



Blankrupter 4.8

Release 12/15/2008

INTRODUCTION

Welcome to Blankrupter, the software program that processes and generates BlumbergExcelsior Official Bankruptcy Forms on plain paper, using your personal computer and printer. Blankrupter operates in the Microsoft Windows environment, making data entry simple and straightforward. It automates the processing of Chapters 7, 11, 12 and 13 bankruptcy forms, and makes the necessary math calculations as well as the required mailing list. We believe that you will find Blankrupter an easy-to-use, productive tool for processing bankruptcy forms.

Blankrupter has the following unique advantage:

- Easy to install and use
- Enables electronic filing
- Processes Chapter 7, 11, 12 and 13 Official Forms
- Automated Means Test
- Forms updated online as necessary
- Graphic forms generated on blank paper
- Six different mailing list print formats and three electronic formats
- Automatic math calculations
- Includes federal and state exemptions
- Client Questionnaire
- Spell checking
- Print preview
- Online help

SYSTEM REQUIREMENTS

Blankrupter is designed to work on the personal computers with at least Pentium (or compatible) chips, with a minimum of 25 MB hard drive space available with at least 32 MB RAM, Windows 98 or later (Blankrupter is not supported under the Microsoft ME operating system). Any Windows supported printer can be used with Blankrupter.

NOTE: This instruction manual explains how to use Blankrupter software program only. Please refer to the Microsoft Windows software documentation for instructions on how to use Windows and the user manuals for your computer, mouse and printer for instructions on using your hardware.

BLANKRUPTER[®] 4.8

Quick Start

PROGRAM INSTALLATION

To install your Blankrupter program;

1. Insert CD labeled Blankrupter Setup into your CD-ROM drive of your computer.
2. From Start, select RUN
3. Type D: SETUP (or change the D to the letter for your CD drive).
4. Follow the on-screen instructions to complete the installation.

TECHNICAL SUPPORT AND REGISTRATION

By Telephone	724 838-8993 (NWinds)
By Internet	Go to "Help".... "register via internet". Follow the prompts.
Sales	BlumbergExcelsior 800-221-2972 ext. 565

REGISTRATION BY TELEPHONE

Your Blankrupter 4.8 program INCLUDES a 30-day evaluation period. After this 30 day evaluation period, the program will go into demo mode. In the demo mode, you cannot print any forms except for the Voluntary Petition, Page 1.

If you are not satisfied with the product *and you have not registered it with NWinds*, you may return it. Contact BlumbergExcelsior for instructions on returning the software.

When you are satisfied with the program, call to register it. NWinds technical support will ask you to open the registration screen. Go to "Registration" from the "Help" menu in the main screen. The register screen will contain a code number and a computer number. Give these numbers to technical support; in return, you will receive a seven digit number to type into the Trigger Code Box. After you type in the number, choose the "OK" button and a message will appear confirming that the program has been registered. You can also use this registration screen to find the expiration date of the evaluation period.

SINGLE USER SYSTEMS

Once registration is complete, the program is fully functional on that computer ONLY. If you try to access the program through a network, the program will become functional on that computer for 30-days, and then it converts to the demo mode. If the CD-ROM is used to install the program onto another computer, the same thing happens, i.e., 30-day evaluation period then demo mode.

SOFTWARE RETURN POLICY

If, prior to registration, you are not satisfied with the software, return it as noted herein. Returns must be made within 30 days of purchase for full refund less shipping charges and a 10% restocking charge (\$10 minimum).

No more than three software products purchased within a 30-day period may be returned. Software will be accepted for return only if in saleable condition, accompanied by a copy of our invoice and a signed statement giving the reason for the return and certifying that no copies have been retained.

Network software and software for which demo disks are available are not returnable. Blankrupter is returnable only if it has not been registered.

Limited Warranty

Except for the Software Return Policy above, Blumberg*Excelsior*, Inc. disclaims all warranties, express or implied, concerning the software program. Blumberg*Excelsior* specifically disclaims any warranties of merchantability or fitness for a particular purpose. In no event will Blumberg*Excelsior*, Inc. accept liability for any damage, including consequential, indirect, or special lost profits, arising out of the use or inability to use any software programs or other products. As noted Blumberg*Excelsior's* damages will be limited exclusively to product replacement or refund of purchase price. Some states do not allow the exclusion of implied warranties, so the above exclusions may not apply to you. This warranty gives you specific legal rights and you may also have other rights, which may vary from state to state.

Revised Forms in Version 4.8

OFFICIAL FORM	TITLE
B1D Exbition D	Individual Debtor's Statement of compliance with Credit Counseling Requiremnt (12-08)
B8	Chapter 7 Individual Debtor's Statement of Intention (12/08)
B23	Debtor's Certification of Completion of Postpetition Instructional Course Concerning Financial Management (12/08)
B201	Notice to individual consumer debtor (12/08)
B25A	Plan of Reorganization in Small Business Case Under Chapter 11
B25B	Disclosure Statement in Small Business Case Under Chapter 11
B25C	Small Business Monthly Operating Report
B26	Periodic Reporting Regarding Value, Operations and Profitability of Entities in Which the Estate of the Debtor Holds a Substantial or Controlling Interest
B283	Chapter 13 debtor's certifications regarding domestic support obligations and Section 522 (q)

SPECIAL FEATURES

Dynamic MEANS TEST CALCULATOR with IRS and Census Bureau Data included in the database.

- Determine Means Test "presumptions" in advance
- Database refined to the county level in all Districts
- Automatically determines "presumptions" and populates fields of OF 22A, B or C
- If data changes, presumption will be revised and appropriate form completed
- Avoids redundant entry of data
- Avoids side calculations
- Gathers Schedule I data for Means Test
- Revisions to IRS & Census Bureau tables are easily downloaded

Bankruptcy Questionnaire, 12 pps. – print, or email to your clients to help them gather, organize and present you with their information in logical sequence. Click Miscellaneous Forms, then Other Forms.

TABLE OF CONTENTS	Page
Introduction	i
System Requirements	ii
Quick Start	iii
Single User System	iv
Revised Forms in Version 4.8 & Special Features	v
Table of Contents	vii
Chapter 1: Basic concepts and the main menu	1
Moving through the Data Entry Fields	1
Spell-checking the Data Entry Fields	1
Cut, Copy and Paste Feature	1
The Navigator	1
Main Menu	2
Primary Functions	3
Button Symbols	4
Chapter 2: Processing a Bankruptcy	5
Add a Database and Client	5
Accessing an Existing Database and Client	7
Processing a Voluntary Petition	8
Processing Schedules	10
Schedules Menu	10
Processing Schedules Pertaining to Property (A, B, C):	10
Processing Schedules for Income, Expenditures, Contracts and Leases	17
Accessing the Summary of Schedules	18
Miscellaneous Forms	19
Processing the Statement of Financial Affairs	20
Mailing Lists	21
Add Unique Entries to Creditor Mailing List	22
Print, Convert and Save the Mailing List	23
Chapter 3: Printing the Form	24
Set up your printer	24
Print several forms at a time	24
Print Preview	24
Chapter 4: Electronic Filing	26
Chapter 5: Special Features	28
To Enter the Default Client Information	28
Short Cut Exit from Data Entry Screens	28
Editing and Deleting Client Files	28
Chapter 6: Utilities	29
Chapter 7: Data Conversion from Earlier Bankruptcy program	30
Chapter 8: The Means Test	31

CHAPTER 1: BASIC CONCEPTS AND THE MAIN MENU

Moving through the Data Entry Fields

To move from one field to another in your Blankrupter program, use your mouse to click into the field.

Spell Checking the Data Entry Fields

To check the spelling of a data entry field, place the cursor in the desired field and select Spell Check from the Tools menu.

Cut, Copy and Paste Feature

Like most Windows programs, the data entry screens in your Blankrupter program enable you to cut, copy and paste information within the program and from other Windows program and from other Windows programs. See your Windows manual for additional instructions.

The Navigator

Each dynamic data entry screen such as the Schedules and Statement of Financial Affairs have what is called a Navigator to enable you to go to the first, last, previous and next entry in the database list as well as add, delete, save or cancel entries (see figure below). In addition, some screens contain a Navigator that enables you to add entries to the database list.



Figure 1

-  First Entry
-  Previous Entry
-  Next Entry
-  Last Entry
-  Add Entry
-  Delete Entry
-  Save Entry
-  Cancel Entry

In addition, directly below the Navigation is an entry indicator. (Figure above) This indicator shows where an entry is located in relation to all other entries (e.g., the beginning, middle or end).



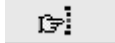
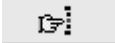






The Main Menu

The Main Menu (Figure1) screen is a listing of a variety of program options. Each button on the screen represents a different option in your Blankrupter software. Choose an option by selecting the button with your mouse.





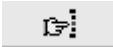




Figure 1

The primary functions of each button are:

ICON OPTION	FUNCTION	
	ATTORNEY/CLIENT	Access databases to add, edit or delete clients from databases.
	VOLUNTARY PETITION	Enter information for the standard two-page form required for all bankruptcy filings.
	SCHEDULES	Access the Schedules Menu to select a specific schedule, enter property by type and print.
	MISCELLANEOUS FORMS	Access the Miscellaneous Forms Menu to enter data and print various other bankruptcy forms.
	STATEMENT OF FINANCIAL AFFAIRS	Enter financial affairs information and print the statement.
	MEANS TEST	Enter Means Test data.
	MAILING LIST	Access and print the mailing list to add unique entries at the top of the creditor mailing list, such as debtor's name, social security number, taxing authority, debtor's attorney, etc.
	PRINT FORMS	Print all or selected form at one time and print the schedules instructions.
	UTILITIES	Access system utilities to enter, edit or delete, Common Creditors; select printing options and exemptions.
	EXIT	Exit Bankrupter.

Button Symbols

In the Blankrupter menu screens there are several different buttons with small symbols. These signify specific options and data entry screens. For example, the ATTORNEY/CLIENT button in the Main Menu displays an open file folder. This is the standard Windows symbol for using directions. This program has additional unique symbols. These are:

SYMBOL	TYPE OF OPTION
	Access a directory.
	Access a data entry screen to complete a form.
	To access an additional menu.
	Mailing lists.
	Print.
	Utilities.
	Access a lookup table such as Exemptions and Common Creditors.

CHAPTER 2: PROCESSING A BANKRUPTCY

Once installation is complete; you can begin to use your Blankrupter program. Each firm processes a bankruptcy in its own way. Some attorneys write the information down on worksheets and have their staff enter it, while others enter the information directly while they conduct the initial interview. Some firms complete the Schedules first, while others start with the Statement of Financial Affairs. Blankrupter is flexible. You can begin the process with any form. This manual describes the process in the order that it appears on the Main Menu. We will first describe setting up databases and clients, then a Voluntary Petition and so on.

Adding and Selecting a Database and Client

Blankrupter works on one database and client at a time. The database is ordinarily the name of the attorney who processes a given bankruptcy. A law firm can have databases for each attorney in the firm. The databases appear as sub-directories in the Bank directory on the computer hard drive. Attorneys add clients to their own databases. Each client listed in the database represents a different bankruptcy case.

Create a database for each attorney or staff member. Each time you begin working with Blankrupter, first select the ATTORNEY/CLIENT button, then (1) add or select a database and (2) add or select a client. You will not have the ability to access any other part of the program (except Utilities) without first selecting a client from a database.

NOTE! When you first begin using your Blankrupter you will be taken directly to the ATTORNEY/CLIENT screen. You must first add a database and create a client or select an existing client as described in the following section.

To Add a Database and Client (Figures 3 and 4)

1. From the Main Menu, select ATTORNEY/CLIENT. An Attorney/Client Screen will appear listing your Blankrupter directory on the left (Bankwin), and a clients box on the right (see Figure 2). Be sure that the Bank directory is highlighted and select the button next to the directory to add your database.
2. A dialog box appears asking for a database name. Enter a name with 8 characters or less (no spaces). Select the button.
3. A second dialog box appears requesting a client name. Type a client name (31 characters or less) then select the button.
4. When asked if you wish to add default information about this new client, choose YES or NO. This is basic information, every client (refer to Chapter 14 for more information on setting the default information).

5. A series of data entry fields will appear on the bottom portion of the screen including Leading Caption and Case Information (see Figure 4). This is preliminary information for your bankruptcy filing. Enter the appropriate information and select the button indicating whether the filer is an Attorney or Non-Attorney Petitioner.
6. Select the **OK** button on the bottom of the screen to save the data and Exit to the Main Menu **Add** , or select the button in the Clients box to add another client to the same database. When you exit to the Main Menu, the last client name you entered will appear in black on the Main Menu. You are now ready to complete the forms for that client.

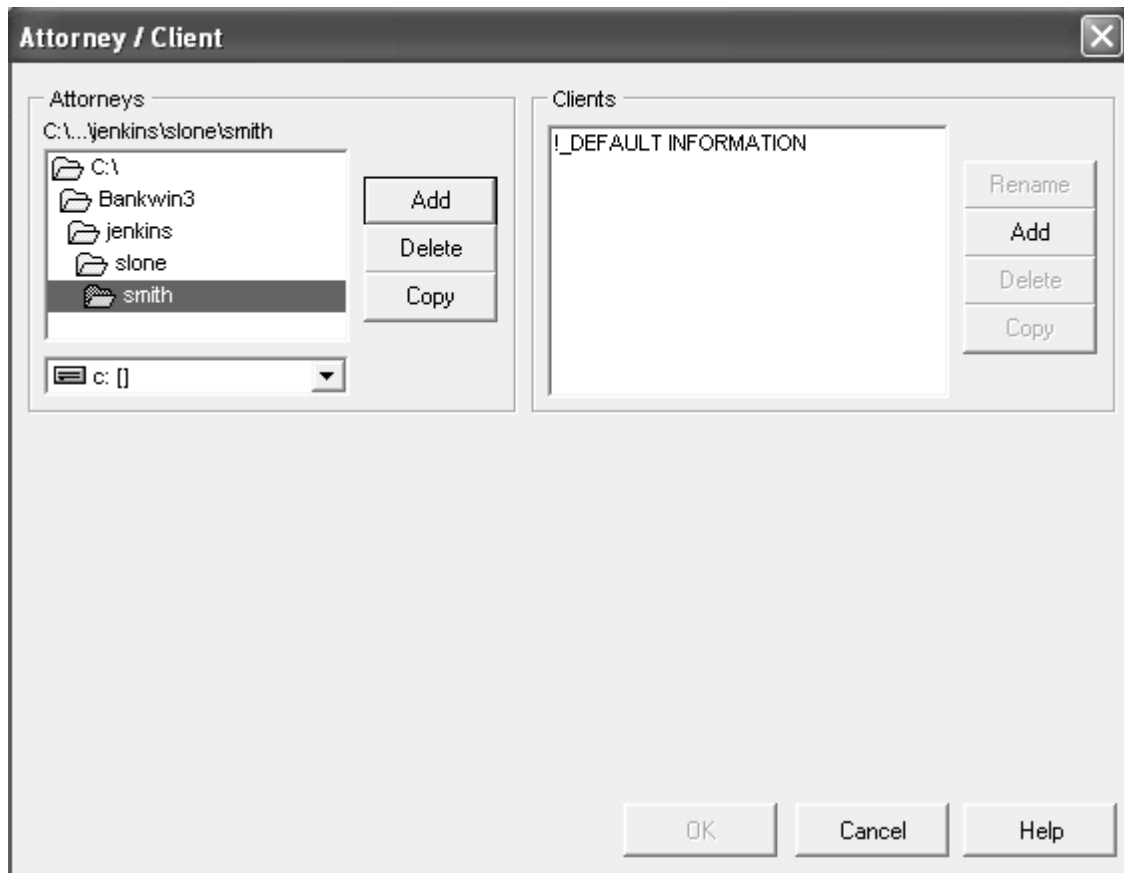


Figure 2

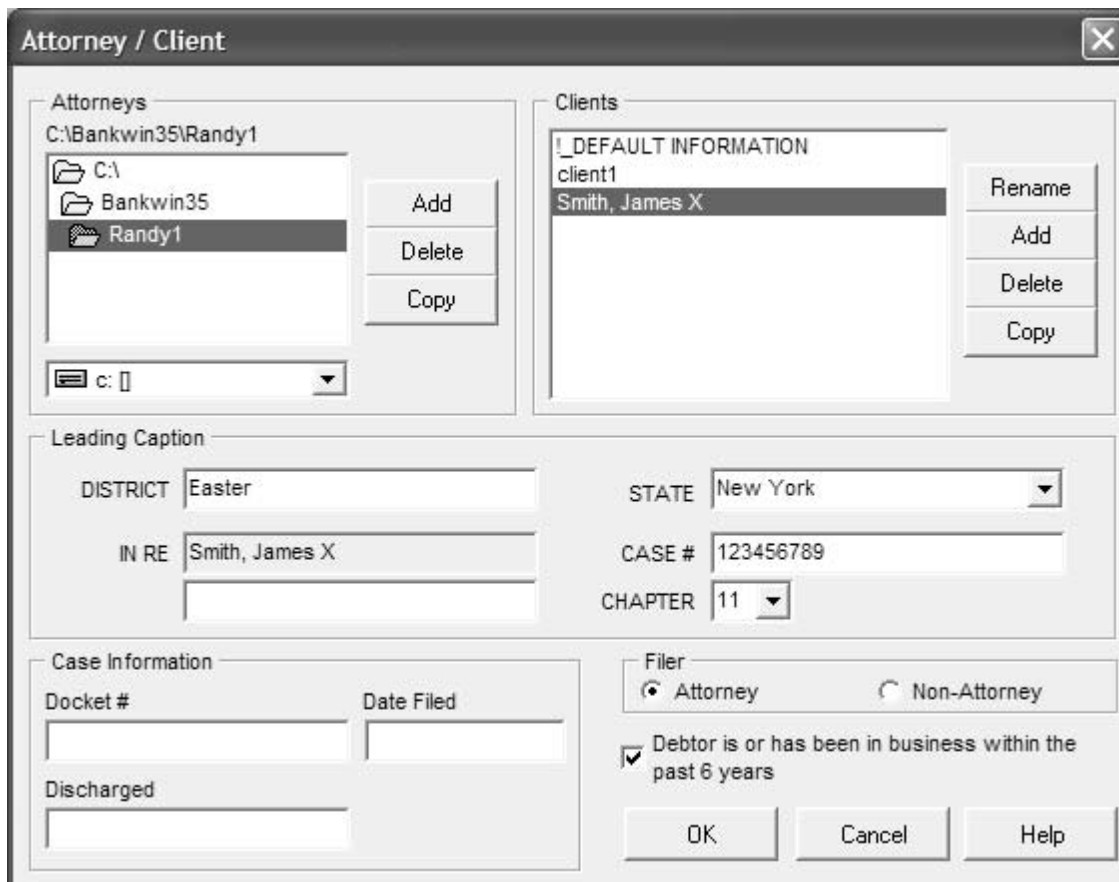


Figure 3

Accessing an Existing Database and Client

Before processing a bankruptcy, you must select a database and client.

1. Select the ATTORNEY/CLIENT option in the Main Menu.
2. When the Attorney/Client screen appears, double-click on the name of your database from the list under the Bank directory (located on the left-hand corner of the screen).
3. Select a client name from the list of clients located in the Clients box on the right. The Leading Caption and Case Information for the client you selected will appear.
4. Select the **OK** button at the bottom of the screen to exit to the Main Menu. The client's name will appear in the center of the screen above the Main Menu options. You are now ready to process a bankruptcy for the client.

NOTE! If you need to enter a new client, select the **Add** button in the Clients section.

Processing a Voluntary Petition

The Voluntary Petition is the initial two-page form required for all bankruptcy filings. When you select the VOLUNTARY PETITION option from the Main Menu, both pages become available for you to enter data. The Voluntary Petition screen (Figure 4) is called a static data entry screen because it is a duplicate of the actual printed form. Filling in a static data entry screen is like typing the form on a typewriter, i.e., you type in the actual area using your keyboard. A major difference is that you have the word processing capabilities not available on a typewriter.

To Process a Voluntary Petition

1. Choose the database and client following the previous instructions and exit to the Main Menu. Your client's name should appear on the Main Menu.
2. Select the VOLUNTARY PETITION from the Main Menu. The Voluntary Petition data entry screen appears.

IMPORTANT NOTE! The Voluntary Petition data entry screen looks like the hard copy of the form. However, you cannot see the entire form on the screen at once. The screen will automatically scroll as entries are made. Also, there is a scroll bar provided on the right side of the screen.

3. Type in the required information. The cursor will move through the form in a logical manner.

NOTE! There are various checkboxes and circles located throughout this screen pertaining to type of debtor, nature of the debt, etc. Use your mouse to make selections.

4. When you complete page one, click on the red Page Two located on the top of the screen.
5. Enter the required information on page two.

NOTE! If you are filing under Chapter 11, be sure to check the box indicating that Exhibit "A" is attached.

6. When you have completed both pages, print the Voluntary Petition or exit to the Main Menu. To print, see Chapter 3: Printing. The first time you print, you must set up and align your printer. You may also select Print Preview from the main menu to view the form before printing.

When your printer is correctly set up and aligned, select Print from the menu bar with your mouse. Next, select Print from the menu selections using your mouse. To exit to the Main Menu, select Return from the menu bar using your mouse, and select Save Changes to save your data.

7. If you are going to be processing your Bankruptcy via “Electronic Filing” then you must fill out the page. This is used to create the debtor file used in the Case Upload.

The screenshot shows a software window titled "Voluntary Petition" with a menu bar (File, Edit, Tools, Help) and a toolbar containing icons for print, copy, paste, and a "Comments" button. The main area displays the client name "CLIENT: BRUNO, STAN M." and a tabbed interface with "Case Upload Debtor File" selected. The form is titled "Fields for Text file" and includes the following fields:

Type	Voluntary	
Debtor		
First	Middle	Last
<input type="text"/>	<input type="text"/>	<input type="text"/>
Title	Generation	
<input type="text"/>	<input type="text"/>	
Social Security Number	Tax Payer ID	
111111111	<input type="text"/>	
Office	County Code	
<input type="text"/>	36047	
Country	Phone Number	
USA	7185551212	
ProSe	Party Text	
<input type="text"/>	<input type="text"/>	
Joint Debtor		
First	Middle	Last
SUSAN	<input type="text"/>	BRUNO

Figure 4

Processing Schedules

NOTE! If you are not familiar with processing the schedules you can print the official instructions.

1. Select PRINT FORMS from the Main Menu.
2. Select SCHEDULES INSTRUCTIONS from the Print Forms screen. (The button changes from dark to light when selected).
3. Select the PRINT button.

Most of the Schedules are dynamic forms (i.e., can be any length). The data entry screens are different from the static form screens. Each dynamic data entry screen contains the Navigator (described in Chapter 1). The information required varies depending on the type of bankruptcy being filed. A variety of options to complete the data entry process are available, including checkboxes, pull-down selections, data entry fields, and look-up tables. The screen changes based on the selection you choose.

The Schedules Menu

Select Schedules from the Main Menu and a list of data entry screens appear. The Schedules Menu has five options:

Property (A, B, C) – To enter data pertaining to property in order to process Schedules A, B and C.

Creditors, Debtors, Codebtors (D, E, F, H) - To enter data about creditors, debtors and Codebtors. Access a list of common creditors. Complete the Declaration Concerning Schedules. Process Schedules, D, E, F and H.

Income, Expenditures, Contracts and Leases (G, I, J) – To enter data pertaining to income, expenditures, contracts and leases in order to process Schedules G, I and J.
Summary of Schedules – To view, edit and print the Summary of Schedules.

Exit – To exit the Main Menu.

Processing Schedules Pertaining to Property

1. Select PROPERTY (A, B, C) from the Schedules Menu.
2. A Property Screen appears (Figure 5). First select a Category of Property (Real or Personal). If you select Personal, the bottom of the screen will change and ask for information required for Schedule B.
3. Select who the property belongs to (H, W, J, C that is, Husband, Wife, Joint, Community) and type in a description and location of the property.

4. If the property is claimed as exempt, select the checkbox “Claimed as Exempt.” The screen will once again change and ask for additional information pertaining to Schedule C.

The screenshot shows a software window titled "Property" for client "Enis Althardt". The interface includes a menu bar (File, Edit, Tools, View, Help) and a toolbar with various icons. The main content area is divided into sections: "Property" (with navigation buttons and "Property 2 of 4"), "General Information" (with radio buttons for "Category of Property" and "H, W, J, C", and a text area for "Description and Location of Property"), and "Schedule B specific information" (with a dropdown for "Type of Property" and a text box for "Current Market Value of Debtor's Interest in Property Without Deducting Any Secured Claim or Exemption").

Figure 5

To complete the Schedules, take the following into account:

- (A) If you selected Personal as the Category of Property, a list of 33 different types of property become available. Select a type of personal property from the list by clicking on the up or down arrow located on the screen.
- (B) If you checked “Claimed as Exempt” a box appears in the Schedule Specific Information. Note that there is a small button located next to this box. This button allows you to view a list of exemptions.

This list includes the federal exemptions. You may add state exemptions if needed. When you select this button a list of exemptions will appear. To select an exemption use your mouse to highlight the exemptions, then select **OK**. You have the options of adding the exemption(s) now or accessing a list from another system (if available).

To Add Exemptions: Whether you are adding the specific exemption you need now or all the exemptions for future reference, follow these rules:

(a) Select **Edit** from the Exempt List box then select the **Add** button.

(b) A small box appears. Type the exemption in it and select **OK**.

(c) Repeat the process to add other exemptions.

(d) When you have finished, select **OK** on the Exempt List screen to return to the Property Screen.

NOTE: To modify or delete an exemption from the list, select the exemption in the Exempt List Screen, select **Edit** (See Figure 6).

Type	Section	Description	Limit	Percent
Federal Bankruptcy	11 USC § 522(c)(2)(a)(i)	debt secured by lien that is not avoided under subsection	\$0	100%
Federal Bankruptcy	11 USC § 522(c)(2)(a)(ii)	debt secured by lien that is void under section 506(d) of t	\$0	100%
Federal Bankruptcy	11 USC § 522(c)(2)(b)	debt secured by lien that is a tax lien, notice of which is p	\$0	100%
Federal Bankruptcy	11 USC § 522(c)(3)	a debt of a kind specified in section 523(a)(4) or 523(a)(E	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(1)	Aggregate Interest in Property Used as a Residence or B	\$16150	100%
Federal Bankruptcy	11 USC § 522(d)(10)(A)	Social Security, Unemployment Compensation, or Public	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(10)(B)	Veteran's benefits	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(10)(C)	Disability, Illness, or Unemployment Benefits	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(10)(D)	Alimony, Support, or Separate Maintenance	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(10)(e)(i)	the debtors right to receive payment under stock bonus, p	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(10)(e)(i)	the debtors right to receive payment under stock bonus, p	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(10)(e)(ii)	the debtors right to receive payment under stock bonus, p	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(11)(A)	Crime Victim's Reparation Law Benefits	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(11)(B)	Wrongful Death Payments	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(11)(C)	Life Insurance Contract Payments	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(11)(D)	Compensation for Personal Bodily Injury	\$16150	100%
Federal Bankruptcy	11 USC § 522(d)(11)(E)	Compensation for Loss of Future Earnings	\$0	100%
Federal Bankruptcy	11 USC § 522(d)(7)	Motor Vehicle	\$2575	100%

Database in directory : c:\bankwin3\tables\

OK Cancel

Figure 6


IMPORTANT! When you have completed the information on the first type of property, select the + on the Navigator to add another entry or the check mark on the Navigator to save the entry. Then select Exit on the Menu Bar.

NOTE! If you have listed several types of property you may wish to review, edit or delete entries using the Navigator. Review the information in Chapter 1 on Using the Navigator.

Important View Options: Choose VIEW in the menu bar to see Real Property, Personal Property, Exempt Property and All Information entries. When you select one of these options only the information about that option becomes available in the Navigator, (e.g., if you select Exempt Property from the View menu, only entries pertaining to Exempt Property can be accessed via the Navigator. Select All Information, and all the information for all types of property becomes available.

NOTE! All information is the default selection the program automatically selects.

5. When you have finished entering and reviewing the property information you have the option of printing the Schedule(s) now or waiting to print them with all other forms later.
6. To print, refer to Chapter 3: Printing... When you are sure that your printer has been set up correctly, select Printing from the menu bar with your mouse. Next, select Print from the menu selections, using your mouse and choose the Schedule you would like to print. To exit to the Schedules Menu, select Exit from the menu bar using your mouse.

NOTE! The system automatically saves each entry when + in the Navigator is selected. However, if you forget to save the last entry, by pressing the check mark in the Navigator, and exit to the Schedules Menu, you will be asked if you wish to save your last entry before exiting the Property data entry. Select the  EXIT option in the Schedules Menu to exit to the Main Menu.

Processing Creditors, Debtors and Co-Debtors Schedules

1. Select CREDITORS, DEBTORS, CO-DEBTORS (D, E, F, H) from the Schedules Menu.

NOTE! You should have already selected or added your client and the client's name should appear on the Schedules Menu screen.

2. A screen appears with the client's name at the top, followed by three tabs: Creditors, Codebtors and Declaration Concerning Schedules (See Figure 7).

Each tab represents a different data entry screen. The first two screens, Creditors and Codebtors are dynamic and therefore utilize the Navigator, (see Chapter 1, Using the Navigator).


The Declaration screen is static. To get from one data entry screen to another, click on the appropriate tab.

The screenshot shows a software window titled "Creditors, Codebtors" with a menu bar (File, Edit, Options, Tools, View, Help) and a toolbar. The main area displays "CLIENT: Enis Althardt" and tabs for "Creditors" and "Codebtors". The "Creditors" tab is active, showing "Creditor 1 of 4". The form includes sections for "Type of Creditor" (Secured, Unsecured Priority, Unsecured Unpriority), "Co-Debtor" options, "The claim is (check all that apply)" (Contingent, Unliquidated, Disputed), and "SCHEDULE F SPECIFIC INFORMATION" (Date claim was incurred, Date claim is subject to setoff, Amount of Claim). The "Amount of Claim" is entered as 2996.81. The creditor's name is "Chase" and the address is "PO Box 15651, Wilmington DE 19886-5651".





Figure 7

To enter creditor information, select a type of creditor (secured, unsecured priority, or unsecured unpriority). The specific information section of the screen changes depending on which type of creditor you select. Next, select whether there is a co-debtor, the person(s) liable for the claim, whether the claim is contingent, unliquidated or disputed, and the creditor's account number. You may notice a small button next to the creditor's name [...]. It enables you to access a list of common creditors. This list is created in your office, either through the Schedules screen or in Utilities (refer to Chapter 6: Utilities for more information on creating the Common Creditor Database. When you select a creditor from this list, highlight the name of the creditor and select **OK**. The creditor's name and mailing address will automatically appear in the appropriate area in the Creditors screen.

NOTE! If the list of Common Creditors is located in a different directory or on a different system in your office, you can access it by selecting the Options pull-down menu in the Creditors screen.


If the current creditor is not available on the list (or if no list has been entered) you can add the creditor through the Creditor screen. To do this, enter the creditor's name and mailing address in the appropriate area on the Creditor screen, select the small button next to the creditor's name and then select the  Add button.



NOTE! Creditors cannot be deleted or edited in this manner. Refer to the section in Utilities about the Common Creditor Database for instructions on changing or deleting creditors from the list of common creditors.

3. Next complete the Schedule Specific Information area and then select  in the Navigator to enter another creditor or the  in the Navigator to save this entry. Whenever you select the  in the Navigator, your entry is saved. Continue entering creditors and select the  to save your last entry.

View Options: The VIEW pull-down menu in the menu bar gives you the option of viewing Secured Creditors, Unsecured Priority Creditors, Unsecured Unpriority Creditors and All Information entries. When you select one, only the information about that option is available in the Navigator. (e.g., Select Secured Creditors from the View menu; only entries pertaining to Secured Creditors are accessed by the Navigator. Select All Information, and information for all types of creditors is available.

NOTE! All Information is the default selection.

4. If there are no codebtors, skip this section and go on to the next. To
<enter> Codebtor information for Schedule H, click on the Codebtor tab on the screen. The Codebtors screen appears listing the first creditor with a codebtor on the account. Each creditor you checked, the Codebtor box appears in the Codebtors screen. Type the name and address of the codebtor and then select  the on the Navigator and your information is saved.

NOTE! You can add codebtors by selecting  in the Navigator. To access the list of Common Creditors, select the  next to the Creditor Name field. (Refer to item #3 in this section for more information on using the list of Common Creditors).

5. Click on the Decl. Concerning Scheds. Tab and the Declaration screen appears. Fill in the appropriate information about the current bankruptcy, using the scroll bar on the right to view the entire screen.

6. When you have completed all the appropriate information needed on the screens for creditors, debtors and codebtors, you can print the Schedule(s) now or wait to print them with all other forms.

To print, refer to the Chapter 3 printing chapter to set up and align your printer. When your printer is correctly set up, select Printing from the menu bar with your mouse. Next, select Print from the pull down menu with your mouse and select the schedule you would like to print. To return to the Schedules Menu, select EXIT from the menu bar.

NOTE! The system automatically saves each entry when you select **+** in the Navigator. However, if you forget to save the last entry (by pressing in **+** the Navigator), and exit to the Schedules Menu, you will be asked if you wish to save your last entry before exiting the Property data entry.


7. Select the EXIT option in the Schedules Menu to return to the Main Menu.


Processing Schedules for Income, Expenditures, Contracts and Leases (G, I, J)

1. Select INCOME, EXPENDITURES, CONTRACTS & LEASES (G, I, J,) from the Schedules Menu.
2. A screen will appear with three tabs. Each tab represents a different data entry screen for income, expenditures, and contracts and leases. The Income and Expenditures screens are both static screens. Enter data in the required fields. The Contracts and Leases screen, on the other hand, is dynamic and requires the use of the Navigator (see Chapter 1).
3. The Income screen appears on the top when you select INCOME, EXPENDITURES, CONTRACTS & LEASES (G, I, J) from the Schedules Menu. Complete the income information required for the debtor, spouse and dependents (if applicable) to process Schedule I – Current Income of Individual Debtor(s).

NOTE! You do not need to type the \$ sign in the amount columns. The columns labeled “spouse” must be completed in all cases whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

4. Select the Expenditures tab to complete Schedule J – Current Expenditures of Individual Debtors. Note that there are two buttons in the top left-hand corner of the screen (Debtor & Spouse). Selecting one enables you to enter and view the debtor’s or the spouse’s expenditure information in cases where the spouse maintains a separate household and a separate Schedule J is filed. (Be sure to check the check-box located near the top of is screen indicating that this is the case). Complete the information about the debtor’s expenditures; then select the spouse button and complete the information on the spouse’s expenditures (if a separate Schedule J is filed).

5. Select the Contracts and Leases tab to process Schedule G – Executory Contracts and Unexpired Leases. A dynamic data entry screen appears to enter all executory contracts and unexpired leases of real and personal property. Enter each contract and lease, being sure to include the name, mailing address, etc. Use the  on the Navigator to add each entry.


Press the  on the Navigator to save your last entry before leaving this screen. When you have finished entering each executory contract and unexpired lease, you have the option of printing the Schedule(s) now or with all other forms later.

6. To print, refer to the printing chapter to set up and align your printer. When your printer is correctly setup, select Print from the menu bar with your mouse. Next, select Print from the menu selections with your mouse and select the schedule you wish to print. To return to the Schedules Menu, select EXIT from the menu bar using your mouse.

NOTE! The system automatically saves each entry when the Navigator is selected. However, if you forget to save the last entry and try to exit to the Schedules Menu, you will be asked if you wish to save your last entry before exiting the Property data entry.

7. Select the EXIT option in the Schedules Menu to return to the Main Menu.

Accessing Summary of Schedules

1. Select SUMMARY OF SCHEDULES in the Schedules Menu to view, edit and print the Summary of Schedules. You will be asked to confirm whether you would like the system to re-calculate the Summary of Schedules totals from the existing Schedule information. Select YES or NO to continue. The program automatically does the math and calculates the number of pages. A  next to each schedule indicates whether each schedule is attached. In the bottom left hand corner of the screen is a button entitled Instructions. Selecting this button brings up the General Instructions for the Summary of Schedules. Review these general instructions first. The program automatically checks all the boxes that apply. The operator can override information on the Summary. Check the instructions and change or add any information as necessary.
2. You can print the Summary of Schedules now or print them with all other forms later.
3. To print, refer to Chapter 3: printing to set up your printer. When your printer has been correctly set up, select the Printing from the menu bar with your mouse. Next, select Print from the menu selections using your mouse. To exit the Main Menu, select Return from the menu bar using your mouse.

4. Select the EXIT option in the Schedules Menu to return to the Main Menu.

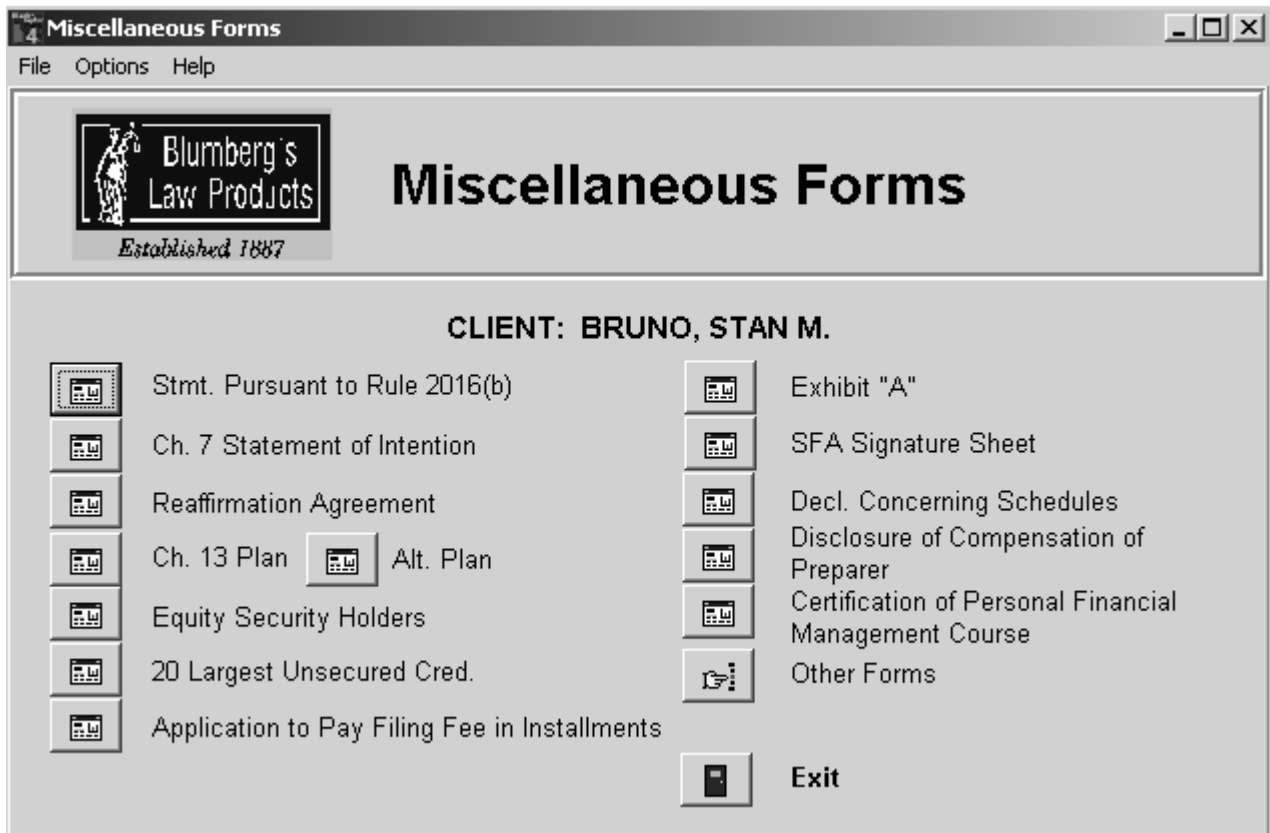


Figure 8

When you select the MISCELLANEOUS FORMS option in the Main Menu a second menu appears (Figure 8) with the names of other Bankruptcy form such as Exhibit "A", Chapter 7 Statement of Intention, SFA Signature Sheet, etc. Most of these are static forms (i.e., screens that closely match the actual form.) Enter the required information in the data entry fields provided. The only data entry screens that are not static are the Reaffirmation Agreement and the Equity Security Holders. In addition, there is an option on this menu to access other forms. These forms include the Federal Bankruptcy Cover, Designation of Agent, and Verification of Creditor Matrix. These forms are static.

1. The 20 Largest Unsecured Creditors screen includes a NOTES button to access notes to the 20 Largest Unsecured Creditors Report .
2. In the Disclosure of Compensation of Preparer the Balance Due column is automatically calculated.

Each miscellaneous form can be printed at the time you enter the data by simply selecting the FILE pull-down menu in each data entry screen and select PRINT or PRINT PREVIEW. However, you will need to be sure that your printer is correctly setup. If you are unsure of the status of your printer setup refers to Chapter 3: Printing.

To return to the Miscellaneous Forms Menu from any data entry screen, select the EXIT pull-down menu and choose whether you would like to save changes or not.

To return to the Main Menu choose the EXIT option in the Miscellaneous Forms Menu (See figure 8.)

Processing the Statement of Financial Affairs

The screenshot shows a software window titled "Statement of Financial Affairs" for client "Enis Althardt". The interface includes a menu bar (File, Edit, Options, Tools, Help) and a toolbar with icons for save, undo, print, cut, paste, and help. The main area is titled "Statement of Financial Affairs" and contains a "Statement of Financial Affairs Category" dropdown menu set to "01". Below the dropdown is a text box containing the text "INCOME FROM EMPLOYMENT OR OPERATION OF BUSINESS". Underneath this text box is a detailed instruction: "State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years". To the right of this instruction is a set of navigation buttons (back, forward, home, end, plus, minus, check, close). At the bottom of the screen, there are two input fields labeled "Amount" and "Source".

Figure 9

The Statement of Financial Affairs provides information about the debtor's recent financial transactions, such as payments to creditors, sales or other transfers of property and gifts. The Statement of Financial Affairs data entry screen (Figure 9) allows you to enter data for either Personal or Business filings. This entry screen is dynamic and therefore requires the use of the Navigator (see Chapter 1). Using the Navigator within this screen enables you to enter several categories of financial affairs.

To Prepare a Statement of Financial Affairs:

1. Select STATEMENT OF FINANCIAL AFFAIRS from the Main Menu.
NOTE! You should have already selected your database and client and the client's name should appear on the Main Menu.
2. The Statement of Financial Affairs screen will appear (see Figure 9).
First select the type of bankruptcy being filed (Personal or Business).
3. Next select a category from the Statement of Affairs Category box. There are 18 different categories of financial affairs in a consumer filing, and 25 in a business filing. To select a category, click on the up or down arrow in the box next to the number 01.
The information in the Category box will change depending on the number selected. In addition, the data entry fields located on the bottom of the screen will also change according to the category selected.
4. Enter the required information in the data entry fields at the bottom of the screen and then press **+** in the Navigator to add another entry to the category (or the check mark to save the last entry).
5. When you have finished entering all the appropriate categories for the current Statement of Financial Affairs, you can print the Statement now or wait to print it with all other forms. To print, refer to the printing chapter to set up and align your printer. When your printer has been correctly set up, select Print from the menu selections using your mouse. To return to the Main Menu, select EXIT from the menu bar using your mouse.

NOTE! The system automatically saves each entry when the **+** on the navigator is selected. However, if you forget to save the last entry, press the **✓** on the Navigator, and Exit the Main Menu. The system will also save the last entry. However, it is recommended that you use the save button in the Navigator.

Mailing Lists

Many districts require entries to be printed on the top of the Creditor Mailing List, such as debtor's name and social security number, taxing authority, debtor's attorney, etc. The Mailing List section of Blankrupter allows you to prepare a mailing list of all creditors and other address/information specified by the courts. The mailing list is printed in several formats and may be delivered on a diskette in ASCII format.

When you select MAILING LISTS from the Main Menu a second Mailing List Menu appears listing three options (Additional Entries, Print Mailing List, or Exit).

To Add Unique Entries at Top of the Creditor Mailing List:

The screenshot shows a software window titled "Additional Entries" for client "Enis Althardt". It features a menu bar (File, Edit, Help), a toolbar with various icons, and a main area with a sub-toolbar and input fields. The sub-toolbar includes navigation arrows, a plus sign (+), a minus sign (-), and a red down arrow. The input fields are for "Account #", "Name", and "Address / Social Security Number". To the right is a table with columns "Name" and "Account #".

Figure 10

1. Select ADDITIONAL ENTRIES from the Mailing List Menu. A dynamic data entry screen (Figure10) appears to add names and information to the Creditors mailing list. You can also control the order the entries appear in the screen. To add an entry, type the account number (if applicable), then the name, address/social security number. The name automatically appears in the box on the right.
2. Select **+** in the Navigator to add another unique entry.

NOTE! Each entry appears above the last one. To start each new entry at the bottom of the list, select the red down arrow in the Navigator. Use the backward and forward arrows in the Navigator to review your entry. If an entry happens to be in the wrong location, you can use the **-** button in the Navigator to delete the entry and then enter it again in the correct location.

3. When you have finished entering additional entries, select **+** in the Navigator to save your changes, then select EXIT in the menu bar.

To Print, Convert and Save the Mailing List:



Figure 11

1. Select PRINT MAILING LIST from the Mailing List Menu.
2. A screen will appear (Figure 11) listing several options for printing and converting/saving the mailing list, including: Label Type, Label Format, Number of spaces between each label, save the mailing list as either an ASCII Text File/Magnetic Media or an ASCII Comma Delimited Text File, Print or Exit. Choose the label type and format to print mailing labels, or one of the ASCII formats to convert/save your mailing list.

NOTE! If you choose to save the mailing list in one of the format, a separate "Save/ File As ..." dialog box will appear. This is the standard Windows screen that Specifies where you want to save the name and location of your file.

3. Select EXIT to return to the Mailing List Menu and then EXIT again to return to the Main Menu.

CHAPTER 3: PRINTING THE FORMS

Whether you are printing each form at the time you enter it or all the forms at once, be sure that your printer is correctly set up. Forms can be printed through each data entry screen, the PRINT PREVIEW screen option or from the PRINT FORMS screen. The Printer Setup option is available through the OPTIONS pull-down menu in the PRINT FORMS screen or the PRINTING option in each data entry screen.

To Setup Your Printer

Select PRINTER SETUP from the FILE pull-down menu in the data entry screens. The system will choose the current printer selected by the Windows Print Manager as the default printer. To set up a different printer, select Specific Printer in the Print Setup screen and then choose a printer and location.

NOTE! Make sure that the orientation and paper size are correct.

REFER TO YOUR PRINTER OR WINDOWS USER GUIDES FOR MORE INFORMATION ON USING THE PRINT MANAGER.

To Print Several Forms at One Time:

Select PRINT FORMS from the Main Menu. A separate PRINT FORMS screen (Figure 12) will appear. The screen has tabs for Schedules and Other Forms. You can select each form by clicking the box before the form name or choosing SELECT ALL.

Once you have chosen the forms, select the PRINT button. To reverse a choice, click on the box before form name or the UNSELECT ALL buttons.

Select the EXIT button to return to the Main Menu.

Print Preview

Forms may be viewed on the screen as they will appear on paper. This is done by selecting "PRINT PREVIEW" from the "FILE" menu option. After viewing the form on the screen and verifying its contents, you may print the form from the "PRINT PREVIEW" screen by pressing the PRINT button.

Print Forms

File Options Help COMMENTS

Print Forms

CLIENT: BRUNO, STAN M.

* To adjust the order of print, use the Utilities section to adjust the order

Schedules Other Forms

<input checked="" type="checkbox"/> Clerk's Notice	<input type="checkbox"/> Ch. 13 Plan	<input checked="" type="checkbox"/> Proof of Claim
<input checked="" type="checkbox"/> Vol. Petition 1	<input type="checkbox"/> Ch. 13 Plan Alternate	<input checked="" type="checkbox"/> Schedule Instructions
<input checked="" type="checkbox"/> Vol. Petition 2	<input type="checkbox"/> Equity Security Holders	<input checked="" type="checkbox"/> Statement Of Social Security Numbers
<input type="checkbox"/> Exhibit C	<input type="checkbox"/> 20 Largest Creditors	<input type="checkbox"/> Declaration RE: Electronic Filing
<input type="checkbox"/> Exhibit D - Individual Debtor	<input checked="" type="checkbox"/> Exhibit "A"	<input type="checkbox"/> Filing Fee Installments App
<input type="checkbox"/> Exhibit D - Individual Co-Debtor	<input type="checkbox"/> Verification of Creditor Matrix	<input type="checkbox"/> Waiver of the Ch7 Filing Fee
<input type="checkbox"/> InVol. Petition	<input type="checkbox"/> Cert of Non-Attorney Preparer	<input type="checkbox"/> Means Test Ch7
<input type="checkbox"/> Stmt. of Compen, Rule 2016(b)	<input type="checkbox"/> Discl. of Compen. of Preparer	<input type="checkbox"/> Means Test Ch11
<input type="checkbox"/> Ch. 7 - Stmt. of Intentions	<input type="checkbox"/> Federal Bankruptcy Cover	<input type="checkbox"/> Means Test Ch13
<input type="checkbox"/> Designation of Agent	<input type="checkbox"/> Stmt. of Financial Affairs	<input checked="" type="checkbox"/> Cert Of Financial Mgt Class - Debtor
<input type="checkbox"/> Mailing List	<input type="checkbox"/> SFA Signature Sheet	<input checked="" type="checkbox"/> Cert Of Financial Mgt Class - Co-Debtor
<input type="checkbox"/> Reaffirmation Agreement	<input type="checkbox"/> Decl. Concerning Schedules	

Select All Unselect All

Electronic Signatures

Client: s/STAN M. BRUNO

Attorney: s/BERNIE ATTORNIE

Co Debtor: s/SUSAN BRUNO

Non Attorney Prep: _____

Corp Signature/Title: _____

Foreign Signature: _____

Amended

AMENDED

Electronic Filing

Yes No

E-Signature Date: 12/03/2007

Print Merge Exit

Figure 12

CHAPTER 4: Electronic Filing

This process will allow you to generate an electronic document containing all the forms you request. The electronic document is generated in PDF format. This PDF document may be viewed using Adobe Acrobat, or Adobe Acrobat Reader.

To build a PDF file of the bankruptcy you must set up your Blankrupter to do so.

When electronic filing is required, a PDF file of all or selected bankruptcy files can be built.

From the Print Forms screen, select the forms you want included in your electronic filing, check the yes button under Electronic Filing, enter the Electronic Signatures (see notice below) and press Print.

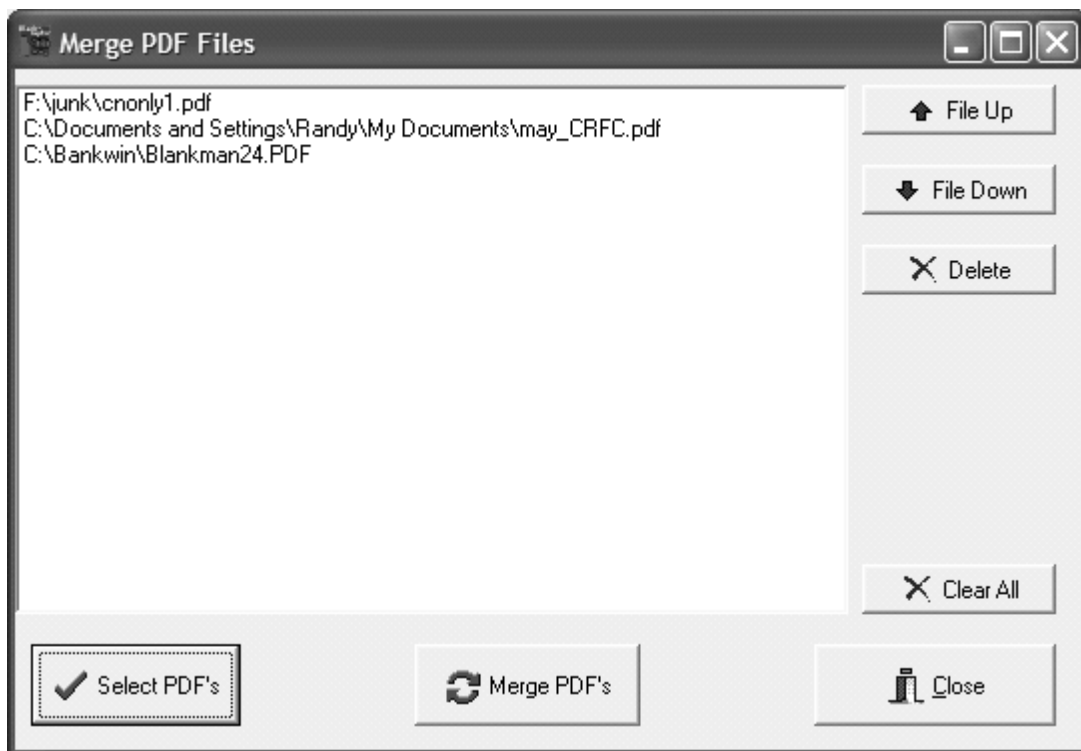



Figure 13

NOTE!

The electronic signatures usually consist of the characters "S/", electronic signature, followed by the full name. Please check with your Bankruptcy Clerk for details as to how your district designates electronic signatures. You will also be asked if you want to create a Debtors File. This is the file that is used in Case uploads and should be sent along with the PDF file that is created and if required, a copy of the creditors matrix in text format (Magnetic media).

If local forms are required, they can be generated in PDF format and merged to the primary bankruptcy PDF file using the Merge button  (see Figure 13.)

To build PDF file, first create the primary PDF file using Blankrupter. After the user has a primary bankruptcy file they may then add (merge) their local PDF file to the primary file in the order shown on the screen. To change the order use the up and down buttons. To perform the merge and generate a new file press the Merge PDF'S button.



After pressing the Print button, you will be presented with the Output Options screen below (Figure 14). From this screen, select File and then from the format box select Adobe Acrobat Document. Then click on the little diskette icon to select the location and the name of the file.



Figure 14

From the PDF Render Setup screen (Figure 15), select OK to create your PDF. You may use the Background, Content and Compression to adjust the look and size of the PDF file that will be generated.

NOTE! If you are saving your PDF to a 3 1/2 " floppy, remember they only hold 1.4MB of data.

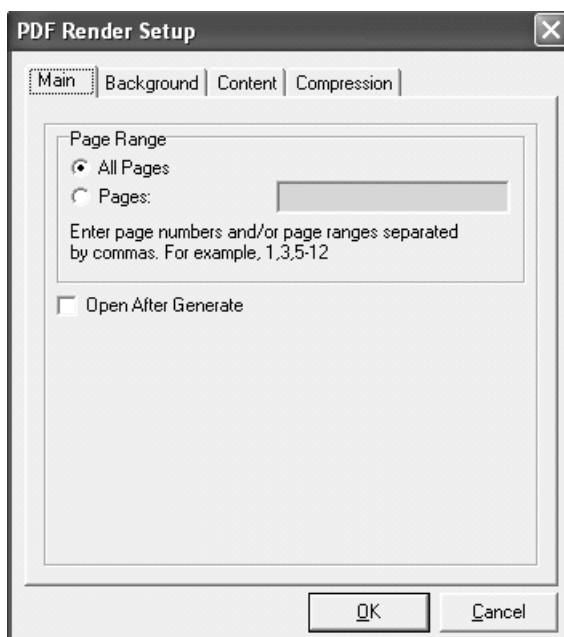


Figure 15

CHAPTER 5: SPECIAL FEATURES

Setting up and selecting the Client Default Information

Once you become familiar with this software, you can save time by setting up default client information. This is information common to all bankruptcies filed, such as attorney and firm name, district, etc. This information can be entered once and then be added to each new client without entering it again.

To Enter the Default Client Information:

Select “! _Default Information” in the Client box, then enter the default information throughout the system (i.e., go into each screen and enter default information). Each time a new client is added, the system will ask you if you would like to add the default information. Choose YES to do this.

Accessing the Windows Calculator

Select the F8 key on your keyboard to bring up the Windows Calculator.

NOTE! This option is only available when you are in a data entry screen.

To remove the calculator press Alt F4 or select close.

Short-Cut Exit From Data Entry Screen

Select F4 to exit any data entry screen.

Editing and Deleting a Client File:

1. Select the ATTORNEY/CLIENT file from the Main Menu.
2. Double-click on the name of the database (directory) that contains the client you would like to edit or delete.
3. Select the client name to edit or delete from the list of clients in the Clients box.
4. To edit client information, being processing as normal (i.e., exit to Main Menu and then go to the screen that contains the information you want to edit). Select the DELETE button to delete the client from the database.

CHAPTER 6: UTILITIES

To access the Utilities options:

Select UTILITIES from the Main Menu.

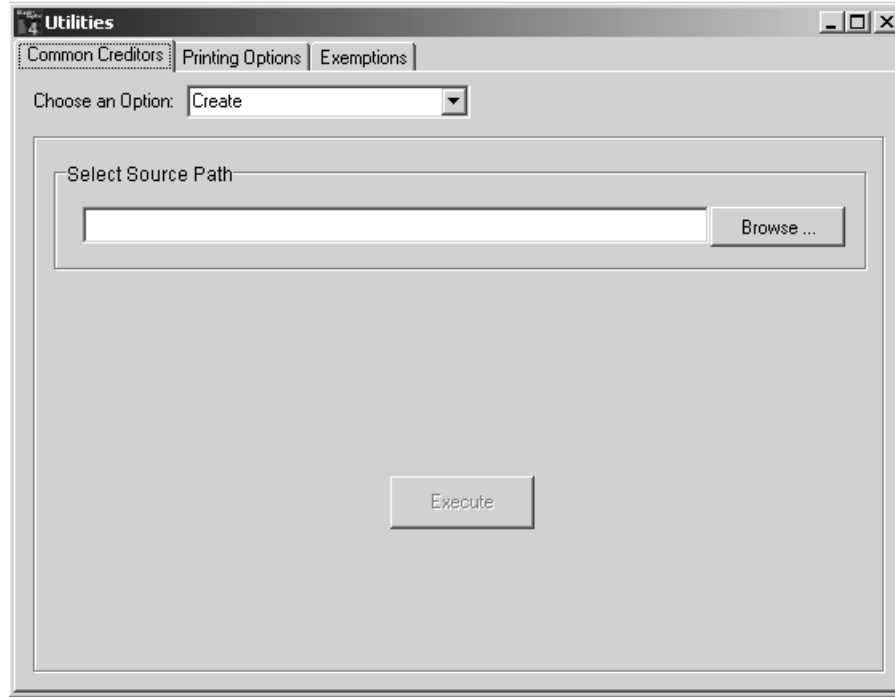


Figure 16

A Utilities screen (Figure 16) will appear with a series of tabs at the top of the screen. Each tab represents a different option, which will be described below. To select an option, select Tab and a data entry screen will appear.

Common Creditors Utility Option:

This option allows you to create, copy, move, or delete a list of common creditors. Select a database containing a list of common creditors, or add/delete/modify creditors from an existing list of common creditors. This list is created by you, or someone in your firm, for use every time you process a bankruptcy. It is recommended that you create a list of Common Creditors as soon as possible once you become familiar with the program. This will save a lot of time in the future and allow other users to access the list. This list can be edited, deleted or modified at any time through this Utility. In addition, you also have the ability to add a creditor to the list in the Creditors, Debtors, Codebtors screen. To edit, delete, modify or add Common Creditors, select an option from the list of options and follow the instructions on the screen.

NOTE! You can enter more than one Common Creditor database into the system by changing the directory name.

CHAPTER 7: Data Conversion from an Earlier Blankrupter Program

Data Conversion

If you have been using a previous version of Blankrupter, version 3.5 or later, and would like to use the client data from the earlier version in your current Blankrupter, you will need to convert the attorney folder. This is done by going to the Attorney/Client screen (Figure 17) and selecting the folder under the Attorneys box you were using in the previous version.

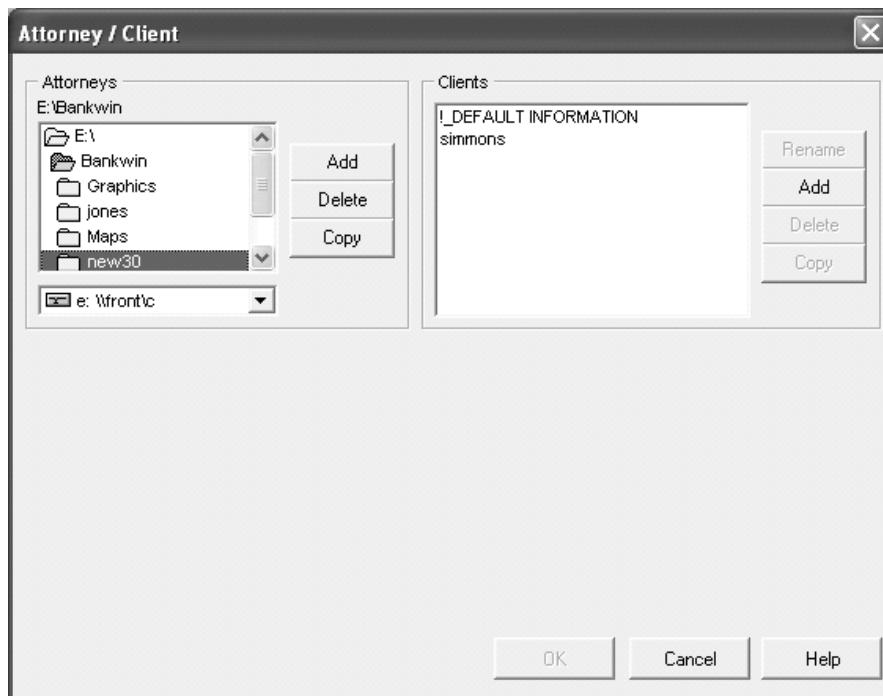
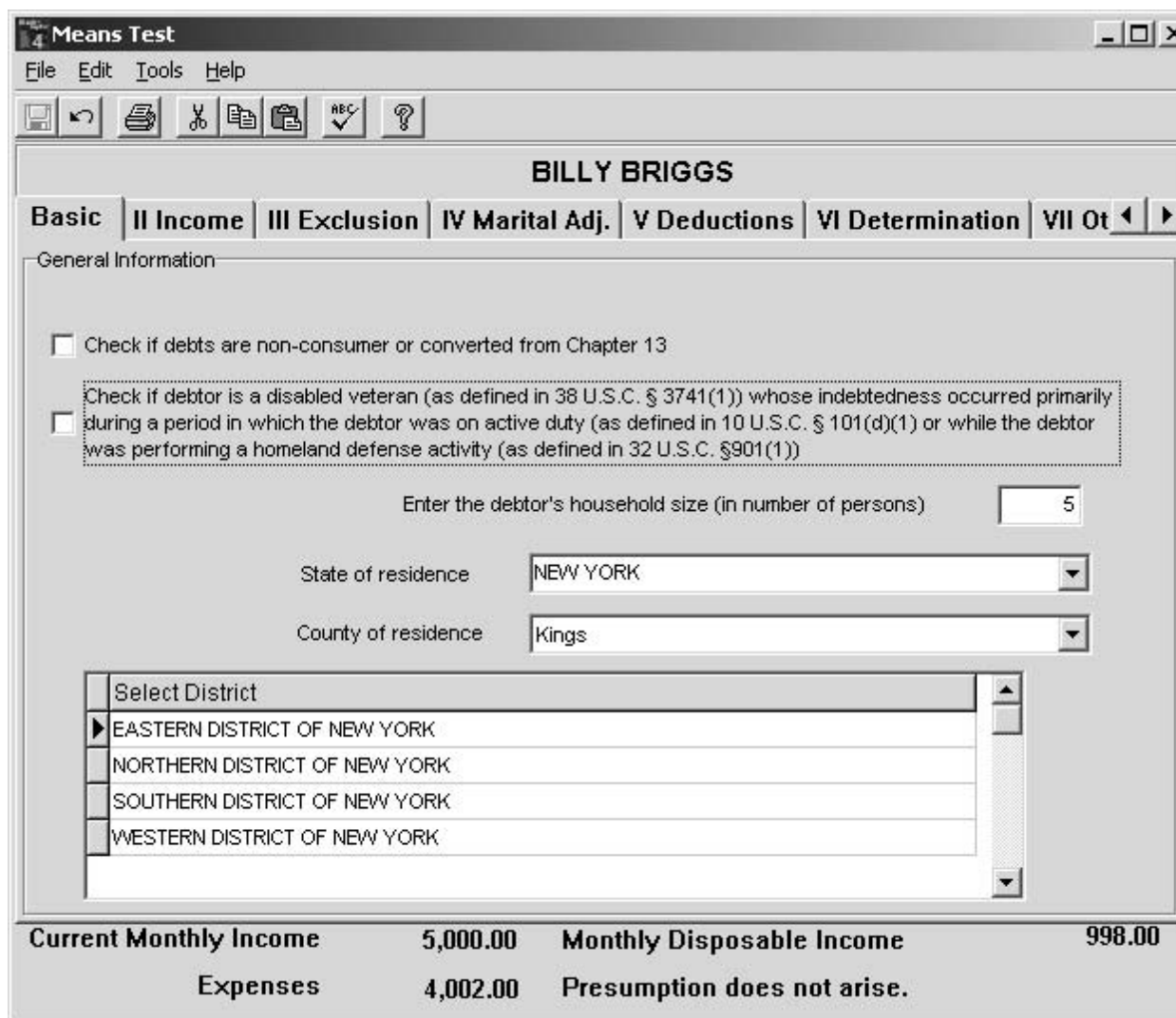


Figure 17

You will then see your clients listed under the Clients box and can begin processing bankruptcies for these clients.

CHAPTER 8: The Means Test

The Means Test – There are three Means Test forms in the Official Bankruptcy Forms,; 22A for Chapter 7, 22B for Chapter 11 and 22C for Chapter 13. Among other purposes the Chapter 7 Means Test initially determines whether the Debtor is eligible to file under Chapter 7 or must, instead, file under Chapter 13. If the calculations show that the Debtor is not eligible for a Chapter 7 filing, Bankruptcy will take the user to the Chapter 13 questions.



Means Test

File Edit Tools Help

BILLY BRIGGS

Basic II Income III Exclusion IV Marital Adj. V Deductions VI Determination VII Other

General Information

Check if debts are non-consumer or converted from Chapter 13

Check if debtor is a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which the debtor was on active duty (as defined in 10 U.S.C. § 101(d)(1) or while the debtor was performing a homeland defense activity (as defined in 32 U.S.C. §901(1))

Enter the debtor's household size (in number of persons)

State of residence

County of residence

Select District

- EASTERN DISTRICT OF NEW YORK
- NORTHERN DISTRICT OF NEW YORK
- SOUTHERN DISTRICT OF NEW YORK
- WESTERN DISTRICT OF NEW YORK

Current Monthly Income	5,000.00	Monthly Disposable Income	998.00
Expenses	4,002.00	Presumption does not arise.	

Figure 19

The purpose of and further explanations of the Means Test is set forth in the Committee Notes set forth below:

2005-2007 COMMITTEE NOTE

A. Overview

Among the changes introduced by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 was a set of interlocking provisions defining “current monthly income” and establishing a means test to determine whether relief under Chapter 7 should be presumed abusive. Current monthly income (“CMI”) is defined in § 101(10A) of the Code, and the means test is set out in § 707(b)(2). These provisions have a variety of applications. In Chapter 7, if the debtor’s CMI exceeds a defined level the debtor is subject to the means test, and § 707(b)(2)(C) specifically requires debtors to file a statement of CMI and calculations to determine the applicability of the means test presumption. In Chapters 11 and 13, CMI provides the starting point for determining the disposable income that debtors may be required to pay to unsecured creditors. Moreover, Chapter 13 debtors with CMI above defined median income levels are required by § 1325(b)(3) to use the deductions from income prescribed by the means test in order to determine what part of their income is “disposable,” and pursuant to § 1325(b)(4), the level of CMI determines the “applicable commitment period” over which projected disposable income must be paid to unsecured creditors.

To provide for the reporting and calculation of CMI and for the completion of the means test where required, three separate official forms have been created—one for Chapter 7, one for Chapter 11, and one for Chapter 13. This note first describes the calculation of CMI that is common to all three of the forms, next describes the means test deductions set out in the Chapter 7 and 13 forms, and finally addresses particular issues that are unique to each of the separate forms.

B. Calculation of CMI

Although Chapters 7, 11, and 13 use CMI for different purposes, the basic computation is the same in each. As defined in § 101(10A), CMI is the monthly average of certain income that the debtor (and in a joint case, the debtor’s spouse) received in the six calendar months before the bankruptcy filing. The definition includes in this average (1) income from all sources, whether or not taxable, and (2) any amount paid by an entity other than the debtor (or the debtor’s spouse in a joint case) on a regular basis for the household expenses of the debtor, the debtor’s dependents, and (in a joint case) the debtor’s spouse if not otherwise a dependent. At the same time, the definition excludes from the averaged income “benefits received under the Social Security Act” and certain payments to victims of terrorism, war crimes, and crimes against humanity.

Each of the three forms provides for reporting income items constituting CMI. The items are reported in a set of entry lines—Part II of the form for Chapter 7 and Part I of the forms for Chapter 11 and Chapter 13—that include separate columns for reporting income of the debtor and of the debtor’s spouse. The first of these entry lines includes a set of instructions and check boxes indicating when the “debtor’s spouse” column must be completed. The instructions also direct the required averaging of reported income.

or living separately. Accordingly, the report of income in Part I directs a combined reporting of the income of both spouses in all cases of married debtors.

Part II computes the applicable commitment period by annualizing the income calculated in Part I and comparing it to the applicable state median. The form allows debtors to contend that the income of a non-filing spouse should not be treated as CMI and permits debtors to claim a deduction for any income of a non-filing spouse to the extent that this income was not regularly paid for the household expenses of the debtor or the debtor's dependents (with the alternative uses specified). The debtor is directed to check the appropriate box at the beginning of the form, stating the applicable commitment period. The check box does not prevent a debtor from proposing an applicable commitment period of less than three or five years in conjunction with a plan that pays all allowed unsecured claims in full.

Part III compares the debtor's CMI to the applicable state median, allowing a determination of whether the means-test deductions must be used, pursuant to § 1325(b)(3), in calculating disposable income. For this purpose, since § 1325(b)(3) does not provide for including the income of the debtor's spouse, the form directs a deduction of the income of a non-filing spouse that was not contributed to the household expenses of the debtor or the debtor's dependents. Again, the debtor is directed to check the appropriate box at the beginning of the form, indicating whether the means test deductions are applicable. If so, the debtor is directed to complete the remainder of the form. If not, the debtor is directed to complete the verification in Part VII but not complete the other parts of the form.

Part IV provides for calculation of the means-test deductions provided in § 707(b)(2), described above in § C, as incorporated by § 1325(b)(3) for debtors with CMI above the applicable state median.

Part V provides for four adjustments required by special provisions affecting disposable income in Chapter 13. First, § 1325(b)(2) itself excludes from the CMI used in determining disposable income certain "child support payments, foster care payments, [and] disability payments for a dependent child." Because payments of this kind are included in the definition of CMI in § 101(10A), a line entry for deduction of these payments is provided. Second, a line entry is provided for deduction of contributions by the debtor to certain retirement plans, listed in § 541(b)(7)(B), since that provision states that such contributions "shall not constitute disposable income, as defined in section 1325(b)." Third, the same line entry also allows a deduction from disposable income for payments on loans from retirement accounts that are excepted from the automatic stay by § 362(b)(19), since § 1322(f) provides that for a "loan described in section 362(b)(19) . . . any amounts required to repay such loan shall not constitute 'disposable income' under section 1325." Finally, § 1325(b)(3) requires that deductions from income for above-median income debtors be determined not only in accordance with the means test deductions, set out in subparagraph (A) of § 707(b)(2), but also in accordance with subparagraph (B), which sets out the grounds for rebutting a presumption of abuse based on a demonstration of additional expenses justified by special circumstances. Part V includes an entry line for such additional expenses, with a warning that the debtor will be required (as provided by

payments regularly made by that spouse for the household expenses of the debtor or the debtor's dependents, as provided in the definition of CMI in § 101(10A). Accordingly, Part IV calls for the combined CMI of Part II to be reduced by the amount of the non-filing spouse's income that was not regularly paid for the household expenses of the debtor or the debtor's dependents. The form requires that the alternative uses of the spouse's income be specified.

Part V of the form provides for a calculation of the means test's deductions from the debtor's CMI, as described above in § C.

Part VI provides for a determination of whether the debtor's CMI, less the allowed deductions, gives rise to a presumption of abuse under § 707(b)(2)(A). Depending on the outcome of this determination, the debtor is directed to check the appropriate box at the beginning of the form and to sign the verification in Part VIII. Part VII allows the debtor to claim additional deductions, as discussed above in § C.5.

2. Chapter 11

The Chapter 11 form is the simplest of the three, since the means-test deductions of § 707(b)(2) are not employed in determining the extent of an individual Chapter 11 debtor's disposable income. Section 1129(a)(15) requires payments of disposable income "as defined in section 1325(b)(2)," and that paragraph allows calculation of disposable income under judicially-determined standards, rather than pursuant to the means test deductions, specified for higher income Chapter 13 debtors by § 1325(b)(3). However, § 1325(b)(2) does require that CMI be used as the starting point in the judicial determination of disposable income, and so the Chapter 11 form requires this calculation (in Part I of the form), as described above, together with a verification (in Part II).

3. Chapter 13

Like the Chapter 7 form, the form for Chapter 13 debtors contains a number of special provisions. The upper right corner of the first page includes check boxes requiring the debtor to state whether, under the calculations required by the statement, the applicable commitment period under § 1325(b)(4) is three years or five years and whether § 1325(b)(3) requires the means-test deductions to be used in determining the debtor's disposable income. The check box is intended to inform standing trustees and other interested parties about these items, but does not prevent the debtor from arguing that the calculations required by the form do not accurately reflect the debtor's disposable income.

Part I is a report of income to be used for determining CMI. In the absence of full payment of allowed unsecured claims, § 1325(b)(4) imposes a five-year applicable commitment period—rather than a three-year period—if the debtor's annualized CMI is not less than a defined median state income. For this purpose, as under § 707(b)(7), § 1325(b)(4) requires that the CMI of the debtor's spouse be combined with the debtor's CMI, but, unlike § 707(b)(7), no exception is made for spouses who are legally separated

this statement and may argue, in response to a motion brought under § 707(b)(1), that there should be no presumption despite the calculations required by the form. The check box is intended to give clerks of court a conspicuous indication of the cases for which they are required to provide notice of a presumption of abuse pursuant to § 342(d).

Part I implements the provision of § 707(b)(2)(D) that excludes certain disabled veterans from all means testing, making it unnecessary to compute the CMI of such veterans. Debtors who declare under penalty of perjury that they are disabled veterans within the statutory definition are directed to verify their declaration in Part VII, to check the “no presumption” box at the beginning of the form, and to disregard the remaining parts of the form.

Part I also provides an exclusion for debtors who do not have primarily consumer debts. These debtors are not subject to any of the provisions of § 707(b)—including the requirement of § 707(b)(2)(C) for filing a CMI statement—since § 707(b) applies, by its terms, only to “an individual debtor . . . whose debts are primarily consumer debts.” However, a debtor may be found to have asserted non-consumer status incorrectly. Unless such a debtor has filed the CMI form within the 45 days after filing the case, the case could be subject to automatic dismissal under § 521(i). To avoid this possibility, debtors asserting principally non-consumer status may complete the appropriate portions of Part I, claim an exclusion from the balance of the form, and promptly file the form. If it is subsequently determined that the debtor does have primarily consumer debts, the form will have been filed within the deadline established by § 521(i), and can be amended to include the necessary CMI and means test information.

Part II computes CMI for purposes of the safe harbor of § 707(b)(7). Section 707(b)(7) prohibits a motion to dismiss based on the means test’s presumption of abuse if the debtor’s annualized CMI does not exceed a defined median state income. For this purpose, the statute directs that CMI of the debtor’s spouse be combined with the debtor’s CMI even if the debtor’s spouse is not a joint debtor, unless the debtor declares under penalty of perjury that the spouses are legally separated or living separately other than for purposes of evading the means test. Accordingly, the calculation of CMI in Part II directs a computation of the CMI of the debtor’s spouse not only in joint cases, but also in cases of married debtors who do not make the specified declaration, and the CMI of both spouses in these cases is combined for purposes of determining standing under § 707(b)(7).

Part III compares the debtor’s CMI to the applicable state median income for purposes of § 707(b)(7). It then directs debtors whose income does not exceed the applicable median to verify the form, to check the “no presumption” box at the beginning of the form, and not to complete the remaining parts of the form. Debtors whose CMI does exceed the applicable state median are required to complete the remaining parts of the form.

Part IV adjusts the CMI of a married debtor, not filing jointly, whose spouse’s CMI was combined with the debtor’s in Part II. The means test itself does not charge a married debtor in a non-joint case with the income of the non-filing spouse, but only with

mortgage with an escrow, might be understood as including payments of property taxes and insurance (ultimately paid to taxing bodies and insurers, but initially payable to the mortgagee). The forms require the debtor to specify whether the amount deducted includes taxes and insurance, allowing a party in interest to inquire into the deduction and raise an objection.

Priority debt, deductible pursuant to § 707(b)(2)(A)(iv), is treated on a single entry line, also requiring division by 60. The instruction for this line makes clear that only past due priority debt—not anticipated debts—should be included. Thus, future support or tax obligations, and future fees that might be payable to a Chapter 13 debtor’s attorney, are not included.

The defined deduction for the expenses of administering a Chapter 13 plan is allowed by § 707(b)(2)(A)(ii)(III) only for debtors eligible for Chapter 13. The forms treat this deduction in an entry line requiring the eligible debtor to state the amount of the prospective Chapter 13 plan payment and multiply that payment amount by the percentage fee established for the debtor’s district by the Executive Office for United States Trustees. The forms refer debtors to the website of the U.S. Trustee Program to obtain this percentage fee.

The subpart concludes with a subtotal of debt payment deductions.

4. Total deductions

Finally, the forms direct that the subtotals from Subparts A, B, and C be added together to arrive at the total of allowed deductions from CMI under the means test.

5. Additional claimed deductions

The forms do not provide for means test deductions from CMI for expenses in categories that are not specifically identified as “Other Necessary Expenses” in the Internal Revenue Manual. However, debtors may wish to claim expenses that do not fall within the categories listed as “Other Necessary Expenses” in the forms. Part VII of the Chapter 7 form and Part VI of the Chapter 13 form provide for such expenses to be identified and totaled. Although expenses listed in these sections are not deducted from CMI for purposes of the means test calculation, the listing provides a basis for debtors to assert that these expenses should be deducted from CMI under § 707(b)(2)(A)(ii)(I), and that the results of the forms’ calculation should therefore be modified.

D. The chapter-specific forms

1. Chapter 7

The Chapter 7 form has several unique aspects. The form includes, in the upper right corner of the first page, a check box directing the debtor to state whether or not the calculations required by the form result in a presumption of abuse. The debtor is not bound by

One of these special expense deductions presents a problem of statutory construction. Section 707(b)(2)(A)(ii)(I), after directing the calculation of the debtor's monthly expenses under the IRS standards, states, "Such expenses shall include reasonably necessary health insurance, disability insurance, and health saving account expenses" There is no express statutory limitation to expenses actually incurred by the debtor, and so the provision appears to allow a reasonable "monthly expense" deduction for health and disability insurance or a health savings account even if the debtor does not make such payments, similar to the way in which the National Standards give an allowance for food, clothing and personal care expenses without regard to the debtor's actual expenditures. However, the statutory language might also be read as providing that the debtor's "Other Necessary Expenses" should include reasonable insurance and health savings account payments. Since "Other Necessary Expenses" are limited to actual expenditures, such a limitation could be implied here. The forms deal with this ambiguity by allowing the debtor to claim a deduction for reasonable insurance and health savings account expenses even if not made, but also require a statement of the amount actually expended in these categories, thus allowing a challenge by any party who believes that only actual expenditures are properly deductible.

Contributions to tax-exempt charities provide another statutory expense deduction. Section 707(b)(1) provides that in considering whether a Chapter 7 filing is an abuse, the court may not take into consideration "whether a debtor . . . continues to make [tax-exempt] charitable contributions." Section 1325(b)(2)(A)(ii) expressly allows a deduction from CMI for such contributions that are "reasonably necessary" (up to 15% of the debtor's gross income), and the Religious Liberty and Charitable Donation Clarification Act of 2005 added language to § 1325(b)(3) to provide the same deduction for above-median income debtors whose disposable income is determined using means test deductions. Accordingly, Subpart B of both the Chapter 7 and Chapter 13 forms includes an entry line for charitable contributions, employing the different statutory deductions allowed in each context.

The Subpart B concludes with a subtotal of the additional statutory expense deductions.

3. Deductions for payment of debt

Subpart C deals with the means test's deductions from CMI for payment of secured and priority debt, as well as a deduction for administrative fees that would be incurred if the debtor paid debts through a Chapter 13 plan.

In accord with § 707(b)(2)(A)(iii), the deduction for secured debt is divided into two entry lines—one for payments that are contractually due during the 60 months following the bankruptcy filing, the other for amounts needed to retain necessary collateral securing debts in default. In each situation, the instructions for the entry lines require dividing the total payment amount by 60, as the statute directs. The forms recognize another ambiguity in this connection: "payments contractually due" might either be understood as limited to payments of principal and interest (payable to secured creditor) or, in the context of a

The IRS issues Local Standards for transportation in two components for its internal purposes as well as for bankruptcy: one component covers vehicle operation/public transportation expense and the other ownership/lease expense. The amount of the vehicle operation/public transportation allowance depends on the number of vehicles the debtor operates; debtors who do not operate vehicles are given a public transportation allowance, regardless of whether they actually use public transportation. It is not clear whether the public transportation allowance may also be claimed by debtors who do make use of public transportation but also operate vehicles. The forms permit debtors to claim both a public transportation and vehicle operating allowance, but take no position as to whether it is appropriate to claim both allowances. No debt payment is involved in the vehicle operation/public transportation component of the Local Standards for transportation.

The ownership/lease component, on the other hand, may involve debt payment. Accordingly, the forms require debtors to reduce the allowance for ownership/lease expense by the average monthly loan payment amount (principal and interest), up to the full amount of the IRS ownership/lease expense amount. This average payment is as reported on the separate line of the forms for deductions of secured debt under § 707(b)(2)(a)(iii). The forms take no position on the question of whether the debtor must actually be making payments on a vehicle in order to claim the ownership/lease allowance.

Other Necessary Expenses. The IRS does not set out specific dollar allowances for “Other Necessary Expenses.” Rather, it specifies a number of categories for such expenses, and describes the nature of the expenses that may be deducted in each of these categories. Section 707(b)(2)(a)(ii) allows a deduction for the debtor’s actual expenses in these specified categories, subject to its requirement that payment of debt not be included. Several of the IRS categories deal with debt repayment and so are not included in the forms. Several other categories deal with expense items that are more expansively addressed by specific statutory allowances. Subpart A sets out the remaining categories of “Other Necessary Expenses” in individual entry lines. Instructions in these entry lines reflect limitations imposed by the IRS and the need to avoid inclusion of items deducted elsewhere on the forms.

Subpart A concludes with a subtotal of the deductions allowed under the IRS standards.

2. Additional statutory expense deductions

In addition to the expense deductions allowed under the IRS standards, the means test makes provision—in subclauses (I), (II), (IV), and (V) of § 707(b)(2)(A)(ii)—for six special expense deductions. Each of these additional expense items is set out on a separate entry line in Subpart B, introduced by an instruction that tracks the statutory language and provides that there should not be double counting of any expense already included in the IRS deductions.

Subpart A deals with deductions from CMI, set out in § 707(b)(2)(A)(ii), for “the debtor’s applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor’s actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides.” The forms provide entry lines for each of the specified expense deductions under the IRS standards, and instructions on the entry lines identify the website of the U.S. Trustee Program, where the relevant IRS allowances can be found. As with all of the deductions in § 707(b)(2)(A)(ii), deductions under the IRS standards are subject to the proviso that they not include “any payments for debts.”

National Standards. The IRS National Standards provide a single allowance for food, clothing, household supplies, personal care, and miscellany, depending on household size, which can be entered directly from a table supplied by the IRS. There is also a National Standard for out-of-pocket health care expenses, which provides two different per-person allowances, depending on age group: the allowance for persons 65 or older is greater than the allowance for those under 65. Accordingly, the forms direct debtors to compute the National Standard allowance for health care by first multiplying each of the two age-group allowances by the number of household members within that age group and then adding subtotals for the two age groups to obtain the total allowance.

Local Standards. The IRS Local Standards provide one set of deductions for housing and utilities and another set for transportation expenses, with different amounts for different areas of the country, depending on the size of the debtor’s household and the number of the debtor’s vehicles. Each of the amounts specified in the Local Standards are treated by the IRS as a cap on actual expenses, but because § 707(b)(2)(A)(ii) provides for deductions in the “amounts specified under the . . . Local Standards,” the forms treat these amounts as allowed deductions.

The Local Standards for housing and utilities, as published by the IRS for its internal purposes, present single amounts covering all housing expenses; however, for bankruptcy purposes, the IRS has provided the Executive Office for United States Trustees with information allowing a division of these amounts into a non-mortgage component and a mortgage/rent component. The non-mortgage component covers a variety of expenses involved in maintaining a residence, such as utilities, repairs and maintenance. The mortgage/rent component covers the cost of acquiring the residence. The forms take no position on the question of whether the debtor must actually be making payments on a home in order to claim a mortgage/rent allowance. For homeowners with mortgages, the mortgage/rent allowance involves debt payment, since the cost of a mortgage is the basis for the allowance. Accordingly, the forms require debtors to deduct from the mortgage/rent allowance their average monthly mortgage payment, up to the full amount of the IRS mortgage/rent allowance, and instruct debtors that this average monthly payment is the one reported on the separate line of the forms for deductions of secured debt under § 707(b)(2)(a)(iii). The forms allow debtors to challenge the appropriateness of this method of computing the Local Standards allowance for housing and utilities and to claim any additional housing allowance to which they contend they are entitled, but the forms require specification of the basis for such a contention.

The subsequent entry lines for income reporting specify several common types of income and are followed by a “catch-all” line for other income. The entry lines address (a) gross wages; (b) business income; (c) rental income; (d) interest, dividends, and royalties; (e) pension and retirement income; (f) regular payments of the household expenses of the debtor or the debtor’s dependents; (g) unemployment compensation, and (h) all other forms of income (the “catch-all” line).

Gross wages (before taxes) are required to be entered. However, consistent with usage in the Internal Revenue Manual and the American Community Survey of the Census Bureau, business and rental income are defined as gross receipts less ordinary and necessary expenses.

Unemployment compensation is given special treatment. Because the federal government provides funding for state unemployment compensation under the Social Security Act, there may be a dispute about whether unemployment compensation is a “benefit received under the Social Security Act.” The forms take no position on the merits of this argument, but give debtors the option of reporting unemployment compensation separately from the CMI calculation. This separate reporting allows parties in interest to determine the materiality of an exclusion of unemployment compensation and to challenge it.

Alimony and child support are also given special treatment. Child support is not generally considered “income” to the recipient. See 26 U.S.C. § 71(c). Thus, child support is only part of CMI if it is paid on a regular basis for the household expenses of the debtor or the debtor’s dependents. On the other hand, alimony and other forms of spousal support are considered income to the recipient, and thus are within CMI regardless of the regularity and use of the payments. To address this distinction, the instruction in the entry line for regular payments of household expenses directs that the entry include regular child support payments used for household expenses of the debtor or the debtor’s dependents, and the instruction for the “catch-all” line directs inclusion of all spousal support payments that are not otherwise reported as spousal income.

The forms provide for totaling the income reporting lines.

C. The means test: deductions from current monthly income

The means test operates by deducting from CMI defined allowances for living expenses and payment of secured and priority debt, leaving disposable income presumptively available to pay unsecured non-priority debt. These deductions from CMI are set out in the Code at § 707(b)(2)(A)(ii)-(iv). The forms for Chapter 7 and Chapter 13 have similar sections (Parts V and IV, respectively) for calculating these deductions. The calculations are divided into subparts reflecting three different kinds of allowed deductions.

1. Deductions under IRS standards

§ 707(b)(2)(B)) to document the expenses and provide a detailed explanation of the special circumstances that make them reasonable and necessary.

The Chapter 13 form does not provide a deduction from disposable income for the Chapter 13 debtor's anticipated attorney fees. No specific statutory allowance for such a deduction exists, and none appears necessary. Section 1325(b)(1)(B) requires that disposable income contributed to a Chapter 13 plan be used to pay "unsecured creditors." A debtor's attorney who has not taken a security interest in the debtor's property is an unsecured creditor who may be paid from disposable income.

Part VI allows the debtor to declare expenses not allowed under the form without deducting them from CMI, as described above in § C.5.

COMMITTEE NOTE

Paragraph 3 of Exhibit D is amended to delete any reference to a requirement that a debtor file a motion with the court to obtain an order approving a request for the postponement of the debtor's obligation to obtain a credit counseling briefing prior to the commencement of the case. The paragraph immediately following numbered paragraph 3 is also amended to reflect the deletion of the need for a separate motion beyond the completion of the certification itself. That paragraph continues to warn the debtor that the case may be dismissed if the court does not find that a postponement is warranted. It also advises the debtor that, even if the court concludes that postponement of the obligation is appropriate, the debtor still must complete the briefing within the time allowed under the Code.

NOTICE TO INDIVIDUAL CONSUMER DEBTOR

Clerks may use Form B201 to give individual consumer debtors the notice required by section 342(b) of the Code (11 U.S.C. § 342(b)) or to respond to general inquiries from the public.

This form serves as a pre-printed information sheet on the purposes of chapters 7, 11, 12, and 13 of the Bankruptcy Code, the costs and benefits to the debtor of a case under each chapter, the types of services available from credit counseling agencies, and warnings about the penalties for bankruptcy crimes and the Attorney General's examination of information supplied in connection with a bankruptcy case.

Form B201 states that joint debtors who list the same mailing address on the bankruptcy petition will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless the debtors request that each spouse receive a separate copy of all notices. Form B201 also advises debtors that Fed. R. Bankr. P. 4002 requires the debtor to notify the court of any changes in the debtor's address.

Section 342(b) provides:

Before the commencement of a case (under the Bankruptcy Code) by an individual whose debts are primarily consumer debts, the clerk shall give to such individual written notice containing –

(1) a brief description of –

(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of these chapters; and

(B) the types of services available from credit counseling agencies; and

(2) statements specifying that –

(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under (the Bankruptcy Code) shall be subject to fine, imprisonment, or both; and

(B) all information supplied by a debtor in connection with a case under (the Bankruptcy Code) is subject to examination by the Attorney General.

In addition to the clerk's responsibility to provide the section 342(b) notice to individual debtors with primary consumer debts, section 521(a)(1)(B)(iii)(I) requires that the attorney for an individual consumer debtor or the bankruptcy petition preparer who prepared the petition certify that the attorney or petition preparer delivered the clerk's section 342(b) notice to the debtor. If the debtor does not have an attorney or a petition preparer, section 521(a)(1)(B)(iii)(II) requires that the individual consumer debtor certify that the debtor received and read the notice.

The section 342(b) certifications required by section 521(a)(1)(B)(iii) for the debtor or a petition preparer are included in their signature blocks on page 3 of Official Form 1, the Voluntary Petition. The section 342(b) certification required by section 521(a)(1)(B)(iii) for the attorney for the debtor is set out separately on page 2 of the petition.

If the attorney, petition preparer, or debtor does not certify (by signing the appropriate section of the petition) that the debtor has received the section 342(b) notice, the debtor must file a separate certification. If needed because there's no certification on the petition, the separate certification must be filed in a chapter 7, chapter 11, or chapter 13 case within 15 days after the filing of the petition which commenced the case, or within any additional time set by the court. Form B201 includes spaces for such a stand-alone certification by a petition preparer or the debtor. If the required certification hasn't been filed either as part of the petition or separately by the deadline, the United States trustee may file a motion to dismiss the case under section 707(a)(3), 1112(e), or 1307(c)(9) of the Bankruptcy Code. In chapter 12 cases, the certification should be filed in a timely manner.

Although there is no specific requirement that Form B201 itself be filed, the debtor may file a signed copy of the form with the petition in order to avoid questions about whether the notice has been given.

REQUIRED LISTS, SCHEDULES, STATEMENTS AND FEES

It is contemplated that the primary use of this form will be to give information regarding the steps necessary for the filing of a petition to those who make inquiry of the clerk's office.

Check boxes have been included so that the court can give the form to debtors who file an incomplete set of papers, with check marks denoting the documents which are missing, the deadline for filing the documents, and the section of the Code or Bankruptcy Rule which requires the documents to be filed.

COMMITTEE NOTE

This form is new. It implements § 419 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), which requires a chapter 11 debtor to file periodic reports on the profitability of any entities in which the estate holds a substantial or controlling interest. The form is to be used when required by Bankruptcy Rule 2015.3, with such variations as may be approved by the court pursuant to subdivisions (d) and (e) of that rule. The form includes instructions and examples of the types of information needed to complete it.

COMMITTEE NOTE

This form is new. It implements § § 434 and 435 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), which provided for rules and an official form to assist small business debtors in chapter 11 cases to fulfill their responsibilities under § 308 of the Code, a provision added by the 2005 Act. The form directs the debtor to disclose the information required under § 308 and resembles those developed earlier by the United States trustees for use in supervising debtors in possession in chapter 11 cases.

COMMITTEE NOTE

This form is new. It implements § 433 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), which provides for an official form for a disclosure statement that may be used in cases where the debtor (whether an individual or an artificial entity) is a small business debtor under § 101(51D) of the Code. The form provides a format for disseminating information to parties in interest about the plan of reorganization in a small business debtor's chapter 11 case, so that a party can make a reasonably informed judgment whether to accept, reject, or object to a proposed plan of reorganization or liquidation.

The form is intended to be used in conjunction with the form small business chapter 11 plan (Official Form 25A). As required by § 433 of the 2005 Act, the form seeks to strike a practical balance between the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information, on the one hand, and economy and simplicity for debtors, on the other. The form includes instructions and examples of the types of information needed to complete it.

Because the relevant legal requirements for, and effect of, a plan's confirmation may vary depending on the nature of the debtor and the details of the proposed plan, this form is intended to provide an illustrative format for disclosure, rather than a specific prescription for the language or content of a particular disclosure statement. The form highlights the factual and legal disclosures required for adequate disclosure under § 1125 of the Code. The form is not intended to restrict a plan proponent from providing additional information where that would be useful. Plan proponents are encouraged to present material information in as clear a manner as possible, including, where feasible, by providing an accompanying executive summary, approved by the court, that highlights particular creditors' or interest holders' voting status and treatment under the plan.

Rule 3016 specifies the manner in which the disclosure statement is to be filed. Rule 3017 specifies the manner in which the court will consider it. Rule 3017.1 specifies special procedures for the court's conditional approval of a disclosure statement in a small business case.

2008 COMMITTEE NOTE

This form is new. It implements § 433 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005). This form for a small business chapter 11 plan of reorganization may be used in cases where the debtor (whether an individual or an artificial entity) is a small business debtor under § 101(51D) of the Code. The form is intended to be used in conjunction with the small business chapter 11 disclosure statement form (Official Form 25B).

Because the type of debtor and the details of the proposed plan of reorganization may vary, the form is intended to provide an illustrative format, rather than a specific prescription for the language or content of a plan in any particular case. The form includes instructions and examples of the types of information needed to complete it.

FORM 8

2008 COMMITTEE NOTE

The form is amended to conform to § 362(h), which was added to the Code, and § 521(a)(2), which was amended, by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), by expanding the questions directed to the debtor regarding leased personal property and property subject to security interests. The form is also amended and reformatted to require the debtor to complete a series of statements describing the property and setting out what actions the debtor intends to take for each listed asset. The amended form is intended to elicit more complete information about the debtor's intentions with regard to property subject to security interests and personal property leases than has been obtained under the current version of the form.

In addition, the form is amended to specify that the debtor's signature is a declaration under penalty of perjury, as required by Rule 1008, and to provide space for the co-debtor's signature. A continuation page has been provided for use if necessary. The Declaration of Non-Attorney Bankruptcy Petition Preparer has been deleted from the form as duplicative of Form 19, Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer. Form 19 contains both the petition preparer's declaration and signature and the notice the petition preparer is required to give to the debtor under § 110 of the Code.

CHAPTER 13 DEBTOR'S CERTIFICATIONS REGARDING DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)

Form B283 may be used by debtors to certify that they have complied with two of the requirements set out in section 1328(a) of the Bankruptcy Code, 11 U.S.C. § 1328(a), for a discharge in chapter 13. The certifications must be made after the debtor has completed the plan payments.

Before completing this optional form, the debtor should determine whether the court has adopted a local form for making these certifications. If the court has adopted a local form, the debtor should use that form instead of Form B283. Information on the court's local rules and forms is available on the court's website. Links to local court websites are posted at <http://www.uscourts.gov/courtlinks/>.

Applicable Law and Rules

Section 1328(a) of the Bankruptcy Code requires that any debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, as defined by section 101(14A) of the Code, certify that all amounts payable under the order or statute that are due on or before the date of the certification have been paid. This certification requirement includes amounts due before the petition was filed, but only to the extent provided for by the plan. The debtor cannot receive a discharge until the certification has been filed.

Section 1302(d)(1)(C) requires the trustee to inform holders of domestic support obligation claims and State child support enforcement agencies of the granting of the debtor's discharge and, among other things, of the debtor's last recent known address and the last recent known name and address of the debtor's employer. Part II is included in Form B283 to provide these addresses to the trustee for the notification.

Section 1328(h) of the Code provides that the court may not grant a discharge in a chapter 13 case unless the court, after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge, finds that there is no reasonable cause to believe that --

- section 522(q)(1) may be applicable to the debtor (or either of the joint debtors); and
- there is pending a proceeding in which the debtor (or either of the joint debtors) may be found guilty of a felony of the kind described in § 522(q)(1)(A) or liable for a debt of the kind described in § 522(q)(1)(B).

In order for § 522(q)(1) to be applicable, the debtor must have claimed an exemption in a homestead, residence, or burial plot pursuant to § 522(b)(3) and state or local law in an amount

exceeding \$136,875¹. The debtor's certification in Part III will enable the court to determine whether § 1328(h) has any possible application to the case.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed. Example: "Eastern District of California."
2. "In re": Insert the name of the debtor as it appears in the bankruptcy petition.
3. "Case No.": Insert the bankruptcy case number assigned by the court at the time of filing.

The instructions to the rest of the form are self-evident.

General Information for the Clerk

In a joint case, each debtor must file a § 1328(a) certification and a § 1328(h) certification, as described above. The certifications must be made after the plan payments have been completed.

¹ The amount is subject to adjustment on April 1, 2010, and every three years thereafter with respect to cases commenced on or after the date of adjustment.