

Bankruptcy Reform Act



October 2005

Case Opening Checklist

The following is a list of new Reform Act filing requirements for all new cases. The new requirements are effective **October 17, 2005**.

New Chapter 7 Cases

The following must be provided at time of filing:

1. Filing Fee - **\$274**
NOTE: If the debtor wishes to pay in installments, an **application to pay filing fees in installments** (Form 3A) must be provided at the time of filing and a fee of \$50 is charged.
 2. **Petition.pdf** should include (** indicates new filing requirement):
 1. **3-page Petition** (must be signed in the appropriate boxes. If prepared by a Bankruptcy Petition Preparer, the declaration must be signed. If not signed, a deficiency notice will be issued.
 2. **Schedules A-J (individuals) or A-B, D-H (businesses)**. This includes the summary and declaration.
 3. **Statement of Financial Affairs**
 4. **Chapter 7 Individual Debtor's Statement of Intention**
 5. **** Statement of Current Monthly Income and Means Test Calculation** (Form B22A or B22A alt.)
 6. **Attorney Disclosure Statement**
 7. **** Debtor's Certification of completion of a financial management course** (separate form, Form 23)
 8. **** Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer. Only if prepared by BPP.** (Form 19B)
 9. **Verification of Matrix and Mailing Matrix (text file format)**
- Form 21** is a separate entry (private entry)
 - ** Employee income records** (copies of payments received from employer 60 days prior to filing the petition)
 - ** Certification of Debt Counseling** (box checked on page 2 of petition package for individual filers only) is a separate entry

New Chapter 11 Cases

1. Filing Fee - **\$1,039**

NOTE: If the debtor wishes to pay in installments, an **application to pay filing fees in installments** (Form 3A) must be provided at the time of filing and a fee of \$100 is charged.

- **Petition.pdf** should include(** indicates new filing requirement):
 1. **3-page Petition** (must be signed in the appropriate boxes. If prepared by a Bankruptcy Petition Preparer, the declaration must be signed. If not signed, then a deficiency notice will be issued.
 2. Schedules A-J (individuals) or A-B, D-H (businesses). This includes the summary and declaration.
 3. Statement of Financial Affairs
 4. 20 Largest Unsecured Creditors
 5. ****** Statement of Current Monthly Income and Means Test Calculation (Form B22B or B22B alt.)
 6. Attorney Disclosure Statement
 7. ****** Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer. Only if prepared by BPP. (Form 19B)
 8. Verification of Matrix and Mailing Matrix (text file format)
- Chapter 11 Plan, or Chapter 11 Small Business Plan
- **Form 21** is a separate entry (private entry)

If designating as Chapter 11 Small Business, the following are also required at the time of filing ...

- Cash Flow Statement
- Balance Sheet
- Statement of Operations

New Chapter 13 Cases

Exact dollar amount - **\$189**

NOTE: If the debtor wishes to pay in installments, an **application to pay filing fees in installments** (Form 3A) must be provided at the time of filing and a fee of \$50 is charged.

- **Petition.pdf** should include (** indicates new filing requirement):
 1. **3-page Petition** (must be signed in the appropriate boxes. If prepared by a Bankruptcy Petition Preparer, the declaration must be signed. If not signed, a deficiency notice will be issued.
 2. Schedules A-J (including summary and declaration)
 3. Statement of Financial Affairs

4. ** Statement of Current Monthly Income and Means Test Calculation (Form B22C or B22C alt.)
 5. Attorney Disclosure Statement
 6. ** Debtor's Certification of completion of a financial management course (separate form, Form 23)
 7. ** Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer. Only if prepared by BPP. (Form 19B)
 8. Verification of Matrix and Mailing Matrix (text file format)
- ❑ **Chapter 13 Plan** (with APD) is a separate entry
 - ❑ **Form 21** is a separate entry (private entry)
 - ❑ **** Certification of Debt Counseling** (box checked on page 2 of petition package for individual filers only) is a separate entry
 - ❑ **** Employee income records** (copies of payments received from employer 60 days prior to filing the petition)

New Chapter 15 Cases

1. Filing Fee **\$1039**
2. **3-page Petition** (must be signed in the appropriate boxes. Schedules and Statements are NOT required at the time of filing.
3. Chapter 15 Service List

New/Modified Event List

Provided below is a list of events that have been added/modified as a result of the Bankruptcy Reform Act.

Bankruptcy Events

File New Bankruptcy Case

Select Text
Voluntary Petition (Chapter 11)
Voluntary Petition (Chapter 13)
Voluntary Petition (Chapter 7)
Petition foreign proceeding (Chapter 15)
Involuntary Petition (Chapter 11)
Involuntary Petition (Chapter 7)

Appeals

Select Text
Certification of direct appeal to court of appeals
Petition requesting direct appeal to Circuit Court

Miscellaneous

Select Text
Auditors report
Balance sheet
Cash Flow Statement
Chapter 15 Service List

Certificate of Credit Counseling
Cure of residential judgment
Intent to cure default
Protection of property from damage
Certificate of service of tax information
Debtor repayment plan
Statement of good faith
Declaration by Bankruptcy Petition Preparer (BPP)
Declaration of exemption from means test
Employee income records
Exigent circumstances re: credit counseling
Expenses re: Family Violence Prevention and Services
Financial management course
Chapter 7 means test
Notice to debtor by non-attorney (BPP)
Notice of commencement of case
Objection to homestead exemption
Ombudsman report
Presumption of undue hardship
Debtor' rebuttal of presumption of abuse

Debtor's election of small business designation
Chapter 13 statement of current monthly and disposable income
Chapter 11 statement of current monthly income
Statement of operations
Domestic support obligations
Tax documents

Motion/Applications

Select Text
In forma pauperis
Increase assurance payment
Impose automatic stay
Avoid lien on household goods
Cancel meeting of creditors
Convert case 7 to 11
Determine value of property
Delay discharge
Dismiss case under 521(i)
Exemption from credit counseling
Exemption from financial management course
Exemption from means test

Expunge
Extend time for credit counseling
Extend automatic stay
Restrict public access
Reinstatement of retiree benefits
Sever chapter 7/13 case
Tax documents
Terminate Automatic Stay

Multi- Case Docketing

Select Text
Statement of presumed abuse (multi)

Notices

Select Text
Notice of clerk's intention to communicate
Notice of deficiency financial management course
Notice of commencement of Chapter 15 case
Notice of foreign representative's intent to commence case
Notice of preferred creditor address
Notice of override of preferred address

Plan

Select Text

Chapter 11 small business plan
Disclosure statement for small business

Trustee/US Trustee

Select Text
Appointment of ombudsman
Misstatement of income
Statement of presumed abuse

Adversary Events

Answers, Appeals, Other Complaint Actions, Miscellaneous and Notices

No additions to these categories

Waiver of the Chapter 7 Filing Fee

Application For Waiver Of The Chapter 7 Filing Fee For Individuals Who Cannot Pay the Filing Fee In Full Or In Installments

The court fee for filing a case under chapter 7 of the Bankruptcy Code is \$274.00.

If you cannot afford to pay the full fee at the time of filing, you may apply to pay the fee in installments. A form, which is available from the bankruptcy clerk's website, www.txnb.uscourts.gov, must be completed to make that application. If your application to pay in installments is approved, you will be permitted to file your petition, completing payment of the fee over the course of four months.

If the debtor cannot afford to pay the fee either in full at the time of filing or in installments, then you may request a waiver of the filing fee by completing an application and filing it with the Clerk of Court. A judge will decide whether the debtor has to pay the fee. By law, the judge may waive the fee only if income is less than 150 percent of the official poverty line applicable to the debtor's family size and is unable

to pay the fee in installments. You may obtain information about the poverty guidelines and application for installments or IFP forms at www.uscourts.gov or www.txnb.uscourts.gov.

Preferred Addresses

IMPLEMENTATION OF NOTICE OF PREFERRED ADDRESSES UNDER 11 U.S.C. §342(e) and (f) AND NATIONAL CREDITOR REGISTER SERVICE

The Bankruptcy Noticing Center (BNC) will support the preferred creditor address requirements that go into effect under 11 U.S.C. § 342 (e) and (f) through an expansion of the BNC National Creditor Registration Service (NCRS). In addition, a new provision of Federal Rule of Bankruptcy Procedure 2002 (g) that will go into effect on December 1, 2005, will be supported through the NCRS process.

Developed with the assistance of the Bankruptcy Noticing Working Group, the expanded NCRS program will handle most aspects of these new statutory and federal rule noticing requirements. Through the expanded service, the BNC will not only continue to support preferred electronic mail addresses through the Electronic Bankruptcy Noticing (EBN) program, but it will also be able to redirect notices to a creditor's preferred U.S. mailing address.

The new service is expected to provide better service to notice recipients while further reducing the judiciary's postage expenses. Courts should forward any creditor preferred address notifications filed directly with the court to the BNC. Creditors with questions about the new service should be referred to the toll-free NCRS support line at (877) 837-3424.

Forms & Updates

For a complete list of the forms and updates regarding Bankruptcy Reform please visit our website at www.txnb.uscourts.gov.