

UNITED STATES BANKRUPTCY COURT

Central District of California



CHAPTER 7

PETITION FILING PACKAGE

Instructions and Forms

May 2004

Chapter 7 Petition Package Index

Chapter 7 Petition Filing Package Instructions

- Instructions for completing and filing Chapter 7 Voluntary Petitions
- Abbreviated Fee Schedule
- Order of Documents

Chapter 7 Petition Filing Package

- Statement of Social Security Number(s) (Official Form 21)
- Voluntary Petition (Official Form B1)
- Exhibit "C" to Voluntary Petition (Official Form B1XC)
- Statement of Related Cases - Information required by Local Bankruptcy Rule 1015-2 (Official Form F 1015-2.1)
- Notice of Available Chapters
- Form 6. Schedules (Official Form B6)
- Summary of Schedules (Official Form 6 Continued)
- Schedule A - Real Property (Official Form B6A)
- Schedule B - Personal Property (Official Form B6B)
- Schedule C - Property Claimed as Exempt (Official Form B6C)
- Schedule D - Creditors Holding Secured Claims (Official Form B6D)
- Schedule E - Creditors Holding Unsecured Priority Claims (Official Form B6E)
- Schedule F - Creditors Holding Unsecured Nonpriority Claims (Official Form B6F)
- Schedule G - Executory Contracts and Unexpired Leases (Official Form B6G)
- Schedule H - Codebtors (Official Form B6H)
- Schedule I - Current Income of Individual Debtor(s) (Official Form B6I)
- Schedule J - Current Expenditures of Individual Debtor(s) (Official Form B6J)
- Declaration Concerning Debtor's Schedules (Official Form B6J Continued)
- Statement of Financial Affairs (Official Form 7)
- Chapter 7 Individual Debtor's Statement of Intention (Official Form B8)
- Disclosure of Compensation of Attorney for Debtor (Official Form B203)
- Statement Regarding Assistance of Non-Attorney with Respect to the Filing of Bankruptcy Case
- Disclosure of Compensation of Bankruptcy Petition Preparer
- Verification of Creditor Mailing List
- Declaration RE: Limited Scope of Appearance Pursuant to Local Bankruptcy Rule 2090-1 (Official Form F 2090-1.1)

Instructions for Completing and Filing Chapter 7 Voluntary Petitions

The following instructions apply to voluntary bankruptcy petitions, statements, and schedules to be filed under chapter 7 of the Bankruptcy Code. These instructions reflect 28 U.S.C. § 604; 11 U.S.C. §§ 101, 109, 110, 301, 302, and 521; F.R.B.P. 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1015, and 9011; and Local Bankruptcy Rules 1002-1, 1007-1, 1007-2, 2002-2, 2090-1(g), 7004-1, and 7064-1. Reference to these Code sections and Rules are made below. Persons filing these documents without the assistance of an attorney are advised to obtain a copy of the current Local Bankruptcy Rules and the other applicable United States Codes and Federal Court Rules and to comply as discussed below. The Local Bankruptcy Rules are available for viewing in any Central District of California Bankruptcy Court Clerk's Office or from the Court's web site at www.cacb.uscourts.gov. Failure to comply may result in dismissal of the bankruptcy case. If the required papers are not timely filed, chapter 7 cases are subject to being dismissed without further notice or hearing. In addition, the dismissal order may provide that the dismissal is under 11 U.S.C. § 109(g)(1), which would bar any refiling of another bankruptcy petition by or against the debtor for a period of 180 days (effective December 18, 1997).

- I. All papers shall be typed, hand printed, or photocopied in accordance with Local Bankruptcy Rule 1002-1(d)(1), except for the Master Mailing List. Pursuant to Local Bankruptcy Rule 1007-2, the Master Mailing List shall be typed and filed in accordance with the attached instructions and specifications promulgated by the Clerk. The address of the United States Trustee shall be provided, on the first page of the Master Mailing List, in accordance with Local Bankruptcy Rule 2002-2(a)(4). (See item IX below.) Model Master Mailing List pages (see *Exhibits 1* and *2*) are also included with these instructions. (See item X below regarding notice to the United States Internal Revenue Service for further instruction on preparation of pages two and after of the Master Mailing List.)

For all cases with more than 100 entities that hold either claims or interests, the petitioner shall provide the Clerk with a non-returnable PC-compatible 3.5" diskette containing the names and addresses of all entities shown in Schedules D, E, and F. Such diskette shall be prepared in accordance with instructions and specifications promulgated by the Clerk and submitted concurrently with the schedules. Failure to file the diskette in a timely manner may subject the case to dismissal. A "hard copy" printed version of the Master Mailing List must also be filed. This copy may be in the form of a computer-generated list, provided that it is printed on 8-1/2 x 11 inch paper. The specifications for this diskette are shown in *Exhibit 3*.

- II. The debtor shall place his or her full name, address, and county of residence in the spaces provided on the petition. If this is a joint case, the name, address, and county of residence of the debtor's spouse shall also be placed in the spaces provided for this purpose. Street addresses, as well as any Post Office boxes used, shall be provided in accordance with Local Bankruptcy Rule 1002-1(g)(1). If the mailing address is different from the street address for either the debtor or his or her spouse, these mailing addresses must also be provided. All other names used by the debtor or spouse in the last six years, including married, maiden, and trade names, shall be provided in

accordance with F.R.B.P. 1005. Individuals may not list DBA "Doing Business As ..." names in their petitions if those names relate to partnerships or corporations. Separate petitions are required for such partnership or corporate businesses. After filing, these cases may be substantively consolidated or jointly administered by formal order of the Court.

- III. The debtor, and the debtor's spouse in a joint case, shall place their social security numbers and, if appropriate, their tax ID numbers, in the spaces provided.
- IV. Individual and joint debtors may or may not be represented by an attorney. Debtors filing a petition on behalf of a corporation, partnership, or unincorporated association must be represented by an attorney. The attorney's state bar identification number shall appear together with the attorney's name, address, and telephone number in the space provided on the petition. The attorney's signature is required several times in these papers; and each time he or she signs in one of the indicated spaces, the attorney's name must be typed below the signature.
- V. If the debtor is represented by an attorney, the attorney's telephone number must be provided in the indicated space on the petition. If the debtor is not represented by an attorney, the debtor's telephone number must be provided.
- VI. 11 U.S.C. § 110(a) defines a bankruptcy petition preparer as someone who is not an attorney nor employee of an attorney and who, for compensation, prepares a petition or any other document prepared for the debtor for a bankruptcy case in the bankruptcy or district court. If a bankruptcy petition preparer assists the debtor in the preparation of the petition or related documents, the bankruptcy petition preparer must sign the petition and print the preparer's name and address on it and, he or she must put the preparer's social security number after the preparer's signature on the document. He or she shall also not execute any document on behalf of the debtor. The **Disclosure of Compensation of Bankruptcy Petition Preparer** form should be filed along with the petition or no later than 15 days after filing date of the petition.
- VII. All other information required for the petition, statements, and schedules in this package shall be provided by the debtor or his or her attorney, including the information required under 28 U.S.C. § 604 and requested in the bottom left corner of the first page of the petition. Be sure to complete all applicable items in this part of the petition including the type of debtor, nature of debt, type of business (if this is a business case), estimated number of creditors, estimated assets in thousands of dollars and estimated liabilities in thousands of dollars.
- VIII. The debtor and his or her attorney shall sign all declarations presented in the petition and statements. These include the **Voluntary Petition** (debtor and attorney or preparer, if any), the **Statement of Related Cases** (debtor), the **Declaration Concerning Debtor's Schedules** (debtor), the **Statement of Financial Affairs** (debtor), the **Disclosure of Compensation of Attorney for Debtor** (signed by the attorney if the debtor is represented by an attorney), the **Statement of Assistance By Non-attorney or Bankruptcy Petition Preparer** (signed by the debtor if the debtor is not represented by an attorney and someone is paid by the debtor to help them prepare the papers), the **Disclosure of Compensation of Bankruptcy Petition Preparer** (petition preparer), the **Verification of Creditor Mailing List** (debtor and attorney, if any) and the **Declaration**

RE: Limited Scope of Appearance Pursuant to Local Bankruptcy Rule 2090-1
(debtor and attorney, if any).

- IX.** In item "I" above, instructions were provided for the preparation of page one of the Master Mailing List. Since the Office of the United States Trustee and its address must appear on page one of the mailing list and since there are four U. S. Trustee offices within the district, the correct address relative to this Petition must appear in the Master Mailing List.

For papers in all cases and proceedings assigned to Los Angeles Division judges, the mailing address is:

United States Trustee
725 South Figueroa Street, 26th Floor
Los Angeles, CA 90017

For papers in all cases and proceedings assigned to Santa Ana Division judges, the mailing address is:

United States Trustee
411 West Fourth Street, Suite 9041
Santa Ana, CA 92701-4593

For papers in all cases and proceedings assigned to Riverside Division judges, the mailing address is:

United States Trustee
3685 Main Street, Suite 300
Riverside, CA 92501

For papers in all cases and proceedings assigned to Northern Division and San Fernando Valley judges, the mailing address is:

United States Trustee
21051 Warner Center Lane, Suite 115
Woodland Hills, CA 91367

- X.** Local Bankruptcy Rule 2002-2(c) requires that whenever the United States Internal Revenue Service (IRS) is a creditor in a case, all notices in the case be mailed to the Internal Revenue Service at a specified address. The address to be used must correspond to the mailing address of the debtor. Whenever the IRS is a creditor, the agency must be placed on the Master Mailing List. In order to facilitate the mailing of notices to the Internal Revenue Service by the Clerk's Office, the correct mailing address for the IRS should appear on page two and after of the Master Mailing List. **NOTE:** The IRS addresses listed below are subject to change; and the final authority will be posted on the Court's web site, <www.cacb.uscourts.gov>.

IRS Los Angeles (Area 16) Office. For chapter 7, 11, and 13 cases filed in the San Fernando Valley Division, when the debtor's petition address is in Los Angeles County, and **all** cases filed in the Los Angeles Division, the Internal Revenue Service mailing address is:

Internal Revenue Service
Insolvency I Stop 5022
300 North Los Angeles Street, Room 4062
Los Angeles, CA 90012-9903

IRS Laguna Niguel (Area 14) Office. For chapter 9, 11, 12, and 13 cases filed in the Santa Ana Division, the Internal Revenue Service mailing address is:

Internal Revenue Service
Insolvency Group 3 Mailstop 5503
24000 Avila Road
Laguna Niguel, CA 92677

IRS Laguna Niguel (Area 14) Office. For chapter 7 cases filed in the Santa Ana and Riverside Divisions, the Internal Revenue Service mailing address is:

Internal Revenue Service
Insolvency Group 1 Mailstop 5501
24000 Avila Road
Laguna Niguel, CA 92677

IRS San Jose District Office. For cases filed in the Northern Division and those cases filed in the San Fernando Valley Division when the debtor's petition address is in Ventura County, the Internal Revenue Service mailing address is:

Internal Revenue Service (HQ 5420)
P. O. Box 99
San Jose, CA 95103-0099

IRS San Bernardino (Area 14) Office. For chapter 9, 11, 12, and 13 cases filed in the Riverside Division, the Internal Revenue Service mailing address is:

Internal Revenue Service
Insolvency Group 1
290 North "D" Street
San Bernardino, CA 92401-1734

In all contested matters and adversary proceedings involving the Internal Revenue Service, the United States, the Attorney General in Washington, D.C., and the United States Attorney in Los Angeles shall be served at the following addresses:

United States Department of Justice Tax Division
Civil Trial Section, Western Region
P. O. Box 683
Ben Franklin Station
Washington, DC 20044

United States Attorney's Office Tax Division
Federal Building, Room 7211
300 North Los Angeles Street
Los Angeles, CA 90012

- XI.** The completed and signed papers shall be hole-punched, backed, tabbed, and stapled in accordance with Local Bankruptcy Rule 1002-1(d)(6) and shall be arranged in the order indicated in the attached **Order of Documents**. The **Order of Documents** shows which papers must be filed with the petition. These papers are identified by an asterisk appearing before the title of the document. Failure to do so will result in an immediate dismissal of the bankruptcy case without hearing or notice. See the opening paragraph regarding the effect of 11 U.S.C. § 109(g)(1) on cases filed by individuals or family farmers and dismissed for failure to timely file the papers. The remaining papers may be filed with the petition, but must be filed within 15 days of the filing of the petition, unless otherwise ordered by the Court. The **Chapter 7 Individual Debtor's Statement of Intention** is due 30 days after the filing of the petition. (See Local Bankruptcy Rule 1002-1.)
- XII.** The filing fee for a chapter 7 petition is \$209.00. Only cash, cashier's checks, or U. S. Postal Service money orders may be accepted from the general public. Business checks may be accepted from businesses such as law firms and government agencies. Personal checks shall only be accepted from attorneys who are able to present a current State Bar I.D. card. The State Bar I.D. number must be written on the face of the check. Only checks made out for the exact amount of the transaction will be accepted. All checks must be made payable to the "United States Bankruptcy Court," "U. S. Bankruptcy Court," or "Bankruptcy Court." A check may not be dated more than 30 days prior to the date it is being presented. A cashier's check may not be dated more than six months prior to the date it is presented. If the face of the cashier's check states that it is good for a specific period of time, then it may be accepted during that period. American Express, Diner's Club, Discover, MasterCard, and VISA will be accepted. Credit card transactions must be made in person by the cardholder. Debtors cannot present credit cards to pay fees.
- XIII.** The "originals" of documents discussed in these instructions are filed at the intake window in the appropriate Clerk's Office. The debtor's street address shall determine which office is appropriate. Original chapter 7 petitions are filed with four copies. If you want a copy showing a "FILED" stamp returned to you, an additional copy must also be presented to the clerk at the same time. If the papers are filed by mail and you want this additional copy returned to you, include with it a stamped, self-addressed envelope large enough to hold the papers.

XIV. The Proof of Service accompanying any subsequently filed document must include not only the mailing list filed with the petition but also the chapter 7 trustee and the trustee's attorney (if any).

Legal Advice

While it is possible to file a bankruptcy case "*pro se*," that is without the assistance of an attorney, it is extremely difficult to do so successfully. Hiring a competent attorney is highly recommended. Employees of the U. S. Bankruptcy Court may provide guidance on procedural materials only. They may not provide legal advice.

ABBREVIATED FEE SCHEDULE¹

The Bankruptcy Court will accept cash, U. S. Postal Service money orders, cashier's checks issued by an acceptable financial institution, attorney or law firm checks (payable to the U. S. Bankruptcy Court) and American Express, Diner's Club, Discover, MasterCard, and VISA for payment of fees. Credit card transactions must be made in person by the cardholder; however, this does not apply to electronically filed documents. The Court does not accept personal checks or credit cards from debtors to pay fees. All attorney/law firm checks must include a current pre-printed name, street address, telephone number, and California attorney bar number. Please do not send cash through the mail. The current fees for filing documents with the Bankruptcy Court are as follows:

New Petition:	Chapter 7	\$ 209.00
	Chapter 9	\$ 839.00
	Chapter 11 (not a Railroad)	\$ 839.00
	Chapter 11 (Railroad)	\$1,039.00
	Chapter 12 (Family Farmer)	\$ 239.00
	Chapter 13	\$ 194.00
	Ancillary (Sec. 304)	\$ 839.00
Case Reopening:	Chapter 7/13	\$ 155.00 ²
	Chapter 11	\$ 800.00 ²
	Chapter 12	\$ 200.00 ²
Case Conversions:	Chapter 7 to Chapter 13	None
	Chapter 7 to Chapter 11	\$ 645.00
	Chapter 13 to Chapter 11	\$ 645.00
	Any Chapter to Chapter 7 Filing Fee	\$ 15.00
Amendments:	Schedules "D" "E" "F"	\$ 26.00
	Master Mailing List (exceptions listed in "Miscellaneous Fee Schedule")	\$ 26.00
Motions:	Motion to Compel Abandonment of Property	\$ 150.00
	Motion to Terminate, Annul, Modify, or Condition the Automatic Stay	\$ 150.00
	Motion to Withdraw Reference	\$ 150.00
Other:	Abstract of Judgment	\$ 9.00
	Appeals*	\$ 255.00
	Certification	\$ 9.00
	Complaint	\$ 150.00
	Cross-Appeal*	\$ 255.00
	Exemplification	\$ 18.00
	Filing or Indexing of Miscellaneous Paper	\$ 39.00
	Issuance of Out of District Subpoena	\$ 39.00
	Photocopies Made by Court Personnel (per page)	\$ 0.50
	Print-for-Fee from Public Area Computers (per page)	\$ 0.10
	Registration of Judgment from Another District	\$ 39.00
	Reproduction of Audio Recording (regardless of the medium)	\$ 26.00
	Retrieval of a Record from the NARA (Laguna Niguel)	\$ 45.00
	Returned Check Charge	\$ 45.00
	Search of Court Records (each name/item searched)	\$ 26.00

1. Issued in accordance with 28 U.S.C. § 1930(b) and F.R.B.P. 1006.
2. The Court must collect this fee unless the reopening is to correct an administrative error or for actions related to the debtor's discharge.

*If a trustee or debtor in possession is the appellant, the fee should be payable only from the estate and to the extent that any estate is realized. (Mandated by the Judicial Conference.) This exception applies to the \$250.00 appellant filing fee required by the fee schedule and not to the \$5.00 notice of appeal fee authorized under 28 U.S.C. § 1930(c).

Order of Documents - Chapter 7

- An original and four copies are required at the time of filing.
- Papers must be assembled into complete sets.
- Pursuant to Local Bankruptcy Rule 1002-1(g)(2), even if certain of the schedules or statements of Official Forms 6 (Schedules A through J) and 7 (Statement of Financial Affairs) are not applicable to a debtor's particular situation, they shall still be filed with either the notation "None" marked thereon or the applicable box checked indicating that there is nothing to report for that particular schedule or statement.
- The first set must be the signed original.
- Pursuant to Local Bankruptcy Rule 1002-1, papers presented to the Court for filing or lodging should be on white paper, single-sided, pre-punched, and backed. (The backing shall be flush at the top and extend no more than 1 inch below the bound pages and have the short title of the document typed in the lower right-hand corner. Example: Chapter 7 Petition.) Copies do not require backing.
 1. Statement of Social Security Number(s)* (required for individual debtors only, not corporations or partnerships) [backing not required]
 2. Voluntary Petition (first two pages)*
 3. Exhibit "C" to Voluntary Petition (if Exhibit "C" "yes" box is checked on page two of the Voluntary Petition)
 4. Corporate Resolution Authorizing Filing of the Petition (if debtor is a corporation)
 5. Statement of Related Cases [required by Local Bankruptcy Rule 1015-2(b)(2)]
 6. Notice of Available Chapters [required for individuals whose debts are primarily consumer debts (11 U.S.C. § 342(b))]
 7. Summary of Schedules
 8. Schedules A through J (for corporations, A through H only) (Official Form 6)
 9. Declaration Concerning Debtor's Schedules (included with schedules)
 10. Statement of Financial Affairs (Official Form 7)
 11. Chapter 7 Individual Debtor's Statement of Intention (11 U.S.C. § 521) [must be filed within 30 days from filing Petition (not required for corporations)]

***Required at the time of filing**

12. Disclosure of Compensation of Attorney for Debtor (for petitions of persons who are represented by legal counsel or where an attorney has prepared the paperwork)
13. Statement Regarding Assistance of Non-Attorney with Respect to the Filing of Bankruptcy Case (for persons not represented by counsel)
14. Disclosure of Compensation of Bankruptcy Petition Preparer (for persons not represented by counsel and where a bankruptcy petition preparer prepared the paperwork)
15. Declaration Re Limited Scope of Appearance Pursuant to Local Bankruptcy Rule 2090-1 (if applicable)
16. Verification of Creditor Mailing List [Local Bankruptcy Rule 1007-2(d)]
17. Master Mailing List (in format required by Local Bankruptcy Rule 1007-2)*
18. Computer Readable Diskette (required for petition with over 100 creditors) [Local Bankruptcy Rule 1007-2(c)]

***Required at the time of filing**

Master Mailing List Requirements

Pursuant to Local Bankruptcy Rule 1007-2, the mailing lists for new bankruptcy petitions must now be submitted in the following format:

1. Typed on **blank**, unlined, standard white 8-1/2 x 11 inch bond paper using **uppercase** and **lowercase** letter quality characters no smaller than **10 point** nor greater than **14 point** in either Courier, Times New Roman, Helvetica, or Orator.
2. Typed in a single column with no letters closer than 1-1/2 inches from any edge of the paper and left justified.
3. Typed with no more than **8 name/address blocks per page**. Each block must consist of no more than **4 lines total for each name/address** with at least **2 blank lines in between**.
4. Include a **FIRST PAGE** reserved only for: **Debtor, Joint Debtor, Attorney for Debtor(s), Office of the United States Trustee**. (See *Exhibit 1*.) All subsequent pages contain the remaining creditors from Schedules D, E, and F of the petition.
5. Each line must be no more than **35 characters in length** including spaces. The **attention line**, if any, must be included on the **second line** of the block. **DO NOT INCLUDE ACCOUNT NUMBERS**. The **city, state (2-letter abbreviation in capital letters only, e.g., CA), and zip code** must be on the **last line**. Nine-digit zip codes should be separated by a hyphen. (See *Exhibit 2*.)
6. Contains **NO PUNCTUATION**, except for one comma between city and state (for example, Los Angeles, CA 90012).
7. **Provide page number on the back of each page.**
8. If a separate Equity Holders List is filed, it must comply with the above format requirements.
9. For cases with **more than 100 creditors**, the printed Master Mailing List and, if applicable, the printed Equity Holders List must be submitted along with a **non-returnable computer diskette** of all entities. Technical requirements for the diskette are listed in *Exhibit 3*.

Exhibit 1

Debtor Name
Mailing Address
City, State (2-letter abbreviation) Zip Code

Spouse of Debtor (if appropriate)
Mailing Address
City, CA Zip Code

Attorney of Debtor
Mailing Address
Suite Number
City, State Zip Code

United States Trustee
Address (See page 3 of these instructions.)
City, State Zip Code

Exhibit 2

Acme Auto Repair
1234 S Street
Los Angeles, CA 90005

Acme Hair Repair
Attn Herman
1234 S Ave
Los Angeles, CA 90005-0001

Acme Dental Clinic
745 Tungsten Boulevard
Hollywood, CA 90027

Internal Revenue Service
Address (See pages 3-4 of these instructions.)
City, State Zip Code

Acme Talent Agency
421 N Copper Canyon Way
Burbank, CA 91505-0002

Loans By Acme
7485 Chromium Circle
Beverly Hills, CA 90210

Acme And Sons Insurance
Attn D Acme
13363 Hierro Street Suite 25
Van Nuys, CA 91401

Acme Bar and Grill
114 Aluminum Alley
Chatsworth, CA 91313

Exhibit 3



Technical Requirements for Diskette (100 or more creditors)

Pursuant to Local Bankruptcy Rule 1007-2(c), for cases with more than 100 creditors that are not electronically filed, the debtor or such person as the court may order, shall provide the clerk with the Master Mailing List in a court-approved electronic format (non-returnable computer diskette). The printed creditor matrix must be submitted along with the non-returnable computer diskette containing the names and addresses of all entities shown in Schedules D, E, and F of the petition.

- Computer-readable 3.5" virus-free diskette.
- Label diskette with debtor name and Social Security number.
- Text in ASCII-readable format. File name must be "Creditor.TXT".
- No page breaks, miscellaneous characters, or other computer instructions are to be included in text.
- Names and addresses of Debtor, Joint Debtor, Attorney for Debtor(s), and the Office of the United States Trustee are specifically to be excluded from diskette contents but must still be submitted on the printed copy.