AIDS ASSISTANCE PANEL

BANKRUPTCY TRAINING

Presented By

Bay Area Lawyers for Individual Freedom
AIDS Legal Referral Panel

and

The Bar Association of San Francisco
Volunteer Legal Services Program
Bar Association of San Francisco
Volunteer Legal Services Program

and

Bay Area Lawyers for Individual Freedom
AIDS Legal Referral Panel

PRESENTS

AIDS Assistance Panel
Bankruptcy Training
November 15, 1986
10:00am to 1:00pm

Outline of Speakers

Introduction: How VLSP AIDS Assistance Panel Works
Janet Seldon, VSLP Clinics Coordinator

The AIDS Legal Referral Panel and
The Need for Bankruptcy Advice for
Persons with AIDS
Clint Hockenberry, Staff Administrator
of BALIF AIDS Legal Referral Panel

Bankruptcy Training
John Roberts, Esq.

Christopher Lee, Esq.
November 12, 1986

Dear Colleague:

Thank you for your willingness to represent clients with AIDS-related legal problems through the Volunteer Legal Services Program AIDS Assistance Panel and the BALIF AIDS Referral Panel. It is often the case that Persons with AIDS or ARC experience severe financial difficulties and need the advice of attorneys trained in the area of bankruptcy law. This training session will focus on the relative benefits of Chapter 7 (ordinary bankruptcy), Chapter 11 (Business Reorganization) and Chapter 13 (Reorganization for Persons with Regular Income).

All potential clients are screened by Clint Hockenberry, Administrator of the BALIF AIDS Referral Panel. Cases will be assigned on a rotating basis to ensure that the caseload is shared equally among all volunteers.

All clients are given the names of two volunteer attorneys to call. When contacted by a client and you agree to representation, PLEASE IMMEDIATELY RETURN THE ENCLOSED CASE ACCEPTANCE FORM. This will enable us to keep track of the caseload and ensure that all clients who call actually obtained the necessary assistance. If you are not able to take on the case, and you have ascertained from the client that you are the second attorney the client has contacted, please have the client contact Clint Hockenberry at 864-8186 so that another attorney can be selected.

If you have not already done so, please sign and return the enclosed VLSP application indicating your interest in the AIDS panel and any other VLSP activity which many interest you.

Please do not hesitate to contact me or Janet Seldon, VLSP Clinics Coordinator, if you have any questions regarding this important project. Thank you again for your valuable assistance.

Sincerely,

Tanya Neiman
Director
Volunteer Legal Services Program
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§ 362. Automatic stay

(a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or an application filed under section 6(a)(3) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(a)(3)), operates as a stay, applicable to all entities, of—

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;

(2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;

(4) any act to create, perfect, or enforce any lien against property of the estate;

(5) any act to create, perfect, or enforce against property of the debtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this title;

(6) any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under this title;

(7) the setoff of any debt owing to the debtor that arose before the commencement of the case under this title against any claim against the debtor; and

(8) the commencement or continuation of a proceeding before the United States Tax Court concerning the debtor.

§ 507. Priorities

(a) The following expenses and claims have priority in the following order:

(1) First, administrative expenses allowed under section 503(b) of this title, and any fees and charges assessed against the estate under chapter 123 of title 28.

(2) Second, unsecured claims allowed under section 502(f) of this title.

(3) Third, allowed unsecured claims for wages, salaries, or commissions, including vacation, severance, and sick leave pay—

(A) earned by an individual within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first; but only

(B) to the extent of $2,000 for each such individual.

(4) Fourth, allowed unsecured claims for contributions to an employee benefit plan—

(A) arising from services rendered within 180 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first; but only

(B) for each such plan, to the extent of—

(i) the number of employees covered by each such plan multiplied by $2,000; less

(ii) the aggregate amount paid to such employees under paragraph (3) of this subsection, plus the aggregate amount paid by the estate on behalf of such employees to any other employee benefit plan.

(5) Fifth, allowed unsecured claims of persons—

(A) engaged in the production or raising of grain, as defined in section 557(b)(1) of this title, against a debtor who owns or operates a grain storage facility, as defined in section 557(b)(2) of this title, for grain or the proceeds of grain, or

(B) engaged as a United States fisherman against a debtor who has acquired fish or fish produce from a fisherman.
through a sale or conversion, and who is engaged in operating a fish produce storage or processing facility—
but only to the extent of $2,000 for each such individual;

(6) Sixth, allowed unsecured claims of individuals, to the extent of $900 for each such individual, arising from the deposit, before the commencement of the case, of money in connection with the purchase, lease, or rental of property, or the purchase of services, for the personal, family, or household use of such individuals, that were not delivered or provided.

(7) Seventh, allowed unsecured claims of governmental units, only to the extent that such claims are for—

(A) a tax on or measured by income or gross receipts—
   (i) for a taxable year ending on or before the date of
   the filing of the petition for which a return, if required, is
   last due, including extensions, after three years before
   the date of the filing of the petition;
   (ii) assessed within 240 days, plus any time plus 30
days during which an offer in compromise with respect to
   such tax that was made within 240 days after such
   assessment was pending, before the date of the filing of
   the petition; or
   (iii) other than a tax of a kind specified in section
   503(a)(1)(B) or 503(a)(1)(C) of this title, not assessed
   before, but assessable, under applicable law or by agree-
   ment, after, the commencement of the case;

(B) a property tax assessed before the commencement of
   the case and last payable without penalty after one year
   before the date of the filing of the petition;

(C) a tax required to be collected or withheld and for
   which the debtor is liable in whatever capacity;

(D) an employment tax on a wage, salary, or commission
   of a kind specified in paragraph (3) of this subsection earned
   from the debtor before the date of the filing of the petition,
   whether or not actually paid before such date, for which a
   return is last due, under applicable law or under any exten-
   sion, after three years before the date of the filing of the
   petition;

(E) an excise tax on—
   (i) a transaction occurring before the date of the filing
   of the petition for which a return, if required, is last due,
   under applicable law or under any extension, after three
   years before the date of the filing of the petition; or
   (ii) if a return is not required, a transaction occurring
during the three years immediately preceding the date of
   the filing of the petition;

(F) a customs duty arising out of the importation of
   merchandise—
   (i) entered for consumption within one year before the
date of the filing of the petition;
   (ii) covered by an entry liquidated or re liquidated with-
   in one year before the date of the filing of the petition;
or
   (iii) entered for consumption within four years before
   the date of the filing of the petition but unliquidated on
   such date, if the Secretary of the Treasury certifies that
   failure to liquidate such entry was due to an investiga-
   tion pending on such date into assessment of antidumping or
   countervailing duties or fraud, or if information needed
   for the proper appraisement or classification of such
   merchandise was not available to the appropriate customs
   officer before such date; or

(G) a penalty related to a claim of a kind specified in this
   paragraph and in compensation for actual pecuniary loss.

(b) If the trustee, under section 362, 363, or 364 of this title,
   provides adequate protection of the interest of a holder of a claim
   secured by a lien on property of the debtor and if, notwithstanding
   such protection, such creditor has a claim allowable under subsec-
   tion (a)(1) of this section arising from the stay of action against
   such property under section 362 of this title, from the use, sale, or
   lease of such property under section 363 of this title, or from the
   granting of a lien under section 364(d) of this title, then such
   creditor's claim under such subsection shall have priority over every
   other claim allowable under such subsection.

(c) For the purpose of subsection (a) of this section, a claim of a
   governmental unit arising from an erroneous refund or credit of a
tax has the same priority as a claim for the tax to which such refund or credit relates.

(d) An entity that is subrogated to the rights of a holder of a
   claim of a kind specified in subsection (a)(3), (a)(4), (a)(5), or (a)(6) of
   this section is not subrogated to the right of the holder of such
   claim to priority under such subsection.

§ 521. Debtor's duties

The debtor shall—

(1) file a list of creditors, and unless the court orders otherwise, a schedule of assets and liabilities, a schedule of current income and current expenditures, and a statement of the debtor's financial affairs;

(2) if an individual debtor's schedule of assets and liabilities includes consumer debts which are secured by property of the estate—

(A) within thirty days after the date of the filing of a petition under chapter 7 of this title or on or before the date of the meeting of creditors, whichever is earlier, or within such additional time as the court, for cause, within such period fixes, the debtor shall file with the clerk a statement of his intention with respect to the retention or surrender of such property and, if applicable, specifying that such property is claimed as exempt, that the debtor intends to redeem such property, or that the debtor intends to reaffirm debts secured by such property;

(B) within forty-five days after the filing of a notice of intent under this section, or within such additional time as the court, for cause, within such forty-five day period fixes, the debtor shall perform his intention with respect to such property, as specified by subparagraph (A) of this paragraph; and

(C) nothing in subparagraphs (A) and (B) of this paragraph shall alter the debtor's or the trustee's rights with regard to such property under this title;

(3) if a trustee is serving in the case, cooperate with the trustee as necessary to enable the trustee to perform the trustee's duties under this title;

(4) if a trustee is serving in the case, surrender to the trustee all property of the estate and any recorded information, including books, documents, records, and papers, relating to property of the estate, whether or not immunity is granted under section 344 of this title; and

(5) appear at the hearing required under section 524(d) of this title.

§ 522. Exemptions

(a) In this section—

(1) "dependent" includes spouse, whether or not actually dependent; and

(2) “value” means fair market value as of the date of the filing of the petition or, with respect to property that becomes property of the estate after such date, as of the date such property becomes property of the estate.

(b) Notwithstanding section 541 of this title, an individual debtor may exempt from property of the estate the property listed in either paragraph (1) or, in the alternative, paragraph (2) of this subsection. In joint cases filed under section 302 of this title and individual cases filed under section 301 or 303 of this title by or against debtors who are husband and wife, and whose estates are ordered to be jointly administered under Rule 1015(b) of the Bankruptcy Rules, one debtor may not elect to exempt property listed in paragraph (1) and the other debtor elect to exempt property listed in paragraph (2) of this subsection. If the parties cannot agree on the alternative to be elected, they shall be deemed to elect paragraph (1), where such election is permitted under the law of the jurisdiction where the case is filed. Such property is—

(1) property that is specified under subsection (d) of this section, unless the State law that is applicable to the debtor under paragraph (2)(A) of this subsection specifically does not so authorize; or, in the alternative,

(2)(A) any property that is exempt under Federal law, other than subsection (d) of this section, or State or local law that is applicable on the date of the filing of the petition at the place in which the debtor's domicile has been located for the 180 days immediately preceding the date of the filing of the petition, or for a longer portion of such 180-day period than in any other place; and

(B) any interest in property in which the debtor had, immediately before the commencement of the case, an interest as a tenant by the entirety or joint tenant to the extent that such interest as a tenant by the entirety or joint tenant is exempt from process under applicable nonbankruptcy law.
(c) Unless the case is dismissed, property exempted under this section is not liable during or after the case for any debt of the debtor that arose, or that is determined under section 502 of this title as if such debt had arisen, before the commencement of the case, except—

(1) a debt of a kind specified in section 523(a)(1) or 523(a)(5)
of this title; or

(2) a debt secured by a lien that is—

(A)(i) not avoided under subsection (f) or (g) of this section or under section 544, 545, 547, 548, 549, or 724(a) of this title; and

(ii) not void under section 506(d) of this title; or

(B) a tax lien, notice of which is properly filed.

d) The following property may be exempted under subsection

(b)(1) of this section:

(e) A waiver of an exemption executed in favor of a creditor that holds an unsecured claim against the debtor is unenforceable in a case under this title with respect to such claim against property that the debtor may exempt under subsection (b) of this section. A waiver by the debtor of a power under subsection (f) or (h) of this section to avoid a transfer, under subsection (g) or (i) of this section to exempt property, or under subsection (i) of this section to recover property or to preserve a transfer, is unenforceable in a case under this title.

(f) Notwithstanding any waiver of exemptions, the debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b) of this section, if such lien is—

(1) a judicial lien; or

(2) a nonpossessor, nonpurchase-money security interest in any—

(A) household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, or jewelry that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor;

(B) implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor; or

(C) professionally prescribed health aids for the debtor or a dependent of the debtor.

(g) Notwithstanding sections 550 and 551 of this title, the debtor may exempt under subsection (b) of this section property that the trustee recovers under section 510(c)(2), 542, 543, 550, 551, or 553 of this title, to the extent that the debtor could have exempted such property under subsection (b) of this section if such property had not been transferred, if—

(1)(A) such transfer was not a voluntary transfer of such property by the debtor; and

(B) the debtor did not conceal such property; or

(2) the debtor could have avoided such transfer under subsection (f)(2) of this section.

(h) The debtor may avoid a transfer of property of the debtor or recover a setoff to the extent that the debtor could have exempted such property under subsection (g)(1) of this section if the trustee had avoided such transfer, if—

(1) such transfer is avoidable by the trustee under section

544, 545, 547, 548, 549, or 724(a) of this title or recoverable by

the trustee under section 553 of this title; and

(2) the trustee does not attempt to avoid such transfer.

(i)(1) If the debtor avoids a transfer or recovers a setoff under

subsection (f) or (h) of this section, the debtor may recover in the

manner prescribed by, and subject to the limitations of, section 550

of this title, the same as if the trustee had avoided such transfer,

and may exempt any property so recovered under subsection (b) of

this section.

(2) Notwithstanding section 551 of this title, a transfer avoided

under section 544, 545, 547, 548, 549, or 724(a) of this title, under

subsection (f) or (h) of this section, or property recovered under

section 553 of this title, may be preserved for the benefit of the

debtor to the extent that the debtor may exempt such property

under subsection (g) of his section or paragraph (1) of this subsec-

(i) Notwithstanding subsections (g) and (i) of this section, the

debtor may exempt a particular kind of property under subsections

(g) and (i) of this section only to the extent that the debtor has

exempted less property in value of such kind than that to which the

debtor is entitled under subsection (b) of this section.
(k) Property that the debtor exempts under this section is not liable for payment of any administrative expense except—

(1) the aliquot share of the costs and expenses of avoiding a transfer of property that the debtor exempts under subsection (g) of this section, or of recovery of such property, that is attributable to the value of the portion of such property exempted in relation to the value of the property recovered, and

(2) any costs and expenses of avoiding a transfer under subsection (f) or (h) of this section, or of recovery of property under subsection (ii)(A) of this section, that the debtor has not paid.

(l) The debtor shall file a list of property that the debtor claims as exempt under subsection (b) of this section. If the debtor does not file such a list, a dependent of the debtor may file such a list, or may claim property as exempt from property of the estate on behalf of the debtor. Unless a party in interest objects, the property claimed as exempt on such list is exempt.

(m) Subject to the limitation in subsection (b), this section shall apply separately with respect to each debtor in a joint case.

§ 523. Exceptions to discharge

(a) A discharge under section 727, 1141, or 1328(b) of this title does not discharge an individual debtor from any debt—

(1) for a tax or a customs duty—

(A) of the kind and for the periods specified in section 507(a)(2) or 507(a)(6) of this title, whether or not a claim for such tax was filed or allowed;

(B) with respect to which a return, if required—

(i) was not filed; or

(ii) was filed after the date on which such return was last due, under applicable law or under any extension, and after two years before the date of the filing of the petition; or

(C) with respect to which the debtor made a fraudulent return or willfully attempted in any manner to evade or defeat such tax;

(2) for money, property, services, or an extension, renewal, or refinancing of credit, to the extent obtained by—

(A) false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition;

(B) use of a statement in writing—

(i) that is materially false;

(ii) respecting the debtor's or an insider's financial condition;

(iii) on which the creditor to whom the debtor is liable for such money, property, services, or credit reasonably relied; and

(iv) that the debtor caused to be made or published with intent to deceive; or

(C) for purposes of subparagraph (A) of this paragraph, consumer debts owed to a single creditor and aggregating more than $500 for "luxury goods or services" incurred by an individual debtor on or within forty days before the order for relief under this title, or cash advances aggregating more than $1,000 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within twenty days before the order for relief under this title, are presumed to be nondischargeable; "luxury goods or services" do not include goods or services reasonably acquired for the support or maintenance of the debtor or a dependent of the debtor, an extension of consumer credit under an open end credit plan is to be defined for purposes of this subparagraph as it is defined in the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);

(3) neither listed nor scheduled under section 521(1) of this title, with the name, if known to the debtor, of the creditor to whom such debt is owed, in time to permit—

(A) if such debt is not of a kind specified in paragraph (2), (4), or (6) of this subsection, timely filing of a proof of claim, unless such creditor had notice or actual knowledge of the case in time for such timely filing; or
(B) if such debt is of a kind specified in paragraph (2), (4), or (6) of this subsection, timely filing of a proof of claim and timely request for a determination of dischargeability of such debt under one of such paragraphs, unless such creditor had notice or actual knowledge of the case in time for such timely filing and request;

(4) for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny;

(5) to a spouse, former spouse, or child of the debtor, for alimony to, or support of, or support of such spouse or child, in connection with a separation agreement, divorce decree, or other order of a court of record, or property settlement agreement, but not to the extent that—

(A) such debt is assigned to another entity, voluntarily, by operation of law, or otherwise (other than debts assigned pursuant to section 402(a)(26) of the Social Security Act, or any such debt which has been assigned to the Federal Government or to a state or any political subdivision of such State); or

(B) such debt includes a liability designated as alimony, maintenance, or support, unless such liability is actually in the nature of alimony, maintenance, or support;

(6) for willful and malicious injury to the debtor or another entity or to the property of another entity;

(7) to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss, other than a tax penalty—

(A) relating to a tax of a kind not specified in paragraph (1) of this subsection; or

(B) imposed with respect to a transaction or event that occurred before three years before the date of the filing of the petition;

(8) for an educational loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or a nonprofit institution, unless—

(A) such loan first became due before five years (exclusive of any applicable suspension of the repayment period) before the date of the filing of the petition; or

(B) excepting such debt from discharge under this paragraph will impose an undue hardship on the debtor and the debtor's dependents;

(9) to any entity, to the extent that such debt arises from a judgment or consent decree entered in a court of record against the debtor wherein liability was incurred by such debtor as a result of the debtor's operation of a motor vehicle while legally intoxicated under the laws or regulations of any jurisdiction within the United States or its territories wherein such motor vehicle was operated and within which such liability was incurred; or

(10) that was or could have been listed or scheduled by the debtor in a prior case concerning the debtor under this title or under the Bankruptcy Act in which the debtor waived discharge, or was denied a discharge under section 727(a)(2), (3), (4), (5), (6), or (7) of this title, or under section 14a(a), (2), (3), (4), (6), or (7) of such Act.

(b) Notwithstanding subsection (a) of this section, a debt that was excepted from discharge under subsection (a)(1), (a)(3), or (a)(5) of this section, under section 17a(1), 17a(3), or 17a(5) of the Bankruptcy Act, under section 439A of the Higher Education Act of 1965 (20 U.S.C. 1097-3), or under section 733 of the Public Health Services Act (42 U.S.C. 294f) in a prior case concerning the debtor under this title, or under the Bankruptcy Act, is dischargeable in a case under this title unless, by the terms of subsection (a)(3) of this section, such debt is not dischargeable in the case under this title.

(c) Except as provided in subsection (a)(3)(B) of this section, the debtor shall be discharged from a debt of a kind specified in paragraph (2), (4), or (6) of subsection (a) of this section, unless, on request of the creditor to whom such debt is owed, and after notice and a hearing, the court determines such debt to be excepted from discharge under paragraph (2), (4), or (6), as the case may be, of subsection (a) of this section.

(d) If a creditor requests a determination of dischargeability of a consumer debt under subsection (a)(2) of this section, and such debt is discharged, the court shall grant judgment in favor of the debtor for the costs of, and a reasonable attorney's fee for, the proceeding if the court finds that the position of the creditor was not substantially justified, except that the court shall not award such costs and fees if special circumstances would make the award unjust.
§ 524. Effect of discharge

(a) A discharge in a case under this title—

1. voids any judgment at any time obtained, to the extent that such judgment is a determination of the personal liability of the debtor with respect to any debt discharged under sections 727, 944, 1141, or 1328 of this title, whether or not discharge of such debt is waived;

2. operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover or offset any such debt as a personal liability of the debtor, whether or not discharge of such debt is waived; and

3. operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect or recover from, or offset against, property of the debtor of the kind specified in section 541(a)(2) of this title that is acquired after the commencement of the case, on account of any allowable community claim, except a community claim that is excepted from discharge under section 523 or 1328(c)(1) of this title, or that would be so excepted, determined in accordance with the provisions of sections 523(c) and 523(d) of this title, in a case concerning the debtor's spouse commenced on the date of the filing of the petition in the case concerning the debtor, whether or not discharge of the debt based on such community claim is waived.

(b) Subsection (a)(3) of this section does not apply if—

1. (A) the debtor's spouse is a debtor in a case under this title, or a bankrupt or a debtor in a case under the Bankruptcy Act, commenced within six years of the date of the filing of the petition in the case concerning the debtor, and

   (B) the court does not grant the debtor's spouse a discharge in such case concerning the debtor's spouse; or

2. (A) the court would not grant the debtor's spouse a discharge in a case under chapter 7 of this title concerning such spouse commenced on the date of the filing of the petition in the case concerning the debtor, and

   (B) a determination that the court would not so grant such discharge is made by the bankruptcy court within the time and in the manner provided for a determination under section 727 of this title of whether a debtor is granted a discharge.

(c) An agreement between a holder of a claim and the debtor, the consideration for which, in whole or in part, is based on a debt that is dischargeable in a case under this title is enforceable only to any extent enforceable under applicable nonbankruptcy law, whether or not discharge of such debt is waived, only if—

1. such agreement was made before the granting of the discharge under section 727, 1141, or 1328 of this title;

2. such agreement contains a clear and conspicuous statement which advises the debtor that the agreement may be rescinded at any time prior to discharge or within sixty days after such agreement is filed with the court, whichever occurs later, by giving notice of rescission to the holder of such claim;

3. such agreement has been filed with the court and, if applicable, accompanied by a declaration or an affidavit of the attorney that represented the debtor during the course of negotiating an agreement under this subsection, which states that such agreement—

   (A) represents a fully informed and voluntary agreement by the debtor; and

   (B) does not impose an undue hardship on the debtor or a dependent of the debtor;

4. the debtor has not rescinded such agreement at any time prior to discharge or within sixty days after such agreement is filed with the court, whichever occurs later, by giving notice of rescission to the holder of such claim;

5. the provisions of subsection (d) of this section have been complied with; and

6. (A) in a case concerning an individual who was not represented by an attorney during the course of negotiating an agreement under this subsection, the court approves such agreement as—

   (i) not imposing an undue hardship on the debtor or a dependent of the debtor; and

   (ii) in the best interest of the debtor.

(B) Subparagraph (A) shall not apply to the extent that such debt is a consumer debt secured by real property.

(d) In a case concerning an individual, when the court has determined whether to grant or not to grant a discharge under section 727, 1141, or 1328 of this title, the court shall hold a hearing at which the debtor shall appear in person. At such hearing, the court shall inform the debtor that a discharge has been granted or the reason why a discharge has not been granted. If a discharge has been granted and if the debtor desires to make an agreement of the kind specified in subsection (c) of this section, then at such hearing the court shall—
(1) inform the debtor—

(A) that such an agreement is not required under this title, under nonbankruptcy law, or under any agreement not made in accordance with the provisions of subsection (c) of this section; and

(B) of the legal effect and consequences of—

(i) an agreement of the kind specified in subsection (c) of this section; and

(ii) a default under such an agreement;

(2) determine whether the agreement that the debtor desires to make complies with the requirements of subsection (c)(6) of this section, if the consideration for such agreement is based in whole or in part on a consumer debt that is not secured by real property of the debtor.

(e) Except as provided in subsection (a)(3) of this section, discharge of a debt of the debtor does not affect the liability of any other entity on, or the property of any other entity for, such debt.

(f) Nothing contained in subsection (c) or (d) of this section prevents a debtor from voluntarily repaying any debt.

§ 525. Protection against discriminatory treatment

(a) Except as provided in the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a-499x), the Packers and Stockyards Act, 1921 (7 U.S.C. 181-229), and section 1 of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1944, and for other purposes," approved July 12, 1943 (57 Stat. 422, 7 U.S.C. 204), a governmental unit may not deny, revoke, suspend, or refuse to renew a license, permit, charter, franchise, or other similar grant to, condition such a grant to, discriminate with respect to such a grant against, deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under this title or a bankrupt or a debtor under the Bankruptcy Act, or another person with whom such bankrupt or debtor has been associated, solely because such bankrupt or debtor is or has been a debtor under this title or a bankrupt or debtor under the Bankruptcy Act, has been insolvent before the commencement of the case under this title, or during the case but before the debtor is granted or denied a discharge, or has not paid a debt that is dischargeable in the case under this title or that was discharged under the Bankruptcy Act.

(b) No private employer may terminate the employment of, or discriminate with respect to employment against, an individual who is or has been a debtor under this title, a debtor or bankrupt under the Bankruptcy Act, or an individual associated with such debtor or bankrupt, solely because such debtor or bankrupt—

(1) is or has been a debtor under this title or a debtor or bankrupt under the Bankruptcy Act;

(2) has been insolvent before the commencement of a case under this title or during the case but before the grant or denial of a discharge; or

(3) has not paid a debt that is dischargeable in a case under this title or that was discharged under the Bankruptcy Act.
§ 541. Property of the estate

(a) The commencement of a case under section 301, 302, or 303 of this title creates an estate. Such estate is comprised of all the following property, wherever located and by whomever held:

(1) Except as provided in subsections (b) and (c) of this section, all legal or equitable interests of the debtor in property as of the commencement of the case.

(2) All interests of the debtor and the debtor's spouse in community property as of the commencement of the case that is—

(A) under the sole, equal, or joint management and control of the debtor; or

(B) liable for an allowable claim against the debtor, or for both an allowable claim against the debtor and an allowable claim against the debtor's spouse, to the extent that such interest is so liable.

(3) Any interest in property that the trustee recovers under section 329(b), 362(m), 543, 550, 553, or 723 of this title.

(4) Any interest in property preserved for the benefit of or ordered transferred to the estate under section 510(c) or 551 of this title.

(5) Any interest in property that would have been property of the estate if such interest had been an interest of the debtor on the date of the filing of the petition, and that the debtor acquires or becomes entitled to acquire within 180 days after such date—

(A) by bequest, devise, or inheritance;

(B) as a result of a property settlement agreement with the debtor's spouse, or of an interlocutory or final divorce decree; or

(C) as a beneficiary of a life insurance policy or of a death benefit plan.

(6) Proceeds, product, offspring, rents, or profits of or from property of the estate, except such as are earnings from services performed by an individual debtor after the commencement of the case.

(7) Any interest in property that the estate acquires after the commencement of the case.

(b) Property of the estate does not include—

(1) any power that the debtor may exercise solely for the benefit of an entity other than the debtor; or

(2) any interest of the debtor as a lessee under a lease of nonresidential real property that has terminated at the expiration of the stated term of such lease before the commencement of the case under this title, and ceases to include any interest of the debtor as a lessee under a lease of nonresidential real property that has terminated at the expiration of the stated term of such lease during the case.

(c) Except as provided in paragraph (2) of this subsection, an interest of the debtor in property becomes property of the estate under subsection (a)(1), (a)(2), or (a)(5) of this section notwithstanding any provision in an agreement, transfer instrument, or applicable nonbankruptcy law—

(A) that restricts or conditions transfer of such interest by the debtor, or

(B) that is conditioned on the insolvency or financial condition of the debtor, on the commencement of a case under this title, or on the appointment of or taking possession by a trustee in a case under this title or a custodian before such commencement, and that effects or gives an option to effect a forfeiture, modification, or termination of the debtor's interest in property.

(2) A restriction on the transfer of a beneficial interest of the debtor in a trust that is enforceable under applicable nonbankruptcy law is enforceable in a case under this title.

(d) Property in which the debtor holds, as of the commencement of the case, only legal title and not an equitable interest, such as a mortgage secured by real property, or an interest in such a mortgage, sold by the debtor but as to which the debtor retains legal title to service or supervise the servicing of such mortgage or interest, becomes property of the estate under subsection (a)(1) or (2) of this section only to the extent of the debtor's legal title to such property, but not to the extent of any equitable interest in such property that the debtor does not hold.
§ 726. Distribution of property of the estate

(a) Except as provided in section 510 of this title, property of the estate shall be distributed—

(1) first, in payment of claims of the kind specified in, and in the order specified in, section 507 of this title;

(2) second, in payment of any allowed unsecured claim, other than a claim of a kind specified in paragraph (1), (3), or (4) of this subsection, proof of which is—

(A) timely filed under section 501(a) of this title;

(B) timely filed under section 501(b) or 501(c) of this title; or

(C) tardily filed under section 501(a) of this title, if—

(i) the creditor that holds such claim did not have notice or actual knowledge of the case in time for timely filing of a proof of such claim under section 501(a) of this title; and

(ii) proof of such claim is filed in time to permit payment of such claim;

(3) third, in payment of any allowed unsecured claim proof of which is tardily filed under section 501(a) of this title, other than a claim of the kind specified in paragraph (2)(C) of this subsection;

(4) fourth, in payment of any allowed claim, whether secured or unsecured, for any fine, penalty, or forfeiture, or for multiple, exemplary, or punitive damages, arising before the earlier of the order for relief or the appointment of a trustee, to the extent that such fine, penalty, forfeiture, or damages are not compensation for actual pecuniary loss suffered by the holder of such claim;

(5) fifth, in payment of interest at the legal rate from the date of the filing of the petition, on any claim paid under paragraph (1), (2), (3), or (4) of this subsection, and

(6) sixth, to the debtor.

§ 727. Discharge

(a) The court shall grant the debtor a discharge, unless—

(1) the debtor is not an individual;

(2) the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, has transferred, removed, destroyed, mutilated, or concealed, or has permitted to be transferred, removed, destroyed, mutilated, or concealed—

(A) property of the debtor, within one year before the date of the filing of the petition; or

(B) property of the estate, after the date of the filing of the petition;

(3) the debtor has concealed, destroyed, mutilated, falsified, or failed to keep or preserve any recorded information, including books, documents, records, and papers, from which the debtor's financial condition or business transactions might be ascertained, unless such act or failure to act was justified under all of the circumstances of the case;

(4) the debtor knowingly and fraudulently, in or in connection with the case—

(A) made a false oath or account;

(B) presented or used a false claim;

(C) gave, offered, received, or attempted to obtain money, property, or advantage, or a promise of money, property, or advantage, for acting or forbearing to act; or

(D) withheld from an officer of the estate entitled to possession under this title, any recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs;

(5) the debtor has failed to explain satisfactorily, before determination of denial of discharge under this paragraph, any loss of assets or deficiency of assets to meet the debtor's liabilities;
(6) the debtor has refused, in the case—

   (A) to obey any lawful order of the court, other than an order to respond to a material question or to testify;

   (B) on the ground of privilege against self-incrimination, to respond to a material question approved by the court or to testify, after the debtor has been granted immunity with respect to the matter concerning which such privilege was invoked; or

   (C) on a ground other than the properly invoked privilege against self-incrimination, to respond to a material question approved by the court or to testify;

   (7) the debtor has committed any act specified in paragraph (2), (3), (4), (5), or (6) of this subsection, on or within one year before the date of the filing of the petition, or during the case, in connection with another case, under this title or under the Bankruptcy Act, concerning an insider;

   (8) the debtor has been granted a discharge under this section, under section 1141 of this title, or under section 13, 371, or 476 of the Bankruptcy Act, in a case commenced within six years before the date of the filing of the petition;

   (9) the debtor has been granted a discharge under section 1328 of this title, or under section 660 or 661 of the Bankruptcy Act, in a case commenced within six years before the date of the filing of the petition, unless payments under the plan in such case totaled at least—

   (A) 100 percent of the allowed unsecured claims in such case; or

   (B)(i) 70 percent of such claims; and

   (ii) the plan was proposed by the debtor in good faith, and was the debtor's best effort; or

   (10) the court approves a written waiver of discharge executed by the debtor after the order for relief under this chapter.

   (b) Except as provided in section 523 of this title, a discharge under subsection (a) of this section discharges the debtor from all debts that arose before the date of the order for relief under this chapter, and any liability on a claim that is determined under section 502 of this title as if such claim had arisen before the commencement of the case, whether or not a proof of claim based on any such debt or liability is filed under section 501 of this title, and whether or not a claim based on any such debt or liability is allowed under section 502 of this title.

   (c) The trustee or a creditor may object to the granting of a discharge under subsection (a) of this section.

   (2) On request of a party in interest, the court may order the trustee to examine the acts and conduct of the debtor to determine whether a ground exists for denial of discharge.

   (d) On request of the trustee or a creditor, and after notice and a hearing, the court shall revoke a discharge granted under subsection (a) of this section if—

     (1) such discharge was obtained through the fraud of the debtor, and the requesting party did not know of such fraud until after the granting of such discharge;

     (2) the debtor acquired property that is property of the estate, or became entitled to acquire property that would be property of the estate, and knowingly and fraudulently failed to report the acquisition of, or entitlement to, such property, or to deliver or surrender such property to the trustee; or

     (3) the debtor committed an act specified in subsection (a)(6) of this section.

   (e) The trustee or a creditor may request a revocation of a discharge—

     (1) under subsection (d)(1) of this section, within one year after such discharge was granted; or

     (2) under subsection (d)(2) or (d)(3) of this section, before the later of—

     (A) one year after the granting of such discharge; or

     (B) the date the case is closed.
Rule 1007

LISTS, SCHEDULES AND STATEMENTS: TIME LIMITS

(a) List of Creditors and Equity Security Holders.

(1) Voluntary Case. In a voluntary case, the debtor shall file with the petition a list containing the name and address of each creditor unless the petition is accompanied by a schedule of liabilities or a Chapter 13 Statement.

(2) Involuntary Case. In an involuntary case, the debtor shall file with the petition a list containing the name and address of each creditor unless the petition is accompanied by a schedule of liabilities or a Chapter 13 Statement.

(3) Equity Security Holders. In a chapter 11 reorganization case, a list of the debtor’s equity security holders of each class showing the number and kind of interests registered in the name of each holder, and the last known address or place of business of each holder, shall be filed by the debtor within 15 days after entry of the order for relief unless the court orders otherwise.

(4) Extension of Time. Any extension of time for the filing of the lists required by this subdivision may be granted only on motion for cause shown and on notice to any trustee, committee appointed under the Code, or other party as the court may direct.

(b) Schedules and Statements Required. The debtor in a chapter 7 liquidation case or chapter 11 reorganization case shall file with the court schedules of assets and liabilities, a statement of financial affairs, and a statement of executory contracts, prepared as prescribed by Official Forms No. 6 and either No. 7 or No. 8, whichever is appropriate, unless the court orders otherwise. The debtor in a chapter 13 individual’s debt adjustment case shall file with the court a Chapter 13 Statement conforming to Official Form No. 10 and, if the debtor is engaged in business, a statement of financial affairs prepared as prescribed by Official Form No. 8.

(c) Time Limits. The schedule and statements, if not previously filed in a pending case, shall be filed with the petition in a voluntary case, or if the petition is accompanied by a list of all the debtor’s creditors and and their addresses, within 15 days thereafter, except as otherwise provided in subdivisions (d), (e) and (h) of this rule. In an involuntary case the schedules and statements shall be filed by the debtor within 15 days after entry of the order for relief. In a case converted from chapter 11 or chapter 13 to a chapter 7 case, the list of all the debtor’s creditors, a schedule of assets and liabilities, a statement of financial affairs and a statement of executory contracts shall be filed by the debtor or other person directed by the court, within 15 days after the entry of the order of conversion. Any extension of time for the filing of the schedules and statements may be granted only on motion for cause shown and on notice to any committee, trustee, examiner or other party as the court may direct.

(d) List of 20 Largest Creditors in Chapter 9 Municipality Case or Chapter 11 Reorganization Case. In addition to the list required by subdivision (a) of this rule, a debtor in a chapter 9 municipality case or a debtor in a voluntary chapter 11 reorganization case shall file with the petition a list containing the name, address and claim of the creditors that hold the 20 largest unsecured claims, excluding insiders, as prescribed by Official Form No. 9. In an involuntary chapter 11 reorganization case, such list shall be filed by the debtor within 2 days after entry of the order for relief under § 303(h) of the Code.

(e) List in Chapter 9 Municipality Cases. The list required by subdivision (a) of this rule shall be filed by the debtor in a chapter 9 municipality case within such time as the court shall fix. If a proposed plan requires a revision of assessments so that the proportion of special assessments or special taxes to be assessed against some real property will be different from the proportion in effect at the date the petition is filed, the debtor shall also file with the court a list showing the name and address of each known holder of title, legal or equitable, to real property adversely affected. On motion for cause shown, the court may modify the requirements of this subdivision and subdivision (a) of this rule.

(f) Number of Copies. The number of copies of the schedules, statements and lists shall correspond to the number of copies of the petition required by Rules 1002 and 1003.

(g) Partnership and Partners. The general partners of a debtor partnership shall prepare and file the schedules of the assets and liabilities, statement of financial affairs, and statement of executory contracts of the partnership. The court may order any general partner to file a statement of personal assets and liabilities with the court within such time as the court may fix.
(h) Interests Acquired or Arising After Petition. Within ten days after the information comes to the debtor's knowledge or within such further time as the court may allow, the debtor in a chapter 7 liquidation case, chapter 11 reorganization case, or chapter 13 individual debt adjustment case shall file a supplemental schedule with respect to any property that the debtor acquires or becomes entitled to acquire within 180 days after the date of the filing of the petition (1) by bequest, devise or inheritance, (2) as a result of a property settlement agreement with the debtor's spouse, or of an interlocutory or final divorce decree; or (3) as a beneficiary of a life insurance policy or of a death benefit plan. If any of the property required to be reported under this subdivision is claimed by the debtor as exempt, the debtor shall claim the exemptions in the supplemental schedule. The duty to file a supplemental schedule in accordance with this subdivision continues notwithstanding the closing of the case before the duty is or can be performed, except that the schedule need not be filed in a chapter 11 or chapter 13 case with respect to property acquired after entry of the order confirming the plan.

(i) Disclosure of List of Security Holders. After notice and hearing and for cause shown, the court may direct an entity other than the debtor or trustee to disclose any list of security holders of the debtor in its possession or under its control, indicating the name, address and security held by any of them. The entity possessing this list may be required either to produce the list or a true copy thereof, or permit inspection or copying, or otherwise disclose the information contained on the list.

(j) Impounding of Lists. On motion of a party in interest and for cause shown the court may direct the impounding of the lists filed under this rule, and may refuse to permit inspection by any entity. The court may permit inspection or use of the lists, however, by any party in interest on terms prescribed by the court.

(k) Preparation of List, Schedules, or Statements on Default of Debtor. If a list, schedule, or statement is not prepared and filed as required by this rule, the court may order the trustee, a petitioning creditor, committee, or other party to prepare and file any of these papers within a time fixed by the court. The court may approve reimbursement of the cost incurred in complying with such an order as an administrative expense.

Rule 1009
AMENDMENTS OF VOLUNTARY PETITIONS, LISTS, SCHEDULES AND STATEMENTS OF FINANCIAL AFFAIRS

A voluntary petition, list, schedule, statement of financial affairs, statement of executory contracts, or Chapter 13 Statement may be amended by the debtor as a matter of course at any time before the case is closed. The debtor shall give notice of the amendment to the trustee and to any entity affected thereby. On motion of a party in interest, the court may order any voluntary petition, list, schedule, statement of financial affairs, statement of executory contracts, or Chapter 13 Statement to be amended and the clerk shall give notice of the amendment to entities designated by the court. The amendment shall be filed in the same number as required of the original.

Rule 1016
DEATH OR INSANITY OF DEBTOR

Death or insanity of the debtor shall not abate a liquidation case under chapter 7 of the Code. In such event the estate shall be administered and the case concluded in the same manner, so far as possible, as though the death or insanity had not occurred. If a reorganization or individual's debt adjustment case is pending under chapter 11 or chapter 13, the case may be dismissed; or if further administration is possible and in the best interest of the parties, the case may proceed and be concluded in the same manner, so far as possible, as though the death or insanity had not occurred.
Rule 3004

FILING OF CLAIMS BY DEBTOR OR TRUSTEE

If a creditor fails to file a proof of claim on or before the first date set for the meeting of creditors called pursuant to § 341(a) of the Code, the debtor or trustee may do so in the name of the creditor. The clerk shall forthwith mail notice of the filing to the creditor, the debtor and the trustee. The creditor may thereafter file a proof of claim pursuant to Rule 3002 or Rule 3003, which proof when filed shall supersede the proof filed by the debtor or trustee.

Rule 9014

CONTESTED MATTERS

In a contested matter in a case under the Code not otherwise governed by these rules, relief shall be requested by motion, and reasonable notice and opportunity for hearing shall be afforded the party against whom relief is sought. No response is required under this rule unless the court orders an answer to a motion. The motion shall be served in the manner provided for service of a summons and complaint by Rule 7004, and, unless the court otherwise directs, the following rules shall apply: 7021, 7025, 7026, 7028-7037, 7041, 7042, 7052, 7054-7056, 7062, 7064, 7069, and 7071. The court may at any stage in a particular matter direct that one or more of the other rules in Part VII shall apply. A person who desires to perpetuate testimony may proceed in the same manner as provided in Rule 7027 for the taking of a deposition before an adversary proceeding. The clerk shall give notice to the parties of the entry of any order directing that additional rules of Part VII are applicable or that certain of the rules of Part VII are not applicable. The notice shall be given within such time as is necessary to afford the parties a reasonable opportunity to comply with the procedures made applicable by the order.
§703.130. Inapplicability of Exemptions in Bankruptcy Law.

Pursuant to the authority of paragraph (1) of subsection (a) of Section 352 of Title 11 of the United States Code, the exemptions set forth in subsection (d) of Section 352 of Title 11 of the United States Code (Bankruptcy) are not authorized in this state. [Leg.H. 1984 ch. 218 §1.5.]

§703.140. Other Exemptions.

(a) If a petition is filed under Title 11 of the United States Code, the exemptions provided by this chapter other than the provisions of subdivision (b) of this section shall be applicable, but the exemptions provided by subdivision (b) may be elected in lieu of all other exemptions provided by this chapter, as follows:

(1) If a husband and wife are joined in the petition, they jointly may elect to utilize the applicable exemption provisions of this chapter other than the provisions of subdivision (b), or to utilize the applicable exemptions set forth in subdivision (b), but not both.

(2) If the petition is filed individually, and not jointly, for a husband or a wife, the exemptions provided by this chapter other than the provisions of subdivision (b) are applicable, except that, if both the husband and the wife effectively waive in writing the right to claim, during the period the case commenced by filing the petition is pending, the exemptions provided by the applicable exemption provisions of this chapter, other than subdivision (b), in any case commenced by filing a petition for either of them under Title 11 of the United States Code, then they may elect to instead utilize the applicable exemptions set forth in subdivision (b).

(3) If the petition is filed for an unmarried person, that person may elect to utilize the applicable exemption provisions of this chapter other than subdivision (b), or to utilize the applicable exemptions set forth in subdivision (b), but not both.

(b) The following exemptions may be elected as provided in subdivision (a):

(1) The debtor's aggregate interest, not to exceed one thousand two hundred dollars ($1,200) in value, in one motor vehicle.

(2) The debtor's interest, not to exceed one thousand two hundred dollars ($1,200) in value, in a one motor vehicle.

(3) The debtor's interest, not to exceed two hundred dollars ($200) in value in any particular item, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

(4) The debtor's aggregate interest, not to exceed five hundred dollars ($500) in value, in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

(5) The debtor's aggregate interest, not to exceed in value four hundred dollars ($400) plus any unused amount of the exemption provided under paragraph (1), in any property.

(6) The debtor's aggregate interest, not to exceed seven hundred fifty dollars ($750) in value, in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

(7) Any unmatured life insurance contract owned by the debtor, other than a credit life insurance contract.

(8) The debtor's aggregate interest, not to exceed in value four thousand dollars ($4,000) in any accrued dividend or interest under, or loan value of, any unmatured life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent.

(9) Professionally prescribed health aids for the debtor or a dependent of the debtor.

(10) The debtor's right to receive any of the following:

(A) A social security benefit, unemployment compensation, or a local public assistance benefit.

(B) A veterans' benefit.

(C) A disability, illness, or unemployment benefit.

(D) Alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(E) A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(F) That plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose.

(ii) The payment is on account of age or length of service.

(iii) That plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, or 409 of the Internal Revenue Code of 1954.

(11) The debtor's right to receive, or property that is traceable to, any of the following:

(A) An award under a crime victim's reparation law.

(B) A payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(C) A payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of such individual's death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(D) A payment, not to exceed seven thousand five hundred dollars ($7,500), on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent.

(E) A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(F) That plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose.

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(E) A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.
# Exempt Property
**FEDERAL NONBANKRUPTCY**

<table>
<thead>
<tr>
<th>Type of Property</th>
<th>Amount of Exemption</th>
<th>Statute Creating Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposable earnings (earnings after deductions required by law)</td>
<td>75% OR 30 times the federal minimum hourly wage per week, WHICHEVER IS GREATER</td>
<td><em>15 USC sec. 1673, see In re Brissette, 561 F.2d 779 (9th Cir. 1977)</em></td>
</tr>
<tr>
<td>Wages due masters, seamen &amp; apprentices</td>
<td>no limit (does not apply to claims for maintenance &amp; support of spouse &amp; dependent children)</td>
<td>46 USC sec. 601</td>
</tr>
<tr>
<td>Veterans Administration benefits (includes pensions, life insurance &amp; disability benefits)</td>
<td>no limit</td>
<td>38 USC sec. 3101(a)</td>
</tr>
<tr>
<td>Social Security benefits (includes retirement, death &amp; disability benefits)</td>
<td>no limit</td>
<td>42 USC sec. 407</td>
</tr>
<tr>
<td>Longshoremen &amp; harbor workers medical, disability &amp; death benefits</td>
<td>no limit</td>
<td>33 USC sec. 916</td>
</tr>
<tr>
<td>Railroad employees retirement, &amp; disability annuities</td>
<td>no limit</td>
<td>45 USC sec. 231m</td>
</tr>
<tr>
<td>Federal civil service disability &amp; death benefits</td>
<td>no limit</td>
<td>5 USC sec. 8130</td>
</tr>
<tr>
<td>Federal civil service retirement benefits</td>
<td>no limit</td>
<td>5 USC sec. 8346(a)</td>
</tr>
<tr>
<td>Military Survivor Benefit Plan annuities</td>
<td>no limit</td>
<td>10 USC sec. 14500</td>
</tr>
<tr>
<td>Annuities paid to widows and dependent children of Federal Justices &amp; Judges</td>
<td>no limit</td>
<td>28 USC sec. 376(n)</td>
</tr>
<tr>
<td>Servicemen’s group life insurance benefits</td>
<td>no limit</td>
<td>38 USC sec. 770(g)</td>
</tr>
<tr>
<td>Veteran’s group life insurance benefits</td>
<td>no limit</td>
<td>38 USC sec. 770(g)</td>
</tr>
<tr>
<td>Deposits made in U.S. servicemen’s savings institutions by servicemen while on permanent duty assignment outside U.S. and its possessions</td>
<td>no limit</td>
<td>10 USC sec. 1035(a)</td>
</tr>
</tbody>
</table>
Rule 1. Application of These Rules

These local rules shall govern all bankruptcy proceedings and matters concerning cases commenced under any chapter of Title 11, United States Code.

Rule 2. Application of District Court Rules

The local general and civil rules of the United States District Court for the Northern District of California shall be followed to the extent not inconsistent with the Bankruptcy Rules and these local bankruptcy rules. References to local district court rules to district court officers and personnel shall be understood as applying to corresponding bankruptcy court officers and personnel.

Rule 3. Designation of Bankruptcy Divisions

This district shall contain four bankruptcy divisions with the following territories and addresses:

Division 1 shall consist of the counties of Del Norte, Mendocino, Humboldt, Napa, Sonoma, Marin and Lake, and the division office shall be located at 205 A Post Office Building, Fifth and H Streets, Eureka, California 95501.

Division 2 shall consist of the counties of Alameda and Contra Costa, and the division office shall be located at 223 Post Office Building, 13th and Alice Streets, Oakland (Mailing address: P.O. Box 2070, Oakland, California 94604).

Division 3 shall consist of the counties of San Francisco and San Mateo, and the division office shall be located at Room 15217, United States Courthouse and Federal Building, 450 Golden Gate Avenue, San Francisco (Mailing address: P.O. Box 36053, San Francisco, California 94102).

Division 4 shall consist of the counties of Santa Clara, Santa Cruz, Monterey and San Benito, and the division office shall be located at 209 Post Office Building, St. James Park Station, San Jose, California 95113.

Rule 4. Filing of Papers

(a) All papers in bankruptcy matters shall be filed with the clerk of the bankruptcy court in the bankruptcy division of proper venue. The venue provisions of 28 U.S.C. §1472 as applied to the geographic divisions of this district (as defined in Local Rule 3) shall be used to determine proper venue among the bankruptcy divisions of this district.

(b) Upon a showing of good cause any bankruptcy division office of this district may accept for filing, on behalf of any other bankruptcy division office of this district, an original petition and accompanying documents under any chapter of the Bankruptcy Code. Upon such filing, the division office where the petition is accepted for filing shall immediately obtain, by telephone, a docket number for the new petition from the division office of proper venue. That docket number shall be placed on the new petition and all other documents filed with it. As soon as possible, the documents shall be forwarded to the proper division.

Rule 5. Master Address List

A master address list shall be filed with the petition in every voluntary case unless waived by the clerk of the Bankruptcy Court. The list shall include the name, address and zip code of the petitioner, the petitioner's attorney and all creditors. Creditors shall be listed alphabetically. The debtor is responsible for the accuracy and completeness of the master address list. The clerk will not compare or confirm the names and addresses shown on the list.

Rule 6. Number of Copies

The petitions, statements, schedules, and lists required by Bankruptcy Rules 1002, 1003 and 1007 shall be filed in the following numbers:

(a) Chapter 7 — an original and two copies.

(b) Chapter 9 — an original and five copies.

(c) Chapter 11 — an original and five copies.

(d) Chapter 13 — an original and two copies.

Rule 7. Attorneys' Fee Disclosure Statements

Attorneys' fee disclosure statements as required by Bankruptcy Rule 2016 shall be filed in duplicate. The clerk shall transmit one copy to the trustee for review.
LOCAL RULES OF THE UNITED STATES
BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT
OF CALIFORNIA

Effective March 1, 1984
Rule 8. Retention of Electronic Tape and Stenographic Records of Proceedings

(a) Electronic tapes of meetings of creditors shall be retained and preserved by the clerk of the court for one year from the date of recording, unless otherwise ordered by the court.

(b) Electronic tapes and court reporter's stenographic records of all other bankruptcy proceedings shall be retained and preserved by the clerk of court or the clerk's designee for ten years from the date of recording unless otherwise ordered by the court.

Rule 9. Contested Matters

(a) Initiation of Contested Matters. All contested matters shall be initiated by motion or objection. Unless proceeding under subsection (b), the party initiating the contested matter shall obtain from the clerk a hearing date and serve notice thereof on the opposing party together with the pleading initiating the contested matter. Except where a different time period is required by the Bankruptcy Rules or Local Rule 17, service shall be made at least 30 days before the hearing date.

(b) Response to Contested Matters. Unless otherwise ordered for good cause shown, no responsive pleading to an objection to a claim of exemption or to an objection for a claim is required. In all other contested matters, a responsive pleading or statement of no opposition is required. The responsive pleading or statement of no opposition shall be served and filed not less than 14 days before the date of hearing. Any reply to the opposition shall be served and filed not less than seven days before the date of hearing.

(c) Default Orders Without Hearing

(1) A party in interest may file, without setting a hearing:

(a) an objection to a claim;

(b) a notice of motion to avoid the fixing of a lien under 11 U.S.C §522(f)(2).

(2) The objection or notice shall indicate that: (i) the claimant or lienholder must file and serve a request for hearing within 30 days of mailing of the notice: (ii) if there is no timely request for a hearing, the court may enter an order granting the requested relief by default; and (iii) if the claimant or lienholder does request a hearing, it shall be the responsibility of the moving party to obtain a date and time of hearing and to give notice of hearing to the claimant or lienholder.

(3) To obtain relief by default, the moving party shall file with the clerk and serve upon the claimant or lienholder a request for entry of order by default. A copy of the motion or objection shall be attached to the request. The request shall contain declarations as to the date and place of mailing of the pleading, the address to which mailed, and the lack of response. If the claimant or lienholder has filed a claim, all pleadings shall be mailed to the address shown on the claim.

(4) Upon the filing of an appropriate request for entry of order by default, the court may grant the requested relief.

(d) This rule does not apply to motions for relief from stay.

Rule 10. Exempt Property

If no objection to a claim of exemption has been made in a chapter 7 case within the time provided in Rule 4003 (b), the court may, at any time, without a hearing and without reopening the case, enter an order approving and setting apart the exemptions as claimed.

Rule 11. Funds of the Estate

(a) The clerk shall maintain a list of approved depositories for money that is property of a bankruptcy estate.

(b) An account that is property of a bankruptcy estate shall identify the depositor as a debtor-in-possession or a trustee in bankruptcy.

Rule 12. Taxes

(a) Payment. Trustees and debtors operating businesses in cases under chapters 7, 11 and 13 shall pay those amounts due to, or received from, or collected for or on behalf of the United States, any state, or any political subdivision
thereof, for excise, withholding, social security (both employee’s and employer’s portions), sales or unemployment taxes or contributions to the taxing agency to which the taxes are payable. Such amounts shall be remitted within five business days after the wages or salaries have been paid, or, with respect to other such taxes, within five business days following the last day of each calendar month, except where otherwise ordered.

(b) Special Payroll Accounts. If the trustee or debtor has established or will establish a special payroll account under a payroll service agreement with a bank, the bank shall not distribute the payroll without receiving from the debtor, at the time of the receipt of the payroll, all withholding, social security, and unemployment taxes or contributions applicable thereto, and shall comply with the provisions of Local Rule 12(a) regarding the times of remittance.

(c) Monthly Statement Concerning Taxes. Unless otherwise ordered, every trustee or debtor operating a business shall file a verified tax statement by the twentieth day of each month. The tax statement shall show, for the preceding month, the amounts due, collected and paid for each tax together with the date of each payment. The statement shall indicate compliance with Local Rule 12(a).

Rule 13. Monthly Operating Reports

(a) Monthly operating reports are required from a trustee or debtor in possession in the following cases:

(1) All cases under chapter 11.

(2) Chapter 7 cases where a business is being operated by a trustee.

(3) Chapter 13 cases where a business is being operated by a debtor.

(b) Monthly operating reports shall be filed by the trustee or debtor in possession not later than the twentieth day following the end of each calendar month. Reports shall be filed for the portion of a calendar month from the date of filing, and monthly thereafter through the month in which an order of confirmation, conversion or dismissal is entered.

(c) The monthly operating report shall be served upon each member of each court-appointed committee of creditors and equity security holders, attorneys of record for each such committee and the deputy clerk for estate administration.

(d) Each monthly operating report shall consist of:

(1) a balance sheet,

(2) a statement of cash receipts and disbursements, and

(3) a profit and loss statement prepared on the accrual basis.

(e) The bankruptcy judge may, on application and for cause, modify the provisions of this rule.

Rule 14. Quarterly Reports of Deposits

All trustees, debtors in possession and disbursing agents shall file with the court a report of all funds on deposit pursuant to Bankruptcy Rule 5008. These reports shall be filed promptly after the filing of a petition and within 20 days after the end of each calendar quarter until the final account is approved. In chapter 11 cases, the reports shall be filed through the effective date of confirmation of a plan or thereafter as the court may order.

Rule 15. Chapter 13 Plan

(a) At least twenty-five days before the hearing on confirmation, copies or an adequate summary of the chapter 13 plan shall be mailed by the trustee to all creditors. The trustee shall certify to the court that service has been made in accordance with this rule and pursuant to Bankruptcy Rule 2002(b). If the plan is not filed with the petition, the debtor shall provide mailing and certification as specified above.

(b) At least three business days before the date set for hearing on confirmation of the debtor’s plan, a creditor objecting to confirmation shall file with the court and serve upon the debtor and the trustee an objection to confirmation stating with particularity the grounds therefor. Except for good cause shown, objections to confirmation will not be considered by the court unless service has been made in accordance with this rule.
Rule 16. Mail Redirection

The filing of a petition under Title II by a debtor engaged in business is deemed to be the debtor's consent to mail redirecction by the interim trustee and the trustee.

If the debtor does not consent to mail redirecction, the debtor shall file a written objection with the clerk. Upon the filing of the debtor's objection, the clerk shall set a prompt hearing on notice to the debtor and the trustee. After the filing of an objection and pending order of court the redirecction shall continue, and the trustee shall hold, but not open, the debtor's mail.

Rule 17. Motions For Relief From Stay

(a) Motions for relief from stay shall be so titled and shall be accompanied, in lieu of points and authorities, by declarations setting forth the factual and legal grounds for relief.

(b) Unless otherwise ordered:
   (1) The time limits of Local District Court Rule 220 shall not apply.
   (2) Motions for relief from stay shall be set for hearing within the time limits prescribed by 11 U.S.C. Section 362(e).
   (3) The first hearing on a motion for relief from an automatic stay provided by the Bankruptcy Code shall by a preliminary hearing.
   (4) No oral testimony will be received at any preliminary or final hearing on a motion for relief from stay.
   (5) The debtor will not be required to file a responsive pleading.
   (c) The respondent shall appear personally or by counsel at all hearings on motions for relief from stay. Motions shall describe the relief that may be given if the respondent fails to appear at the hearing.
   (d) The moving party shall serve the notice of motion and the initiating pleadings on all respondents within five calendar days of the filing of the motion.

Rule 18. Chapter 9 and 11 Claims and Disclosure Statements

 Unless otherwise ordered by the court:

(a) Proofs of claim filed pursuant to Bankruptcy Rule 3003 shall be filed not later than the date first set for hearing on approval of the disclosure statement. Parties in interest shall be given at least 25 days notice of this or any other bar date for the filing of proofs of claim or interest.

(b) The proponent of a plan and disclosure statement shall be responsible for complying with the notice provisions of Bankruptcy Rule 3017, and shall file appropriate proof of service.

(c) Objections to a disclosure statement or plan shall be filed and served not later than five days before the hearing date.

Rule 19. Use, Sale, or Lease of Property

Upon request for a hearing, the party proposing use, sale, or lease of property of an estate shall obtain a date and give notice as required.

Rule 20. Approval of Reaffirmation Agreements.

Where the collateral for a loan is a motor vehicle, applications for approval of reaffirmation agreements may be presented without hearing before the 11 U.S.C. §524(d) discharge hearing. This local rule shall not impair the debtor's right, under 11 U.S.C. §524(c), to rescind the agreement within 30 days after it becomes enforceable.

Rule 21. Designation of Responsible Individual For Corporate Or Partnership Debtor

Every corporate or partnership debtor or debtor in possession shall file with the court an application and proposed order appointing a natural person to be responsible for the duties and obligations of the debtor or debtor in possession. The order shall identify such person by name, address, telephone number, and position within the organization. If the duties are to be divided among two or more individuals, such division shall be specified. The application and order shall be filed with the petition, or promptly thereafter.
OBLIGATION OF DEBTOR AND TRUSTEE
RE SCHEDULED CONSUMER DEBT

(a) Debtor shall comply with Bankruptcy Code Section 521(2)(A) [individual debtor with consumer debts secured by property of estate must file statement of intention to retain or surrender property] by filing the original of the required statement with the Court with proof of service on the trustee and the secured creditors affected thereby. Debtor is to have a copy of the statement available at the First Meeting of Creditors under Bankruptcy Code Section 341.

(b) The trustee shall comply with Bankruptcy Code Section 704(3) [Trustee's duties] by advising the debtor in writing of the debtor's obligations under Bankruptcy Code Section 521(2)(B) on the receipt of the statement of intent, or in any event, no later than the First Meeting of Creditors pursuant to Bankruptcy Code Section 341.
Name ________________________

Address ______________________

Telephone ______________________

Attorney or Assistant or Representative for Debtor(s)

UNITED STATES BANKRUPTCY COURT FOR THE

DISTRICT OF ______________________

In re

Debtor(s) ____________________________________________

Case No. ______________________

VOLUNTARY PETITION

UNDER CHAPTER __________

Social Security No. ______________________

Social Security No. ______________________

Debtor’s Employer’s Tax Identification No. ______________________

Wherefore, petitioner prays for relief in accordance with chapter 7 (or chapter 11) of title 11, United States Code.

Signed: ______________________

Address: ______________________

Petitioner signs if not represented by attorney

Petitioner

Petitioner

I, (We), and ______________________

the petitioner(s) named (or the president or other officer or authorized agent of the corporation named as petitioner, or a member or an authorized agent of the partnership named as petitioner) in the foregoing petition, do hereby declare, under penalty of perjury, that the statements contained therein are true and correct, (and that the filing of this Petition on behalf of the corporation (or partnership) has been authorized).

Executed on ____________, 19 ____________

Petitioner

Petitioner

Petitioner

Petitioner

WOLCOTTS FORM 1087 (E OR R) OR 1081 OR 1029 (E OR R) VOLUNTARY PETITION, OFFICIAL FORM NO. 1, Rev 10-04 © 1984 WOLCOTTS, INC.
EXHIBIT "B"

Petitioner is an individual whose debts are primarily consumer debts, and such petitioner is represented by an attorney, this Exhibit "B" shall be completed and attached to the petition pursuant to paragraph 7 thereof.

Name ____________________________
Address ____________________________
Telephone ____________________________

Attorney for Debtor(s) ____________________________

UNITED STATES BANKRUPTCY COURT FOR THE ____________ DISTRICT OF ____________

In re ____________________________

Debtor(s) ____________________________

Date Petition Filed ____________________________
Case No. ____________________________
Bankruptcy Judge ____________________________

(CLERK'S STAMP)

(If this form is used for joint petitioners wherever the word "petitioner" or words referring to petitioners are used they shall be read as if in the plural.)

I, ____________________________, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that he (or she) may proceed under chapter 7 or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

Executed on ____________________________

Signature ____________________________ Attorney for Petitioner
SCHEDULE A — STATEMENT OF ALL LIABILITIES OF DEBTOR

Schedules A-1, A-2, and A-3 must include all the claims against the debtor or debtor's property as of the date of the filing of the petition by or against debtor.

SCHEDULE A-1 — Creditors having priority

<table>
<thead>
<tr>
<th>1. Nature of claim</th>
<th>2. Name of creditor and complete mailing address including zip code</th>
<th>3. Specify when claim was incurred and the consideration therefor; when claim is subject to setoff, evidenced by a judgment, negotiable instrument or other writing, or incurred or disputed as partner or joint contractor, so indicate; specify name of any partner or joint contractor on any debt</th>
<th>4. Indicate if claim is contingent, unliquidated,</th>
<th>5. Amount of Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Wages, salaries and commissions, including vacation, severance and sick leave pay owing to employees not exceeding $2000 for each earned with 90 days before filing of petition or cessation of business (if earlier specify date)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Contributions to employee benefit plans for services rendered within 180 days before filing of petition or cessation of business (if earlier specify date)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Deposits by individuals not exceeding $500 for each such purchase, lease, or rental of property, or services for personal, family or household use that were not delivered or provided</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Taxes owing (itemize by type of tax and taxing authority)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) To the United States</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) To any state</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) To any other taxing authority</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total $
<table>
<thead>
<tr>
<th>1. Name of creditor and complete mailing address including zip code.</th>
<th>2. Description of security and date when obtained by creditor.</th>
<th>3. Specify when claim was incurred and the consideration therefor; when claim is subject to setoff, evidenced by a judgment, negotiable instrument, or other other writing, or incurred as partner or joint contractor, so indicate, specify name or any partner or joint contractor on any debt.</th>
<th>4. Indicate if claim is contingent, unliquidated, or disputed.</th>
<th>5. H W J</th>
<th>6. Market Value</th>
<th>7. Amount of claim without deduction of value of security.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

None of the above claims are contingent, unliquidated, or disputed unless otherwise stated.

Total $ $
<table>
<thead>
<tr>
<th>Name of creditor (including last known holder of any negotiable instrument) and complete mailing address including zip code.</th>
<th>Specify when claim was incurred and the consideration therefor.</th>
<th>Indicate if claim is contingent, unliquidated, disputed, subject to setoff, evidenced by a judgment, negotiable instrument, or other writing or incurred as partner or joint contractor, so indicate.</th>
<th>Amount of Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

None of the above claims are contingent, unliquidated, or disputed unless otherwise stated.

Total $32.

OFFICIAL FORM NO. 6, SCHEDULE A-3, Rev. 10-84
SCHEDULE B — STATEMENT OF ALL PROPERTY OF DEBTOR

Schedules B-1, B-2, B-3, and B-4 must include all property of the debtor as of the date of the filing of the petition by or against debtor.

SCHEDULE B-1 — Real Property

<table>
<thead>
<tr>
<th>Description and location of all real property in which debtor has an interest (including equitable and future interests, interests in estates by the entirety, community property, life estates, leaseholds, and rights and powers exercisable for his (her) own benefit)</th>
<th>Nature of interest (specify all deeds and written instruments relating thereto)</th>
<th>H</th>
<th>W</th>
<th>J</th>
<th>Market value of debtor's interest without deduction for secured claims listed in Schedule A-2 or exemptions claimed in Schedule B-4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

OFFICIAL FORM NO. 6, SCHEDULE B-1, Rev. 10-84
# SCHEDULE B-2 — Personal Property

<table>
<thead>
<tr>
<th>Type of Property</th>
<th>Description and Location</th>
<th>Market value of debtor's interest without deduction for secured claims listed in Schedule A-2 or exemptions claimed in Schedule B-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cash on hand</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>b. Deposits of money with banking institutions, savings and loan associations, brokerage houses, credit unions, public utility companies, landlords and others</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>c. Household goods, supplies and furnishings</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>d. Books, pictures and other art objects, stamp, coin and other collections</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>e. Wearing apparel, jewelry, firearms, sports equipment and other personal possessions</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>f. Automobiles, trucks, trailers and other vehicles</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>g. Boats, motors and their accessories</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>h. Livestock, poultry and other animals</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>i. Farming equipment, supplies and implements</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>j. Office equipment, furnishings and supplies</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>k. Machinery, fixtures, equipment and supplies (other than those listed in items j and i) used in business</td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

Schedule B-2 Sub-Total $
<table>
<thead>
<tr>
<th>Type of Property</th>
<th>Description and Location</th>
</tr>
</thead>
</table>

- **Schedule B-2 Sub-Total Forward** $ 

- **L. Inventory:**

- **M. Tangible personal property of any other description:**

- **N. Patents, copyrights, licenses, franchises and other general intangibles (specify all documents and writings relating thereto):**

- **O. Government and corporate bonds and other negotiable and nonnegotiable instruments:**

- **P. Other liquidated debts owing debtor:**

- **Q. Contingent and unliquidated claims of every nature, including counterclaims of the debtor (give estimated value of each):**

- **R. Interests in insurance policies (name insurance company of each policy and itemize, surrender or refund values of each):**

- **S. Annuities (itemize and name of each issuer):**

- **T. Stock and interests in incorporated and unincorporated companies (itemize each separately):**

- **U. Interests in partnerships:**

- **V. Equitable and future interests, life estates and rights or powers exercisable for the benefit of the debtor (other than those listed in Schedule B-1) (specify all written instruments relating thereto):**

OFFICIAL FORM NO. 6, SCHEDULE B-2 (I. thru v.) Rev. 10-84
## SCHEDULE B-3 — Property Not Otherwise Scheduled

<table>
<thead>
<tr>
<th>Type of Property</th>
<th>Description and Location</th>
<th>Market value of debtor's interest without deduction for secured claims listed in Schedule A-2 or exemptions claimed in Schedule B-4</th>
</tr>
</thead>
</table>

**a.** Property transferred under assignment for benefit of creditors, within 120 days prior to filing of petition (specify date of assignment, name and address of assignee, amount realized therefrom by the assignee and disposition of proceeds so far as known to debtor)

**b.** Property of any kind not otherwise scheduled
### SCHEDULE B-4 — Property claimed as exempt

Debtor selects the following property as exempt pursuant to 11 U.S.C. § 522(d) OR the laws of the State of

<table>
<thead>
<tr>
<th>Type of Property</th>
<th>Location, description, and, so far as relevant, to the claim of exemption, present use of property</th>
<th>Specify Statute creating the exemption</th>
<th>VALUE CLAIMED EXEMPT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

Total $
### SUMMARY OF DEBTS AND PROPERTY

(From the Statements of the Debtor in Schedules A and B)

<table>
<thead>
<tr>
<th>SCHEDULE</th>
<th>DEBTS</th>
<th>FOR JOINT CASES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1/a, b</td>
<td>Wages, etc. having priority</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>A-1/c</td>
<td>Deposits of money</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>A-1/d (1)</td>
<td>Taxes owing United States</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>A-1/d (2)</td>
<td>Taxes owing States</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>A-1/d (3)</td>
<td>Taxes owing other taxing authorities</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>A-2</td>
<td>Secured claims</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>A-3</td>
<td>Unsecured claims without priority</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

Schedule A Total $ $ $

<table>
<thead>
<tr>
<th>PROPERTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
</tr>
<tr>
<td>B-2/a</td>
</tr>
<tr>
<td>B-2/b</td>
</tr>
<tr>
<td>B-2/c</td>
</tr>
<tr>
<td>B-2/d</td>
</tr>
<tr>
<td>B-2/e</td>
</tr>
<tr>
<td>B-2/f</td>
</tr>
<tr>
<td>B-2/g</td>
</tr>
<tr>
<td>B-2/h</td>
</tr>
<tr>
<td>B-2/i</td>
</tr>
<tr>
<td>B-2/j</td>
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<tr>
<td>B-2/k</td>
</tr>
<tr>
<td>B-2/m</td>
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<tr>
<td>B-2/n</td>
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<tr>
<td>B-2/o</td>
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<tr>
<td>B-2/p</td>
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<tr>
<td>B-2/q</td>
</tr>
<tr>
<td>B-2/r</td>
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<tr>
<td>B-2/s</td>
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<tr>
<td>B-2/t</td>
</tr>
<tr>
<td>B-2/u</td>
</tr>
<tr>
<td>B-2/v</td>
</tr>
<tr>
<td>B-3/a</td>
</tr>
<tr>
<td>B-3/b</td>
</tr>
<tr>
<td>B-4</td>
</tr>
</tbody>
</table>

Total of Schedule B-1 thru B-3 $ $ $

---

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY OF INDIVIDUAL TO SCHEDULES A AND B**

I, ____________________________, declare under penalty of perjury that I have read the foregoing schedules, consisting of _____ sheets, and that they are true and correct to the best of my knowledge, information and belief.

Executed on ______________________, 19____ Signature ____________________________

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY OF INDIVIDUALS TO SCHEDULES A AND B (JOINT PETITION)**

We, _____________________________ and _____________________________, declare under penalty of perjury that we have read the foregoing schedules, consisting of _____ sheets, and that they are true and correct to the best of our knowledge, information and belief.

Executed on ______________________, 19____

Signature ____________________________ Petitioner

Signature ____________________________ Petitioner

---

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP TO SCHEDULES A AND B**

I, ____________________________, (the President or other officer or an authorized agent of the corporation) (or a member or an authorized agent of the partnership), named as debtor in this case, declare under penalty of perjury that I have read the foregoing schedules, consisting of _____ sheets, and that they are true and correct to the best of my knowledge, information and belief.

Executed on ______________________, 19____ Signature ____________________________ Petitioner
1. Name and Residence.
   a. What is your full name?
   b. Have you used or been known by any other names within the 6 years immediately preceding the filing of the original petition herein? If so, give particulars.
   c. Where do you now reside?
   d. Where else have you resided during the 6 years immediately preceding the filing of the original petition herein?
2. Occupation and Income.
   a. What is your occupation?
   b. Where are you now employed? (Give the name and address of your employer or the address at which you carry on your trade or profession and the length of time you have been so employed or engaged.)
   c. Have you been in a partnership with anyone or engaged in any business during the 6 years immediately preceding the filing of the original petition herein? (In so give particulars including names, dates and places.)
   d. What amount of income have you received from your trade or profession during each of the 2 calendar years immediately preceding the filing of the original petition herein?
   e. What amount of income have you received from other sources during each of these 2 years? (Give particulars including each source and the amount received therefrom.)

3. Tax Returns and Refunds.
   a. Where did you file your federal, state and municipal income tax returns for the 2 years immediately preceding the filing of the original petition herein?
   b. What tax refunds (income and other) have you received during the year immediately preceding the filing of the original petition herein?
   c. To what tax refunds (income or other), if any, are you or may you be entitled? (Give particulars including information as to refunds payable to you and your husband or any other person.)

   a. What accounts or certificates of deposit or shares in banks, savings and loan thrift building and loan and homestead associations, credit unions, brokerage houses, pension funds and the like have you maintained, alone or together with any other person, and in your own or any other name within the 2 years immediately preceding the filing of the original petition herein? (Give the name and address of each institution, the name and number under which the account or certificate is maintained, and the name and address of every other person authorized to make withdrawals from such account.)
   b. What safe deposit box or boxes or other depository or depositories have you kept or used for your securities, cash or other valuables within the 2 years immediately preceding the filing of the original petition herein? (Give the name and address of the bank or other depository, the name in which each box or other depository was kept, the name and address of every other person who had the right of access thereto, a brief description of the contents thereof and if the box has been surrendered, state when surrendered or if transferred, when transferred, and the name and address of the transferee.)
   a. Have you kept books of account or records relating to your affairs within the 2 years immediately preceding the filing of the original petition herein?

   b. In whose possession are these books or records? (Give names and addresses)

   c. If any of these books or records are not available, explain.

   d. Have any books of account or records relating to your affairs been destroyed, lost, or otherwise disposed of within the 2 years immediately preceding the filing of the original petition herein? (If so give particulars, including date of destruction, loss, or disposition; and reason therefor)

6. Property held for Another Person.
   What property do you hold for any other person? (Give name and address of each person; and describe the property or value thereof; and all writings relating thereto)

7. Property held by Another.
   Is any other person holding anything of value in which you have an interest? (Give name and address; location and description of the property; and circumstances of the holding)

8. Prior Bankruptcy.
   What cases under the Bankruptcy Act or title 11, United States Code, have previously been brought by, or against you? (Give the location of the bankruptcy court, the nature and number of each case, the date when it was filed, and whether a discharge was granted or denied; the case was dismissed; or a composition, arrangement, or plan was confirmed)

9. Receiverships, General Assignments, and other modes of Liquidation.
   a. Was any of your property, at the time of the filing of the original petition herein, in the hands of a receiver, trustee, or other liquidating agent? (If so, give a brief description of the property, and the name and address of the receiver, trustee, or other agent, and, if the agent was appointed in a proceeding, the name and location of the court, the title and number of the case, and the name thereof)

   b. Have you made any assignment of your property for the benefit of your creditors, or any general settlement with your creditors, within one year immediately preceding the filing of the original petition here? (If so, describe the name and address of the assignee, and a statement of the terms of assignment or settlement)

10. Suits, Executions and Attachments.
    a. Were you a party to any suit pending at the time of the filing of the original petition herein? (If so, give the name and location of the court, the title and nature of the proceeding)

    b. Were you a party to any suit terminated within the year immediately preceding the filing of the original petition herein? (If so, give the name and location of the court, the title and nature of the proceeding, and the result)

    c. Has any of your property been attached, garnished, or seized under any legal or equitable process within the year immediately preceding the filing of the original petition herein? (If so, describe the property seized or property garnished, and at whose suit)

11. (a) Payment of Loans, Installment Purchases and Other Debts.
    What payments in whole or in part have you made during the year immediately preceding the filing of the original petition herein or any of the following (1) loans, (2) installment purchases of goods and services, and (3) other debts? (Give the name, date, amount of payment, and the payee of the loan or other debt; the nature of the payments, and if any of the payees are your relatives or insiders, the relationship; if the debtor is a partnership or any of the payees is or was a partner, state the relationship; if the debtor is a corporation and any of the payees is or was an officer, director, or stockholder, or a relative of an officer, director, or stockholder, state the relationship)
11. (b) Setoffs.
   What debts have you owed to any creditor, including any bank, which were setoff by that creditor against a debt or deposit owing by the creditor to you during the year immediately preceding the filing of the original petition herein? (Give the names and addresses of the persons setting off such debts, the dates of the setoffs, the amounts of the debts owing by you, and to you and, if any of the creditors are your relatives or insiders, state the relationship.)

12. Transfers of property.
   a. Have you made any gifts, other than ordinary and usual presents to family members and charitable donations, during the year immediately preceding the filing of the original petition herein? (Give names and addresses of donees and dates, description, and value of gifts)

   b. Have you made any other transfer, absolute or for the purpose of security, or any other disposition, of real or personal property during the year immediately preceding the filing of the original petition herein? (Give a description of the property, the date of the transfer or disposition to whom transferred or how disposed of, and, if the transferee is a relative or insider, the relationship, the consideration if any, received therefor, and the disposition of such consideration.)

13. Repossessions and Returns.
   Has any property been returned to, or repossessed by, the seller or by a secured party during the year immediately preceding the filing of the original petition herein? (Give particulars including the name and address of the party getting the property and its description and value)

   a. Have you suffered any losses from fire, theft, or gambling during the year immediately preceding or since the filing of the original petition herein? (Give particulars including dates, names, and places, and the amount of money or value and general description of property lost)

   b. Was the loss covered in whole or in part by insurance? (Give particulars)

15. Payments or Transfers to Attorneys.
   a. Have you consulted an attorney during the year immediately preceding or since the filing of the original petition herein? (Give attorney's name and address)

   b. Have you during the year immediately preceding or since the filing of the original petition herein paid any money or transferred any property to the attorney or to any other person on his behalf? (Give particulars including amount paid or value of property transferred and date or payment or transfer)

   c. Have you, either during the year immediately preceding or since the filing of the original petition herein, agreed to pay any money or transfer any property to an attorney-at-law, or to any other person on his behalf? (Give particulars including amount and terms of agreement)

(I/We) ___________________________ and ___________________________
declare, under penalty of perjury that I/we have read the answers contained in the foregoing statement of financial affairs and that they are true and correct to the best of my/our knowledge, information, and belief.

Executed on ___________________________ ___________________________
Name __________________________________________

Address ________________________________________

Telephone ________________________________

(Attorney or Assistant or Representative for Debtor(s)

UNITED STATES BANKRUPTCY COURT FOR THE

DISTRICT OF ____________________________

Case No. _____________________

Debtor(s) ________________________________

STATEMENT OF FINANCIAL AFFAIRS
FOR DEBTOR(S) ENGAGED IN BUSINESS

Social Security No. ____________________________

Social Security No. _____________________________

Debtor's Employer's Tax Identification No. ____________

(If this form is used by joint debtors wherever questions require separate answers for Husband (H), Wife (W) or Joint (J) precede the answer with the appropriate symbol. If the word "debtor" or words referring to debtor are used they shall be read as if in the plural.)

(Each question shall be answered or the failure to answer explained. If the answer is “none” or “not applicable” so state. If additional space is needed for the answer to any question, a separate sheet, properly identified and made a part hereof, should be used and attached.

The term, "original petition," used in the following questions, shall mean the petition filed under Rule 1002, 1003, or 1004.)

1. Nature, Location, and Name of Business.
   a. Under what name and where do you carry on your business?
   
   b. In what business are you engaged? (If business operations have been terminated, give the date of termination)
   
   c. When did you commence the business?
   
   d. Where else, and under what other names have you carried on business within the 6 years immediately preceding the filing of the original petition herein? (Give the street addresses, the names of any partners, joint adventurers, or other associates, the nature of the business and the periods for which it was carried on)

   a. By whom, or under whose supervision, have your books of account and records been kept during the 6 years immediately preceding the filing of the original petition herein? (Give names, addresses, and periods of time)
   
   b. By whom have your books of account and records been audited during the 6 years immediately preceding the filing of the original petition herein? (Give names, addresses and dates of audits)
   
   c. In whose possession are your books of account and records? (Give names and addresses)
   
   d. If any of these books or records are not available, explain.
   
   e. Have any books of account or records relating to your affairs been destroyed, lost, or otherwise disposed of within the 2 years immediately preceding the filing of the original petition herein? (If so, give particulars, including date of destruction, loss, or disposition, and reason therefor)
3. Financial Statements.
   Have you issued any written statements within the 2 years immediately preceding the filing of the original petition herein?
   (Give dates, and the name and addresses of the persons to whom issued, including mercantile and trade agencies.)

4. Inventories.
   a. When was the last inventory of your property taken?
   b. By whom, or under whose supervision, was this inventory taken?
   c. What was the amount, in dollars, of the inventory? (State whether the inventory was taken at cost, market, or otherwise.)
   d. When was the next prior inventory of your property taken?
   e. By whom, or under whose supervision, was this inventory taken?
   f. What was the amount, in dollars, of the inventory? (State whether the inventory was taken at cost, market, or otherwise)
   g. In whose possession are the records of the two inventories above referred to? (Give names and addresses)

5. Income Other than from Operation of Business.
   What amount of income, other than from operation of your business, have you received during each of the 2 years immediately preceding the filing of the original petition herein? (Give particulars, including each source, and the amount received therefrom)

6. Tax Returns and Refunds.
   a. In whose possession are copies of your federal, state and municipal income tax returns for the 3 years immediately preceding the filing of the original petition herein?
   b. What tax refunds (income or other) have you received during the 2 years immediately preceding the filing of the original petition herein?
   c. To what tax refunds (income or other), if any, are you, or may you be, entitled? (Give particulars, including information as to any refund payable jointly to you and your spouse or any other person.)

7. Financial Accounts, Certificates of Deposit and Safe Deposit Boxes.
   a. What accounts or certificates of deposit or shares in banks, savings and loan, thrift, building and loan and homestead associations, credit unions, brokerage houses, pension funds and the like have you maintained, alone or together with any other person, and in your own or any other name within the 2 years immediately preceding the filing of the original petition herein? (Give the name and address of each institution, the name and number under which the account or certificate is maintained, and the name and address of every other person authorized to make withdrawals from such account)
   b. What safe deposit box or boxes or other depository or depositories have you kept or used for your securities, cash or other valuables within the 2 years immediately preceding the filing of the original petition herein? (Give the name and address of the bank or other depository, the name in which each box or other depository was kept, the name and address of every other person who had the right of access thereto, a brief description of the contents thereof, and, if the box has been surrendered, state when surrendered, or, if transferred, when transferred, and the name and address of the transferee.)
8. Property held for Another Person.
What property do you hold for any other person? (Give name and address of each person, and describe the property, or value thereof, and all writings relating thereto.)

9. Property held by Another.
Is any other person holding anything of value in which you have an interest? (Give name and address, location and description of the property, and circumstances of the holding.)

What cases under the Bankruptcy Act or title 11, United States Code, have previously been brought by or against you? (State the location of the bankruptcy court, the nature and number of each case, the date when it was filed, and whether a discharge was granted or denied, the case was dismissed, or a composition, arrangement, or plan was confirmed.)

11. Receiverships, General Assignments, and other modes of Liquidation.
a. Was any of your property, at the time of the filing of the original petition herein, in the hands of a receiver, trustee, or other liquidating agent? (If so, give a brief description of the property, and the name and address of the receiver, trustee, or other agent, and, if the agent was appointed in a court proceeding, the name and location of the court, the title and number of the case, and the nature thereof.)

b. Have you made any assignment of your property for the benefit of your creditors, or any general settlement with your creditors, within 2 years immediately preceding the filing of the original petition herein? (If so, give dates, the name and address of the assignee, and a brief statement of the terms of assignment or settlement.)

12. Suits, Executions and Attachments.
a. Were you a party to any suit pending at the time of the filing of the original petition herein? (If so, give the name and location of the court and the title and nature of the proceeding.)

b. Were you a party to any suit terminated within the year immediately preceding the filing of the original petition herein? (If so, give the name and location of the court, the title and nature of the proceeding, and the result.)

c. Has any of your property been attached, garnished, or seized under any legal or equitable process within the year immediately preceding the filing of the original petition herein? (If so, describe the property seized or person garnished, and at whose suit.)

13. (a) Payment of Loans, Installment Purchases and Other Debts.
What payments in whole or in part have you made during the year immediately preceding the filing of the original petition herein on any of the following: (1) loans; (2) installment purchases of goods and services; and (3) other debts? (Give the names and addresses of the persons receiving payment, the amounts of the loans or other debts and the purchase price of the goods and services, the dates of the original transactions, the amounts and dates of payments, and, if any of the payees are your relatives or insiders, the relationship; if the debtor is a partnership and any of the payees is or was a partner or a relative of a partner, state the relationship; if the debtor is a corporation and any of the payees is or was an officer, director, or stockholder, or a relative of an officer, director, or stockholder, state the relationship.)
13. (b) Setoffs.
What debts have you owned to any creditor, including any bank, which were setoff by that creditor against a debt or deposit owing by the creditor to you during the year immediately preceding the filing of the original petition herein? (Give the names and addresses of the persons setting off such debts, the dates of the setoffs, the amounts of the debts owing by you and to you and, if any of the creditors are your relatives or insiders, state the relationship.)

14. Transfers of Property.
a. Have you made any gifts, other than ordinary and usual presents to family members and charitable donations, during the year immediately preceding the filing of the original petition herein? (Give names and addresses of donees and dates, description and value of gifts.)

b. Have you made any other transfer, absolute or for the purpose of security, or any other disposition which was not in the ordinary course of business during the year immediately preceding the filing of the original petition herein? (Give a description of the property, the date of the transfer or disposition, to whom transferred or how disposed of, and state whether the transferee is a relative, partner, shareholder, officer, director or insider, the consideration, if any, received for the property, and the disposition of such consideration.)

15. Accounts and Other Receivables.
Have you assigned, either absolutely or as security, any of your accounts or other receivables during the year immediately preceding the filing of the original petition herein? (If so, give the names and addresses of assignees.)

16. Repossessions and Returns.
Has any property been returned to, or repossessed by, the seller, lessor, or a secured party during the year immediately preceding the filing of the original petition herein? (If so, give particulars, including the name and address of the party getting the property and its description and value.)

17. Business Leases.
If you are a tenant of business property, what is the name and address of your landlord, the amount of your rental, the date to which rent had been paid at the time of the filing of the original petition herein, and the amount of security held by the landlord?

18. Losses.
a. Have you suffered any losses from fire, theft, or gambling during the year immediately preceding or since the filing of the original petition herein? (If so, give particulars, including dates, names, and places, and the amounts of money or value and general description of property lost.)

b. Was the loss covered in whole or in part by insurance? (If so, give particulars.)
19. Withdrawals.
a. If you are an individual proprietor of your business, what personal withdrawals of any kind have you made from the business during the year immediately preceding the filing of the original petition herein?

b. If the debtor is a partnership or corporation, what withdrawals, in any form (including compensation, bonuses or loans), have been made or received by any member of the partnership, or by any officer, director, insider, managing executive, or shareholder of the corporation, during the year immediately preceding the filing of the original petition herein? (Give the name and designation or relationship to the debtor of each person, the dates and amounts of withdrawals, and the nature or purpose thereof.)

20. Payments or Transfers to Attorneys.
a. Have you consulted an attorney during the year immediately preceding or since the filing of the original petition herein? (Give date, name and address.)

b. Have you during the year immediately preceding or since the filing of the original petition herein, paid any money or transferred any property to the attorney or to any other person on his behalf? (If so, give particulars, including amount paid or value of property transferred and date of payment or transfer.)

c. Have you, either during the year immediately preceding or since the filing of the original petition herein, agreed to pay any money or transfer any property to an attorney-at-law, or to any other person on his behalf? (If so, give particulars, including amount and terms of obligation.)

(IF THE DEBTOR IS A PARTNERSHIP OR A CORPORATION, THE FOLLOWING ADDITIONAL QUESTIONS SHOULD BE ANSWERED.)

21. Members of Partnership; Officers, Directors, Managers, and Principal Stockholders of Corporation.
a. What is the name and address of each member of the partnership, or the name, title, and address of each officer, director, insider, and managing executive, and of each stockholder holding 20% or more of the issued outstanding stock of the corporation?

b. During the year immediately preceding the filing of the original petition herein, has any member withdrawn from the partnership, or any officer, director, insider, or managing executive of the corporation terminated his relationship, or any stockholder holding 20% or more of the issued stock disposed of more than 50% of its holdings? (If so, give name and address and reason for withdrawal, termination, or disposition, if known.)

c. Has any person acquired or disposed of 20% or more of the stock of the corporation during the year immediately preceding the filing of the petition? (If so, give name and address and particulars.)

(I/We), ___________________________ and ___________________________, declare, under penalty of perjury that I/we have read the answers contained in the foregoing statement of financial affairs and that they are true and correct to the best of my/our knowledge, information, and belief.

Executed on ___________________________, 19__. Petitioner

Petitioner (Spouse, if necessary), or position or relationship to debtor

* Person declaring for partnership or corporation should indicate position or relationship to debtor.
# UNITED STATES BANKRUPTCY COURT FOR THE

## DISTRICT OF

### Case No.

#### Debtor(s)

<table>
<thead>
<tr>
<th>Income</th>
<th>Estimated Average Future Monthly Income Consisting Of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debtor's Take Home Pay (Per Month)</td>
<td>$_________</td>
</tr>
<tr>
<td>Spouse's Take Home Pay (Per Month)</td>
<td>$_________</td>
</tr>
<tr>
<td>Regular Income Available From Operation of Business or Profession</td>
<td>$_________</td>
</tr>
<tr>
<td>Do you receive any alimony or support payments?</td>
<td>$_________</td>
</tr>
<tr>
<td>If so, state monthly amount</td>
<td>$_________</td>
</tr>
<tr>
<td>The name, age &amp; relationship to you of persons for whose benefit payments are received</td>
<td></td>
</tr>
<tr>
<td>Pension or Retirement Income</td>
<td>$_________</td>
</tr>
<tr>
<td>Social Security Income</td>
<td>$_________</td>
</tr>
<tr>
<td>Other Monthly Income Source</td>
<td>$_________</td>
</tr>
<tr>
<td>Total Estimated Future Monthly Income</td>
<td>$_________</td>
</tr>
</tbody>
</table>

#### Dependants

<table>
<thead>
<tr>
<th>Number, Age &amp; Relationship of Dependents (Except Current Spouse)</th>
</tr>
</thead>
</table>

## Summary

### Excess (Deficiency) of Estimated Future Monthly Income Over (Under)

Estimated Future Monthly Expenses:

\[
\text{1} \text{ Minus } \text{2} = \text{[Amount]}
\]

---

### Payments for Support of Additional Dependents Not Living at Your Home

<table>
<thead>
<tr>
<th>Other (Explain)</th>
<th>$_________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Estimated Future Monthly Expenses</td>
<td>$_________</td>
</tr>
</tbody>
</table>
Name ____________________________

Address ____________________________

Telephone ____________________________

UNITED STATES BANKRUPTCY COURT FOR THE ____________________________

DISTRICT OF ____________________________

Case No. ____________________________

Debtor(s) ____________________________

SCHEDULE OF CURRENT INCOME AND CURRENT EXPENDITURES
(Primarily Business Debts)

If this form is used for joint petitioners information provided should reflect income and expenses for both petitioners.

### INCOME

Estimated Average Future Monthly Income Consisting Of

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Details provided]</td>
<td>$ [Amount]</td>
</tr>
</tbody>
</table>

Total Estimated Future Monthly Income: $ [Amount]

### EXPENSES

Estimated Average Future Monthly Expenses Consisting Of

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Details provided]</td>
<td>$ [Amount]</td>
</tr>
</tbody>
</table>

Total Estimated Future Monthly Expenses: $ [Amount]

### SUMMARY

Excess (Deficiency) of Estimated Future Monthly Income Over (Under) Estimated Future Monthly Expenses:

1. Minus 2 = $ [Amount]

If applicable, amount proposed to be paid each month under plan:

For ☐ Chapter 11 or ☐ Chapter 13:

Sub-Total $ [Amount]
The undersigned, pursuant to Rule 2016(b), Bankruptcy Rules, states that:

1. The undersigned is the attorney for the debtor(s) in this case.

2. The compensation paid or agreed to be paid by the debtor(s) to the undersigned is:
   (a) for legal services rendered or to be rendered in contemplation of and in connection with this case $ ____________
   (b) prior to filing this statement, debtor(s) have paid $ ____________
   (c) the unpaid balance due and payable is $ ____________

3. $ ____________ of the filing fee in this case has been paid.

4. The services rendered or to be rendered include the following:
   (a) Analysis of the financial situation, and rendering advice and assistance to the debtor(s) in determining whether to file a petition under Title 11, United States Code.
   (b) Preparation and filing of the petition, schedules of assets and liabilities, statement of affairs, and other documents required by the court.
   (c) Representation of the debtor(s) at the first meeting of creditors.

5. The source of payments made by the debtor(s) to the undersigned was from earnings, wages and compensation for services performed, and

6. The source of payments to be made by the debtor(s) to the undersigned for the unpaid balance remaining, if any, will be from earnings, wages and compensation for services performed, and

7. The undersigned have not shared or agreed to share, with any other person, other than with members of their law firm or corporation, any compensation paid or to be paid except as follows:

Date: ____________________________

______________________________
Attorneys for Debtor(s)
United States Bankruptcy Court for the

In re

Debtor(s)

Case No.

Debtor's Consolidated Statement of Intentions
(11 U.S.C. § 521)

(If this form is used for joint petitioners wherever the word "petitioner" or words referring to petitioners are used they shall be read as if in the plural)

Check one:

☐ There are no consumer debts listed in the schedule of assets and liabilities which are secured by property.

☐ Yes, the schedule of assets and liabilities includes consumer debts which are secured by property of the estate. The debtor(s) do(es) hereby state and represent the disposition of the property:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>CREDITOR</th>
<th>CLAIMED AS EXEMPT</th>
<th>SURRENDER TO CREDITOR</th>
<th>RETAIN</th>
<th>REDEEM 11 USC § 722</th>
<th>REAFFIRM 11 USC § 524 (C)</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>YES</td>
<td>NO</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Declaration: The undersigned certified under penalty of perjury that a copy of this intention was served on each secured creditor and the trustee assigned to this case.

Dated: ___________________________  ___________________________

Debtor

Dated: ___________________________  ___________________________

Debtor-Joint Petition

Dated: ___________________________  ___________________________

Attorney

Note: This statement must be filed in duplicate with the Clerk of Court within 30 days of filing the case or on or before the first meeting of creditors, whichever is earlier.
SUBCHAPTER II
Debtor’s Duties and Benefits

SECTION 521 (II U.S.C. § 521)

§ 521 Debtor’s duties. The debtor shall —

(1) file a list of creditors, and unless the court orders otherwise, a schedule of assets and liabilities, a schedule of current income and current expenditures, and a statement of the debtor’s financial affairs;

(2) if an individual debtor’s schedule of assets and liabilities includes consumer debts which are secured by property of the estate —
   (A) within thirty days after the date of the filing of a petition under chapter 7 of this title or on or before the date of the meeting of creditors, whichever is earlier, or within such additional time as the court, for cause, within such period fixes, the debtor shall file with the clerk a statement of his intention with respect to the retention or surrender of such property and, if applicable, specifying that such property is claimed as exempt, that the debtor intends to redeem such property, or that the debtor intends to reaffirm debts secured by such property;
   (B) within forty-five days after the filing of a notice of intent under this section, or within such additional time as the court, for cause, within such forty-five days fixes, the debtor shall perform his intention with respect to such property, as specified by subparagraph (A) of this paragraph; and
   (C) nothing in subparagraphs (A) and (B) of this paragraph shall alter the debtor’s or the trustee’s rights with regard to such property under this title.

(3) if a trustee is serving in the case, cooperate with the trustee as necessary to enable the trustee to perform the trustee’s duties under this title;

(4) if a trustee is serving in the case, surrender to the trustee all property of the estate and any recorded information, including books, documents, records, and papers, relating to property of the estate, whether or not immunity is granted under section 344 of this title; and

(5) appear at the hearing required under section 524(d) of this title.
1. Section 342(b) of 11 U.S. Code ("The Bankruptcy Code") states:
   "Prior to the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give written notice to such individual that indicates each chapter of this title under which such individual may proceed."

2. If your debts are primarily consumer ones (as opposed to business debts) and they do not exceed $100,000.00 unsecured or $350,000.00 secured (11 U.S.C. §109(e)), you are eligible to file under Chapter 13 and to use future income to pay all or a portion of your existing debts.

3. You are also eligible to file under Chapter 11 ($200.00 filing fees) for debt reorganization.

4. You are not eligible to file under Chapter 9.

5. You are eligible to file under Chapter 7 ("straight bankruptcy"), whereby debts are eliminated and your non-exempt assets are liquidated by the trustee for the benefit of your creditors.

6. All general filing eligibility is subject to 11 U.S.C. §§109(f), 727(a)(8) and (9), and 707(b). Consult your attorney.

I HAVE READ THE ABOVE "NOTICE OF AVAILABLE CHAPTERS".

______________________________
Clerk of Court

______________________________
Signature of Debtor

______________________________
Signature of Debtor (If Joint Petition)

NOTICE OF AVAILABLE CHAPTERS, Rev. 10-04

52
| NOTE: PLEASE READ INSTRUCTIONS ON THE BACK OF THIS SHEET BEFORE COMPLETING THIS SIDE. |
| THIS FORM IS TO BE COMPLETED IN BLACK INK ONLY |
| CASE NO. | LABELS | SHEET | OF |
| WOLCOTTS FORM MML | MASTER MAILING LIST | | |
INSTRUCTIONS FOR COMPLETION OF MASTER MAILING LIST

1. This Master Mailing List must be completed pursuant to Local Bankruptcy Rule 916. Please review this rule.

2. If the schedules for husband and wife list the same creditors, only one Master Mailing List is needed.

3. This Form is to be completed in BLACK ink only.

4. The first three boxes in the upper left hand column are to be completed as follows:

<table>
<thead>
<tr>
<th>Debit's name(s)</th>
<th>mailing address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>including zip code</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Spouse's name</th>
<th>(if address different)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>address and zip code</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Attorney name (if applicable)</th>
<th>mailing address</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>include zip code</td>
</tr>
</tbody>
</table>

5. All remaining boxes are to be completed with creditors names, complete mailing addresses and zip codes as shown in the debtor's schedule of debts.

6. The Declaration (below) must be signed by the debtor(s) and the attorney for debtor(s), if any, before being submitted.

DO NOT REPRODUCE THIS FORM. ANY DEVIATION AS TO LOCATION OF THE SPACING OR REDUCTION IN SIZE (AS LITTLE AS 2% AS OCCURS ON MANY COPY MACHINES) WILL CREATE PROBLEMS IN USING IT FOR THE PURPOSE INTENDED.

DECLARATION

I, , do hereby certify, under penalty of perjury, that the Master Mailing List, consisting of sheets, is complete, correct and consistent with the debtor's schedules pursuant to Local Bankruptcy Rule 916.

Debtor

Spouse

Attorney (if applicable)
UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF CALIFORNIA

In re

Debtor.

APPLICATION TO BE EXCUSED FROM ATTENDING

ANY MEETING OF CREDITORS

, the debtor in the above-entitled Chapter 7 case, hereby requests that he be excused from attending any meeting of creditors including the one currently set for , at ________.m. for the reasons set forth in the declaration filed concurrently with this application.


TRUSTEE'S ACQUIESCENCE

I, , Trustee in the above-entitled Chapter 7 case, do not object to the debtor's Application to be excused from attendance at the meeting of creditors.

UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF CALIFORNIA

In re

Debtor.

DECLARATION RE APPLICATION TO BE EXCUSED FROM ANY MEETING OF CREDITORS

I, [Name], declare as follows:

1. I am the debtor in the above-entitled Chapter 7 case and the meeting of creditors is set for [Date], at [Time].

2. I have been hospitalized at San Francisco General Hospital since

3. I am critically ill.

4. I do not expect to be released from the hospital before

5. I do not expect to be physically able to attend the meeting of creditors in my case scheduled for [Date], at [Time].

6. I do not expect to be physically able to attend any meeting of creditors or court proceedings in the foreseeable future.

7. There are no non-exempt assets in my bankruptcy estate.

I declare under penalty of perjury that the foregoing is true and correct.


[Signature], Debtor
UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF CALIFORNIA

In re

Debtor. No.

ORDER EXCUSING DEBTOR FROM ATTENDING ANY MEETING OF CREDITOR

Upon consideration of the debtor's Ex-Parte Application and Declaration and the Acquiescence of the Trustee,

and

GOOD CAUSE APPEARING,

IT IS ORDERED that, the debtor in the above-entitled Chapter 7 case, is excused from attending any meeting of creditors in his case including the one set for , at __________.m.


__________________________________
U.S. Bankruptcy Judge
UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF CALIFORNIA

In re

Debtor.

DECLARATION OF SERVICE BY MAIL OF AMENDMENTS
TO SCHEDULES A-2, A-3, AND B-4

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my address is

I served a copy of the Amendment to Schedules A-2, A-3, and B-4, attached as Exhibit "A", by putting it in the U. S. Mail in ____________, California, on the date shown below, in a sealed envelope with first-class postage, fully prepaid, addressed as follows:

______________________________  ______________________________
Trustee in Bankruptcy          New Creditor(s)

I declare under penalty of perjury that the foregoing is true and correct.

Executed at ___________________________, California, on December ___, 1985.

______________________________
RE:

Dear __________________________:

__________________________, Account No. ____________________, filed a Petition for Relief under Chapter 7 of the United States Bankruptcy Code on __________________________ in the United States Bankruptcy Court for the Northern District of California in __________________________.

Bankruptcy No. __________________________ has been assigned to the case, and __________________________ has been appointed the trustee of the estate.

Pursuant to Title 11 United States Code, Section 362(a), the commencement, continuation or enforcement of any and all actions and proceedings to collect any debt or claim against the debtor is stayed and enjoined.

You may not contact the debtor or his/her employer, family, neighbors or friends in this matter and you are enjoined from pursuing the debt.

Violation of Section 362 will result in the commencement of contempt proceedings against you. You may be liable for payment of the debtor's attorney fees and costs in connection with any contempt proceeding against you.

Further, it appears at this time that this Chapter 7 liquidation case will be a "no asset" case and no distribution will be made to creditors. The trustee will administer the estate and you should direct all questions regarding claims and distribution to him.

Very truly yours,
<table>
<thead>
<tr>
<th>No.</th>
<th>Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Voluntary Petition</td>
</tr>
<tr>
<td>2.</td>
<td>Application To Pay Filing Fee in Installments</td>
</tr>
<tr>
<td>3.</td>
<td>Order for Payment of Filing Fee in Installments</td>
</tr>
<tr>
<td>4.</td>
<td>Unsworn Declaration Under Penalty of Perjury on Behalf of a Corporation or Partnership</td>
</tr>
<tr>
<td>5.</td>
<td>Certificate of Commencement of Case</td>
</tr>
<tr>
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