

UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH

MEMORANDUM

TO: Bankruptcy Practitioners
Pro Se Debtors

FROM: United States Bankruptcy Court Clerk

SUBJECT: Chapter 13 Checklist

Official Bankruptcy Forms may be obtained from the United States Courts' website <http://www.uscourts.gov/forms/bankruptcy-forms>

Local Bankruptcy Forms may be obtained from the United States Bankruptcy Court District of Utah website:

https://www.utb.uscourts.gov/forms/local/chap_13

Pre-filing Credit Counseling Requirement:

11 U.S.C. § 109(h) "Who May Be a Debtor" requires all individual debtors to take a credit counseling course from an approved provider within a 180 day period ending on the date of filing for bankruptcy. A list of credit counseling agencies approved pursuant to 11 U.S.C. § 111 is available here:

<http://www.justice.gov/ust/list-credit-counseling-agencies-approved-pursuant-11-usc-111>

Chapter 13 Voluntary Petition Minimum Filing Requirements

- Filing Fee (Local Rule 5080-1): Cashier's check, cash, money order, credit card payment, or check drawn on the account of the filing attorney made payable to "Clerk, U.S. Bankruptcy Court" for \$310.00. **(Checks from debtors will not be accepted)** Individual petitioners may file an Application for Individuals to Pay the Filing Fee in Installments (Official Form 103A).

NOTE: Applications to Pay the Filing Fee in Installments require a minimum \$100 payment at the time of filing the Voluntary Petition or within 14 days thereafter. The second payment must be a minimum of \$50 and paid within 28 days of filing the Voluntary Petition. The Order For Payment of Filing Fee In Installments governs the installment payment schedule.

- Voluntary Petition for Individuals Filing For Bankruptcy (Official Form 101), with all appropriate signatures in Part 7 of Official Form 101.
- Pre-filing Credit Counseling Briefing (Part 5 of Official Form 101 Voluntary Petition for Individuals Filing for Bankruptcy)
 1. Attach the pre-filing credit counseling briefing certificate OR;
 2. Attach a separate sheet explaining the efforts made to obtain briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case OR;
 3. If you believe you are not required to received a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.
- Your Statement About Your Social Security Numbers (Official Form 121)

Documents Required to be filed With or Within 2 Days of filing the Voluntary Petition

- List of Creditors (Local Rule 1007-1(b))
Creditor listing in alphabetical order with correct addresses, not to exceed 4 lines in Courier 10, Prestige Elite, or Letter Gothic font.
NOTE: List of Creditors may be submitted via email; instructions are available on Court's website: <https://www.utb.uscourts.gov/forms/list-creditors-instructions>
- List of Domestic Support Creditors, if any, as defined in 11 U.S.C. § 507(a)(1)(A) and (B)

Documents Required to be Filed With or Within 14 Days After Filing the Voluntary Petition

- Chapter 13 Plan (Local Form - Model Chapter 13 Plan - Effective Date of July 1, 2012)
NOTICE TO DEBTORS FILING A CHAPTER 13 VOLUNTARY PETITION
WITHOUT THE CHAPTER 13 PLAN

The Court's policy regarding mailing of a Chapter 13 Plan with the 11 U.S.C. § 341 notice:

Any plan that is docketed and imaged prior to the processing of the 11 U.S.C. § 341 Notice to the Bankruptcy Noticing Center will be included with the 11 U.S.C. § 341 Notice of Meeting of Creditors. The debtor is responsible for sending a copy of the Plan to the Trustee and to each creditor IF the Plan was not mailed by the Court. If a Chapter 13 Plan is not filed within 14 days of the filing of the case, your case may be dismissed.

- Your Statement of Financial Affairs for Individuals Filing for Bankruptcy (Official Form 107)
- Schedule A/B: Property (individuals) (Official Form 106A/B)
- Schedule C: The Property You Claim as Exempt (individuals) (Official Form 106C)
- Schedule D: Creditors Who Hold Claims Secured By Property (individuals) (Official Form 106D)
- Schedule E/F: Creditors Who Have Unsecured Claims (individuals) (Official Form 106E/F)
- Schedule G: Executory Contracts and Unexpired Leases (individuals) (Official Form 106G)
- Schedule H: Your Codebtors (individuals) (Official Form 106H)
- Schedule I: Your Income (individuals) (Official Form 106I)
- Schedule J: Your Expenses (individuals) (Official Form 106J)
- Schedule J-2: Expenses for Separate Household of Debtor 2 (individuals) (Official Form 106J-2) (if applicable)
- Declaration About an Individual Debtor's Schedules (Official Form 106Dec)
- A Summary of Your Assets and Liabilities and Certain Statistical Information (individuals) (Official Form 106Sum)
- Disclosure of Compensation of Attorney For Debtor (Official Form 2030) (if applicable)
- Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period (Official Form 122C-1)
 - Chapter 13 Calculation of Your Disposable Income (Official Form 122C-2) (if applicable)
- Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119) (if applicable)
- Record of any interest that debtor has in an education individual retirement account or a qualified State tuition program as set forth in § 521(c)

Required Documents to be Provided to the Chapter 13 Trustee at or Before the Meeting of Creditors:

- The debtor must provide to the trustee not later than 7 days before the date first set for the first meeting of creditors, a copy of the Federal and state income tax return for the most recent tax year ending immediately before the commencement of the case. FED. R.CIV.P.4002(b).
- Copies of payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor, or a statement under penalty of perjury concerning payment advices (Local Form - Payment Advices Certification for Debtors) must be provided to the case trustee within 14 days of the petition date at the trustee's mailing address or an e-mail address designated by the trustee.
- Proof of all charitable contributions made within 60 days before the date of the filing of the petition;
- Picture identification issued by a governmental unit, or other personal identifying information that establishes the debtors identity;
- Evidence of social-security number(s), or a written statement that such documentation does not exist
- Evidence of current postpetition income such as the most recent payment advices;
- Statements for each of the debtors' checking, savings, brokerage, and money market accounts and mutual funds for the time period that includes the date of the filing of the petition
- A copy of the most recent county property tax assessment for all real property listed on Schedule A/B;
- A profit and loss statement if a debtor had self-employment income for the 60 days prior to filing, including income reported on an IRS Form 1099; AND
- A business questionnaire for each business operated by the debtor 60 days prior to filing on a form supplied by the trustee. (Local Rule 2083-1)
- Not later than the day before the date on which the meeting of creditors is first scheduled to be held, the debtor must file and serve on the Trustee a declaration regarding tax returns. (Local Form - Declaration Regarding Tax Returns)

Items Required to be Eligible for a Chapter 13 Discharge.

In order to be eligible for a bankruptcy discharge, all individual debtors are required to take an instructional course concerning personal financial management per 11 U.S.C.§ 1328(g). A list of approved providers of personal financial management instructional courses (debtor education) pursuant to 11 U.S.C. § 111 is available here:

<http://www.justice.gov/ust/list-approved-providers-personal-financial-management-instructional-courses-debtor-education>

- Certification About a Financial Management Course (Official Form 423) and certificate from course provider. (Fed. R. Bankr. P. 1007(b)(7))

NOTE: Official Form 423 shall be filed no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code.

- Verification and Request for Discharge (Local Form - Verification and Request for Chapter 13 Discharge)

Refer to Local Rules 1007-1, 2083-1, and 5005-1 for Filing Papers-Requirements.