



## Tip of the Month December 2020

### How to Amend Schedules A/B and C in a Chapter 7 Bankruptcy Case

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In a Chapter 7 bankruptcy case, the main document filed with the bankruptcy court is the petition. The petition contains the facts of your client's case, such as income, expenses, assets, creditors, and financial affairs. Within the petition these areas of information are divided into various schedules and statements.

Of particular interest in regard to this tip is Schedule A/B, in which your client has listed and valued all assets owned on the date of filing, and Schedule C, which shows the exemptions your client is claiming to protect the property listed in Schedule A/B.

The vast majority of clients are honest and accurately disclose what they have. But people are human and sometimes mistakes are made. You might discover after a case is filed that information in Schedules A/B and Schedule C is incorrect, or a client may let you know there is an inaccuracy.

There is a duty to correct, or "amend" the bankruptcy schedules, for your client's protection, and for your own reputation. Bankruptcy [Rule 1009\(a\)](#) provides that schedules "may be amended by the debtor as a matter of course at any time before the case is closed." You can amend after the case is closed, but that entails reopening the case, which is a subject beyond this tip.

Here are the steps to take to amend Schedules A/B and C:

1. Make sure the amended information is accurate using whatever documentation the client can provide, and using whatever outside sources of valuation you deem are accurate and appropriate.
2. Your client will be required to sign a signature declaration under penalty of perjury identifying to the court what is being filed. Check the box on the signature declaration that states "AMENDMENT TO PETITION, SCHEDULES & STATEMENTS." Your bankruptcy software should have the signature declaration, but [here is a link to the signature declaration form](#) at the web site for the Bankruptcy Court for the District of Minnesota.
3. If your amendment concerns real property you will need to download and fill out the Amended Schedules A and C for Real Property form, [which can be found here](#).
4. Enter the amended information in the appropriate line(s) in Schedules A/B and C depending on the type of property you are amending. Typically you are amending to do one of three things:
  - i. If you are amending to completely remove an item, remove all the old language and valuation information and exemption claimed from Schedules A/B, and C.
  - ii. If you are amending to modify language from the originally filed Schedules A/B and C, take out the old language completely, and insert the new language.

Remember to also add or update valuation and exemption information, when appropriate.

- iii. If you are amending to add a completely new item, enter the new item in the appropriate line in Schedules A/B and C. Remember to also add valuation and exemption information, when appropriate.
5. Make sure to check the “amended” box in the heading of the amended Schedules A/B and C.
6. Obtain and fill out Official Form 106SUM, entitled “Summary of Your Assets and Liabilities and Certain Statistical Information.” Your bankruptcy preparation software should do this automatically for you, but for reference, [the form can be found here](#). Be sure to check the “amended” box at the top of the form.
7. Obtain Local Form 1009-1, called the “SUMMARY OF AMENDMENTS TO VOLUNTARY PETITION, LISTS, SCHEDULES AND STATEMENTS” [which can be found here](#).

Fill in the caption. Under No. 1, check the appropriate box indicating what schedules you are amending. Under No. 2, for each amended document, clearly identify all changes (additions and deletions) to the amended document when compared with the original or most recent amendment.

8. Complete a declaration of service. If you are only amending Schedule A/B you only need to serve the U.S. Trustee, the Chapter 7 Trustee and each entity that has filed a request for notice or notice of appearance under [Federal Rule of Bankruptcy Procedure 2002\(i\)](#).

If you are amending Schedule C, all parties must be served. See Local Rule 1009-1(b). You must include with your service declaration a list of all parties you have served. If you are serving every party it is wise to download the court matrix from your client’s court file and use that.

9. Compile all of the above noted documents in one PDF file. Use this sequence:
  - i. Signature declaration
  - ii. Local Form 1009-1
  - iii. Official Form 106SUM
  - iv. Amended Schedules A/B and/or C
  - v. Service Declaration including list of parties served and/or matrix

10. Serve the document by first class mail on all required parties.

11. File your compiled PDF document with the court. [Log in to the court web site here](#). Select the “Bankruptcy” tab. From there, look for No. 12 Amendments under the “Commencement Events” heading. Follow the instructions to get your amendment or amendments filed.

Congratulations, you’re done! Amending Schedules A/B and/or C is a must have skill. Doing so properly helps assure the success of your client’s case. Thank you!