

# Surveying the Tectonic Changes to Official Bankruptcy Forms

A Glimpse of the Landscape After December 1, 2015

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## Only A Glimpse of the New Bankruptcy Landscape

- OBJECTIVES:
  - Explain why the forms changed
  - Explain how changes to the forms affect local rules and CM/ECF
  - Provide resources to help you become familiar with the new forms
  - Introduce the most commonly used forms
  - Point out some of the most interesting changes
- INVITATION: Despite the work required to learn the new forms, recognize and appreciate the improvements

## Why Did the Forms Change?

- Forms Modernization Project: it was in the works for years
- Purposes
  - Reformatted to make the forms easier to read
  - Reworded to make the language more familiar to non-lawyers
  - Changed some questions to prompt more complete and accurate responses
  - Separate forms used in individual bankruptcies versus non-individual bankruptcies because different questions apply depending upon the nature of the debtor
  - Advances the goal of improving the interface of technology and the forms
    - Reduces need to produce the same information in multiple formats

## Global Changes: Look and Feel

- More modern appearance
- Some forms are longer
- More specific, pointed questions; fewer open-ended questions
- Designed to interface with technology better
- Gender-neutral references to Debtor 1 and Debtor 2 replace references to husband and wife in joint cases
  - Once each debtor is identified as Debtor 1 or Debtor 2, be consistent throughout the bankruptcy to refer to each debtor with the same debtor number.

## Global Changes: Substantive

- Specific forms were created for individual bankruptcies versus non-individual bankruptcies
- Form numbers were comprehensively changed
  - Individual bankruptcy forms were numbered in the 100 series
  - Non-Individual bankruptcy forms were numbered in the 200 series
  - Notices of commencement (341 Notices) were numbered in the 300 series
  - Proofs of Claim, Captions, and Appeals were numbered in the 400 series
  - Director's Procedural Forms were assigned four digit numbers

See Modernized Bankruptcy Forms Numbering Conversion Chart  
(provided with the course materials)

2014 Form Number	2014 Form Name	2015 Number	New Name
<b>Official Bankruptcy Forms</b>			
B 1	Voluntary Petition	B101	Voluntary Petition for Individuals Filing for Bankruptcy ( <i>incorporates exhibits – carves out eviction judgment statement as new form B101AB</i> )
		B101A	Initial Statement About an Eviction Judgment Against You
		B101B	Statement About Payment of an Eviction Judgment Against You
		B201	Voluntary Petition for Non-Individuals Filing for Bankruptcy
	Exhibit A	B201A	Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11
	Exhibit C	B101 B201	<i>Hazardous Property or Property That Needs Immediate Attention -- incorporated in Forms B101 and B201</i>
	Exhibit D	B101	<i>Individual Debtor's Statement of Compliance with Credit Counseling Requirement -- incorporated in Form B101</i>
	[Chapter 15 questions from Petition]	B401	Petition for Recognition of Foreign Proceeding
B 2	Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership	B202	Declaration Under Penalty of Perjury for Non-Individual Debtors ( <i>For petition, schedules, SOFA, etc.</i> )

See also 2015 Forms by Category Reference Sheet  
(provided with the course materials)

2015 FORMS BY CATEGORY	
<b>CASE OPENING INDIVIDUAL</b>	<b>CASE OPENING NON-INDIVIDUAL</b>
B101	B201
B101A	B201A
B101B	B202
B104	B204
B105	B205
B106	B206
B106A/B	B206A/B
B106C	B206D
B106D	B206E/F
B106E/F	B206G
B106G	B206H
B106H	B206I
B106I	B207
B106J	
B106J-2	
B107	
B108	
B119	
B121	
	<b>PROOFS OF CLAIM</b>
	B410
	B410A
	B410S1
	B410S2
<b>NOTICES OF COMMENCEMENT</b>	<b>MEANS TEST</b>
B309A	

## Where Are the New Bankruptcy Forms?

- <http://www.uscourts.gov/rules-policies/pending-rules-amendments/pending-changes-bankruptcy-forms>

The screenshot shows the US Courts website page titled "Pending Changes in the Bankruptcy Forms". The page includes a navigation bar with links for "Email Updates", "Court Locator", "Careers", "News", and "Search". Below the navigation bar, there are tabs for "About Federal Courts", "Judges & Judgeships", "Services & Forms", "Court Records", "Statistics & Reports", and "Rules & Policies". The main content area is titled "Pending Changes in the Bankruptcy Forms" and includes a sub-section "Pending Official Forms" with links to "Forms Number Conversion Chart", "Pending Official Bankruptcy Forms and Committee Notes", "Instructions for Official Form 410", and "Instructions for Official Form 410A". There is also a "Pending Director's Forms" section with links to "Pending Director's Forms" and "Form 410DN".

## What is NOT changing?

- Schedule I, which was already updated
  - But it was renumbered as Official Form 106I
- Schedule J, which was already updated, also has the same look and feel
  - But it was renumbered and there were a few substantive changes, as noted below
- Many forms did not change substantively
  - E.g., Disclosure of Compensation of Attorney for Debtor, Form 2030 was formerly Form B203, but changed only in number and formatting
- Local Chapter 13 Form Plan

## What is not changing YET?

- Six Official Forms are targeted to be updated in December 2016:
  - Official Form B20A (becoming Form 420A) Notice of Motion or Objection
  - Official Form B20B (becoming Form 420B) Notice of Objection to Claim
  - Official Form B25A (becoming Form 425A) Plan of Reorganization in Small Business Case Under Chapter 11
  - Official Form B25B (becoming Form 425B) Disclosure Statement in Small Business Case Under Chapter 11
  - Official Form B25C (becoming Form 425C) Small Business Monthly Operating Report
  - Official Form B26 (becoming Form 426) Periodic Report Regarding Value Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest

## What MIGHT change in the future?

- National Chapter 13 Form Plan  
(But let's not open that can of worms here . . . .)

## Bankruptcy Rule 1007 Is Changing, But Only to Update References to Form Numbers.

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

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

3 (a) CORPORATE OWNERSHIP STATEMENT.

4 LIST OF CREDITORS AND EQUITY SECURITY  
5 HOLDERS, AND OTHER LISTS.

6 (1) *Voluntary Case.* In a voluntary case, the  
7 debtor shall file with the petition a list containing the  
8 name and address of each entity included or to be  
9 included on Schedules D, ~~E~~E/E, G, and H as  
10 prescribed by the Official Forms. If the debtor is a  
11 corporation, other than a governmental unit, the  
12 debtor shall file with the petition a corporate  
13 ownership statement containing the information  
14 described in Rule 7007.1. The debtor shall file a

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

2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

15 supplemental statement promptly upon any change in  
16 circumstances that renders the corporate ownership  
17 statement inaccurate.

18 (2) *Involuntary Case.* In an involuntary case,  
19 the debtor shall file, within seven days after entry of  
20 the order for relief, a list containing the name and  
21 address of each entity included or to be included on  
22 Schedules D, ~~E~~E/E, G, and H as prescribed by the  
23 Official Forms.

24 \*\*\*\*\*

## Local Bankruptcy Rules Will Be Updated

- Because form numbers will change, the Local Bankruptcy Rules will be updated to refer to the new form numbers
- The Bankruptcy Bench Bar Committee and the Bankruptcy Court are reviewing proposed changes
- Likely schedule for amended rules:
  - Initially issued as a Standing Order, effective December 1, 2015
  - Amended rules will be made available for review and comment by the bar and the public from November 24, 2015, through December 24, 2015, and
  - Final rules effective March 17, 2016

## Local Bankruptcy Rules Will Be Updated

- The most significant forms-related changes will likely be:
  - LBR 1007.1 governing
    - Order in which bankruptcy petitions and supporting documents must be filed and
    - Which documents must be filed separately from the petition
      - E.g., local DeBN Request Form
  - Replacing old references with the new form numbers and names
- Other LBRs and Standing Orders may also change:
  - Standing Order 08-4(b)(5) states that a Mortgage Creditor must send a letter alleging default to the debtor and debtor's attorney before taking steps to modify the automatic stay. The lead time will likely be extended from 10 to 14 days.

## CM/ECF Must Be Updated

### Schedule of Availability:

- November 30, 2015: Attorneys may file until midnight, giving attorneys the maximum amount of time possible to use the old forms
- December 1, 2015: CM/ECF will be offline for software updates to be installed
- December 2, 2015: CM/ECF will be operational

## CM/ECF Interface Will Change Very Little

- A few case opening screens will be different to accommodate new form changes, but we anticipate that the bankruptcy software will handle filing for attorneys.
  - See Handout from the Administrative Office of the U.S. Courts, *Official 2015 Bankruptcy Forms in CM/ECF, Overview for Attorney* at 7-14 (provided with course materials)

Handout showing sample case opening screenshots and highlighting the changes (provided with course materials)

The left screenshot shows the title page for the 'Official 2015 Bankruptcy Forms in CM/ECF Overview for Attorney', dated December 1, 2015, from the Administrative Office of the U.S. Courts, Department of Technology Services.

The right screenshot is the 'Form 101 - Voluntary Petition for Individuals' case opening screen. It includes fields for 'Prior filing within last 8 years', 'Fee status', 'Nature of debt', 'Asset notice', 'Estimated number of creditors', 'Estimated assets', and 'Estimated liabilities'. A 'Nature of Debt' dropdown menu is highlighted in yellow, with 'OTHER' selected and 'NEW' indicated. A 'Type of Debtor' dropdown menu is also highlighted, with 'Individual' selected. A red arrow points to the 'Individual' option with the text 'Debtor for individual debtors'. A 'Small Business' dropdown menu is also visible, with 'Discontinued for cases filed after 11/01/2014' indicated.

## CM/ECF Interface Will Change Very Little

- Most CM/ECF events will remain unmodified
- There will be a few new filing events created to accommodate the new forms
- Some old events for a few old forms will remain available for a period of time so debtors can comply with orders to correct incomplete filings
  - E.g., separate events to file Schedule A, Schedule B, Schedule E, and Schedule F will remain available if a debtor filed a case before December 1, 2015, but failed to include those schedules with the petition and the court issued an order directing the debtor to file the missing schedule

## New Dictionary Events Available to Attorneys and the Corresponding New Forms (may be revised/updated as needed)

<u>New Form</u>	<u>NEW DICTIONARY EVENTS AVAILABLE TO ATTORNEYS</u>
see 101, Part 5	Bankruptcy -> Motions/Applications -> Motion for Waiver of Credit Counseling
101A	Bankruptcy -> Other -> Initial Statement of Eviction Judgment
101B	Bankruptcy -> Other -> Statement About Payment of Eviction Judgment
106A/B	Bankruptcy -> Other ->Schedule A/B
106Dec	Bankruptcy -> Other ->Declaration About Individual Debtors Schedules
106E/F	Bankruptcy -> Other ->Schedule E/F
106J-2	Bankruptcy -> Other ->Schedule J-2
202	Bankruptcy -> Other ->Declaration Under Penalty of Perjury for Non-Individual Debtors

## Modified Dictionary Events Available to Attorneys and the Corresponding New Forms (may be revised/updated as needed)

<u>New Form</u>	<u>REVISED DICTIONARY EVENTS</u>
101	Bankruptcy -> Open Voluntary BK Case
103B	Bankruptcy -> Application to Have the Filing Fee Waived
104, 204	Bankruptcy -> Other -> 20 Largest Unsecured Creditors For Individual Debtor
105	Bankruptcy -> Open Involuntary Case Ch7
105	Bankruptcy -> Open Involuntary Case Ch11
106D	Bankruptcy -> Other -> Schedule D
106G	Bankruptcy -> Other -> Schedule G
106H	Bankruptcy -> Other -> Schedule H
106I	Bankruptcy -> Other -> Schedule I
106J	Bankruptcy -> Other -> Schedule J
106Sum	Bankruptcy -> Other -> Summary of Assets and Liabilities
107	Bankruptcy -> Other -> Statement of Financial Affairs

## What should I be doing now?

- Review the forms and become familiar with them
- Contact your bankruptcy software provider to verify
  - 1. They will continue to provide software after December 1, 2015
    - At least two bankruptcy software providers announced that they will not support the new forms after November 30, 2015
  - 2. You know when and how to get updated software by December 1, 2015
  - Note: Our IT group is reaching out to software companies to give them access to our Test system so they can verify that their software will work in Kansas
- Review the new Standing Order and proposed Local Bankruptcy Rules when they are published on the court's website

## Form 101: Voluntary Petition for Individual

- Renumbered to distinguish it from petitions filed by non-individuals
  - Petitions for non-individuals must use Form 201
- New form is 8 pages
  - Partly because some of the material from Exhibits B and D have become part of Form 101

## Form 101: Voluntary Petition for Individual

- Line 7: Avoid inconsistent entries
  - This line prompts for debtor to mark which chapter debtor is filing under
  - Top of page 1 includes the same prompt

**Part 2: Tell the Court About Your Bankruptcy Case**

7. The chapter of the Bankruptcy Code you are choosing to file under

Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

Chapter 7

Chapter 11

Chapter 12

Chapter 13

## Form 101: Voluntary Petition for Individual

- Line 10: In addition to prompting for “bankruptcy cases pending” by a spouse, business partner or affiliate, it now asks if bankruptcy is “being filed” by those persons

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

## Form 101: Voluntary Petition for Individual

- Old Exhibits A, B, C and D are eliminated
  - Old Exhibit A eliminated because it does not apply to individual debtors
  - Old Exhibit B is incorporated into the attorney signature page at page 7 of the new Form 101
  - Old Exhibit C is replaced by Line 14 which prompts debtor to list hazardous property
    - Line 14 also adds a prompt for debtor to identify “property that needs immediate attention” such as perishable property, animals needing care, or a building requiring urgent repairs (winterizing)
  - Old Exhibit D is replaced by Line 15 which prompts debtor to explain efforts to obtain credit counseling

## Form 101: Voluntary Petition for Individual

### Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety?  No

Yes. What is the hazard? \_\_\_\_\_

\_\_\_\_\_

Or do you own any property that needs immediate attention?

*For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?*

If immediate attention is needed, why is it needed? \_\_\_\_\_

\_\_\_\_\_

Where is the property? \_\_\_\_\_

Number Street

\_\_\_\_\_

City State ZIP Code

## Form 101: Voluntary Petition for Individual

Line 15: There is still no official form for either a

- Motion for a 30-day temporary waiver of the credit counseling requirement

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a

- Motion for waiver of credit counseling

I am not required to receive a briefing about credit counseling because of:

**Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

**Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

**Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

## Form 101: Voluntary Petition for Individual

- Lines 19 and 20: Assets and Liabilities
  - Include new categories over \$1 billion.

19. How much do you estimate your assets to be worth?	<input type="checkbox"/> \$0-\$50,000	<input type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
	<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
	<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
	<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion
20. How much do you estimate your liabilities to be?	<input type="checkbox"/> \$0-\$50,000	<input type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
	<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
	<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
	<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

Part 7. Sign Below

## Form 101 and New Form 2010

- Formerly: LBR 1007.1(a)(1)(P) required a certificate (Form 201B) pursuant to 11 U.S.C. § 521(a)(1)(B)(iii)(I) verifying that the notice to debtors required by 11 U.S.C. § 342(b) (former Procedural Form 201) had been either given by the attorney to the debtor or the pro se debtor had read the notice.
- Now:
  - The certificate is included at the end of the individual petition (Official Form 101).
  - The new notice is Form 2010, Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy.

## Form 101 and New Form 2010

- Certification by pro se debtor

<b>Part 7: Sign Below</b>	
For you	<p>I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.</p> <p>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.</p> <p style="border: 1px solid red; padding: 2px;">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).</p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>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.</p>
	<p>✕ _____ ✕ _____</p> <p>Signature of Debtor 1                      Signature of Debtor 2</p>
	<p>Executed on _____ Executed on _____</p> <p style="font-size: small;">MM / DD / YYYY                      MM / DD / YYYY</p>

## Form 101 and New Form 2010

- Certification by attorney

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

\_\_\_\_\_ Date \_\_\_\_\_  
Signature of Attorney for Debtor MM / DD / YYYY

## Form 101: Voluntary Petition for Individual

- Page 8: Strongly encourages pro se debtors to hire a qualified attorney
- No need to file this page if debtor has an attorney
- Including this page with an email address does NOT satisfy the requirement of Standing Order 15-1 and Interim LBR 9036.1 to file a DeBN Request Form
  - The DeBN Request Form is required to express each debtor's decision to participate or decline participation in the Debtor Electronic Bankruptcy Notification program

## Form 101: Voluntary Petition for Individual

For you if you are filing this bankruptcy without an attorney

If you are represented by an attorney, you do not need to file this page.

The law allows you, as an individual, to represent yourself in bankruptcy court, but you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another

## Form 101: Voluntary Petition for Individual

- Line 11 together with new Official Forms 101A and 101B replace the old “certification by a debtor who resides as a tenant of residential property”
  - Line 11 prompts debtors to state whether they rent their residence.
  - If they rent and their landlord has an eviction judgment against them, they must file new Form 101A, Initial Statement About An Eviction Judgment Against You, with the petition.

## New Form 101A: Initial Statement About an Eviction Judgment Against You

- Required only if
  - Debtor's landlord has an eviction judgment against the debtor and
  - The Debtor rents the residence
- If debtor wishes to stay in the rented residence up to 30 days, this form provides the notice contemplated by 11 U.S.C. § 362(b)(22) and subsection (l) to stay eviction for the first 30 days after filing of the petition
- File this form with the petition and serve Form 101A on the landlord

## New Form 101B: Statement About Payment of an Eviction Judgment Against You

- Used by debtors to declare their right to stay in their residence more than 30 days after filing bankruptcy by certifying under penalty of perjury that they:
  - Have the right to stay by law if they pay the entire delinquent amount, and/or
  - Paid the entire judgment amount to their landlord within 30 days of filing bankruptcy
- Within 30 days after the individual files a voluntary petition, this form must be
  - Filed and
  - Served on the landlord

## New Form 103A: Application for Individuals to Pay the Filing Fee in Installments

- If your software package permits it: Disable it from submitting the proposed Order Approving Payment of Filing Fee in Installments (page 2 of New Form 103A).
  - The proposed order is unhelpful and unnecessary.
- In Chapter 13 cases: If you intend the filing fee to be paid through the plan, it is helpful if you add that language immediately above the "Total" in Part 1 of Form 103A.
  - For example, some attorneys include language like:
    - "[X] Balance to be paid through the Plan by Chapter 13 Trustee"

Official Form 103A  
**Application for Individuals to Pay the Filing Fee in Installments** 12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

**Part 1: Specify Your Proposed Payment Timetable**

1. Which chapter of the Bankruptcy Code are you choosing to file under?

Chapter 7  
 Chapter 11  
 Chapter 12  
 Chapter 13

2. You may apply to pay the filing fee in up to four installments. Fill in the amounts you propose to pay and the dates you plan to pay them. Be sure all dates are business days. Then add the payments you propose to pay.

You must propose to pay the entire fee no later than 120 days after you file this bankruptcy case. If the court approves your application, the court will set your final payment timetable.

You propose to pay...

\$ \_\_\_\_\_  With the filing of the petition  
 On or before this date..... MM / DD / YYYY

\$ \_\_\_\_\_ On or before this date..... MM / DD / YYYY

\$ \_\_\_\_\_ On or before this date..... MM / DD / YYYY

+ \$ \_\_\_\_\_ On or before this date..... MM / DD / YYYY

Total \$ \_\_\_\_\_

**[X] Balance to be paid through the Plan by Chapter 13 Trustee**

◀ Your total must equal the entire fee for the chapter you checked in line 1.

## New Form 103B: Application to Have the Chapter 7 Filing Fee Waived

- If your software package permits it: Disable it from submitting the proposed Order on the Application to Have the Chapter 7 Filing Fee Waived (page 2 of New Form 103B).
  - The proposed order is unhelpful and unnecessary.

## New Form 106A/B: Property

- Combines old Schedule A (real property) and old Schedule B (personal property)
- Part 1: All real property must be listed in this section, including
  - Business-related real property
  - Farm-related real property
- More specific information is requested about each property

## New Form 106A/B: Part 1, Real Property

### Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- No. Go to Part 2.  
 Yes. Where is the property?

1.1. \_\_\_\_\_  
 Street address, if available, or other description

\_\_\_\_\_  
 City State ZIP Code

\_\_\_\_\_  
 County

**What is the property?** Check all that apply.

- Single-family home  
 Duplex or multi-unit building  
 Condominium or cooperative  
 Manufactured or mobile home  
 Land  
 Investment property  
 Timeshare  
 Other \_\_\_\_\_

**Who has an interest in the property?** Check one.

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

Other information you wish to add about this item, such as local property identification number: \_\_\_\_\_

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

**Current value of the entire property?** **Current value of the portion you own?**

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

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Check if this is **community property** (see instructions)

## New Form 106A/B: Personal Property

- Personal Property categories are completely reorganized
- Items are listed in logical categories:
  - Part 2: Vehicles
  - Part 3: Household items
  - Part 4: Financial assets
  - Part 5: Business-related property (not realty)
  - Part 6: Farm and Commercial Fishing property (not realty)
  - Part 7: Catch-all for anything not listed above

## New Form 106A/B: Part 2, Vehicles

Prompts for information about two main categories of vehicles

- Line 3:
  - Cars
  - Vans
  - Trucks
  - Tractors
  - Sport utility vehicles
  - Motorcycles
- Line 4:
  - Watercraft
  - Aircraft
  - Motor homes
  - ATVs and other recreational vehicles
  - Other vehicles
  - Accessories

## New Form 106A/B: Part 2, Vehicles

- More precise detail is elicited.

**Part 2: Describe Your Vehicles**

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

No  
 Yes

3.1. Make: \_\_\_\_\_  
 Model: \_\_\_\_\_  
 Year: \_\_\_\_\_  
 Approximate mileage: \_\_\_\_\_  
 Other information: \_\_\_\_\_

Who has an interest in the property? 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 is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ \_\_\_\_\_  
 Current value of the portion you own? \$ \_\_\_\_\_

## New Form 106A/B: Part 3, Household items

- Regroups some items
  - Furs are now clothing rather than jewelry
  - Firearms are their own separate category, no longer part of sporting equipment
  - Non-farm animals have their own category

## New Form 106A/B: Part 4, Financial Assets

- Two new categories
  - Line 18: Bonds, mutual funds, or publicly traded stocks
  - Line 33: Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment
    - This category prompts debtors to list tort claims, such as medical malpractice claims, that they might otherwise have overlooked
    - Helps prevent debtors from being estopped from filing claims because of their failure to disclose them to the Bankruptcy Court
- Explicitly prompts for ABLÉ accounts to be listed among education IRAs
  - Line 24: "Interests in an education IRA, in an account in a qualified ABLÉ program, or under a qualified state tuition program"

## Form 106C: The Property You Claim as Exempt

- Line 1: Reverses the order in which the exemptions are listed
  - Old Schedule C lists the statutory references in numerical order
    - 11 U.S.C. § 522(b)(2) – federal exemptions
    - 11 U.S.C. § 522(b)(3) – state exemptions
  - New Form 106C lists statutory references in REVERSE numerical order

### 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)

## Form 106C: The Property You Claim as Exempt

- Line 2: List of Exempt Property
  - Now requires debtor to list the line number from Schedule A/B where the exempt property was listed
  - Prompts for the “value” of the portion of the asset owned by debtor
  - Prompts for the “amount” of the exemption, rather than the value.
  - Pursuant to *Schwab v. Reilly*, 560 U.S. 770 (2010), the amount of exemption can be marked as either
    - limited by a dollar amount
    - 100% of fair market value, up to any applicable statutory limit

## Form 106C: The Property You Claim as Exempt

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 <u>value</u> of the portion you own	<u>Amount</u> of the exemption you claim	Specific laws that allow exemption
Copy the value from <i>Schedule A/B</i>	Copy the value from <i>Schedule A/B</i>	Check only one box for each exemption.	
Brief description: _____	\$ _____	<input type="checkbox"/> \$ _____	_____
Line from <i>Schedule A/B</i> : _____		<input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____

## Form 106C: The Property You Claim as Exempt

- PRACTICE TIP:
- If Schedule C (exempt property) is amended, please file it separately using the CM/ECF event specific to Schedule C
  - Bankruptcy -> Other -> Amended Schedule C
  - Include a Form 106Dec with the amended Form 106C
- Filing the Amended Schedule C separately allows the Clerk's Office to serve it to the matrix with a Notice of Amended Schedule C that includes a time limit to object.

## Form 106D: Creditors Who Have Claims Secured by Property

- New check boxes to describe the nature of the lien
  - Agreement (mortgage or secured loan)
  - Statutory lien
  - Judgment lien
  - Other
- Prompts debtors to list only the last four digits of their account number
  - Reduces the temptation to share too much information
  - Obviates need to file motion to redact

## Form 106D: Creditors Who Have Claims Secured by Property

<b>Part 1: List All Secured Claims</b>		<i>Column A</i> Amount of claim Do not deduct the value of collateral.	<i>Column B</i> Value of collateral that supports this claim	<i>Column C</i> Unsecured portion if any
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.				
2.1	Describe the property that secures the claim:			\$ _____ \$ _____ \$ _____
Creditor's Name _____		As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed		
Number _____ Street _____				
City _____ State _____ ZIP Code _____		<b>Nature of lien.</b> Check all that apply. <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 type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____		
Who owes the debt? Check one. <input 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				
Date debt was incurred _____		Last 4 digits of account number _____		

## Form 106D: Creditors Who Have Claims Secured by Property

- New Part 2: List Others to Be Notified for a Debt That You Already Listed
  - Identifies persons other than the principle creditor about a debt
  - E.g., collection agency pursuing a debt for the creditor
- Indicate the line in Part 1 where the debt was listed
  - Cross-referencing is similar to 106C exemptions and Part 3 of Form 106E/F

## Form 106D: Creditors Who Have Claims Secured by Property

### Part 2: List Others to Be Notified for a Debt That You Already Listed

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

<input type="checkbox"/>	Name _____ Number _____ Street _____ _____ City _____ State _____ ZIP Code _____	On which line in Part 1 did you enter the creditor? _____ Last 4 digits of account number _____
--------------------------	---	--

## New Form 106E/F: Creditors Who Have Unsecured Claims

- Combines the list of Priority claims with General Unsecured claims
- Claims should be listed alphabetically by creditor
- Part 1: Priority Claims
  - New Form: Check boxes are provided for the debtor to indicate the Priority type for each claim (for statistical purposes)
    - Domestic support obligations
    - Taxes and government debts
    - Claims for death and personal injury while debtor was intoxicated
    - Other – requires debtor to enter the basis for priority
  - Old Schedule E had 9 check boxes to mark “if claims in that category” were listed among the priority claims on the attached sheets.

## New Form 106E/F: Part 1, Priority Claims

**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.)

	Total claim	Priority amount	Nonpriority amount
2.1	\$ _____	\$ _____	\$ _____

Priority Creditor's Name \_\_\_\_\_ Last 4 digits of account number \_\_\_\_\_  
 Number \_\_\_\_\_ Street \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_  
 When was the debt incurred? \_\_\_\_\_

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

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

**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 \_\_\_\_\_

## New Form 106E/F: Part 2 Nonpriority Unsecured Claims

- Part 2: “Nonpriority Claims”
  - New Form: Check boxes are provided for the debtor to indicate the Nonpriority type for each claim (for statistical purposes)
    - Student loans
    - Nonpriority obligations arising out of separation agreement or divorce
    - Debts to pension or profit-sharing plans, and similar debts
    - Other – requires debtor to enter the basis for nonpriority of the claim
  - Similar to many other forms, it offers continuation pages if there are more claims than will fit on the first page of the form

## New Form 106E/F: Part 2 Nonpriority Unsecured Claims

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

				Total claim	
4.1	Nonpriority Creditor's Name _____			Last 4 digits of account number _____ \$ _____	
	Number _____	Street _____	When was the debt incurred? _____		
	City _____	State _____	ZIP Code _____	As of the date you file, the claim is: Check all that apply.	
Who incurred the debt? Check one.			<input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed		
<input 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 is for a community debt			<b>Type of NONPRIORITY unsecured claim:</b> <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input type="checkbox"/> Other. Specify _____		
Is the claim subject to offset?					
<input type="checkbox"/> No <input type="checkbox"/> Yes					

## New Form 106E/F: Part 2 Continuation Page

**Part 2: Your NONPRIORITY Unsecured Claims** **Continuation Page**

After listing any entries on this page, number them beginning with 4.5, followed by 4.6, and so forth.

		Total claim
<input type="checkbox"/>		
Nonpriority Creditor's Name _____		Last 4 digits of account number _____ \$ _____
Number _____ Street _____		When was the debt incurred? _____
City _____ State _____ ZIP Code _____		As of the date you file, the claim is: Check all that apply.
Who incurred the debt? Check one.		<input type="checkbox"/> Contingent
<input type="checkbox"/> Debtor 1 only		<input type="checkbox"/> Unliquidated
<input type="checkbox"/> Debtor 2 only		<input type="checkbox"/> Disputed
<input type="checkbox"/> Debtor 1 and Debtor 2 only		Type of NONPRIORITY unsecured claim:
<input type="checkbox"/> At least one of the debtors and another		<input type="checkbox"/> Student loans
<input type="checkbox"/> Check if this claim is for a community debt		<input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims
Is the claim subject to offset?		<input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts
<input type="checkbox"/> No		<input type="checkbox"/> Other. Specify _____
<input type="checkbox"/> Yes		

## New Form 106E/F: Part 3, List Others to Be Notified About a Debt That You Already Listed

- Similar to Part 2 of Form 106D (secured claims)
- Indicate the line in Part 1 or Part 2 where the debt was listed as either a priority or nonpriority claim.

**Part 3: List Others to Be Notified About a Debt That You Already Listed**

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name _____	On which entry in Part 1 or Part 2 did you list the original creditor?
Number _____ Street _____	Line _____ of (Check one): <input type="checkbox"/> Part 1: Creditors with Priority Unsecured Claims
_____	<input type="checkbox"/> Part 2: Creditors with Nonpriority Unsecured Claims
City _____ State _____ ZIP Code _____	Last 4 digits of account number _____

## Form 106G: Executory Contracts

- This form was simplified
- Now it only requires debtor to identify the person with whom the executory contract is made and “what the contract or lease is for”

2. List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

	Person or company with whom you have the contract or lease	State what the contract or lease is for
2.1	Name _____ Number      Street _____ City _____ State      ZIP Code _____	

## Form 106H: Your Codebtors

- Breaks out the question about having lived in a community property state within the past 8 years.

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)

No  
 Yes

2. Within the last 8 years, have you lived in a community property state or territory? (*Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.*)

No. Go to line 3.  
 Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?

No  
 Yes. In which community state or territory did you live? \_\_\_\_\_ Fill in the name and current address of that person.

\_\_\_\_\_  
 Name of your spouse, former spouse, or legal equivalent

\_\_\_\_\_  
 Number      Street

\_\_\_\_\_  
 City      State      ZIP Code

## Form 106H: Your Codebtors

- Prompts debtor to cross-reference prior form and line on which the debt was listed previously.

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on *Schedule D* (Official Form 106D), *Schedule E/F* (Official Form 106E/F), or *Schedule G* (Official Form 106G). Use *Schedule D*, *Schedule E/F*, or *Schedule G* to fill out Column 2.

	Column 1: Your codebtor	Column 2: The creditor to whom you owe the debt
3.1	Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Check all schedules that apply: <input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____

## Form 106I: Your Income

Hooray! This one is already familiar.

## New Form 106J-2: Expenses for Separate Household of Debtor 2

- Reports the separate household expenses of Debtor 2.
- Schedule J-2 is used only when individual debtors maintain separate households, *see* Schedule J, Part 1, Question 1.
- Parallels Schedule J, but expenses listed on Schedule J should not be listed again on Schedule J-2, otherwise expenses would be doubled.
  - Schedule J-2 subtotals the separate household expenses of Debtor 2

## New Form 106J-2: Expenses for Separate Household of Debtor 2

- Line 22b on Schedule J includes the subtotal of monthly expenses from Schedule J-2.

22. Calculate your monthly expenses.		
22a. Add lines 4 through 21.	22a.	\$ _____
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	22b.	\$ _____
22c. Add line 22a and 22b. The result is your monthly expenses.	22c.	\$ _____
23. Calculate your monthly net income.		
23a. Copy line 12 ( <i>your combined monthly income</i> ) from Schedule I.	23a.	\$ _____
23b. Copy your monthly expenses from line 22c above.	23b.	– \$ _____
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c.	\$ _____

## New Form 106J-2: Expenses for Separate Household of Debtor 2

- Line 23 is “not used” in Schedule J-2.

22. Your monthly expenses. Add lines 5 through 21.  
The result is the monthly expenses of Debtor 2. Copy the result to line 22b of Schedule J to calculate the total expenses for Debtor 1 and Debtor 2.

22. \$ \_\_\_\_\_

23. Line not used on this form.

## New Form 106Sum: Summary of Your Assets and Liabilities and Certain Statistical Information

- No longer includes a Summary of Schedules asking which schedules are attached and the number of pages.
- Reorders the items from the old Statistical Summary of Certain Liabilities and Related Data

## New Form 106Dec: Declaration About an Individual Debtor's Schedules

- This form must always be filed every time one or more schedules is filed
  - Must accompany any set of schedules when initially filed
  - Must also accompany any amended schedule(s)

### **Declaration About an Individual Debtor's Schedules**

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

## Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Reorders the topics
  - E.g., marital status in community property states (former line 16) and prior addresses (line 15) now come in Part 1
- Reorganizes the questions into Parts.

## Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 1: Give Details About Your Marital Status and Where You Lived Before
- Part 2: Explain the Sources of Your Income
- Part 3: List Certain Payments You Made Before You Filed Bankruptcy
- Part 4: Identify Legal Actions, Repossessions, and Foreclosures
- Part 5: List Certain Gifts and Contributions
- Part 6: List Certain Losses
- Part 7: List Certain Payments or Transfers
- Part 8: List Certain Financial Accounts, Investments, Safe Deposit Boxes, and Storage Units
- Part 9: Identify Property You Hold or Control for Someone Else
- Part 10: Give Details About Environmental Information
- Part 11: Give Details About Your Business or Connections to Any Business
- Part 12: Sign Below

## Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Reorders the topics.
  - E.g., marital status in community property states (former line 16) and prior addresses (line 15) now come in Part 1
- Part 2: Prompts debtor to acknowledge if income comes from
  - Wages, commissions, bonuses
  - Operating a business
- Explicitly requires all income to be disclosed for three periods:
  - Partial calendar year from January 1
  - The most recent full calendar year
  - The “calendar year before that”

## Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

### 4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities.

If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

- No  
 Yes. Fill in the details.

	Debtor 1		Debtor 2
	<b>Sources of income</b> Check all that apply.	<b>Gross income</b> (before deductions and exclusions)	<b>Sources of income</b> Check all that apply.
<b>From January 1 of current year until the date you filed for bankruptcy:</b>	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	\$ _____	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business
<b>For last calendar year:</b> (January 1 to December 31, _____)	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	\$ _____	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business
<b>For the calendar year before that:</b> (January 1 to December 31, _____)	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	\$ _____	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business

## Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 3: Narrower question prompts debtors with primarily consumer debts to list payments to creditors within 90 days prior to filing the petition:
  - Old Form B7 Line 3b asked debtors to list payments or transfers to creditors within 90 days before filing the bankruptcy “unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600”
  - New Form 107 Line 6 prompts for a listing of “each creditor to whom you paid a total of \$600 or more”
    - Excludes domestic support obligations
    - Does not include a reference to transfers affecting property with a value of more than \$600

## Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?

No. Go to line 7.

Yes. List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

	Dates of payment	Total amount paid	Amount you still owe	Was this payment for...
Creditor's Name	_____	\$ _____	\$ _____	<input type="checkbox"/> Mortgage
Number Street	_____			<input type="checkbox"/> Car
	_____			<input type="checkbox"/> Credit card
City State ZIP Code				<input type="checkbox"/> Loan repayment
				<input type="checkbox"/> Suppliers or vendors
				<input type="checkbox"/> Other _____

## Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 3: Asks separate questions for payments within 1 year of bankruptcy:
  - To insiders
  - For the benefit of insiders
- Now the form's definition of insiders includes "partnerships of which you are a general partner"

## Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 5: Gifts must be disclosed if the total value is \$600 over a two-year lookback period to any person or charity

**Part 5: List Certain Gifts and Contributions**

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

No  
 Yes. Fill in the details for each gift.

Gifts with a total value of more than \$600 per person	Describe the gifts	Date you gave the gifts	Value
Person to Whom You Gave the Gift _____ Number Street _____ City State ZIP Code _____ Person's relationship to you _____		_____	\$ _____
		_____	\$ _____

## Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 7: Now requires debtor to list email address or website of persons debtor paid for consultation about bankruptcy or petition preparation

**Part 7: List Certain Payments or Transfers**

18. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?  
 Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

No  
 Yes. Fill in the details.

Person Who Was Paid	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Number Street _____ _____ City State ZIP Code _____ Email or website address _____ Person Who Made the Payment, if Not You _____		_____	\$ _____
		_____	\$ _____

## Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 11: Information about individual debtors' businesses is much simpler and less detailed.

**Part 11: Give Details About Your Business or Connections to Any Business**

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time

A member of a limited liability company (LLC) or limited liability partnership (LLP)

A partner in a partnership

An officer, director, or managing executive of a corporation

An owner of at least 5% of the voting or equity securities of a corporation

No. None of the above applies. Go to Part 12.

Yes. Check all that apply above and fill in the details below for each business.

Business Name	<u>Describe the nature of the business</u>	Employer Identification number Do not include Social Security number or ITIN.
Number Street	<u>Name of accountant or bookkeeper</u>	EIN: _____
City State ZIP Code		<u>Dates business existed</u> From _____ To _____

## New Form 121: Statement About Your Social Security Numbers

- Reserved for use by pro se filers.
- Attorneys should only file the Kansas-specific "Declaration Re: Electronic Filing"
  - Kansas-specific form is required by LBR 5005.1
  - Local form is found on our website at [www.ksb.uscourts.gov/images/ksb\\_forms/06\\_05\\_2009\\_decldue.pdf](http://www.ksb.uscourts.gov/images/ksb_forms/06_05_2009_decldue.pdf)
  - Be certain to include the debtor's Social Security Number on the Declaration Re: Electronic Filing

## Kansas-specific Form: “Declaration Re: Electronic Filing”

Updated 06/05/2009

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF KANSAS

In re: \_\_\_\_\_ )  
 \_\_\_\_\_ ) Bankruptcy Case No. \_\_\_\_\_  
 Debtor(s), Full Social Security Number(s) )

**DECLARATION RE: ELECTRONIC FILING**

**PART I - DECLARATION OF PETITIONER:**

I [We] \_\_\_\_\_ and \_\_\_\_\_, the undersigned debtor(s), corporate officer, partner, or member, hereby declare under penalty of perjury that I [we] have reviewed the information provided in the electronically filed petition, statements and schedules and the information is true and correct. I [We] further declare under penalty of perjury that the foregoing Social Security number and/or Individual Taxpayer-Identification Number is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules and any future amendments of these documents to the United States Bankruptcy Court, United States Trustee and Panel Trustee. I understand that this **DECLARATION RE: ELECTRONIC FILING** is to be filed with the Clerk after the petition has been filed electronically but, in any event, no later than 5 business days after the petition has been filed. I understand that failure to file the signed original of this **DECLARATION** will cause my case to be dismissed without further notice.

I [We] declare under penalty of perjury that I [We] do not have either a Social Security Number or an Individual Taxpayer-Identification Number.

[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 11 United States Code, understand the relief available under each such

## New Forms 122A-1, 122B, 122C-1: Statements of Your CMI

- Second column prompts for information specific to Debtor 2 for:
  - Question 5 (net income from farm or business) and
  - Question 6 (net income from rental and other real property).

	Debtor 1	Debtor 2		
<b>5. Net income from operating a business, profession, or farm</b>				
Gross receipts (before all deductions)	\$ _____	\$ _____		
Ordinary and necessary operating expenses	- \$ _____	- \$ _____		
Net monthly income from a business, profession, or farm	\$ _____	\$ _____	Copy here →	\$ _____ \$ _____
<b>6. Net income from rental and other real property</b>				
Gross receipts (before all deductions)	\$ _____	\$ _____		
Ordinary and necessary operating expenses	- \$ _____	- \$ _____		
Net monthly income from rental or other real property	\$ _____	\$ _____	Copy here →	\$ _____ \$ _____

## New Form 122B: Chapter 11 Statement of Your CMI

- Old form Part 2 has been eliminated.
  - Exclusion of income of a debtor's non-filing spouse is unnecessary because that income need not be reported.

## New Forms 122A-2 and 122C-2

- Now includes line for ABLE accounts (26 U.S.C. § 529A(b)) now that they may be included in the deduction for contributions to the care of household or family members.
  - Authorized by 11 U.S.C. S 707(b)(2)(A)(ii)(II) by Tax Increase Prevention Act of 2014, Pub. L. No. 113-295.

26. Continuing contributions to the care of household or family members. 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. These expenses may include contributions to an account of a qualified ABLE program. 26 U.S.C. § 529A(b).

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

## New Form 410: Proof of Claim Attachment A Mortgage Proof of Claim Attachment

- Old Form: required itemized information about
  - Principal
  - Interest
  - Fees Due as of the petition date
  - Amount needed to cure a prepetition default
- New Form: requires a loan history with
  - Dates payments were received and how payments were applied
  - When fees and charges were incurred
  - When escrow charges were satisfied

## New Form 410: Proof of Claim Attachment A Mortgage Proof of Claim Attachment

- Loan history must begin with the first missed payment that was not completely cured.
- New form is designed to be automated to comply with Rule 3001(c)(2)(C)
- Intention is to increase transparency about claim and arrearage calculations

# New Form 410: Proof of Claim Attachment A Mortgage Proof of Claim Attachment

**Mortgage Proof of Claim Attachment** (12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information		Part 2: Total Debt Calculation		Part 3: Arrearage as of Date of the Petition		Part 4: Monthly Mortgage Payment	
Case number:	_____	Principal balance:	_____	Principal & interest due:	_____	Principal & interest:	_____
Debtor 1:	_____	Interest due:	_____	Prepetition fees due:	_____	Monthly escrow:	_____
Debtor 2:	_____	Fees, costs due:	_____	Escrow deficiency for funds advanced:	_____	Private mortgage insurance:	_____
Last 4 digits to identify:	_____	Escrow deficiency for funds advanced:	_____	Projected escrow shortage:	_____	Total monthly payment:	_____
Creditor:	_____	Less total funds on hand:	_____	Less funds on hand:	_____		
Servicer:	_____	Total debt:	_____	Total prepetition arrearage:	_____		
Fixed accrual/daily simple interest/other:	_____						

**Part 5: Loan Payment History from First Date of Default**

Account Activity					How Funds Were Applied/Amount Incurred					Balance After Amount Received or Incurred						
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance

# New Form 318: Discharge Forms

- All forms: The vestigial references to distinction between pre-BAPCPA and post-BAPCPA cases are removed.

## Use Form 2500A: Summons

- When requesting a summons to be issued from the Clerk's Office, use Form 2500A, Summons in an Adversary Proceeding
  - Not 2500B, Summons and Notice of Pretrial Conference in an Adversary Proceeding
  - Not 2500C, Summons and Notice of Trial in an Adversary Proceeding
- The New Form 2500A will be posted on the Bankruptcy Court's public website.

## Bankruptcy Clerk's Office Contacts

- David Zimmerman, Clerk of the Bankruptcy Court, District of Kansas
  - (316) 315-4180
- Stephanie Mickelsen, Chief Deputy Clerk
  - (785) 338-5910
- Judy Cowger, Supervisor, Kansas City (Kansas) Division
  - (913) 735-2112
- Melanie Davis, Supervisor, Wichita Division
  - (316) 315-4112
- Donna Urbom-McClure, Supervisor, Topeka Division
  - (785) 338-5912