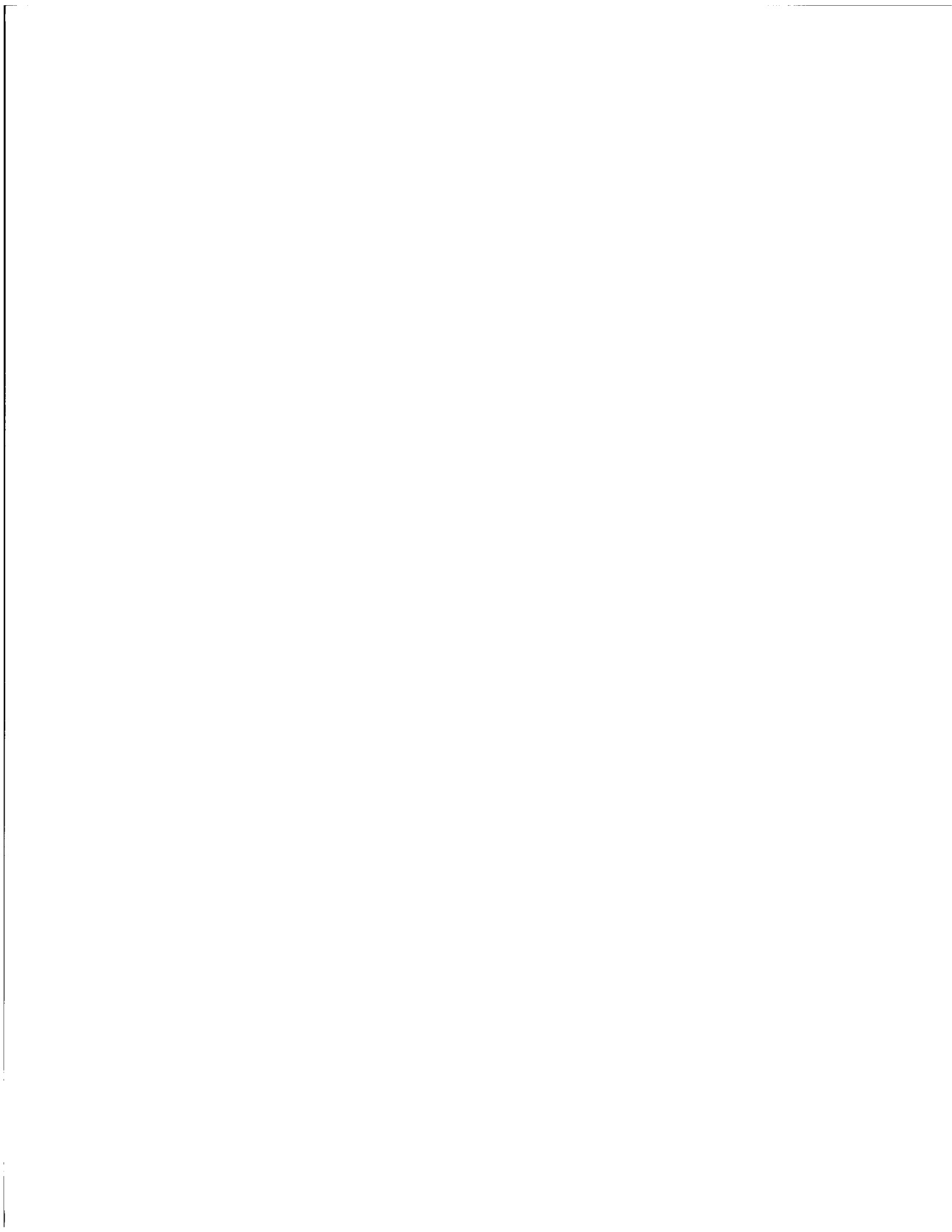
I/We reside in a district in which the United States trustee (or the bankruptcy  
administrator, if any) has determined that the approved instructional courses are not adequate at  
this time to serve the additional individuals who would otherwise be required to complete  
such courses.

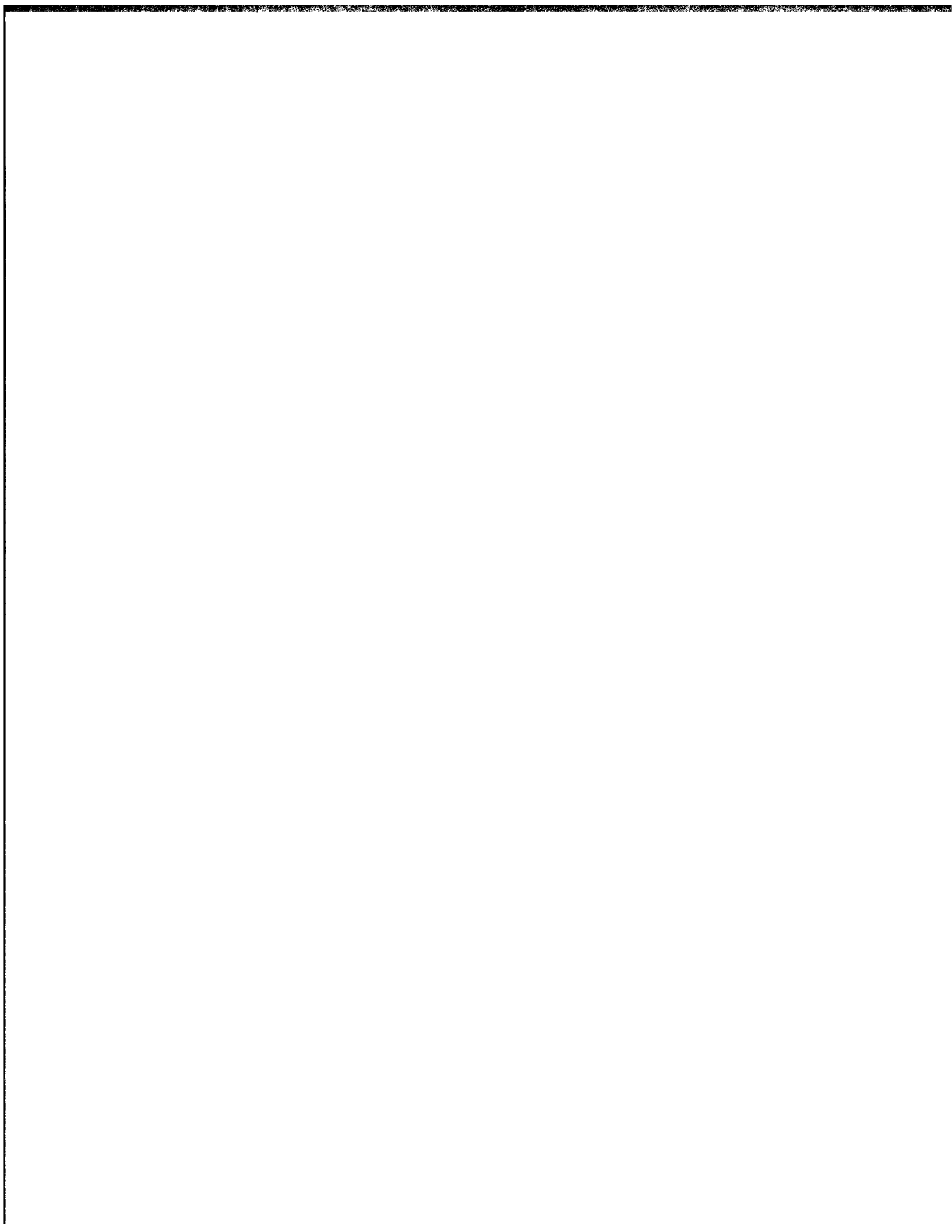
Signature of Debtor: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Joint Debtor: \_\_\_\_\_

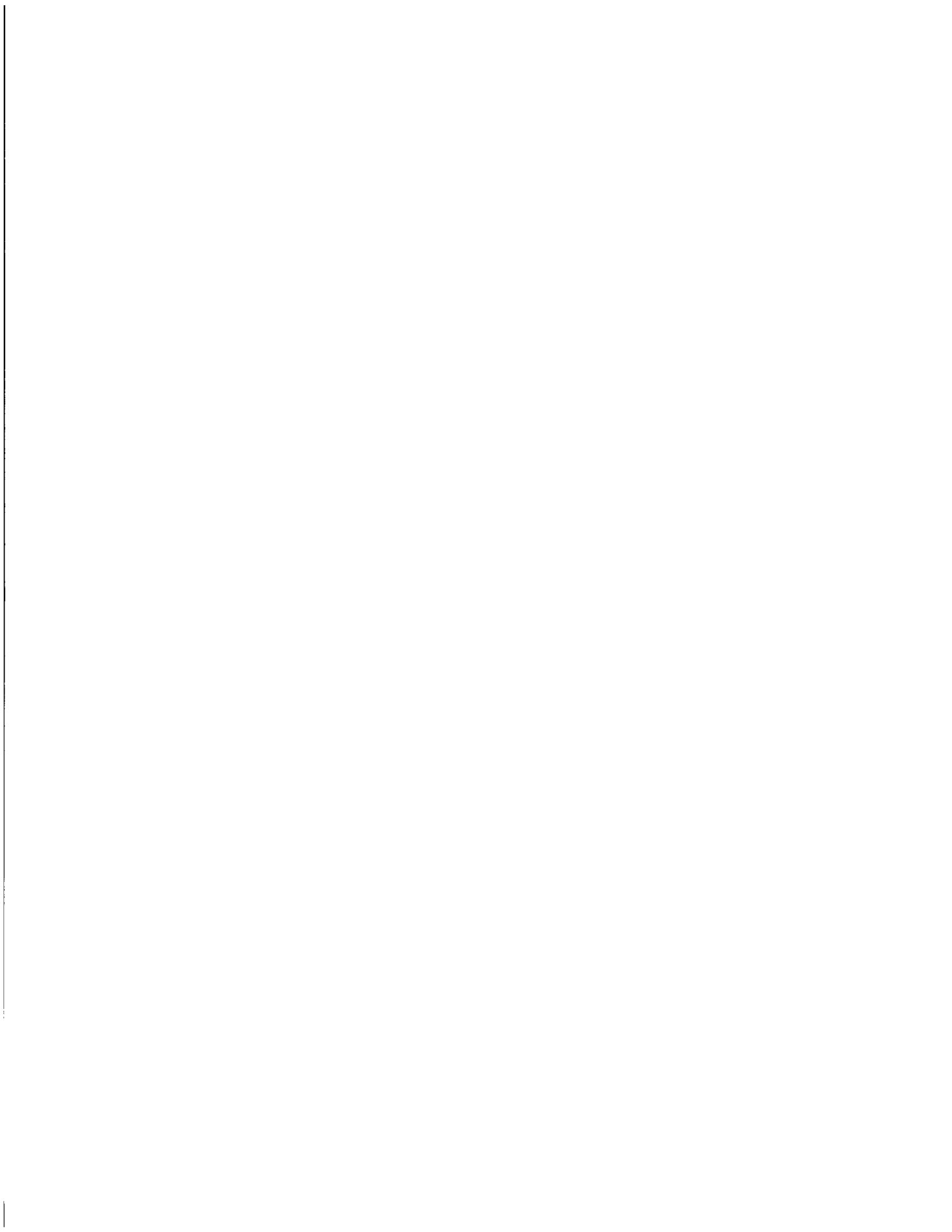
Date: \_\_\_\_\_





COMMITTEE NOTE

The form is new. Section 727(a)(11), 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), requires 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.



United States Bankruptcy Court  
\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

*[or, if in an adversary proceeding]*

In re \_\_\_\_\_, )  
Debtor )  
 )  
\_\_\_\_\_, )  
Plaintiff )  
 )  
v. )  
 )  
\_\_\_\_\_, )  
Defendant )

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

Adv. Proc. No. \_\_\_\_\_

**CERTIFICATION TO COURT OF APPEALS**

A notice of appeal having been filed in the above-styled matter on \_\_\_\_\_ *[Date]*, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, *[Names of all the appellants and all the appellees, if any]*, who are all the appellants [and all the appellees] hereby certify to the court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

*[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][from] an interlocutory order or decree and the parties hereby request leave to appeal as required by 28 U.S.C. § 158(a).

*[The certification shall contain one or more of the following statements, as is appropriate to the circumstances.]*

The judgment, order, or decree involves a question of law as to which there is no controlling decision of the court of appeals for this circuit or of the Supreme Court of the United States, or involves a matter of public importance.

*Or*

The judgment, order or decree involves a question of law requiring resolution of conflicting decisions.

*Or*

An immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken.

*[The parties may [include] [attach] the information specified in Rule 8003(ii)(C)(3)(C).]*  
(Citation taken from Klein draft dated 06/27/05, pages 2-3.)

Signed: *[If there are more than two signatories, all must sign and provide the information requested below. Attach additional signed sheets if needed.]*

\_\_\_\_\_  
Attorney for Appellant (or Appellant,  
if not represented by an attorney)

\_\_\_\_\_  
Printed Name of Signer

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Appellant (or Appellant  
if not represented by an attorney)

\_\_\_\_\_  
Printed Name of Signer

\_\_\_\_\_  
Address

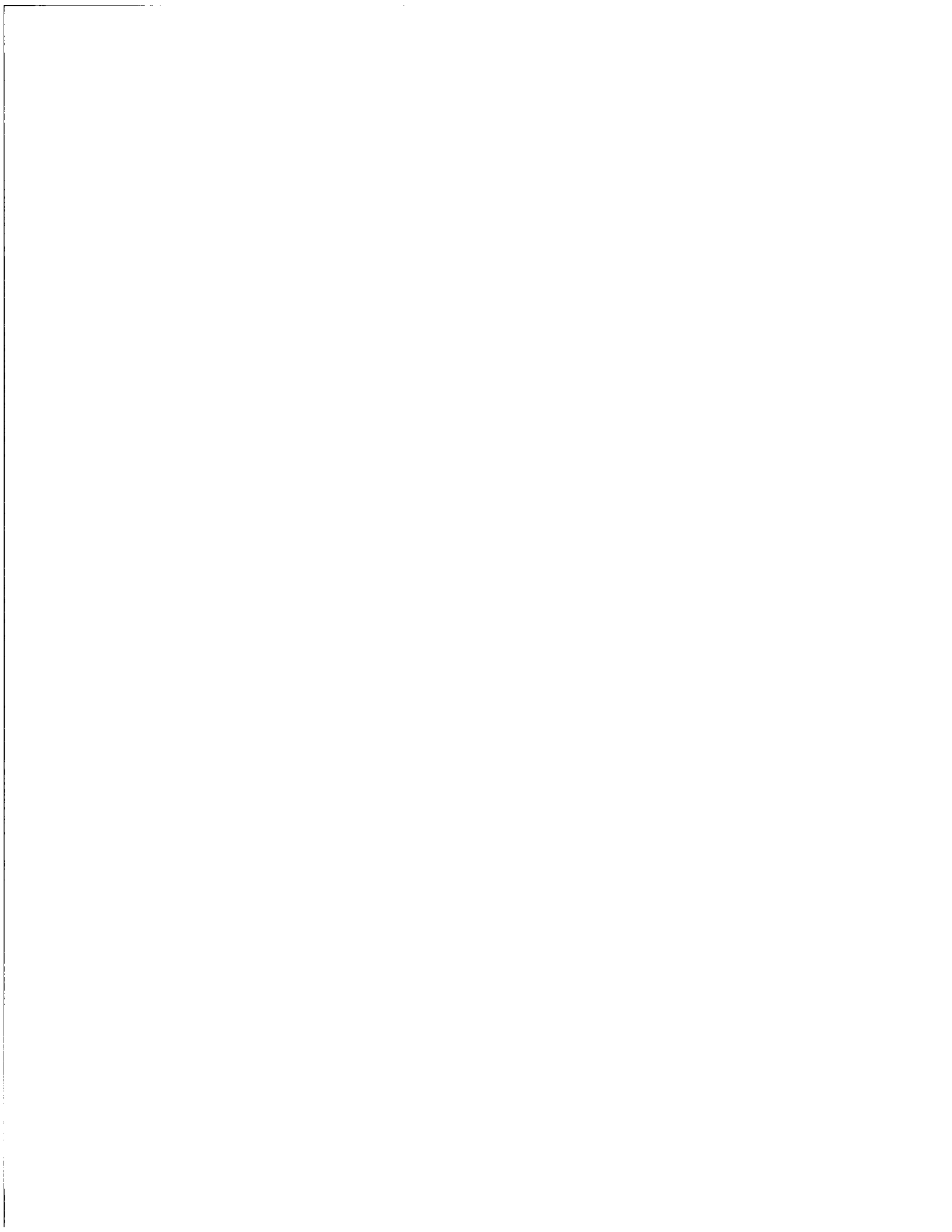
\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Date

COMMITTEE NOTE

This form is new. [Rule 8001, as amended in 2005,][Interim Rule 8001(f)] 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.





Item 13 will be an oral report.

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

DAVID F. LEVI  
CHAIR

PETER G. McCABE  
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

SAMUEL A. ALITO, JR.  
APPELLATE RULES

THOMAS S. ZILLY  
BANKRUPTCY RULES

LEE H. ROSENTHAL  
CIVIL RULES

SUSAN C. BUCKLEW  
CRIMINAL RULES

JERRY E. SMITH  
EVIDENCE RULES

MEMORANDUM TO: JUDGES, UNITED STATES DISTRICT COURTS  
JUDGES, UNITED STATES BANKRUPTCY COURTS

SUBJECT: Interim Rules and Official Forms to Implement 2005 Bankruptcy Act (INFORMATION)

On April 20, 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) was enacted into law. Most provisions of the Act are effective October 17, 2005. Several of its provisions were effective upon enactment, while other provisions have individualized effective dates. Since the enactment of the Act, the Advisory Committee on Bankruptcy Rules has been engaged in a monumental effort to review the Act and determine the necessary changes 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 and Official Forms under the Rules Enabling Act, 28 U.S.C. sections 2071-2077. This is normally a three year process.

As a result, the Advisory Committee on Bankruptcy Rules has prepared and now transmits Interim Rules and Official Forms designed to implement the substantive and procedural changes mandated by the new Act. These Interim Rules and Official Forms have been approved by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States and by the Judicial Conference. The Advisory Committee recommends and encourages all local courts to adopt these Interim Rules. Widespread adoption of these Interim Rules will provide uniform procedures for implementing the Act and at the same time supply a valuable base of experience for the ongoing work of the Advisory Committee. Because the Official Forms have been approved by the Conference of the United States, pursuant to Bankruptcy Rule 9009, the Official Forms must be observed and used with alterations as may be appropriate. The Advisory Committee examined and discussed various drafts and is satisfied that the Interim Rules and the Official Forms will serve as guidelines until the permanent National Rules are promulgated and become effective. Enclosed is a summary memorandum prepared by the Advisory Committee's reporter describing the eight new rules and the amendments to an additional 28 rules with one or more amendments. All the interim Rules and Official Forms can be found on the web at [www.uscourts.gov/rules](http://www.uscourts.gov/rules). The Committee will promulgate a standard form of Plan and Disclosure Statement, as required by Section 1125 (f)(2) as soon as possible.

The Advisory Committee intends to continue to carefully study the new Act with the goal to publish proposed National Rules in August 2006 with final adoption and an effective date of December 1, 2008. We anticipate 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.

In emphasizing the interim nature of the Interim Rules, the Committee solicits comments from the bench and bar relating to the use of the Interim Rules and Official Forms. Comments may be mailed to:

Mr. Peter G. McCabe  
Secretary, Committee on Rules  
of Practice and Procedures  
Administrative Office of the United States Courts  
4-170 Thurgood Marshall Federal  
Judiciary Bldg  
One Columbus Circle, N.E.  
Washington, DC 20544

Comments on the Interim Rules and Official Forms may also be sent electronically via the Internet at [www.uscourts.gov/rules](http://www.uscourts.gov/rules).

Thomas S. Zilly

ADVISORY COMMITTEE ON BANKRUPTCY RULES  
Meeting of September 29-30, 2005  
El Dorado Hotel, Santa Fe, NM

Draft Agenda 7/12/05

Introductory Items

1. Approval of minutes of March 2005 meeting. (Judge Zilly) (Tab 1)
2. Oral reports on meetings of other committees:
  - June 2005 meeting of the Committee on Rules of Practice and Procedure. (Judge Zilly and Professor Morris)
  - June 2005 meeting of the Committee on the Administration of the Bankruptcy System. (Judge Montali and Judge Montali)
  - April 2005 meeting of Advisory Committee on Civil Rules. (Judge Walker)
  - April 2005 meeting of Advisory Committee on Evidence. (Judge Klein)
3. Report on Interim Rules and Forms project and subsequent action by the Standing Committee and the Judicial Conference. (Judge Zilly and Professor Morris)

Action Items

4. Report of Forms Subcommittee (Judge Walker): (Tab 2)
  - (a) Rules 1005 and 1007;
  - (b) Official Form 10 (Proof of Claim);
  - (c) Schedule I of Official Form 6.
5. Report of Consumer Subcommittee (Mr. Frank and Judge Wedoff): (Tab 3)
  - (a) Judge Wedoff's proposal (Sarasota agenda item 9) to amend Rule 4003(b) to allow the trustee to file objections after the 30-day time limit;
  - (b) Final approval of other proposed amendments to Rule 4003 relating to lien avoidance and exemption objections to authorize a lien holder to defend a contested matter by raising an objection notwithstanding the 30-day limit in Rule 4003(b).
6. Report of the Privacy, Public Access, and Appeals Subcommittee. (Howard Adelman) (Tab 4)
  - (a) Judge Adams' proposal (Sarasota agenda item 10) to amend the separate document provisions of Rule 9021;
  - (b) Judge Rasure's suggestion (Sarasota agenda item 17) on behalf of the Bankruptcy Judges Advisory Group about timing issues raised by Rule 3002(c)(5).

7. Report of the Technology and Cross Border Insolvency Subcommittee on whether Rules 8002 or 9006 should be amended to provide additional time for the appeal of judgments, degrees, or orders in bankruptcy cases. (Sarasota agenda item 11) (Judge McFeeley)  
(Tab 5)
8. Oral report by Professor Morris on whether any changes to Rule 2002(g)(2) are appropriate in light of the bankruptcy reform act . (Professor Morris)
9. Oral report on status of Joint Subcommittee on Venue and Chapter 11 Matters and remaining possible amendments to new Rule 2021 relating to case management. (Judge Zilly and Mr. Shaffer)
10. Report of Attorney Conduct and Health Care Subcommittee on ABA Task Force Request of June 21, 2005. (Judge Torres)  
(Tab 7)
11. Proposed standard small business plan and disclosure statement (Professors Resnick and Janger)  
(Tab 8)

#### Discussion Items

12. Report on Judge Klein's suggestion concerning service of process initiating objections to claims and opinion in State Line Hotel 2005WL 857471 (Judge Klein and Professor Morris)  
(Tab 9)
13. Judge Mannes' suggestion concerning a new rule regarding representation of corporations in small claims cases. (Professor Morris)  
(Tab 10)
14. Oral report concerning the restyling of the Civil Rules; no review of the bankruptcy rules. (Judge Zilly and Professor Morris)
15. Discussion about follow-up and review of Interim Rules; tentative final approval of Interim Rules in March 2006 as proposed National Rules. (Judge Zilly)

#### Information Items

16. Rules Docket  
(Tab 11)
17. Oral report on Long Range Planning (Judge Zilly)
18. *Bull Pen*: There are no amendments pending in the "bull pen" awaiting transmission to the Standing Committee.
19. Next meeting reminder: *March 9-10, 2006, Carolina Inn, Chapel Hill, NC*
20. Discussion of date and location for fall 2006 meeting. (Judge Zilly)