

UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH

MEMORANDUM

TO: Bankruptcy Practitioners
Pro Se Debtors

FROM: United States Bankruptcy Court Clerk

SUBJECT: Chapter 7 Checklist - INDIVIDUAL

Official Bankruptcy Forms may be obtained from the United States Courts' website
<https://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_7

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:

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

Chapter 7 Voluntary Petition for Individuals 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 \$338.00. **(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)* **or** Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B) **

*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.

**If filing an Application to Have the Chapter 7 Filing Fee Waived, 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 must be filed. (Local Form - Payment Advices Certification)

- ☐ 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)

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

- ☐ 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 From 2030) (if applicable)
- ☐ Chapter 7 Statement of Current Monthly Income (Official Form 122A-1)
 - ☐ Statement of Exemption from Presumption of Abuse Under §707(b)(2) (Official Form 122A-1Supp) (if applicable)

- ☐ Chapter 7 Means Test Calculation (Official Form 122A-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 Document to be Filed With or Within 30 Days After Filing the Voluntary Petition.

- ☐ Statement of Intention for Individuals Filing Under Chapter 7 (individuals) (Official Form 108): You must file this form if creditors have claims secured by your property or you have lease personal property and the lease has not expired. Must be filed within 30 days or by the date set for the First Meeting of Creditors, whichever is earlier. (11 U.S.C. § § 362(h) and 521(a)(2))

Required Documents to be Provided to the Case Trustee:

- ☐ Debtor must provide to the case trustee, not later than 7 days before the date first set for the first meeting of creditors, a copy of the Federal income tax return for the most recent tax year ending immediately before the commencement of the case. (Fed. R. Civ. P. 4002(b)(3)).
- ☐ 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.

Items Required to be Eligible for a Chapter 7 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. § 727(a)(11). A list of approved providers of personal financial management instructional courses (debtor education) pursuant to 11 U.S.C. § 111 is available here:

<https://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. These documents must be filed before a discharge order can be entered. (Fed. R. Bankr. P. 1007(b)(7))

NOTE: Official Form 423 shall be filed within 60 Days after the first date set for the First Meeting of Creditors.

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