

Information & Instructions: Sample Bankruptcy Filing Instructions For A Chapter 7 Case

PREVIEW

1. The following instructions explain the fees, order of documents and diskette requirements for filing a chapter 7 bankruptcy.
2. The instructions were promulgated from a local order; YOU MUST CHECK WITH THE BANKRUPTCY COURT TO SEE IF THEIR LOCAL RULES HAVE DIFFERENT REQUIREMENTS.
3. The instructions are for illustrative purposes and the attorney should ascertain if similar instructions are available or required in the district that the bankruptcy will be filed in.

Form: Sample Bankruptcy Filing Instructions For A Chapter 7 Case

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BANKRUPTCY FILING INSTRUCTIONS FOR A CHAPTER 7 CASE

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Chapter 7 Petition Filing Package Instructions

Instructions for Completing and filing Voluntary Chapter 7 Petitions
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Chapter 7 Petition Filing Package

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Form F209, Disclosure of Compensation of Attorney or Debtor
Statement of Assistance or Non-Attorney with Respect to the Filing of this

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Petition

Disclosure of Compensation of Bankruptcy Petitioner
Verification of Creditor Mailing List

PREVIEW

SAMPLE INSTRUCTIONS FOR COMPLETING AND FILING

Voluntary Chapter 7 Petitions

The following instructions apply to voluntary bankruptcy petitions, statements and schedules to be filed under Chapter 7 of the Bankruptcy Code. These instructions reflect the Judiciary and Judicial Procedure Code Section 604; Bankruptcy Code Sections 101, 109, 110, 301, 302, and 521; Federal Bankruptcy Rules 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1015, and 9011; Local Bankruptcy Rules 102(7), 103, 105, and 111(7)(e); Reference to these Code sections and Rules are made below.

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Persons filing these documents without the assistance of an attorney are advised to obtain a copy of the current Local Rules and applicable General Orders of the Bankruptcy Court and the other applicable United States Codes and Federal Court Rules and to comply as discussed below.

The Local Rules are available for viewing in any [Name] i.e. DISTRICT OF TEXAS Bankruptcy Court Clerk's Office. Failure to comply may result in dismissal of the bankruptcy case. If the required papers are not timely filed, Chapter 7 cases are subject to being dismissed without further notice or hearing. In addition, the dismissal order may provide that the dismissal is under Bankruptcy Code, Section 109(g)(1), which would bar any refiling of another bankruptcy petition by or against the debtor for a period of 180 days (effective December 18, 1997).

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1. All papers shall be typed, hand printed, or photocopied in accordance with Local Rule 103(4)(a), except for the Master Mailing List.

The list of creditors must be typed on blank, unlined, standard white 8-1/2 x 11 inch bond paper and shall be prepared in accordance with instructions and specifications promulgated by the Clerk."

A copy of the related instructions, labeled **Master Mailing List Requirements**, is attached. The address of the United States Trustee shall be provided, on the first page of the Master Mailing List, in accordance with Local Rule [Number] [See Item IX below]. Model Master Mailing List pages [See Exhibits 1 and 2] are also included with these instructions.

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Section (c) requires the debtor to make some additional entries on the petition page and file a PC Computer Readable 3.5" Diskette containing the names and addresses of all entities shown in **Schedules D, E, and F** when there are more than 100 creditors or equity holders. The specific format for this diskette is shown in Exhibit 3.

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2. The debtor shall place his or her full name, address, and county of residence in the spaces provided on the petition. If this is a joint case, the names, addresses, and county of residence of the debtor's spouse shall also be placed in the spaces provided for this purpose. Street addresses, as well as any Post Office boxes used, shall be provided in accordance with Local Rule 103(7)(a).

If the mailing address is different from the street address for either the debtor or his or her spouse, these mailing addresses must also be provided. All other names used by the debtor or spouse in the last six years, including married, maiden, and trade names, shall be provided in accordance with Bankruptcy Rule 1005. Individuals may not list DBA "Doing Business As..." names in their petitions if those names relate to partnerships or corporations. Separate petitions are required for such partnership or corporate businesses. After filing, these cases may be substantively consolidated, or jointly administered, by formal order of the Court.

3. The debtor, and the debtor's spouse in a joint case, shall place their social security numbers and, if appropriate, their tax ID numbers, in the spaces provided.

4. Individual and joint debtors may or may not be represented by an attorney. Debtors filing a petition on behalf of a corporation, partnership, or unincorporated association must be represented by an attorney. The attorney's state bar identification number shall appear together with the Attorney's name, address and telephone number in the space provided on the petition. The attorney's signature is required several times in these papers, and each time he or she signs in one of the indicated spaces, the Attorney's name must be typed below the signature.

5. If the debtor is represented by an attorney, the attorney's telephone number must be provided in the indicated space on the petition. If the debtor is not represented by an attorney, the debtor's telephone number must be provided.

6. 11 U.S.C. Section 110(a) defines a bankruptcy petition preparer as someone who is not an attorney nor employee of an attorney and who, for compensation, prepares a petition or any other document prepared for the debtor for a bankruptcy case in the bankruptcy or district court. If a bankruptcy petition preparer assists the debtor in the preparation of the petition or related documents, the bankruptcy petition preparer must sign the petition and print the preparer's name and address on it and, he or she must put the preparer's social security number after the preparer's signature on the document. He or she shall also not execute any document on behalf of the debtor. The Disclosure of Compensation of Bankruptcy Petition Preparer form should be filed along with the petition, or no later than ten (10) days after filing date of the petition.

7. All other information required for the petition, statements, and schedules in this package shall be provided by the debtor or his or her attorney, including the information required under 28 U.S.C. Section 604 and requested in the bottom left corner of the first page of the petition. Be sure to complete all applicable items in this part of the petition including the type of debtor, nature of debt, type of business (if this is a business case), estimated number of creditors, estimated assets in thousands of dollars, and estimated liabilities in thousands of dollars.

8. The debtor and his or her attorney shall sign and declare as presented in the petition and statements. These include the Voluntary Petition (debtor and attorney or preparer, if any), the

Statement of Related Cases Required Under Local Rule 104 (debtor), the **Declaration Concerning Debtor's Schedules** (debtor), the **Statement of Financial Affairs** (debtor), the **Disclosure of Compensation of Attorney** (signed by the attorney if the debtor is represented by an attorney), the **Statement of Assistance By Non-attorney** (signed by the debtor if the debtor is not represented by an attorney and someone is paid by the debtor to help them prepare the papers), **Disclosure of Compensation of Bankruptcy Petition Preparer** (petition preparer), and the **Verification of Creditor Mailing List** (debtor and attorney, if any).

9. In Item I above, instructions were provided for the preparation of page 1 of the Master Mailing List. Since the Office of the United States Trustee and its address must appear on page 1 of the mailing list, and since there are three U. S. Trustee offices within the district, the correct address relative to this Petition must appear in the Master Mailing List.

10. **PLEASE DO NOT COPY** Local Rule 105(d)(c) requires that whenever the United States Internal Revenue Service (IRS) is a creditor in a case, all notices in the case be mailed to the Internal Revenue Service at a specified address. The address to be used must correspond to the mailing address of the debtor. Whenever the IRS is a creditor, the agency must be placed on the Master Mailing List. In order to facilitate the mailing of notices to the Internal Revenue Service by the Clerk's Office, the correct mailing address for the IRS should appear on page 2 or after of the Master Mailing List.

11. The completed and signed papers shall be hole punched, backed, tabbed, and stapled in accordance with Local Rule 103(4)(f)(k) and shall be arranged in the order indicated in the attached Order Of Documents. The Order of Documents shows which papers must be filed with the petition in so-called "emergency" filings. These papers are identified by an asterisk appearing before the title of the document. The remaining papers may be filed with the petition, but must be filed within fifteen (15) days of the filing of the petition, unless otherwise ordered by the Court (see Local Rule 105). Failure to do so will result in an immediate dismissal of the bankruptcy case without hearing or notice. See the opening paragraph regarding the effect of Bankruptcy Code Section 109(g)(1) on cases filed by individuals or family farmers and dismissed for failure to timely file the papers.

12. The filing fee for a Chapter 7 petition is \$299. Only cash, cashier's checks, certified checks or money orders from financial institutions or the U. S. Post Office may be accepted from the general public. Business checks may be accepted from businesses such as law firms, and government agencies. Personal checks shall only be accepted from attorneys who are able to present a current State Bar I.D. card. The State Bar I.D. number must be written on the face of the check. Only checks made out for the exact amount of the transaction will be accepted.

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All checks must be made payable to the "United States Bankruptcy Court"; "U. S. Bankruptcy Court"; or "Bankruptcy Court". A check may not be dated more than 30 days prior to the date it is being presented. A money order or cashier's check may not be dated more than 6 months prior to the date it is presented. If the face of the money order or cashier's check states that it is good for a specific period of time, then it may be accepted during that period.

13. **LegalFormsForTexas.Com** The original papers discussed in these instructions are filed at the intake window in the appropriate office of the Clerk. The debtor's street address shall determine which office is

appropriate. Original Chapter 7 petitions are filed with three copies. If you want a copy showing a "FILED" stamp returned to you, an additional copy must also be presented to the clerk at the same time. If the papers are filed by mail and you want this additional copy returned to you, include with it a stamped, self-addressed envelope large enough to hold the papers.

14. The Proof of Service accompanying any subsequently filed document must include not only the mailing list filed with the petition, but also the Chapter 7 Trustee and the Trustee's attorney (if any).

Legal Advice

While it is possible to file a bankruptcy case pro se, that is without the assistance of an attorney, it is extremely difficult to do so successfully. Hiring a competent attorney is highly recommended. Employees of the U.S. Bankruptcy Court may provide guidance on procedural materials only. They may not provide legal advice.

Order of Documents

Papers must be assembled into complete sets.

The first set must be the signed original.

Pursuant to Local Rule 103, papers presented to the Court for filing or lodging should be pre-punched and backed. (The backing shall be flush at the top and shall extend not more than one (1) inch below the pages bound and have the short title of the document typed in the lower right hand corner. Example: Chapter 7 Petition.) Copies need not be backed.

Chapter 7

1. Voluntary Petition (Two Pages)
2. Statement of Related Cases (Required by Local Rule 104)
3. Notice of Available Chapters
4. Summary of Schedules
5. Schedules A through J (For Corporations, A through H only)
6. Declaration Concerning Debtor's Schedules (Included in Schedule Packet)
7. Statement of Financial Affairs
8. Individual Debtor's Statement of Intention
9. Disclosure of Compensation or Attorney for Debtor (Rule 2016(b))

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10. Statement of Assets of Non-Automobile
 11. Disclosure of Compensation of Bankruptcy Petitioner
 12. Corporate Resolution Authorizing Filing of the Petition (Corporations Only)
 13. Verification of Creditor Mailing List
 14. Mailing List

Required at the time of emergency filing

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Typical General Order of a Local Bankruptcy Court
No. [Number]

It is hereby ordered that this General Order shall set forth amended requirements regarding the format of the creditor matrix for new bankruptcy petitions. The amendments listed become effective [Date].

It is ordered that effective on the date set out above, the requirements for all creditor lists shall be amended as follows:

a. **General Requirements.** The debtor shall file concurrently with the petition a Master Mailing List of the names, mailing addresses, and zip codes of all creditors listed on Schedules D, E, and F - List of Creditors. The list of creditors must be typed on blank, unlined, standard white 8-1/2 x 11 inch bond paper and shall be prepared in accordance with instructions and specifications promulgated by the Clerk.

b. **Partnerships and Corporations.** If the debtor is a partnership or corporation, the Master Mailing List shall also include the name and addresses of all general partners or senior corporate officers. Either as part of the Master Mailing List or as a separate "equity holders mailing list", there shall also be provided a listing of all limited partners, shareholders, or other equity holders. The equity holders mailing list must comply with the format requirements of subsection (a) above.

c. **PC Computer Readable 3.5" Diskette in ASCII Format or Other Format as Allowed by the Clerk's Office for Cases with More than 100 Creditors or Equity Holders.** For all cases with more than 100 entities that hold either claims or interests, the petitioner shall indicate on the face of the petition or conversion order, under the debtor's name, a statement that the case contains more than 100 entities that hold either claims or interests. The exact number of creditors is not required. In such cases, the debtor, or such other person as the Court may order, shall provide the Clerk with non-returnable PC computer-readable 3.5" diskette containing the names and addresses of all entities shown in Schedules D, E, and F. Such diskette shall be prepared in accordance with instructions and specifications promulgated by the Clerk and submitted concurrently with the schedules. Failure to file the diskette in a timely manner may

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subject the case to dismissal. A "hard copy" printed version of the Master Mailing List must also be filed. This copy may be in the form of a computer-generated list, provided that it is printed on 8-1/2 inch by 11 inch paper.

d. **Exception to Requirement for PC Computer Readable Diskette.** Upon motion, the PC computer-readable diskette requirements may be dispensed with or the requirements hereof may be modified by the Court in the interests of justice or for cause shown.

e. **Debtor's Obligation to Assure Accuracy.** It shall be the responsibility of the debtor or such other person as the Court may order to ensure that the schedules, Master Mailing List, equity holders mailing list, and the PC computer-readable diskette are complete and correct. The Master Mailing List shall contain a declaration by the debtor or debtor's counsel attesting to the completeness and correctness of the list. If the Master Mailing List is a PC computer-readable diskette prepared by someone other than the debtor or debtor's counsel, a declaration shall also be submitted by the preparer to attest to the manner of preparation of the diskette. The Clerk's Office shall not be required to compare the names and addresses shown on the Master Mailing List with those on the petition. The Clerk's Office may use either the schedules, the mailing lists or the PC computer-readable diskette for noticing creditors.

Master Mailing List Requirements

Pursuant to General Order No.[Number] the mailing lists for new bankruptcy petitions must now be submitted in the following format:

(a) Typed on blank, unlined, standard white 8-1/2 x 11" bond paper using upper and lower case letter quality characters no smaller than 12 point nor greater than 14 point in either Courier, Times Roman, Helvetica, or Orator.

(b) Typed in a single column with no letters closer than 1-1/2 inches from any edge of the paper and left justified.

(c) Typed with no more than **eight (8) name/address blocks per page**. Each block must consist of no more than five (5) **lines total for each name/address**, with at least two (2) **blank lines in-between**.

(d) Include a **FIRST PAGE** reserved only for: **Debtor, Joint Debtor, Attorney for Debtor(s), Office of the United States Trustee** (See Exhibit 1). All subsequent pages contain the remaining creditors from Schedules D, E, and F of the petition.

(e) Each line must be no more than **35 characters in length** including spaces. The **attention line or account number**, if any, must be included on the **second line** of the block. The **city, state (two letter abbreviation in capital letters only, e.g. CA), and zip code** must be on the **last line**. Nine digit zip codes should be separated by a hyphen. (See Exhibit 2)

(f) **NO PUNCTUATION**, except for one comma between city and state. (For example, Any City, TX 90012)

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(g) Provide page number on the backside of each page

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(h) If a separate Equity Holders List is filed, it must comply with the above format requirements.

(1) For cases with **more than 100 creditors**, the printed Master Mailing List and, if applicable, the printed Equity Holders List must be submitted along with a **non-returnable computer diskette** of all entities.

Debtor Name
Mailing Address
City, TX Zip Code

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Spouse of Debtor {If appropriate}
Mailing Address
City, TX Zip Code

Attorney of Debtor
Mailing Address
Suite Number
City, TX Zip Code

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United States Trustee
Address
City, TX Zip Code

Examples:

Internal Revenue Service
Special Procedures Bankr
Address

City, State Zip Code
THANK YOU

Loans By Acme
7485 Chromium Circle
Any City, TX 90210

Technical Requirements for Diskette

For cases with more than 100 creditors, the printed creditor mailing list must be submitted along with a non-returnable computer diskette containing the names and addresses of all entities shown in

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Schedules D, E, and F of the petition

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PC-compatible 3.5" virus-free diskette in either 1.44MB or 720KB format.

Label diskette with debtor name and social security number.

Text in ASCII-readable format. File name must be "Creditor.TXT".

No page breaks, miscellaneous characters, or other computer instructions are to be included in text.

Names and addresses of Debtor, Joint Debtor, Attorney for Debtor(s), and the Office of the United States Trustee are specifically to be excluded from diskette contents, but must still be submitted on the printed copy.

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