

Module 3: Preparing the Bankruptcy Documents

Overview of Module 3

- **Required Documents**
- **Getting the Case Filed**
- **Preparing the Documents**

Emergency Filing



- Debtor can initiate case with a “skeletal filing,” including:
 - Voluntary Petition (Form 101)
 - Statement of Social Security number
 - Initial statement about prepetition eviction (Form 101A), if applicable
 - Creditor matrix (mailing list)
 - Application to waive filing fee/pay in installments, if full filing fee is not being paid at filing (Forms 103A or 103B)
- Even in an emergency, ask client **the basic questions** first, so you can advise client about whether bankruptcy filing is in the client’s best interest (and check for prior filings)

Bankruptcy Rule 1007(c)

Other Required Documents

Within 14 days after the case is filed, the Debtor must file:

- Credit counseling certificate
- Schedules (Forms 106A-106J)
- Summary of the debtor's assets and liabilities, and certain statistical information (Official Form 106Sum)
- Declaration about the debtor's schedules (Official Form 106Dec)
- Statement of financial affairs (Official Form 107)
- Disclosure of attorney fees paid or promised (Director's Procedural Form B2030), and
- Means test form(s) (Official Forms 122A-1, 122C-1, etc.)

Debtor may request an extension of time under Bankr. Rule 1007(c)

Other Required Documents

Within 14 days after the case is filed, the Debtor must file:

- Payment advices (received by debtor from employer within 60 days of petition)
- Plan in Chapter 13 case

Within 30 days after the case is filed, the Debtor must file:

- Statement of Intention (Official Form 108) in Chapter 7 case

Debtor may request an extension of time under Bankr. Rule 1007(c)

Avoiding “Automatic” Dismissal

Under section 521(a)(1), certain documents must be filed no later than 45 days after the case is filed:

- Creditor mailing List
- Various information contained in Schedules A-J
- Statement of financial affairs
- Statement that 342(b) notice was provided
- Payment advices for 60 days prior to filing

Getting the case filed

- Electronic Case Filing (ECF)
 - Bankruptcy courts require electronic filing
 - Some courts will allow paper filing for attorneys who file an occasional case
 - Some courts require training for ECF access
- Software programs
 - Software saves time by populating the forms with information
 - Another option is to use the fillable forms here:
www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx

COMPLETING THE FORMS

Tips: Basic Principles

All forms should be:

- **COMPLETE**
 - Full disclosure required of all assets, liabilities, and other financial information
 - When appropriate check the box “no” or “none” rather than leave blank
 - When in doubt, list it!
- **ACCURATE**
 - Provide correct and adequate property descriptions
 - Convey information as clearly as possible
 - When appropriate, supplement answers given with notes indicated by asterisks or on an attachment
- **CURRENT**
 - Update all documents before filing
 - Promptly make corrections through amendments

Tips: Amending the Forms

Despite best efforts, mistakes and omissions do happen!

- The debtor may amend the filed documents as a matter of course at any time before the case is closed.
Bankruptcy Rule 1009.
- Check box on forms “if this is an amended filing”
- If you amend the schedule of creditors or mailing List, there is a \$31 fee.
 - No fee if the amendment is simply to change the address of a creditor or an attorney listed on the schedules, or to add the name and address of an attorney for a listed creditor.

Form 101: Voluntary Petition

Fill in this information to identify your case:

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

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

Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/15

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

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

Name on government-issued photo ID

Part 1: Identify Yourself

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

About Debtor 1:

Lisa
First name
Sandra
Middle name
Reyes
Last name

Suffix (Sr., Jr., II, III)

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

First name

Middle name

Last name

Suffix (Sr., Jr., II, III)

If spouses filing jointly, assign one to be Debtor 1 and the other Debtor 2

Information about the Debtor

2. All other names you have used in the last 8 years Include your married or maiden names.	First name Lisa	First name
	Middle name Sandra	Middle name
	Last name Medrano	Last name
	First name	First name
	Middle name	Middle name
	Last name	Last name
3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)	XXX - XX - 4 3 8 7	XXX - XX - _____
	OR 9 XX - XX - _____	OR 9 XX - XX - _____

Any other names used in the past 8 years (e.g. maiden name)

Last 4 digits; entire SSN will be provided on Statement of Social Security Number

Debtor 1

Lisa

First Name

Sandra

Middle Name

Reyes

Last Name

Case number (if known)

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

Include trade names and doing business as names

About Debtor 1:

I have not used any business names or EINs.

Business name

Business name

EIN - - - - -

EIN - - - - -

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

I have not used any business names or EINs.

Business name

Business name

EIN - - - - -

EIN - - - - -

This question applies to debtors who have operated a business

5. Where you live

485 Mulberry Ave.

Number Street

Louisville KY 40214

City State ZIP Code

Jefferson

County

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

Number Street

P.O. Box

City State ZIP Code

If Debtor 2 lives at a different address:

Number Street

City State ZIP Code

County

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

Number Street

P.O. Box

City State ZIP Code

For DV survivors: Attorney may file a motion to excuse the debtor from providing certain identifying information if it poses an "undue risk of unlawful injury." See Section 107(c).

Form 101, cont.

Line 6: Why you are choosing this district

- This question relates to venue. Most debtors will check box that have lived in district for greater part of past 180 days before filing. If not, debtor would check “I have another reason” and provide explanation.

Line 8: Filing fee. Will the debtor:

- Pay the fee upon filing,
 - \$335 for chapter 7
 - \$310 for chapter 13
- Pay in installments (either chapter) – must file Form 103A, or
- Seek a waiver of the fee (ch 7 only) – must file Form 103B

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

No

Yes.

District _____ When _____ Case number _____
MM / DD / YYYY
District _____ When _____ Case number _____
MM / DD / YYYY
District _____ When _____ Case number _____
MM / DD / YYYY

Any prior bankruptcy cases in the past 8 years. Prior bankruptcy cases may, in some situations:
-Preclude filing the case
-Impact the automatic stay
-Impact availability of a discharge

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

No

Yes.

Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
MM / DD / YYYY
Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
MM / DD / YYYY

Renter?

If so, has the landlord obtained a judgment of possession?

11. Do you rent your residence?

No.

Go to line 12.

Yes.

Has your landlord obtained an eviction judgment against you and do you want to stay in your residence?

No. Go to line 12.

Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it with this bankruptcy petition.

If so, must file Form 101A certifying (1) right to cure under nonbankruptcy law, and (2) debtor has deposited with the clerk next 30 days' rent

Form 101, Part 5: Credit Counseling

- Certification of compliance with credit counseling requirement under section 109(h)
- Debtor (both Debtors in a joint case) must certify:
 - completed counseling, certificate attached, OR
 - completed counseling, will file certificate within 14 days, OR
 - seeking temporary waiver based on exigent circumstances and being unable to obtain counseling within 7 days of request,* OR
 - seeking permanent waiver based on incapacity, disability, or military service*

* *waiver very difficult to obtain, see [Module 2](#)*

Form 101, Part 6

- Primarily consumer debts?
 - definition of “consumer debts” in § 101(8)
 - if not, the means test will not apply
- Prediction as to whether funds will be available for unsecured creditors?
 - if it is a “no asset” case, notice to creditors will indicate that creditors need not file a proof of claim unless further notice is provided

Part 7: Sign Below

For you

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

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

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

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

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

X /s/ Lisa S. Reyes

Signature of Debtor 1

Executed on 12/04/2015
MM / DD / YYYY

X

Signature of Debtor 2

Executed on _____
MM / DD / YYYY

*Remind Debtor that she is signing under penalty of perjury;

*Ask Debtor to look for any errors or omissions; ask if anything has changed since last meeting
*If E-filing, attorney should retain the original petition signed by the Debtor to show that the Debtor authorized the filing (local rules in most districts require this to be maintained for a set period of time)

Form 101: Attorney's Signature

- Certifying that you informed the Debtor regarding eligibility to file under chapter 7, 11, 12, or 13 and explained the relief available under each chapter
- Certifying that you gave the Debtor the notice required by §342(b)
 - form explains the different chapters, bankruptcy crimes
 - should be provided to the Debtor before signing Petition and schedules
- Certifying no knowledge, after an inquiry, that any information contained in the schedules is incorrect (ch. 7)

Form 103A: Application to Pay Filing Fee in Installments

- Typically the first installment is paid with the filing of the petition, although not required
 - Debtor should specify whether first installment will be made with the filing or at a specified date
- May be denied if Debtor owes unpaid filing fee from a prior filing
- Fee may be paid in up to 4 installments, over no more than 120 days (court may extend to 180 days for cause)

Form 103B: Application to Waive Chapter 7 Filing Fee

- Income must be below 150% of the federal poverty line
- Family size: include all dependents listed on Schedule J; include non-filing spouse unless separated
- Income: average monthly net income listed on Line 10 of Schedule I, less any non-cash government assistance
 - Ms. Reyes has deducted her SNAP and child care assistance
- If filing Schedules A/B and J at the same time, you may omit information about expenses and assets on 103B
- Explain any special circumstances (e.g., Earned Income Tax Credit will be needed to make car repairs)

Form 121: Statement of SSN

Fill in this information to identify your case:

United States Bankruptcy Court for the:
Western _____ District of Kentucky _____
State

Case number (if known): _____

Official Form 121

Statement About Your Social Security Numbers

12/15

Use this form to tell the court about any Social Security or federal Individual Taxpayer Identification numbers you have used. Do not file this form as part of the public case file. This form must be submitted separately and must not be included in the court's public electronic records.

Please consult local court procedures for

To protect your privacy, the court will not disclose your Social Security Number or federal Individual Taxpayer Number on any other document filed with the court. However, the full numbers will be assigned to your case.

Making a false statement, concealing property, or failing to file required tax returns can result in fines up to \$250,000, or imprisonment for

Part 1: Tell the Court About Your

For Debtor

1. Your name

Lisa

First name

S

- *Submitted to the Court, not part of the public file (to protect the Debtor's secure information)
- *Both Debtors must complete in a joint case
- *Must include all SSNs the Debtor has (for example, if a second SSN was assigned due to identity theft)
- *List any ITIN (if the Debtor has one – because not eligible for a SSN)

Mailing List

- Also known as the “mailing matrix” or “creditor matrix” – not an Official Form
- Must list names and addresses of all creditors on Schedule D and E/F and any entity included on Schedules G and H
- Check local rules for format
 - may need to provide as a .txt file
 - may need to include the IRS or state tax authorities

Mailing List

Anne Gordon, M.D.
145 N. Central Ave.
Louisville, KY 40203

AS & S Communications
P.O. Box 4466
Lone Tree, CO 80124

BankCard Choice
222 Credit Card Lane
Wilmington, DE 19899

Blackstone Rental Properties, Inc.
444 Commerce Way
Lexington, KY 40506

BuyHereNow Auto Sales, Inc.
234 Executive Park
Louisville, KY 40203

Schedule A/B: Property

- List of the Debtor's real and personal property
- Real property:
 - Where is it? Street address or lot number
 - Current value of the entire property and the Debtor's interest – e.g., if debtor owns a $\frac{1}{2}$ interest and her brother owns the other $\frac{1}{2}$
 - List the full value without deducting exemptions or secured claims
 - Sources for value: appraisal, BPO, tax valuation, online tool
 - If there is a wide range in the value, Debtor should get an appraisal before filing the case
 - Nature of interest: fee simple, life estate, equitable interest under a land installment contract (these also go on Schedule G)

Schedule A/B: Property

- Personal property:
- Vehicles
 - List all vehicles the Debtor owns, registered or not, even if someone else is driving them
 - If car has been repossessed, still list here if Debtor retains any interest
 - Make, model, year, approx. mileage, any other relevant info (inoperable, needs significant repairs)
 - Valuation: best estimate of fair market value. May use an online industry guide (NADA or Kelley Blue Book)

Schedule A/B: Property

- Personal and household items
 - Separately list each major appliance or item of significant value (worth more than \$500)
 - Descriptions are helpful to support valuation (age, condition)
 - Can include a catch-all for miscellaneous items (“assorted dishes and cookware,” or “casual clothes”); specify “no item worth more than \$600” to comply with fed exemptions (or other limit in state exemptions)
 - Est. value of each item: garage sale value

Schedule A/B: Property

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own?

Do not deduct secured claims or exemptions.

6. Household goods and furnishings

Examples: Major appliances, furniture, linens, china, kitchenware

No

Yes. Describe..... Washer, dryer, living room and 2 bedroom sets, **misc. household goods** - no item worth more than \$575

1,200.00

Catch-all

7. Electronics

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

No

Yes. Describe..... Television, computer and printer (**4 years old**), stereo, cell phone -- no item worth more than \$575

700.00

Garage sale value

8. Collectibles of value

Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

No

Yes. Describe.....

0.00

Description (age)

Schedule A/B: Property

- Other personal property
 - Line 17, Deposits of money: balance as of the petition date
 - Line 20, Retirement or pension accounts: if the pension plan is ERISA-qualified, indicate “not part of the bankruptcy estate”
 - Line 28, Tax refund – estimated, prorated
 - Line 29, Family support – past due or lump sum amounts; indicate if not likely collectible

Schedule A/B: Property

28. Tax refunds owed to you

- No
- Yes. Give specific information about them, including whether you already filed the returns and the tax years.

2015 Earned Income Tax Credit - \$4,735; 2015 Federal tax refund - \$185; 2015 State tax refund - \$50 (estimated as returns not filed)

Federal:	\$	<u>4,920.00</u>
State:	\$	<u>50.00</u>
Local:	\$	<u>0.00</u>

29. Family support

Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

- No
- Yes. Give specific information.

Estimated unpaid child support (probably uncollectible)

Alimony:	\$	<u>0.00</u>
Maintenance:	\$	<u>0.00</u>
Support:	\$	<u>2,500.00</u>
Divorce settlement:	\$	<u>0.00</u>
Property settlement:	\$	<u>0.00</u>

Schedule A/B: Property

- Line 33, Claims against third parties
 - potential causes of action
 - estimated value should consider likelihood of success and probability of collecting
- Line 34, Other contingent and unliquidated claims
 - avoidance claims – to recover garnished wages being held by an employer (§ 547)

Schedule A/B: Property

33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment

Examples: Accidents, employment disputes, insurance claims, or rights to sue

No

Yes. Describe each claim..... KY Consumer Protection Act claim against Easy Credit Co. (unliquidated)

\$ 2,000.00

34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims

No

Yes. Describe each claim..... Garnished wages held by debtor's employer subject to lien avoidance

\$ 635.00

Schedule C: Exemptions

- Goal is to exempt as much of the Debtor's property as possible – hopefully all
- Check against Schedule A/B to make sure nothing is omitted, same market value for items
- Claim as exempt any property that was taken and may be recovered (foreclosed home during a redemption period; garnished wages)
- Claimed exemptions are deemed allowed unless a party in interest objects within allowed time.

See **Bankruptcy Rule 4003, Module 1.**

Schedule C: The Property You Claim as Exempt

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? *Check one only, even if your spouse is filing with you.*

- You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
- You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

*Select state or federal exemptions
*If state has opted out of the federal scheme, must use state exemptions.
*Joint debtors must elect the same set of exemptions.

Schedule C

Full fair market value of the debtor's interest in the property (without deducting liens or exemptions)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own <small>Copy the value from <i>Schedule A/B</i></small>	Amount of the exemption you claim <small>Check only one box for each exemption.</small>	Specific laws that allow exemption
Brief description: <u>Ford Focus</u> Line from <i>Schedule A/B</i> : <u>3.1</u>	\$ <u>1,600.00</u>	<input checked="" type="checkbox"/> \$ <u>3,675.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	<u>11 U.S.C. § 522(d)(2)</u>
Brief description: <u>Household goods</u> Line from <i>Schedule A/B</i> : <u>6</u>	\$ <u>1,200.00</u>	<input checked="" type="checkbox"/> \$ <u>1,200.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	<u>11 U.S.C. § 522(d)(3)</u>
Brief description: <u>Electronics</u> Line from <i>Schedule A/B</i> : <u>7</u>	\$ <u>700.00</u>	<input checked="" type="checkbox"/> \$ <u>700.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	<u>11 U.S.C. § 522(d)(3)</u>

Amount of claimed exemption: generally should correspond to the Debtor's equity in the property.
 *May be wise to claim the full amount of a dollar-capped exemption, in the event liens may be avoided or property is worth more.
 *If Debtor owns no equity in a home, may still claim an exemption based on possessory interest.

Relevant code section (source of the exemption)

Schedule C

Brief description:	<u>KY Consumer Protection Act claim</u>	<u>\$ 2,000.00</u>	<input type="checkbox"/> \$ _____	<u>11 U.S.C. § 522(d)(5)</u>
Line from Schedule A/B:	<u>33</u>		<input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description:	<u>Garnished wages</u>	<u>\$ 635.00</u>	<input checked="" type="checkbox"/> \$ <u>635.00</u>	<u>11 U.S.C. § 522(d)(5)</u>
Line from Schedule A/B:	<u>34</u>		<input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____

Use this language to indicate intent to exempt the entire asset, where the value of the asset is uncertain because it is contingent and unliquidated.

See Schwab v. Reilly, 130 S.Ct. 2652 (2010).

*If the exemption has a dollar cap, checking this box allows the Debtor to claim the full fair market value up to any applicable statutory limit.

Schedule C

Wild-card exemption:

- A “floating” exemption that can be used for any property – cash, tax refunds, garnished funds, security deposits, potential causes of action, etc.
- Federal wild card: \$1,250 plus up to an additional \$11,850 of unused homestead exemption= \$13,100 max (per Debtor) under § 522(d)(5); many state exemption schemes have a wild-card exemption as well
- May be “stacked” with other exemptions; for example, if you have a washer worth \$800, and can only claim up to \$600 in any individual item under the household goods & furnishings exemption, the remaining \$200 can be claimed under the wild-card exemption

Schedules D and E/F: Listing Creditors

- It is **VERY IMPORTANT** to list the correct name and address of every creditor or potential creditor.
 - If a creditor fails to receive notice, their debt may not be discharged
- Other information – last four digits of account number, amount owed, date incurred – is less important; provide best estimate in good faith
- If a debt shows up on credit report and Debtor doesn't recognize it, list it and check "disputed"
- If a debt has been sold or transferred to a collector, list previous creditors and debt collectors as "**others to be notified**" in Part 2 of Sched. D or Part 3 of Sched. E/F (ensure that all parties get notice!)

Schedules D and E/F: Listing Creditors

Contingent, unliquidated, and disputed claims

- **Contingent:** liability not firmly established; e.g., if Debtor is a guarantor and the primary obligor has not yet defaulted.
- **Unliquidated:** liability exists but the amount owed is uncertain; e.g., debtor has been found liable for negligence, but damages not yet determined.
- **Disputed:** Debtor disputes either liability on the debt or the amount owed; e.g., debt claimed by a party the Debtor does not recognize – may or may not own it

Very important to list the correct creditor address; do a diligent search; when in doubt, list other possible addresses as additional notification

Last 4 digits only, to protect against ID theft

Amount owed (Best estimate; actual amount creditor will be paid is determined based on proof of claim)

4.2

BankCard Choice

Nonpriority Creditor's Name

222 Credit Card Lane

Number Street

Wilmington DE 19899

City State ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Last 4 digits of account number 3 8 9 7 \$2,276.18

When was the debt incurred? Various dates

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

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Credit card purchases

On a credit card: date account was opened, range of dates, or "various dates"

Check "disputed" if the Debtor is unsure about liability, amount of the debt, or identity of the creditor

Schedule D: Secured Claims

List here all creditors that hold liens, even if liens can be avoided:

- Mortgages
- Judgment liens
- Garnishments
- Creditors holding a security deposit
- Tax lien holders
- Banks that have a right of setoff against account
- Rent-to-own contract if debtor intends to treat as a secured claim

Schedule D

Part 1: List All Secured Claims

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim	Column C Unsecured portion if any
--	--	--

2.1	BuyHereNow Auto Sales, Inc.	Describe the property that secures the claim:	\$ 2,348.78	\$ 635.00	\$ 1,713.78
Creditor's Name 234 Executive Park Number Street		Wages held by debtor's employer			
Louisville KY 40203 City State ZIP Code		As of the date you file, the claim is: Check all that apply.			
Who owes the debt? Check one.		Nature of lien. Check all that apply.			
<input checked="" type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim relates to a community debt		<input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input checked="" type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____			
Date debt was incurred Jan. 2009		Last 4 digits of account number 4 5 4 4			

Full amount owed, even if it exceeds the value of the collateral

Full fair market value; should correspond to Schedule A/B

Amount of the claim minus value of the collateral. Do not list on Sched. E/F

2.2	Jack's Good-Deal Auto Co.	Describe the property that secures the claim:	\$ 3,124.89	\$ 1,600.00	\$ 1,524.89
Creditor's Name 1 American Rd. Number Street		Ford Focus ZX4			
Louisville KY 40203 City State ZIP Code		As of the date you file, the claim is: Check all that apply.			
<input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim relates to a community debt		<input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed			

Schedule E/F: Priority and Unsecured Claims

Part 1: Priority claims under § 507

- Tax debts
 - not all tax debts are priority; check § 507(a)(7)
 - if the tax creditor holds a lien, then it is secured, not priority!
- Domestic support obligations
- Sometimes only a portion of the creditor's total claim is entitled to priority – list both the priority and nonpriority portions in Part 1

Schedule E/F

Part 1: List All of Your PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?

- No. Go to Part 2.
 Yes.

2. List all of your priority unsecured claims. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If you have more than two priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3.

(For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

2.1

Internal Revenue Service

Priority Creditor's Name

P.O. Box 931000

Number Street

Loiusville KY 40293-1000

City State ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another
 Check if this claim is for a community debt

Is the claim subject to offset?

- No
 Yes

Last 4 digits of account number 7 4 5 9

When was the debt incurred? 2013; 2011

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

- Contingent
 Unliquidated
 Disputed

Type of PRIORITY unsecured claim:

- Domestic support obligations
 Taxes and certain other debts you owe the government
 Claims for death or personal injury while you were intoxicated
 Other. Specify _____

Total claim	Priority amount	Nonpriority amount
\$ 845.00	\$ 609.00	\$ 236.00

Amount entitled to priority under 507(a)

Nonpriority amount goes here, not in Part 2

Schedule E/F, Part 2: Nonpriority Unsecured Claims

- List all debts – even ones that have been “charged off”
 - this is an accounting term, does not mean liability is eliminated
- If Debtor does not think the debt is owed, disputes the amount, or thinks it is past the statute of limitations, check “disputed”

Schedule E/F, Part 2

- Utility debts: unless a current bill has just been paid and no balance is owed, should be listed (even if not in debtor's name)
- Payday loans (are not secured, as they may argue)
- Executory contracts and leases, if terminated pre-petition, should be listed here

Schedule G: Executory Contracts and Unexpired Leases

- Residential leases: list even if just month-to-month, oral agreement
- Automobile leases (Ch. 7 Debtor must declare intention with respect to the lease on Statement of Intention, Form 108)
- Rent-to-own contracts – unless Debtor elects to treat as a secured claim on Sched. D

Schedule H: Codebtors

- Any codebtors, other than a spouse in a joint case
- If Debtor has lived in a community property state in the past 8 years, must list the state and provide name and address of any spouse during that time
- Former spouse who is jointly responsible for providing food and medical care for dependents should be listed
- Guarantor on a debt owed by the debtor

Schedules I and J: Income and Expenses

- In chapter 7 case, Schedules I and J help the court determine if the filing is an “abuse” of the bankruptcy system and subject to dismissal under § 707(b)
- In a chapter 13 case, Schedules I and J allow the trustee and creditors to determine if the chapter 13 plan is feasible and complies with plan requirements

Schedule I: Debtor's Income

- Include the income for both spouses in a joint case and when one spouse files individually, unless the spouses are separated
- Average monthly income as of the date the form is filled out
- Include seasonal, part-time, and self-employed work

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

- 2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.
- 3. Estimate and list monthly overtime pay.
- 4. Calculate gross income. Add line 2 + line 3.

	For Debtor 1	For Debtor 2 or non-filing spouse
2.	\$ 1,525.45	\$ _____
3.	+\$ 0.00	+\$ _____
4.	\$ 1,525.45	\$ _____

Include income of non-filing spouse unless separated

Copy line 4 here..... → 4.

5. List all payroll deductions:

- 5a. Tax, Medicare, and Social Security deductions
- 5b. Mandatory contributions for retirement plans
- 5c. Voluntary contributions for retirement plans
- 5d. Required repayments of retirement fund loans
- 5e. Insurance
- 5f. Domestic support obligations
- 5g. Union dues
- 5h. Other deductions. Specify: _____

	For Debtor 1	For Debtor 2 or non-filing spouse
4.	\$ 1,525.45	\$ _____
5a.	\$ 274.13	\$ _____
5b.	\$ 20.00	\$ _____
5c.	\$ 0.00	\$ _____
5d.	\$ 0.00	\$ _____
5e.	\$ 0.00	\$ _____
5f.	\$ 0.00	\$ _____
5g.	\$ 0.00	\$ _____
5h.	+\$ 0.00	+\$ _____
6.	\$ 274.13	\$ _____
7.	\$ 1,231.32	\$ _____

If the Debtor has more than one employer, combine the information for all employers on each line.

- 6. Add the payroll deductions. Add lines 5a + 5b + 5c + 5d + 5e + 5f + 5g + 5h.
- 7. Calculate total monthly take-home pay. Subtract line 6 from line 4.

Debtor should list net income from operating a business on line 8a, and attach a statement showing gross receipts, business expenses, and net income

8. List all other income regularly received:

8a. Net income from rental property and from operating a business, profession, or farm

Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.

8a. \$ 0.00

8b. Interest and dividends

8b. \$ 0.00

8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive

Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.

8c. \$ 150.00

8d. Unemployment compensation

8d. \$ 0.00

8e. Social Security

8e. \$ 0.00

8f. Other government assistance that you regularly receive

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

Specify: SNAP benefits (\$241); Child care assistance (\$385)

8f. \$ 626.00

8g. Pension or retirement income

8g. \$ 0.00

8h. Other monthly income. Specify: _____

8h. + \$ 0.00

Child support or alimony goes on line 8c; regular contributions to expenses from someone not a spouse (such as an unmarried partner, roommate, or dependent) go on line 11.

11. State all other regular contributions to the expenses that you list in *Schedule J*.

Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives.

Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in *Schedule J*.

Specify: _____

11. '

Schedule J: Expenses

Schedule J: Your Expenses

12/15

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

Part 1: Describe Your Household

1. Is this a joint case?

- No. Go to line 2.
- Yes. Does Debtor 2 live in a separate household?
 - No
 - Yes. Debtor 2 must file Official Forms 106J-2, *Expenses for Separate Household of Debtor 2*.

Do not list names of minor children; only relationship to the Debtor and age (§ 112, Bankr. Rule 9037)

2. Do you have dependents?

Do not list Debtor 1 and Debtor 2.

Do not state the dependents' names.

- No
- Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2	Dependent's age	Does dependent live with you?
Daughter	9	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Son	7	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes

Schedule J: Expenses

- List expenses of both Debtors in joint case, Debtor and non-filing spouse in individual case
- If joint case but Debtors keep separate households, report expenses for Debtor 2 on Schedule J-2
- Schedule J should reflect ongoing average monthly expenses
- For expenses that occur less often, include monthly average (e.g., average home maintenance cost over the year, divided by 12 months)
- List total expense, including amounts covered by public benefits (Ms. Reyes listed total spent on food, include amounts paid with SNAP benefits)

Report the average utility payments (gas will be highest in winter, electricity highest in summer)

Food cost is difficult to estimate. Ask, "How often do you buy groceries? And how much do you typically spend?" Include cleaning supplies.

Then add in cost of school lunches for kids, meals out (frequency x cost)

Diapers and toiletries go on line 10

6. Utilities:

- 6a. Electricity, heat, natural gas
- 6b. Water, sewer, garbage collection
- 6c. Telephone, cell phone, Internet, satellite, and cable services
- 6d. Other. Specify: _____

7. Food and housekeeping supplies

8. Childcare and children's education costs

9. Clothing, laundry, and dry cleaning

10. Personal care products and services

11. Medical and dental expenses

12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.

13. Entertainment, clubs, recreation, newspapers, magazines, and books

14. Charitable contributions and religious donations

6a.	\$	_____	65.00
6b.	\$	_____	0.00
6c.	\$	_____	120.00
6d.	\$	_____	0.00
7.	\$	_____	375.00
8.	\$	_____	575.00
9.	\$	_____	65.00
10.	\$	_____	20.00
11.	\$	_____	45.00
12.	\$	_____	100.00
13.	\$	_____	25.00
14.	\$	_____	15.00

Schedule J

- Do not include portion of a bill paid by a roommate or unmarried partner unless you are also including their contribution on Schedule I
- Remember to note expected changes in income or expenses on Sched. I and J

24. Do you expect an increase or decrease in your expenses within the year after you file this form?

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

No.

Yes.

Explain here:

Debtor may have slight reduction in rental expense if accepted for public housing (and elimination of storage expense).

Form 106Sum: Summary of Schedules

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information 12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

	Your assets Value of what you own
1. <i>Schedule A/B: Property</i> (Official Form 106A/B)	
1a. Copy line 55, Total real estate, from <i>Schedule A/B</i>	\$ 0.00
1b. Copy line 62, Total personal property, from <i>Schedule A/B</i>	\$ 15,764.18
1c. Copy line 63, Total of all property on Schedules A/B and C.....	\$ 15,764.18

*Summarizes information from the schedules

*Used for statistical reports that the courts are required to make public

*Automatically compiled if you are using software

Part 2: Summarize Your Liabilities

	Your liabilities Amount you owe
2. <i>Schedule D: Creditors Who Have Claims Secured by Property</i>	
2a. Copy the total you listed in Column A, from <i>Schedule D</i>	\$ 5,473.67
3. <i>Schedule E/F: Creditors Who Have Unsecured Claims</i>	
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of <i>Schedule E/F</i>	\$ 845.00
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of <i>Schedule E/F</i>	+ \$ 20,889.42

Form 106Dec: Debtor's Declaration

- Ask the Debtor to sign the declaration after reviewing the schedules together
- Remind Debtor that she is declaring under penalty of perjury that she has read the forms and all information is correct

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

x /s/ Lisa S. Reyes
Signature of Debtor 1

Date 12/ 04/ 2015
MM / DD / YYYY

x _____
Signature of Debtor 2

Date _____
MM / DD / YYYY

Form 107: Statement of Financial Affairs (SOFA)

- This form contains detailed questions about the Debtor's financial circumstances, covering different time periods – read each question carefully!
- Spouses filing jointly may file a single Statement, but must include all information for both spouses
- In cases under chapter 12 or 13, a married debtor filing individually must include spouse's info (unless separated)

Form 107: SOFA

Part 2: Past income

- Covering the current calendar year (YTD) and the two calendar years immediately preceding
- Question 4: income from employment or operation of a business
 - Report gross income
- Question 5: income other than from employment or operation of a business
 - Includes Social Security benefits, public assistance, unemployment benefits, tax credits, alimony, pensions, etc

Form 107: SOFA

Part 3: Payments made before filing bankruptcy

- If debts are **not** primarily consumer debts: During the 90 days before filing, did you pay any creditor \$6,425 or more?
- If debts **are** primarily consumer debts: During the 90 days before filing, did you pay any creditor \$600 or more?
 - Not limited to voluntary payments – Ms. Reyes listed her garnishment
- Question 7 and 8: payments to creditors who are “insiders” (or for their benefit) within the year before filing.
 - **Insiders** include relatives and some business relations.

Form 107: SOFA

Part 4: Legal Actions, Repossessions, Foreclosures

- Lawsuits to which the debtor was a party in the past year; if debtor was the plaintiff, should also be listed on Schedule A/B (assets) and exempted on Schedule C
- Repossessions, foreclosures, garnishment, etc within the past year
 - may still be property of the estate if Debtor retains an interest
- Setoffs within past 90 days – may apply if the Debtor has a credit account with the same bank where she has her bank account
- Receiver, custodian, etc within the past year – usually N/A

Form 107: SOFA

Part 5: Gifts and contributions

- list any recipient to which the Debtor gave more than \$600 in the past 2 years
- Debtor's Church is a common one

Part 6: Losses from fire, theft or gambling

- insurance proceeds should be listed on Schedule A/B and exempted on Schedule C, if possible

Form 107: SOFA

Part 7: Certain payments and transfers

- Payments for bankruptcy-related services in past year, such as credit counseling course (if a fee was paid)
- Payments to debt consolidation companies in past year
- Any transfer in past 2 years made outside of normal course of business
 - granting a mortgage on the Debtor's home
 - transferring or selling a car to another person
 - repossession of a car (if not already listed, because more than 1 year ago)
- Any transfer to a self-settled trust in past 10 years

Form 107: SOFA

Part 8: Financial accounts, etc

- any financial accounts closed in past year

Part 9: Property you hold for someone else

Part 10: Has the Debtor been notified of any environmental hazard or liability posed by her property?

Part 11: Has the Debtor been in business in the past 4 years?

Form 108: Statement of Intention

- Only required in chapter 7 cases; Debtor must indicate intent with regard to collateral securing a claim and any leases of personal property
- Must be filed within 30 days of filing the petition or on or before meeting of creditors, whichever is earlier
- Must be served on secured creditors and lessors listed on the form
- Debtor must carry out the stated intention within 30 days after the meeting of creditors (45 days for personal property secured by a PMSI)

Form 108: Statement of Intention

Part 1: List Your Creditors Who Hold Secured Claims

1. For any creditors that you listed in Part 1 of *Schedule D: Creditors Who Hold Claims Secured by Property* (Official Form 106D), fill in the information below.

Identify the creditor and the property that is collateral

What do you intend to do with the property that secures a debt?

Did you claim the property as exempt on Schedule C?

Creditor's name:

Jack's Good-Deal Auto Co.

Description of property securing debt:

Ford Focus ZX4

Surrender the property.

No

Retain the property and redeem it.

Yes

Retain the property and enter into a *Reaffirmation Agreement*.

Retain the property and [explain]: _____
continue making payments

Are there more than 3 options?

Most courts now require the Debtor to either surrender, redeem, or reaffirm. This 4th option, retain and keep paying, was recognized by many courts until the 2005 bankruptcy amendments – and is still an option for home mortgages (See § 524(j)).

Reaffirmation may not be wise; consider alternatives (See Module 4)
Option to retain and pay may depend on local practice and individual creditors.

Form 122: Means Test Forms

- 122A-1 and 122A-2 are used in chapter 7 cases
- 122C-1 and 122C-2 are used in chapter 13 cases
- Debtors who do not have primarily consumer debts or are otherwise exempt from means testing should file Form 122A-1Supp
- Income that is a benefit under the Social Security Act is excluded
- Include non-filing spouse's income unless separate households (always include on Form 122C-1)

Form 122: Means Test Forms

- Form 122A-1 and 122C-1 involve the calculation of **current monthly income**
- In general, **current monthly income** is the Debtor's average monthly income for the **6 calendar months ending prior to the month of filing**
- Compare to the median family income for the applicable household size in this state – if Debtor's income falls below the median, then the **safe harbor** applies > Debtor need not complete Form 122A-2 or 122C-2

Disclosure of Attorney Compensation

In re

Case No. _____

Debtor Lisa Sandra Reyes

Chapter 7

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$ 0.00
Prior to the filing of this statement I have received	\$ 0.00
Balance Due	\$ 0.00

For a pro bono attorney, each of these will be \$0.00

Payment Advices

- Section 521(a)(1)(B)(iv) requires Debtor to file payment advices covering the 60 days before filing petition
- If Debtor received no payment advices during that time, she need not file anything; but local rule may require a certification to that effect
- Some courts have local rule that payment advices should be provided to the Trustee, not filed
- If Debtor cannot obtain the payment advices, may file a motion to excuse the filing and provide alternative proof of income during the 60-day period