## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS OFFICE OF THE CLERK



October 29, 2019

#### **CLERK'S NOTICE 19-05**

## NOTICE REGARDING BANKRUPTCY FORM AND RULE CHANGES

#### Forms Effective October 1, 2019:

On August 26, 2019, the President signed into law the Honoring American Veterans in Extreme Need Act of 2019 (the HAVEN Act) Public Law No. 116-52. The HAVEN Act amended 11 U.S.C. § 101(10A) to exclude from the definition of Current Monthly Income certain payments made under title 10, 37, or 38 of the United States Code in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services.

At its September 26, 2019 meeting, the Advisory Committee on Bankruptcy Rules made minor conforming amendments to lines 9 and 10 of Official Forms 122A-1, 122B, and 122C-1 to address the HAVEN Act.

#### Forms Effective December 1, 2019:

At its September 2019 meeting, the Judicial Conference approved a proposed change to Official Form 122A-1, effective December 1, 2019. The amended form adds an instruction to line 14a to remind a debtor that if there is no presumption of abuse, that Official Form 122A-2 should not be filled out or filed.

Director's Form 1340, Application for Payment of Unclaimed Funds, is a new form issued by the Director of the Administrative Office of the United States that bankruptcy courts may adopt or revise as needed to facilitate requests for unclaimed funds. This form will be adopted by our court, effective December 1, 2019.

#### Bankruptcy Rule Amendments Effective December 1, 2019:

At its September 2018 meeting, the Judicial Conference approved the following amendments to the Federal Rules of Bankruptcy Procedure, effect on December 1, 2019:

• Bankruptcy Rules 4001, 6007, 9036, and 9037.

The Bankruptcy Rule and Form amendments are attached to this notice. Further information about all pending Rule and Form amendments can be found <a href="here">here</a>.

FOR THE COURT Robert P. Colwell Clerk of Court

# PROPOSED AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>

1 2 3 4	Rule 4001.	Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements
5		* * * * *
6	(c) OBT	AINING CREDIT.
7		* * * *
8	<u>(4)</u>	Inapplicability in a Chapter 13 Case. This
9	subdivisio	on (c) does not apply in a chapter 13 case.
10		* * * *

#### **Committee Note**

Subdivision (c) of the rule is amended to exclude chapter 13 cases from that subdivision. This amendment does not speak to the underlying substantive issue of whether the Bankruptcy Code requires or permits a chapter 13 debtor not engaged in business to request approval of postpetition credit.

 $<sup>^{\</sup>mbox{\scriptsize 1}}$  New material is underlined; matter to be omitted is lined through.

#### Rule 6007. Abandonment or Disposition of Property

2 \*\*\*\*

1

3 (b) MOTION BY PARTY IN INTEREST. A party in 4 interest may file and serve a motion requiring the trustee or 5 debtor in possession to abandon property of the estate. Unless otherwise directed by the court, the party filing the 6 7 motion shall serve the motion and any notice of the motion 8 on the trustee or debtor in possession, the United States 9 trustee, all creditors, indenture trustees, and committees elected pursuant to § 705 or appointed pursuant to § 1102 of 10 the Code. A party in interest may file and serve an objection 11 12 within 14 days of service, or within the time fixed by the 13 court. If a timely objection is made, the court shall set a hearing on notice to the United States trustee and to other 14 15 entities as the court may direct. If the court grants the motion, the order effects the trustee's or debtor in 16

- possession's abandonment without further notice, unless
- otherwise directed by the court.

#### **Committee Note**

Subdivision (b) of the rule is amended to specify the parties to be served with the motion and any notice of the motion. The rule also establishes an objection deadline. Both of these changes align subdivision (b) more closely with the procedures set forth in subdivision (a). In addition, the rule clarifies that no further action is necessary to notice or effect the abandonment of property ordered by the court in connection with a motion filed under subdivision (b), unless the court directs otherwise.

1 2	Rule 9036.	Notice		Service smission	Generally by
3	Wheneve	er these rule	es requir	e or permit s	ending a notice
4	or serving a p	aper by ma	nil, the c	lerk, or son	ne other person
5	as the court of	r these rule	es may c	lirect, may	send the notice
6	to—or serve th	ne paper on	—a regi	stered user	oy filing it with
7	the court's elec	ctronic-filii	ng syste	m. Or it ma	y be sent to any
8	person by other	er electroni	c means	that the pe	rson consented
9	to in writing.	In either o	of these	events, serv	ice or notice is
10	complete upor	n filing or	sending	but is not	effective if the
11	filer or sender	receives no	otice tha	t it did not r	each the person
12	to be served.	This rule	does no	t apply to a	ny pleading or
13	other paper i	required to	be se	rved in ac	cordance with
14	Rule 7004.the	<del>clerk or so</del>	me othe	<del>er person as</del>	directed by the
15	court is require	ed to send n	otice by	mail and th	e entity entitled
16	to receive the	e notice re	<del>quests i</del>	n writing t	hat, instead of
17	notice by mail	l, all or par	t of the	information	required to be

- 18 contained in the notice be sent by a specified type of
- 19 electronic transmission, the court may direct the clerk or
- 20 other person to send the information by such electronic
- 21 transmission. Notice by electronic means is complete on
- 22 transmission.

#### **Committee Note**

The rule is amended to permit both notice and service by electronic means. The use and reliability of electronic delivery have increased since the rule was first adopted. The amendments recognize the increased utility of electronic delivery, with appropriate safeguards for parties not filing an appearance in the case through the court's electronic-filing system.

The amended rule permits electronic notice or service on a registered user who has appeared in the case by filing with the court's electronic-filing system. A court may choose to allow registration only with the court's permission. But a party who registers will be subject to service by filing with the court's system unless the court provides otherwise. The rule does not make the court responsible for notifying a person who filed a paper with the court's electronic-filing system that an attempted transmission by the court's system failed. But a filer who receives notice that the transmission failed is responsible for making effective service.

With the consent of the person served, electronic service also may be made by means that do not use the court's system. Consent can be limited to service at a prescribed address or in a specified form, and it may be limited by other conditions.

1 2	Rule 9037. Privacy Protection For Filings Made with the Court
3	* * * *
4	(h) MOTION TO REDACT A PREVIOUSLY
5	FILED DOCUMENT.
6	(1) Content of the Motion; Service. Unless the
7	court orders otherwise, if an entity seeks to redact from
8	a previously filed document information that is
9	protected under subdivision (a), the entity must:
10	(A) file a motion to redact identifying the
11	proposed redactions;
12	(B) attach to the motion the proposed
13	redacted document;
14	(C) include in the motion the docket or
15	proof-of-claim number of the previously filed
16	document; and
17	(D) serve the motion and attachment on the
18	debtor, debtor's attorney, trustee (if any), United

19	States trustee, filer of the unredacted document,
20	and any individual whose personal identifying
21	information is to be redacted.
22	(2) Restricting Public Access to the Unredacted
23	Document; Docketing the Redacted Document. The
24	court must promptly restrict public access to the motion
25	and the unredacted document pending its ruling on the
26	motion. If the court grants it, the court must docket the
27	redacted document. The restrictions on public access
28	to the motion and unredacted document remain in
29	effect until a further court order. If the court denies it,
30	the restrictions must be lifted, unless the court orders
31	otherwise.

#### **Committee Note**

Subdivision (h) is new. It prescribes a procedure for the belated redaction of documents that were filed without complying with subdivision (a).

Generally, whenever someone discovers that information entitled privacy to protection under subdivision (a) appears in a document on file with the court—regardless of whether the case in question remains open or has been closed—that entity may file a motion to redact the document. A single motion may relate to more than one unredacted document. The moving party may be, but is not limited to, the original filer of the document. The motion must identify by location on the case docket or claims register each document to be redacted. It should not, however, include the unredacted information itself.

Subsection (h)(1) authorizes the court to alter the prescribed procedure. This might be appropriate, for example, when the movant seeks to redact a large number of documents. In that situation the court by order or local rule might require the movant to file an omnibus motion, initiate a miscellaneous proceeding, or proceed in another manner directed by the court.

Unless the court orders otherwise, the motion must identify the proposed redactions, and the moving party must attach to the motion the proposed redacted document. The attached document must otherwise be identical to the one previously filed. The court, however, may relieve the movant of this requirement in appropriate circumstances, for example when the movant was not the filer of the unredacted document and does not have access to it. Service of the motion and the attachment must be made on all of the following individuals who are not the moving party: debtor, debtor's attorney, trustee, United States trustee, the filer of the unredacted document, and any individual whose personal identifying information is to be redacted.

Because the filing of the motion to redact may call attention to the existence of the unredacted document as maintained in the court's files or downloaded by third parties, courts should take immediate steps to protect the motion and the document from public access. This restriction may be accomplished electronically, simultaneous with the electronic filing of the motion to redact. For motions filed on paper, restriction should occur at the same time that the motion is docketed so that no one receiving electronic notice of the filing of the motion will be able to access the unredacted document in the court's files.

If the court grants the motion to redact, the court must docket the redacted document, and public access to the motion and the unredacted document should remain restricted. If the court denies the motion, generally the restriction on public access to the motion and the document should be lifted.

This procedure does not affect the availability of any remedies that an individual whose personal identifiers are exposed may have against the entity that filed the unredacted document.

Fill	n this information to identify your case:					ly as directed in this form and in	
Debt					Form 122A-1Supp		
Debt	First Name Middle Name or 2	Last Name		[	1. There is no pr	resumption of abuse.	
	se, if filing) First Name Middle Name  d States Bankruptcy Court for the: District of	Last Name			abuse applies	on to determine if a presumption of swill be made under <i>Chapter 7</i> Calculation (Official Form 122A–2).	
Case (If kn	number					est does not apply now because of ary service but it could apply later.	
					Check if this is	an amended filing	_
Offi	cial Form 122A—1						
Ch	apter 7 Statement of Your	Curre	nt Mor	nthly	Income	10/19	
space additi do no <i>Abus</i> e	complete and accurate as possible. If two married per is needed, attach a separate sheet to this form. Incluing pages, write your name and case number (if known have primarily consumer debts or because of qualified Under § 707(b)(2) (Official Form 122A-1Supp) with the Calculate Your Current Monthly Income	de the line i wn). If you b ying military nis form.	number to w believe that y	hich the ou are	additional inform exempted from a p	ation applies. On the top of any presumption of abuse because you	
1.	What is your marital and filing status? Check one only	'-					
	<ul><li>Not married. Fill out Column A, lines 2-11.</li><li>■ Married and your spouse is filing with you. Fill out</li></ul>	t both Colum	nns A and B, I	ines 2-1	1.		
	☐ Married and your spouse is NOT filing with you. \						
	☐ Living in the same household and are not leg	gally separa	<b>ted.</b> Fill out b	oth Colu	mns A and B, lines	2-11.	
	Living separately or are legally separated. Fit under penalty of perjury that you and your spous spouse are living apart for reasons that do not in	se are legally	y separated u	nder nor	bankruptcy law tha	at applies or that you and your	
	Fill in the average monthly income that you received bankruptcy case. 11 U.S.C. § 101(10A). For example, i August 31. If the amount of your monthly income varied of Fill in the result. Do not include any income amount more income from that property in one column only. If you have	f you are filind during the 6 to that the file.	ng on Septem months, add For example,	ber 15, to the incor , if both s	he 6-month period one for all 6 months pouses own the sa	would be March 1 through and divide the total by 6.	
					Column A Debtor 1	Column B Debtor 2 or non-filing spouse	
2.	Your gross wages, salary, tips, bonuses, overtime, a (before all payroll deductions).	nd commiss	sions		\$	\$	
3.	<b>Alimony and maintenance payments.</b> Do not include p Column B is filled in.	ayments fro	m a spouse if	f	\$	\$	
4.	All amounts from any source which are regularly paid of you or your dependents, including child support. I from an unmarried partner, members of your household, and roommates. Include regular contributions from a spo filled in. Do not include payments you listed on line 3.	nclude regul your depend	lar contributio dents, parents	ns S,	\$	\$	
5.	Net income from operating a business, profession, or farm	Debtor 1	Debtor 2				
	Gross receipts (before all deductions) Ordinary and necessary operating expenses	• - \$	• • \$				
	Net monthly income from a business, profession, or farm	\$	\$	Copy here	\$	\$	
6.	Net income from rental and other real property	Debtor 1	Debtor 2	nere 📆	Ψ	<del></del>	
	Gross receipts (before all deductions)	\$	\$				
	Ordinary and necessary operating expenses  Net monthly income from rental or other real property	- p	φ	Сору	¢	\$	
7.	Interest, dividends, and royalties	\$	\$	here→	φ \$	\$ \$	
	- -					<del></del>	

or 1	First Name Middle Name Last Name			
	First Name Middle Name Last Name			
		Column A Debtor 1	Column B Debtor 2 or non-filing spouse	
Une	mployment compensation	\$	\$	
	not enter the amount if you contend that the amount received was a benefit er the Social Security Act. Instead, list it here:			
	or you\$ or your spouse\$			
	sion or retirement income. Do not include any amount received that was a			
not i Unit disa pay doe:	efit under the Social Security Act. Also, except as stated in the next sentence, do include any compensation, pension, pay, annuity, or allowance paid by the ed States Government in connection with a disability, combat-related injury or ibility, or death of a member of the uniformed services. If you received any retired paid under chapter 61 of title 10, then include that pay only to the extent that it is not exceed the amount of retired pay to which you would otherwise be entitled if ed under any provision of title 10 other than chapter 61 of that title.	\$		
Do r as a terro Stat dear	ome from all other sources not listed above. Specify the source and amount. In the include any benefits received under the Social Security Act; payments received a victim of a war crime, a crime against humanity, or international or domestic prism; or compensation, pension, pay, annuity, or allowance paid by the United these Government in connection with a disability, combat-related injury or disability, or the of a member of the uniformed services. If necessary, list other sources on a parate page and put the total below.			
		\$	\$	
		\$	\$	
To	tal amounts from separate pages, if any.	+ s	<b>+</b> s	
	tal amounts from separate pages, if any.	+ \$	+ \$	
1. Calo	tal amounts from separate pages, if any.  culate your total current monthly income. Add lines 2 through 10 for each imn. Then add the total for Column A to the total for Column B.	+ \$ \$	+ \$   +	\$
1. Calo	culate your total current monthly income. Add lines 2 through 10 for each	* \$ \$	7	\$Total current
1. Calo	culate your total current monthly income. Add lines 2 through 10 for each imn. Then add the total for Column A to the total for Column B.	+ \$     \$	7	\$Total current
1. Cald colu Part 2	culate your total current monthly income. Add lines 2 through 10 for each imn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You	+ \$ \$	7	\$Total current
1. Cald colu	culate your total current monthly income. Add lines 2 through 10 for each imn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You culate your current monthly income for the year. Follow these steps:	\$	+ \$=	Total current monthly incom
1. Cald colu Part 2	culate your total current monthly income. Add lines 2 through 10 for each imn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11	\$	+ \$=	Total current monthly incom
1. Calc colu Part 2 2. Calc 12a.	Culate your total current monthly income. Add lines 2 through 10 for each imn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11	\$	+ \$ =	Total current monthly incom
1. Caldocolu	Culate your total current monthly income. Add lines 2 through 10 for each timn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11.  Multiply by 12 (the number of months in a year).	\$	+ \$ =	Total current monthly incom
1. <b>Calc</b> colu	Culate your total current monthly income. Add lines 2 through 10 for each imn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11	\$	+ \$ =	Total current monthly incom
1. Calc colu 2art 2 2. Calc 12a. 12b.	Culate your total current monthly income. Add lines 2 through 10 for each timn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11.  Multiply by 12 (the number of months in a year).  The result is your annual income for this part of the form.	\$	+ \$ =	Total current monthly incom
1. Calcocolul colul colu	Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11  Multiply by 12 (the number of months in a year).  The result is your annual income for that applies to you. Follow these steps:	\$	+ \$ =	Total current monthly incom
1. Calcocolus  2. Calcocolus  12a.  12b.  3. Calcocolus  Fill i  Fill i	Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11.  Multiply by 12 (the number of months in a year).  The result is your annual income for this part of the form.  culate the median family income that applies to you. Follow these steps:  In the state in which you live.	\$	+ \$ =	Total current monthly incom
1. Calcocolul Part 2 2. Calcocolul 12a. 12b. 3. Calcocolul Fill i To f instr	Determine Whether the Means Test Applies to You  Coulate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11  Multiply by 12 (the number of months in a year).  The result is your annual income for this part of the form.  Coulate the median family income that applies to you. Follow these steps:  In the state in which you live.  In the median family income for your state and size of household.  In the median family income amounts, go online using the link specified in	\$	+ \$ =	Total current monthly incom
1. Calcocolus  Part 2 2. Calcocolus 12a. 12b. 3. Calcocolus Fill i Fill i To f instr	Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11.  Multiply by 12 (the number of months in a year).  The result is your annual income for this part of the form.  culate the median family income that applies to you. Follow these steps:  In the state in which you live.  In the median family income for your state and size of household.  In the median family income amounts, go online using the link specified in ructions for this form. This list may also be available at the bankruptcy clerk's office.	\$the separate	+ \$ = 12b.	Total current monthly incom

Debtor 1				Case number (if known)
	First Name	Middle Name	Last Name	

Part 3:	Sign Below	
	By signing here, I declare under penalty of perjury that the inform	ation on this statement and in any attachments is true and correct.
	×	×
	Signature of Debtor 1	Signature of Debtor 2
	Date MM / DD / YYYY	Date MM / DD / YYYY
	If you checked line 14a, do NOT fill out or file Form 122A–2.	
	If you checked line 14b, fill out Form 122A-2 and file it with th	is form.

Fill in this information to identify your case:						
Debtor 1	First Name	Middle Name	Last Name			
Debtor 2 (Spouse, if filing)	First Name	Middle Name	Last Name			
United States E	Bankruptcy Court for the:	District of				
Case number (If known)						

☐ Check if this is an amended filing

## Official Form 122B

## **Chapter 11 Statement of Your Current Monthly Income**

10/19

You must file this form if you are an individual and are filing for bankruptcy under Chapter 11. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

numl	per (if known).  Calculate Your Current Monthly Incom		лі аррііез. С	on the to	or any additiona	i pages, write your r	iaine and case
	What is your marital and filing status? Check one only						
	Not married. Fill out Column A, lines 2-11.						
	☐ Married and your spouse is filing with you. Fill out	t both Colum	nns A and B.	lines 2-1	1.		
	☐ Married and your spouse is NOT filing with you. F						
	warned and your spouse is NOT ming with you.	iii out Coluii	IIII A, IIIIes 2-	11.			
	Fill in the average monthly income that you received case. 11 U.S.C. § 101(10A). For example, if you are filing amount of your monthly income varied during the 6 mont Do not include any income amount more than once. For property in one column only. If you have nothing to report	g on Septem hs, add the example, if t	nber 15, the 6 income for all poth spouses	6-month p Il 6 month s own the	period would be Man as and divide the tot same rental proper	rch 1 through August al by 6. Fill in the resi	31. If the ult.
					Column A Debtor 1	Column B Debtor 2	
2.	Your gross wages, salary, tips, bonuses, overtime, as payroll deductions).	nd commis	sions (before	e all	\$	\$	
3.	<b>Alimony and maintenance payments.</b> Do not include p Column B is filled in.	ayments fro	m a spouse i	f	\$	\$	
4.	All amounts from any source which are regularly paid you or your dependents, including child support. Including unmarried partner, members of your household, your roommates. Include regular contributions from a spouse Do not include payments you listed on line 3.	lude regular dependents	contributions , parents, an	s from d	\$	\$	
5.	Net income from operating a business, profession, or farm	Debtor 1	Debtor 2				
	Gross receipts (before all deductions)	\$	\$				
	Ordinary and necessary operating expenses	<b>-</b> \$	<b>-</b> \$				
	Net monthly income from a business, profession, or farm	\$	\$	Copy here→	\$	\$	
6.	Net income from rental and other real property	Debtor 1	Debtor 2				
	Gross receipts (before all deductions)	\$	\$				
	Ordinary and necessary operating expenses	<b>-</b> \$	- \$				
	Net monthly income from rental or other real property	\$	. \$	Copy here	\$	\$	

	Column A Debtor 1	Column B Debtor 2	
Interest, dividends, and royalties	\$	\$	
Unemployment compensation	\$	\$	
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:			
For you\$			
For your spouse\$			
Pension or retirement income. Do not include any amount received that was benefit under the Social Security Act. Also, except as stated in the next sentent do not include any compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury disability, or death of a member of the uniformed services. If you received any retired pay paid under chapter 61 of title 10, then include that pay only to the extent that it does not exceed the amount of retired pay to which you would otherwise be entitled if retired under any provision of title 10 other than chapter of that title.  Income from all other sources not listed above. Specify the source and amount of the provided and the source and amount of the source and and the provided and the source and and the provided and the source and are crimed as a victim of a war crime, a crime against humanity, or international domestic terrorism; or compensation, pension, pay, annuity, or allowance paid	ce, he or  61 \$ount.  or by	\$	
the United States Government in connection with a disability, combat-related in or disability, or death of a member of the uniformed services. If necessary, list other sources on a separate page and put the total below.	jury		
<del></del>	\$	\$	
<del></del>	\$	\$	
Total amounts from separate pages, if any.	+ \$	+ \$	
. Calculate your total current monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.	\$	<b>+</b> \$	Total curren
art 2: Sign Below			

×	×		
Signature of Debtor 1	Signature of Debtor 2		
Date	DateMM_/DD/YYYY		

	nation to identify ye	our case:				k as directed in lines 17 and	
Debtor 1	Jame	Middle Name	Last Name			rding to the calculations require statement:	d by
ebtor 2 Spouse, if filing) First N		Middle Name	Last Name		1.	Disposable income is not dete under 11 U.S.C. § 1325(b)(3).	
nited States Bankru	uptcy Court for the:	District of			<b>□</b> 2	Disposable income is determined under 11 U.S.C. § 1325(b)(3).	
ase number f known)			_		<b>□</b> 3	. The commitment period is 3 years	ears.
					<b></b> 4	. The commitment period is 5 years	ears.
					<b>□</b> c	heck if this is an amended f	iling
fficial For	m 122C–1						
-		nent of You			hly Incom	ie	
nd Calc	ulation of	f Commitme	ent Per	iod		10/1	19
	narital and filing st	atus? Check one only.  A, lines 2-11.					
■ Not marrie							
_	II out both Columns	A and B, lines 2-11.					
Married. Fi Fill in the aver bankruptcy ca August 31. If th the result. Do n	rage monthly incoruse. 11 U.S.C. § 10° are amount of your mot include any incoruse.	me that you received f 1(10A). For example, if nonthly income varied do	you are filing or uring the 6 mon once. For exam	n September 15, hths, add the inco ple, if both spous	the 6-month period warme for all 6 months ares own the same ren	before you file this yould be March 1 through and divide the total by 6. Fill in tal property, put the income	
Married. Fi Fill in the aver bankruptcy ca August 31. If th the result. Do n	rage monthly incoruse. 11 U.S.C. § 10° are amount of your mot include any incoruse.	me that you received for the state of the st	you are filing or uring the 6 mon once. For exam	n September 15, hths, add the inco ple, if both spous	the 6-month period warme for all 6 months ares own the same ren	ould be March 1 through and divide the total by 6. Fill in	
Married. Fi Fill in the aver bankruptcy ca August 31. If th the result. Do n from that prope	rage monthly incoruse. 11 U.S.C. § 10 me amount of your mot include any incorustry in one column o	me that you received for the state of the st	you are filing or uring the 6 mon once. For exam g to report for an	n September 15, hths, add the inco ple, if both spous by line, write \$0 in	the 6-month period warme for all 6 months are own the same ren in the space.  Column A	vould be March 1 through and divide the total by 6. Fill in that property, put the income  Column B Debtor 2 or	
Married. Fi Fill in the aver bankruptcy ca August 31. If th the result. Do n from that prope	rage monthly incoruse. 11 U.S.C. § 10 me amount of your me not include any incorury in one column of the column of	me that you received f 1(10A). For example, if nonthly income varied do me amount more than c nly. If you have nothing	you are filing or uring the 6 mon once. For exam to report for an	n September 15, https, add the inco ple, if both spous by line, write \$0 in s (before all	the 6-month period wome for all 6 months assess own the same renormal the space.  Column A  Debtor 1	vould be March 1 through and divide the total by 6. Fill in that property, put the income  Column B Debtor 2 or	
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Net monthly income from a business, profession, or farm

6. Net income from rental and other real property

Ordinary and necessary operating expenses

Net monthly income from rental or other real property

Gross receipts (before all deductions)

Debtor 2

Debtor 1

Copy here

Copy here→

De	ebtor 1	Case number (#	(kanua)	
	First Name Middle Name Last Name	odac number (#	KIOWII)	
		Column A Debtor 1	Column B Debtor 2 or non-filing spouse	
7.	Interest, dividends, and royalties	\$		
8.	Unemployment compensation	\$		
	Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: $lacktriangle$			
	For you\$			
	For your spouse\$			
9.	Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act. Also, except as stated in the next sentence, do not include any compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If you received any retired pay paid under chapter 61 of title 10, then include that pay only to the extent that it does not exceed the amount of retired pay to which you would otherwise be entitled if retired under any provision of title 10 other than chapter 61 of that title.	\$	\$	
10.	Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act; payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism; or compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If necessary, list other sources on a separate page and put the total below.	e		
		\$	\$	
		\$	\$	
	Total amounts from separate pages, if any.	+ \$	+ \$	
11.	Calculate your total average monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.	\$	+ \$	Total average monthly income
Pa	Determine How to Measure Your Deductions from Income			
12.	Copy your total average monthly income from line 11.			\$
13.	Calculate the marital adjustment. Check one:			
	☐ You are not married. Fill in 0 below.			
	<ul><li>☐ You are married and your spouse is filing with you. Fill in 0 below.</li><li>☐ You are married and your spouse is not filing with you.</li></ul>			
	Fill in the amount of the income listed in line 11, Column B, that was NOT regularly you or your dependents, such as payment of the spouse's tax liability or the spouse you or your dependents.			
	Below, specify the basis for excluding this income and the amount of income devote list additional adjustments on a separate page.	ed to each purpo	se. If necessary,	
	If this adjustment does not apply, enter 0 below.			

14. Your current monthly income. Subtract the total in line 13 from line 12.

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

+ \$\_\_\_\_

De	ebtor 1	Coop number (% and	
	First Name	Middle Name Last Name Case number (if known)	
15.	Calculate your curren	nt monthly income for the year. Follow these steps:	
	15a. Copy line 14 here	· <del></del>	\$
	Multiply line 15a b	by 12 (the number of months in a year).	<b>x</b> 12
	15b. The result is your	current monthly income for the year for this part of the form.	\$
16.	Calculate the median	family income that applies to you. Follow these steps:	
	16a. Fill in the state in	which you live.	
	16b. Fill in the number	r of people in your household.	
	To find a list of ap	pplicable median income amounts, go online using the link specified in the separate his form. This list may also be available at the bankruptcy clerk's office.	····· \$
17.	How do the lines com	npare?	
		ess than or equal to line 16c. On the top of page 1 of this form, check box 1, <i>Disposable income is not of 1325(b)(3)</i> . <b>Go to Part 3.</b> Do NOT fill out <i>Calculation of Your Disposable Income</i> (Official Form 122C–2	
	11 U.S.C. § 1	nore than line 16c. On the top of page 1 of this form, check box 2, <i>Disposable income is determined un</i> 1325(b)(3). <b>Go to Part 3 and fill out Calculation of Your Disposable Income (Official Form 122C–2</b> that form, copy your current monthly income from line 14 above.	
Pa	art 3: Calculate	Your Commitment Period Under 11 U.S.C. § 1325(b)(4)	
40	Company total avera	are monthly income from line 44	
		age monthly income from line 11.	s
19.		<b>ljustment if it applies.</b> If you are married, your spouse is not filing with you, and you contend that ment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy	
	the amount from line 13		
			— \$
		3. istment does not apply, fill in 0 on line 19a.	\$
20	<ul><li>19a. If the marital adjust</li><li>19b. Subtract line 19a</li></ul>	3. ustment does not apply, fill in 0 on line 19a.	<b>-</b> \$
20.	19a. If the marital adjusted in the second of the second o	3. Istment does not apply, fill in 0 on line 19a.  In from line 18.  In monthly income for the year. Follow these steps:	<u> </u>
20.	19a. If the marital adjusted in the second of the second o	3. ustment does not apply, fill in 0 on line 19a.	<u> </u>
20.	19a. If the marital adjusted in the second of the second o	3. Istment does not apply, fill in 0 on line 19a.  In from line 18.  In monthly income for the year. Follow these steps:	<u> </u>
20.	19a. If the marital adjusted in the second of the second o	3. Istment does not apply, fill in 0 on line 19a.  In from line 18.  Int monthly income for the year. Follow these steps:	- \$ \$ \$
20.	19a. If the marital adjusted in the second of the second o	3. Istment does not apply, fill in 0 on line 19a. Istment does not apply, fill in 0 on line 19a. Istment line 18. Int monthly income for the year. Follow these steps:  The number of months in a year).  The current monthly income for the year for this part of the form.	- \$ \$ \$ <b>x</b> 12
20.	19a. If the marital adjusted in the second of the second o	3. Istment does not apply, fill in 0 on line 19a.  In from line 18.  In monthly income for the year. Follow these steps:  The number of months in a year).	- \$ \$ \$ <b>x</b> 12
	19a. If the marital adjusted in the second of the second o	3. Istment does not apply, fill in 0 on line 19a. Istment does not apply, fill in 0 on line 19a. Istment line 18. Int monthly income for the year. Follow these steps:  In a from line 18. International state of the year for this part of the form.  In a from line 18. In a year for the year for this part of the form.  In a from line 18. In a year for the year for this part of the form.  In a from line 18. In a year for the year for this part of the form.	- \$ \$ \$ <b>x</b> 12
	19a. If the marital adjust 19b. Subtract line 19a.  Calculate your current 20a. Copy line 19b  Multiply by 12 (the 20b. The result is your 20c. Copy the median for the dother lines com. □ Line 20b is less that	3. Istment does not apply, fill in 0 on line 19a. Istment does not apply, fill in 0 on line 19a. Istment line 18. Int monthly income for the year. Follow these steps:  In a from line 18. International state of the year for this part of the form.  In a from line 18. In a year for the year for this part of the form.  In a from line 18. In a year for the year for this part of the form.  In a from line 18. In a year for the year for this part of the form.	- \$ \$ \$ <b>x</b> 12

Debtor 1

			Case number (if known)
Elect Manage	MC dalla Massas	Last Massa	

Part 4:	Sign Below	
	By signing here, under penalty of perjury I declare	e that the information on this statement and in any attachments is true and correct.
	Solution in the state of persons in the state of perso	*
	Signature of Debtor 1	Signature of Debtor 2
	Date	Date
	MM / DD / YYYY	MM / DD / YYYY
	If you checked 17a, do NOT fill out or file Form 12	22C–2.
	If you checked 17b, fill out Form 122C-2 and file	it with this form. On line 39 of that form, copy your current monthly income from line 14 above.

#### **COMMITTEE NOTE**

Official Forms 122A-1, 122B, and 122C-1 are amended in response to the enactment of the Honoring American Veterans in Extreme Need Act of 2019 (the "HAVEN Act"), Pub. L. No. 116-52, 133 Stat. 1076. That law modifies the definition of "current monthly income" in § 101(10A) to exclude certain amounts payable "in connection with a disability, combat-related injury or disability or death of a member of the uniformed services." The exclusion for servicemember retired pay is limited, however, and the debtor should exclude from current monthly income only that amount of retired pay that exceeds the amount that the recipient would otherwise be entitled to receive had the recipient retired for a reason other than disability. Each form is modified to expressly exclude these amounts from lines 9 and 10.

Fill in thi	s information to identify your case:						ly as directed in this form and in
Debtor 1						orm 122A-1Supp	
Debtor 2	First Name Middle Name		Last Name		-	1. There is no pr	resumption of abuse.
(Spouse, if fil	ing) First Name Middle Name es Bankruptcy Court for the:		Last Name District of	tate)		abuse applies	on to determine if a presumption of will be made under <i>Chapter 7</i> Calculation (Official Form 122A–2).
Case numb (If known)	ier		(0	iate)			est does not apply now because of ary service but it could apply later.
						Check if this is	an amended filing
Officia	I Form 122A-1						
	ter 7 Statement of '	Your (	Curre	nt Mor	nthly	Income	12/19
space is no additional do not hav Abuse Und  Part 1:	t is your marital and filing status? Chec	form. Include ber (if known e of qualify pp) with this y Income	de the line r vn). If you b ing military is form.	number to w believe that y	hich the ou are e	additional inform xempted from a p	ation applies. On the top of any presumption of abuse because you
_	Not married. Fill out Column A, lines 2-11 Married and your spouse is filing with y		both Colum	ns A and B. I	ines 2-11	ı.	
	Married and your spouse is NOT filing v						
_	Living in the same household and	-	-	-		mns A and B, lines	2-11.
	Living separately or are legally sep under penalty of perjury that you and spouse are living apart for reasons th	your spous	e are legally	/ separated u	nder non	bankruptcy law tha	at applies or that you and your
<b>banl</b> Augu Fill ir	n the average monthly income that you kruptcy case. 11 U.S.C. § 101(10A). For ust 31. If the amount of your monthly income the result. Do not include any income and the from that property in one column only.	example, if me varied d mount more	you are filin uring the 6 r than once.	g on Septem months, add f For example,	ber 15, the the incon if both s	ne 6-month period ne for all 6 months pouses own the sa	would be March 1 through and divide the total by 6.
						Column A Debtor 1	Column B Debtor 2 or non-filing spouse
	r gross wages, salary, tips, bonuses, or ore all payroll deductions).	vertime, ar	nd commiss	sions			Debtor 2 or
(befo						Debtor 1	Debtor 2 or
3. Alim Colu 4. All ar of you from and	ore all payroll deductions).  cony and maintenance payments. Do no	ot include pa gularly paid support. In nousehold, y from a spou	ayments from for householderegul your depend	m a spouse if nold expense ar contributio lents, parents	<b>es</b> ns s,	Debtor 1	Debtor 2 or
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(befc 3. Alim Colu 4. All al of yo from and i filled 5. Net i or fa Gros Ordin Net r 6. Net i Gros Ordin	ore all payroll deductions).  It cony and maintenance payments. Do not min B is filled in.  Immounts from any source which are region or your dependents, including child an unmarried partner, members of your horommates. Include regular contributions in. Do not include payments you listed or income from operating a business, professionary and necessary operating expenses monthly income from a business, profession income from rental and other real proping receipts (before all deductions)	gularly paid support. In nousehold, y from a spou n line 3. ofession, ion, or farm	for householder regulyour dependuse only if C  Debtor 1  \$  \$  \$	m a spouse if  nold expense ar contributio lents, parents olumn B is no  Debtor 2  \$  - \$ \$ Debtor 2	es ns s, ot Copy	Debtor 1	Debtor 2 or

	First Name Middle Name Last Name			
		Column A Debtor 1	Column B Debtor 2 or non-filing spouse	
Une	employment compensation	\$	\$	
	not enter the amount if you contend that the amount received was a benefit er the Social Security Act. Instead, list it here:			
	for you\$s			
Pen ben not Unit disa pay doe	<b>asion or retirement income.</b> Do not include any amount received that was a refit under the Social Security Act. Also, except as stated in the next sentence, do include any compensation, pension, pay, annuity, or allowance paid by the ted States Government in connection with a disability, combat-related injury or ability, or death of a member of the uniformed services. If you received any retired paid under chapter 61 of title 10, then include that pay only to the extent that it is not exceed the amount of retired pay to which you would otherwise be entitled if red under any provision of title 10 other than chapter 61 of that title.	\$	_ \$	
Do i as a terro Stat dea	ome from all other sources not listed above. Specify the source and amount. not include any benefits received under the Social Security Act; payments received a victim of a war crime, a crime against humanity, or international or domestic orism; or compensation, pension, pay, annuity, or allowance paid by the United tes Government in connection with a disability, combat-related injury or disability, or the of a member of the uniformed services. If necessary, list other sources on a arate page and put the total below.			
		\$	\$	
		\$	\$	
	tal amounts from separate pages, if any.	+ \$	+ \$	
l. Calo	culate your total current monthly income. Add lines 2 through 10 for each umn. Then add the total for Column A to the total for Column B.	+ \$		\$Total current monthly incon
1. <b>Cal</b> e colu	culate your total current monthly income. Add lines 2 through 10 for each umn. Then add the total for Column A to the total for Column B.	+ \$		\$ Total current
1. Calo colu Part 2	culate your total current monthly income. Add lines 2 through 10 for each umn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You culate your current monthly income for the year. Follow these steps:	\$	+ \$=	Total current monthly incom
l. Cald colu	culate your total current monthly income. Add lines 2 through 10 for each umn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You culate your current monthly income for the year. Follow these steps:	\$	+ \$=	\$ Total current
1. Caldocolu colu Part 2	culate your total current monthly income. Add lines 2 through 10 for each umn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You culate your current monthly income for the year. Follow these steps:	\$	+ \$=	Total current monthly incom
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1. Calcocolu  Part 2  2. Calco  12a.  12b.	culate your total current monthly income. Add lines 2 through 10 for each umn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You culate your current monthly income for the year. Follow these steps: Copy your total current monthly income from line 11	\$	+ \$=	Total current monthly incom
1. Calc colu	culate your total current monthly income. Add lines 2 through 10 for each umn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11	\$	+ \$=	Total current monthly incom
1. Calcocolumnos columnos colu	Culate your total current monthly income. Add lines 2 through 10 for each amn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11  Multiply by 12 (the number of months in a year).  The result is your annual income for this part of the form.  culate the median family income that applies to you. Follow these steps:	\$	+ \$=	Total current monthly incom
1. Calcocolus  Part 2  2. Calcocolus  12b.  3. Calcocolus  Fill i  Fill i	Culate your total current monthly income. Add lines 2 through 10 for each Jumn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You  culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11	\$	Copy line 11 here	Total current monthly incom
1. Calcocolumna columna column	Culate your total current monthly income. Add lines 2 through 10 for each amn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You  Culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11  Multiply by 12 (the number of months in a year).  The result is your annual income for this part of the form.  Culate the median family income that applies to you. Follow these steps:  in the state in which you live.  in the number of people in your household.  in the median family income for your state and size of household.  in the median family income amounts, go online using the link specified in the state in the link specified in the state in the link specified in the state of the link specified in the state of applicable median income amounts, go online using the link specified in the state in the link specified in	\$	Copy line 11 here	Total current monthly incom
1. Calcocolumna columna column	Culate your total current monthly income. Add lines 2 through 10 for each amn. Then add the total for Column A to the total for Column B.  Determine Whether the Means Test Applies to You  Culate your current monthly income for the year. Follow these steps:  Copy your total current monthly income from line 11	\$the separate	+ \$=  . Copy line 11 here → 12b.	Total current monthly incom

Debtor 1				Case number (if known)	
	First Name	Middle Name	Last Name		

Part 3:	Sign Below	
	By signing here, I declare under penalty of perjury that the information on	this statement and in any attachments is true and correct.
	<b>x</b>	<b>x</b>
	Signature of Debtor 1	Signature of Debtor 2
	Date	Date
	If you checked line 14a, do NOT fill out or file Form 122A-2.	
	If you checked line 14b, fill out Form 122A-2 and file it with this form.	

## **COMMITTEE NOTE**

The instruction on line 14a of Official Form 122A-1 is amended to remind a debtor for whom there is no presumption of abuse that Official Form 122A-2 (*Chapter 7 Means Test Calculation*) should not be filled out or filed.

					7
Fill i	n this Information to ident	fy the case:			
Deb	or 1				
	First Name	Middle Name	Last Name		
Deb	or 2				
	ise, if filing) First Name	Middle Name	Last Name		
Unite	d States Bankruptcy Court f	or the:			
Case	number:		(State)		
<u>Form</u>	<u>1340 (12/19)</u>				
APF	PLICATION FOR PAY	MENT OF U	JNCLAIMED FUNDS	5	
1. (	Claim Information				
For tl	ne benefit of the Claimant	(s) <sup>1</sup> named bele	ow, application is made t	or the paymen	t of unclaimed funds on deposit with
	_	that any other	party may be entitled to	these funds, a	nd I am not aware of any dispute
regar	ding these funds.				
Note	If there are joint Claimar	ts, complete the	e fields below for both C	laimants.	
Amo	unt:				
Clain	nant's Name:				
	nant's Current Mailing				
	ess, Telephone Number, Email Address:				
una i	indii / idaress.				
2. /	Applicant Information				
امما	aant? vanvaaanta that Cla	ina ant in antitlas	d to manaissa tha sunalainna	d funda bassu	
apply		mant is entitied	to receive the unclaime	a funas becaus	se (check the statements that
	Applicant is the Claimar	nt and is the Ov	vner of Record <sup>3</sup> entitled	to the unclaime	ed funds appearing on the records of
		nt and is entitle	d to the unclaimed funds	hy assignmen	t, purchase, merger, acquisition,
	succession or by other	means.	a to the ancialmed funds	by assignmen	t, purchase, merger, acquisition,
	Applicant is Claimant's	representative	(e.g., attorney or unclain	ned funds locat	or).
	Applicant is a represent	ative of the dec	ceased Claimant's estate		
3. 8	Supporting Documentati	on			
	Applicant has read the c supporting documentation			on for Unclaime	ed Funds and is providing the required

The Claimant is the party entitled to the unclaimed funds.
 The Applicant is the party filing the application. The Applicant and Claimant may be the same.
 The Owner of Record is the original payee.

□ Applicant has sent a copy of this application and suppopursuant to 28 U.S.C. § 2042, at the following address:	
Office of the Un	ited States Attorney rict of
[Court enter	rict ofs address here]
5. Applicant Declaration Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.	5. Co-Applicant Declaration (if applicable) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.
Date:	Date:
Signature of Applicant	Signature of Co-Applicant (if applicable)
Printed Name of Applicant	Printed Name of Co-Applicant (if applicable)
Address:	Address:
Telephone:	Telephone:
Email:	Email:
<b>6. Notarization</b> STATE OF	6. Notarization STATE OF
COUNTY OF	COUNTY OF
This Application for Unclaimed Funds, dated was subscribed and sworn to before me this day of, 20by	This Application for Unclaimed Funds, dated was subscribed and sworn to before me this day of, 20by
who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.  (SEAL) Notary Public	who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.  (SEAL) Notary Public
My commission expires:	My commission expires:

4. Notice to United States Attorney