

- **The MSBA Consumer Bankruptcy Section**
- **The Bankruptcy Bar Association for the District of Maryland**
- **The U.S. Bankruptcy Court for the District of Maryland**



Official 2015 Bankruptcy Forms

Overview of Form Changes / Federal Rule Changes

December 1, 2015

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Credits / Attribution

The Honorable Arthur Harris

– U.S. Bankruptcy Court, Northern District of Ohio

- American Bankruptcy Institute
- The Administrative Office of the U.S. Courts
- Walter Oney, Esquire

Agenda / Presentation Overview

- Introductions
- Brief background of Forms Modernization Project
- Summary of Forms Numbering System
- Individual Forms
- Non-Individual Forms
- New Federal Civil Rules – Effective December 1, 2015
- Questions / Wrap-up

New Official Bankruptcy Forms

Effective – December 1, 2015

Fill in this information to identify your case:

United States Bankruptcy Court for the:

District of
(State)

Case number (if known): Chapter you are filing under:

☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☐ Chapter 13

☐ Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy12/15

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

| | About Debtor 1: | About Debtor 2 (Spouse Only in a Joint Case): |
|---|----------------------------|---|
| 1. Your full name | | |
| Write the name that is on your government-issued picture identification (for example, your driver's license or passport). | First name | First name |
| | Middle name | Middle name |
| Bring your picture identification to your meeting with the trustee. | Last name | Last name |
| | Suffix (Sr., Jr., II, III) | Suffix (Sr., Jr., II, III) |

Fill in this information to identify the case:

United States Bankruptcy Court for the:

District of
(State)

Case number (if known): Chapter

☐ Check if this is a amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy12/15

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name

2. All other names debtor used in the last 8 years
Include any assumed names, trade names, and doing business as names

3. Debtor's federal Employer Identification Number (EIN)

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

Number Street

Number Street

Transition Issues

- Use of the new forms is MANDATORY on December 1, 2015.
- New forms will apply to all cases pending on December 1, 2015, “to the extent just and practicable”
- Rule 5005 – Clerk shall not refuse to accept documents for filing solely because they are not in proper form as required by national or local rules
- Per 1993 Committee Note: “The enforcement of these rules and local rules is a role for a judge.”

Forms Modernization Project

- Multiyear project began in 2008
- Members of Project Team included bankruptcy and district judges, attorneys, bankruptcy clerks, a bankruptcy administrator, and representatives of the U.S. Trustee Program
- The Committee retained a professional forms consultant to assist in the process.

Forms Modernization Project – Goals

- To make the forms easier to read and understand
- To reduce the errors in completing the forms
- To take advantage of new technology
- To interface with the courts' new CM/ECF System (NextGen)

Forms Modernization Project – Key Features of New Forms

- New separate Individual and Non-Individual case opening forms (petitions and schedules)
- The questions on the new forms are designed to elicit complete and specific answers
- The new forms are “collapsible” in places

Forms Modernization Project – The New Look

Fill in this information to identify your case:

Debtor 1

First Name

Middle Name

Last Name

Debtor 2

(Spouse, if filing)

First Name

Middle Name

Last Name

United States Bankruptcy Court for the:

District of

Case number

(If known)

☐ Check if this is an amended filing

Official Form B 3A

Application for Individuals to Pay the Filing Fee in Installments

12/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

Part 1:

Specify Your Proposed Payment Timetable

1. Which chapter of the Bankruptcy Code are you choosing to file under?

☐ Chapter 7

☐ Chapter 11

☐ Chapter 12

☐ Chapter 13

2. You may apply to pay the filing fee in up to four installments. Fill in the amounts you

You propose to pay...

Some Modernized Forms Already in Effect (Will Just Be Renumbered)

- Schedules I and J
- Form 3A – Fee Installment Application
- Form 3B – Fee Waiver Application
- Forms 22A-1, 22A-2, 22B, 22C-1, 22C-2 – Means Test Forms

Local Bankruptcy Forms

- None of our Local Bankruptcy Forms (e.g., LBF-F Motion for Admission *Pro Hac Vice*, LBF-M Chapter 13 Plan) are changing. But, some orders and court notices are changing.

New Instruction Booklets

- For individual debtors (44 pages)
- For non-individual debtors (18 pages)
- Includes general instructions, form specific instructions, and glossary
- Should help debtors understand what is being asked
- Not intended to encourage *pro se* filers; a lot of warnings about the consequences for false information

Warnings About *Pro Se* Filings

For you if you are filing this bankruptcy without an attorney

If you are represented by an attorney, you do not need to file this page.

The law allows you, as an individual, to represent yourself in bankruptcy court, but **you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.**

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another case, or you may lose protections, including the benefit of the automatic stay.

You must list all your property and debts in the schedules that you are required to file with the court. Even if you plan to pay a particular debt outside of your bankruptcy, you must list that debt in your schedules. If you do not list a debt, the debt may not be discharged. If you do not list property or properly claim it as exempt, you may not be able to keep the property. The judge can also deny you a discharge of all your debts if you do something dishonest in your bankruptcy case, such as destroying or hiding property, falsifying records, or lying. Individual bankruptcy cases are randomly audited to determine if debtors have been accurate, truthful, and complete. **Bankruptcy fraud is a serious crime; you could be fined and imprisoned.**

If you decide to file without an attorney, the court expects you to follow the rules as if you had hired an attorney. The court will not treat you differently because you are filing for yourself. To be successful, you must be familiar with the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the court in which your case is filed. You must also be familiar with any state exemption laws that apply.

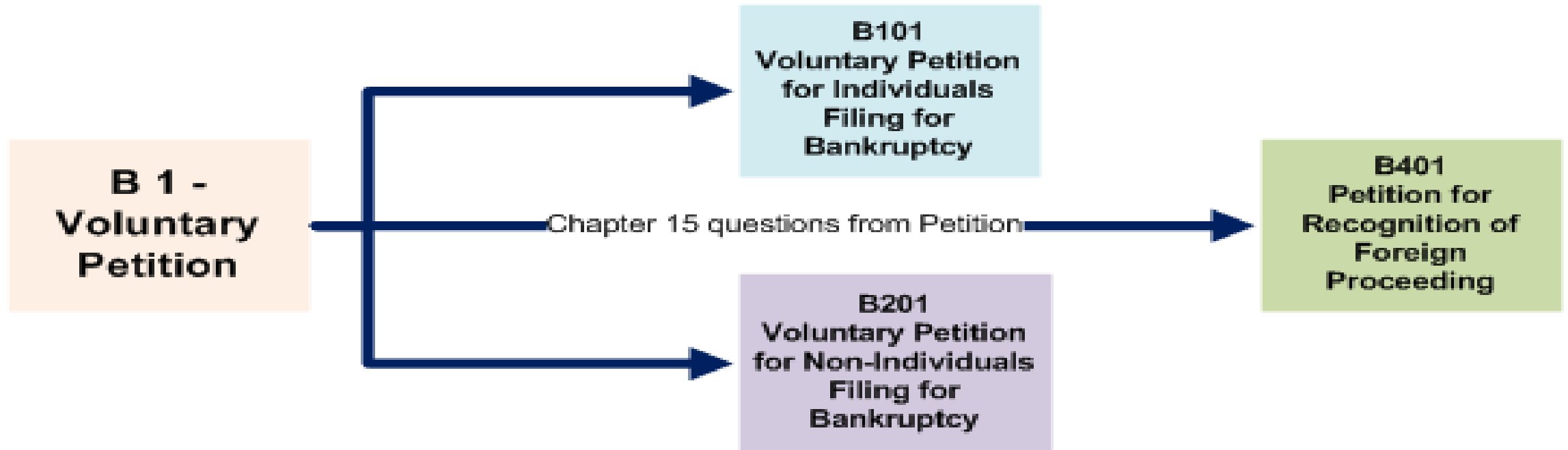
Are you aware that filing for bankruptcy is a serious action with long-term financial and legal consequences?

- ☐ No
☐ Yes

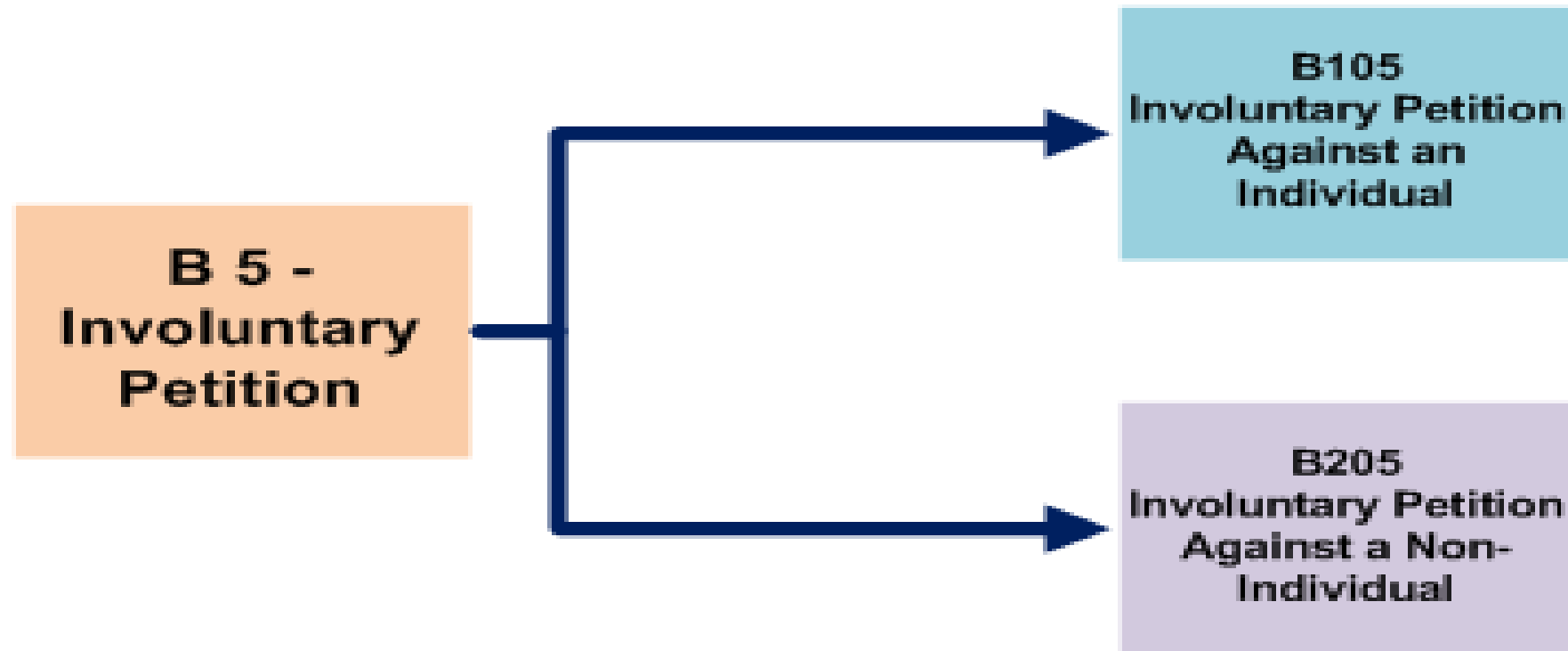
New Forms Numbering System

- Official Forms (Required):
 - (100) Individual Case Opening
 - (200) Non-Individual Case Opening
 - (300) Court Issued Notices and Orders (e.g., 341 Notices, Discharges)
 - (400) Later-filed Documents (e.g., Notice of Appeal, POC)
- Director's Forms (Optional) – generally 4 digit numbering (e.g.,: [B2400](#) Reaffirmation Documents, [B2810](#) Appearance of Child Support Creditor or Representative)
- Forms Numbers Conversion Chart

Case Opening Forms

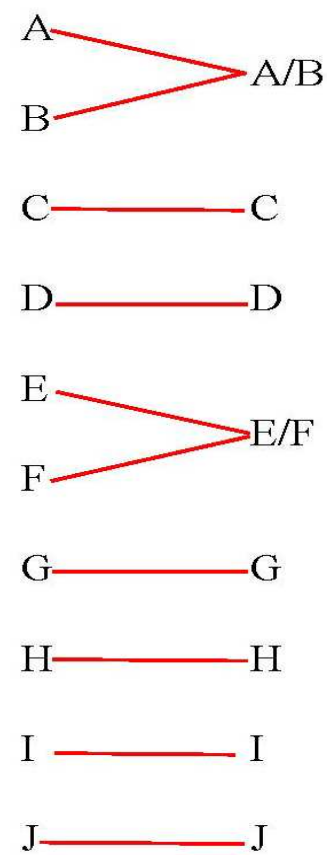


Case Opening Forms



Reordering of Schedules and Summary of Schedules

Existing Schedules New Schedules



New Schedules have separate Individual and Non-Individual forms and new form numbers

| <u>Individual</u> | <u>Non-Individual</u> |
|-------------------|-----------------------|
| B106 A/B | B206 A/B |
| B106 D | B206 D |
| B106 E/F | B206 E/F |
| B106 G | B206 G |
| B106 H | B206 H |
| B106 I | No Official Form |
| B106 J | No Official Form |
| B106 J-2 | N/A |

Meeting of Creditors Notices (Old Form B9A)

Prior to Dec. 1, 2015

| | | | | | | | | | | | | | | | | | |
|--|--|----------------------------------|--------------|--|--|---|--|--|--|-------------------|-------------------|-------------------------|---------------------------|-----------|--|--------------|--|
| <div>Chapter 7 No Asset Case</div> | | | | | | | | | | | | | | | | | |
| B9A (Official Form 9A) (Chapter 7 Individual or Joint Debtor No Asset Case) (12/12) | | | | | | | | | | | | | | | | | |
| UNITED STATES BANKRUPTCY COURT _____ District of _____ | | | | | | | | | | | | | | | | | |
| <p style="text-align: center;">Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines</p> <p>[A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on _____ (date).] or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter _____ on _____ (date) and was converted to a case under chapter 7 on _____ (date).]</p> <p>You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk’s office at the address listed below. NOTE: The staff of the bankruptcy clerk’s office cannot give legal advice.</p> <p style="text-align: center;">Creditors -- Do not file this notice in connection with any proof of claim you submit to the court. See Reverse Side for Important Explanations.</p> <table border="1"><tr><td>Debtor(s) (name(s) and address):</td><td>Case Number:</td></tr><tr><td></td><td>Last four digits of Social-Security or Individual Taxpayer-ID (ITIN) No(s)/Complete EIN:</td></tr><tr><td>All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):</td><td>Bankruptcy Trustee (name and address):</td></tr><tr><td>Attorney for Debtor(s) (name and address):</td><td></td></tr><tr><td>Telephone number:</td><td>Telephone number:</td></tr></table> <p style="text-align: center;">Meeting of Creditors</p> <table border="1"><tr><td>Date: / /</td><td>Time: () A. M.</td><td>Location:</td></tr><tr><td></td><td> () P. M.</td><td></td></tr></table> | | Debtor(s) (name(s) and address): | Case Number: | | Last four digits of Social-Security or Individual Taxpayer-ID (ITIN) No(s)/Complete EIN: | All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names): | Bankruptcy Trustee (name and address): | Attorney for Debtor(s) (name and address): | | Telephone number: | Telephone number: | Date: / / | Time: () A. M. | Location: | | () P. M. | |
| Debtor(s) (name(s) and address): | Case Number: | | | | | | | | | | | | | | | | |
| | Last four digits of Social-Security or Individual Taxpayer-ID (ITIN) No(s)/Complete EIN: | | | | | | | | | | | | | | | | |
| All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names): | Bankruptcy Trustee (name and address): | | | | | | | | | | | | | | | | |
| Attorney for Debtor(s) (name and address): | | | | | | | | | | | | | | | | | |
| Telephone number: | Telephone number: | | | | | | | | | | | | | | | | |
| Date: / / | Time: () A. M. | Location: | | | | | | | | | | | | | | | |
| | () P. M. | | | | | | | | | | | | | | | | |

Revised Meeting of Creditors Notices (New Form 309A)

Dec. 1, 2015

Chapter 7 No Asset Case

| Information to identify the case: | |
|--|--|
| Debtor 1 First Name _____ Middle Name _____ Last Name _____ | Last 4 digits of Social Security number or ITIN _____ EIN _____ |
| Debtor 2 (Spouse, if filing) First Name _____ Middle Name _____ Last Name _____ | Last 4 digits of Social Security number or ITIN _____ EIN _____ |
| United States Bankruptcy Court for the: _____ District of _____ (State) | [Date case filed for chapter 7 _____ MM/DD/YYYY] OR [Date case filed in chapter _____ MM/DD/YYYY] Date case converted to chapter 7 _____ MM/DD/YYYY] |
| Case number: _____ | |

Official Form 309A (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline 12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

Revised Discharge Orders (Old Form B18)

Prior to December 1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

Case No.: 12-29774 – TJC Chapter: 7

In re: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Sarah D. Walkup
debtor has no known aliases
2236 Afton Street
Temple Hills, MD 20748

Social Security / Individual Taxpayer ID No.:

xxx-xx-8653

Employer Tax ID / Other nos.:

**ORDER GRANTING
DISCHARGE OF DEBTOR**

It appearing that the debtor is entitled to a discharge,

ORDERED, that the debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

B18 – *Inam*

End of Order

Revised Discharge Orders (New Form 318)

After December 1

| | | | |
|---|-----------------|-------------|-----------|
| Information to identify the case: | | | |
| Debtor 1 | Sarah D. Walkup | | |
| | First Name | Middle Name | Last Name |
| Debtor 2 (Spouse, if filing) | | | |
| | First Name | Middle Name | Last Name |
| United States Bankruptcy Court District of Maryland | | | |
| Case number: 12-29774 – TJC Chapter: 7 | | | |
| Social Security number or ITIN | | xxx-xx-8653 | |
| EIN | | --- | |
| Social Security number or ITIN | | --- | |
| EIN | | --- | |

Order of Discharge

12/15

IT IS ORDERED: A discharge under 11 U.S.C. § 727 is granted to:
Sarah D. Walkup

Explanation of Bankruptcy Discharge in a Chapter 7 Case

This order does not close or dismiss the case, and it does not determine how much money, if any, the trustee will pay creditors.

Creditors cannot collect discharged debts

This order means that no one may make any attempt to collect a discharged debt from the debtors personally. For example, creditors cannot sue, garnish wages, assert a deficiency, or otherwise try to collect from the debtors personally on discharged debts. Creditors cannot contact the debtors by mail, phone, or otherwise in any attempt to collect the debt personally. Creditors who violate this order can be required to pay debtors damages and attorney's fees.

However, a creditor with a lien may enforce a claim against the debtors' property subject to that lien unless the lien was avoided or eliminated.

This order does not prevent debtors from paying any debt voluntarily or from paying reaffirmed debts according to the reaffirmation agreement. 11 U.S.C. § 524(c), (f).

Most debts are discharged

Most debts are covered by the discharge, but not all. Generally, a discharge removes the debtors' personal liability for debts owed before the debtors' bankruptcy case was filed.

Also, if this case began under a different chapter of the Bankruptcy Code and was later converted to chapter 7, debts owed before the conversion are discharged.

In a case involving community property: Special rules protect certain community property owned by the debtor's spouse, even if that spouse did

Implementing 2015 Forms in CM/ECF

- The case opening process for voluntary and involuntary bankruptcy cases remains essentially the same
- CM/ECF bankruptcy case opening screens will be modified slightly to include some changes to the new 2015 forms (petition and schedules)
- In order to implement CM/ECF 5.1.1 (the new forms release version), we must take CM/ECF down at 6:00 pm, Mon., Nov. 30th. We expect that CM/ECF will be back up by no later than 5:00 am, Tues., Dec. 1st

Modernized Bankruptcy Forms

Effective December 1, 2015

What's Happening

- Petition, schedule, and statement forms are all being replaced.
- Part of so-called “modernization” project
 - Supposed to make it easier for pro-se debtors to fill out forms
 - It doesn't
- The bad news:
 - All form numbers change
 - Different forms for individual and non-individual cases
 - Additional information required
 - Information appears in different places

The Good News

- You'll recognize the new I, J, and B22x's
- The remainder of this slide intentionally left blank

Instructions for Individual Debtors

- Booklet providing instructions for completion
- Provides warnings to Debtors that it is difficult to proceed without an attorney
- Checklists
 - Steps to take prior to filing (credit counseling, eligibility, etc.)
 - Documents required to be filed
- General Bankruptcy Information
- Instructions for each individual form
- Glossary

Instructions for Individual Debtors

About this Booklet of Instructions

This booklet provides instructions for completing selected forms that individuals filing for bankruptcy must submit to the U.S. Bankruptcy Court. You can download all of the required forms without charge from:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

The instructions are designed to accompany the forms and are intended to help you understand what information is required to properly file. You are responsible for properly completing the

Note: It is extremely difficult to succeed in a chapter 11, 12, or 13 case without an attorney.

If an attorney represents you, you must provide information so the attorney can prepare your forms. Once the attorney prepares the forms, you must make sure that the forms are accurate and complete. These instructions may help you perform those tasks. If you are filing for

New Wrinkles on the Individual Petition Form (101)

- Separate venue choices for joint debtors
- Asks about sole proprietorships
- Asks about property that needs immediate attention (subsumes Exhibit C)
- Debts can be consumer, business, or neither
- Includes information about credit counseling (subsumes Exhibit D)
- Separate forms 101A and 101B for the eviction scenarios
- Note that all forms are now gender neutral (Debtor 1 and Debtor 2)
- Question 13 requests information about small business debtors

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

6. Why you are choosing
this district to file for
bankruptcy

Check one:

- ☐ Over the last 180 days before filing this petition,
I have lived in this district longer than in any
other district.
- ☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Check one:

- ☐ Over the last 180 days before filing this petition,
I have lived in this district longer than in any
other district.
- ☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

☐ No. Go to Part 4.

☐ Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number Street

City

State

ZIP Code

Check the appropriate box to describe your business:

☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))

☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))

☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))

☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))

☐ None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a *small business debtor*?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

- ☐ No. I am not filing under Chapter 11.
- ☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.
- ☐ Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

☐ No

☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed?

Where is the property?

Number

Street

City

State

ZIP Code

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can resume collection activities.

About Debtor 1:

You must check one:

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.
- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.
- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.
- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.
- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

Combined Asset Schedule (106A/B)

- Real property (A) becomes part of the combined schedule
 - Must categorize (single family, multi-unit, etc.)
 - Must report value of debtor's interest *and* total value of property
 - Must report county where located
- List leases on 106A/B (big departure from current practice)
- Instructions say not to itemize items worth less than \$500 (departure from 1st Cir. practice)
- Ownership attribution only required for real estate, cars, boats, and airplanes.
- Location information needed only for real estate.

Combined Asset Schedule (Cont'd)

- Additional descriptive data needed for vehicles, boats, etc.
 - Make, model, year
 - Mileage for a car
- Total value and value of debtor's interest separately listed for real property and cars, boats, planes, etc.
- New personal property categories
 - Electronics
 - Firearms
 - Non-farm animals
 - Tax refunds (need to know tax years, too)
- See attached table for detailed line concordance

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- ☐ No. Go to Part 2.
- ☐ Yes. Where is the property?

1.1. _____
Street address, if available, or other description

City State ZIP Code

County

What is the property? Check all that apply.

- ☐ Single-family home
- ☐ Duplex or multi-unit building
- ☐ Condominium or cooperative
- ☐ Manufactured or mobile home
- ☐ Land
- ☐ Investment property
- ☐ Timeshare
- ☐ Other _____

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number: _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? Current value of the portion you own?

\$ _____ \$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

☐ Check if this is community property (see instructions)

Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. **If you lease a vehicle, also report it on Schedule G: Executory Contracts and Unexpired Leases.**

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

- ☐ No
☐ Yes

3.1. Make: _____
Model: _____
Year: _____
Approximate mileage: _____
Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? Current value of the portion you own?

\$ _____ \$ _____

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?

Current value of the
portion you own?

Do not deduct secured claims
or exemptions.

6. Household goods and furnishings

Examples: Major appliances, furniture, linens, china, kitchenware

☐ No

☐ Yes. Describe.....

\$ _____

7. Electronics

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

☐ No

☐ Yes. Describe.....

\$ _____

| Legacy Category | Modernized Category (individual) |
|---|---|
| Schedule A, Real Property | 1. Real Property |
| 1. Cash on hand | 16. Cash |
| 2. Checking, savings or other financial accounts, certificates of deposit or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives. | 17. Deposits of money |
| 3. Security deposits with public utilities, telephone companies, landlords, and others. | 22. Security deposits and prepayments |
| | |
| 4. Household goods and furnishings, including audio, video, and computer equipment. | 6. Household goods and furnishings |
| | 7. Electronics |
| | 13. Non-farm animals |
| | 14. Other personal/household items |
| 5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles. | 8. Collectibles of value |
| 6. Wearing apparel | 11. Clothes |
| 7. Furs and jewelry | 12. Jewelry |
| 8. Firearms and sports, photographic, and other hobby equipment. | 9. Equipment for sports and hobbies |

| Legacy Category | Modernized Category (individual) |
|--|-----------------------------------|
| | 10. Firearms |
| 9. Interests in insurance policies. | 31. Insurance |
| 10. Annuities. | 23. Annuities |
| 11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). | 24. Education IRAs |
| 12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. | 21. Retirement accounts |
| 13. Stock and interests in incorporated and unincorporated businesses. | 18. Stocks |
| 14. Interests in partnerships or joint ventures. | 19. Non-publicly traded stocks |
| | 42. Partnerships & joint ventures |
| 15. Government and corporate bonds and other negotiable and nonnegotiable instruments. | 20. Bonds |
| 16. Accounts receivable | 38. Receivables |
| | N/A |
| 17. Alimony, maintenance, support and property settlements to which the debtor is or may be entitled. | 29. Family support |
| 18. Other liquidated debts owed to debtor including tax refunds. | 30. Other amounts owed |
| | 28. Tax refunds |
| Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property | 25. Trusts & interests |

| Legacy Category | Modernized Category (individual) |
|--|---|
| 20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust | 32. Property due you from someone who has died |
| 21. Claims the debtor has against third parties, whether or not a lawsuit has been filed or a demand made for payment | 33. Claims against third parties |
| | 34. Other claims |
| 22. Patents, copyrights, and other intellectual property. | 26. Intellectual property |
| | N/A |
| 23. Licenses, franchises, and other general intangibles | 27. Licenses, franchises, general intangible |
| | N/A |
| | N/A |
| 24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) in customer lists or similar compilations provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes | 43. Customer lists |
| 25. Automobiles, trucks, trailers, and other vehicles and accessories | 3. Motor vehicles |
| 26. Boats, motors, and accessories. | 4. Boats, planes, and RVs |
| 27. Aircraft and accessories | ditto |
| 28. Office equipment, furnishings, and supplies | 39. Office equipment, furnishings, and supplies |

| Legacy Category | Modernized Category (individual) |
|---|---|
| | N/A |
| 29. Machinery, fixtures, equipment, and supplies used in business | 40. Equipment & supplies |
| 30. Inventory | 41. Inventory |
| 31. Animals | 47. Farm animals |
| 32. Crops - growing or harvested. | 48. Crops |
| 33. Farming equipment and implements | 49. Farming/Fishing equipment |
| 34. Farm supplies, chemicals, and feed | 50. Farming/Fishing supplies |
| 35. Other personal property of any kind not already listed. | 53. Other |
| | 35. Other financial assets |
| | 51. Other farming/fishing property |
| | 44. Other business property |

Exemption Schedule (106C)

- Takes up a lot more space
- Allows “100% of fair market value up to any applicable statutory limit” as a choice.
- Requests corresponding line item from Schedule A/B

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

| Brief description of the property and line on <i>Schedule A/B</i> that lists this property | Current value of the portion you own Copy the value from <i>Schedule A/B</i> | Amount of the exemption you claim <i>Check only one box for each exemption.</i> | Specific laws that allow exemption |
|--|---|--|------------------------------------|
| Brief description: _____ | \$ _____ | <input type="checkbox"/> \$ _____ | _____ |
| Line from <i>Schedule A/B</i> : _____ | | <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | _____ _____ _____ |

Secured Debt Schedule (106D)

- Now need to classify lien (consensual, statutory, etc.)
- Additional notice section is a gigantic headache
 - Cross reference to line number in main body of schedule rather than name of creditor.
 - Calls for last 4 digits of account number—i.e., the account number the debt collector is using, not the account number used by the original creditor.

Part 1: List All Secured Claims

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

Column A
Amount of claim
Do not deduct the
value of collateral.

Column B
Value of collateral
that supports this
claim

Column C
Unsecured
portion
if any

2.1

Describe the property that secures the claim:

\$ _____ \$ _____ \$ _____

Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Who owes the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this claim relates to a
community debt

Date debt was incurred _____

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Nature of lien. Check all that apply.

- ☐ An agreement you made (such as mortgage or secured
car loan)
☐ Statutory lien (such as tax lien, mechanic's lien)
☐ Judgment lien from a lawsuit
☐ Other (including a right to offset) _____

Last 4 digits of account number ____ _

Part 2: List Others to Be Notified for a Debt That You Already Listed

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

| | |
|--------------------------|----------------|
| <input type="checkbox"/> | <hr/> |
| | Name <hr/> |
| | <hr/> |
| | Number <hr/> |
| | Street <hr/> |
| | <hr/> |
| | <hr/> |
| | City <hr/> |
| | State <hr/> |
| | ZIP Code <hr/> |

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number ____ _

Unsecured Debt Schedule (106E/F)

- Combined into one schedule, but you'll wonder why
 - Part 1 for priority creditors
 - Part 2 for nonpriority creditors
- Check boxes for DSO, Tax, DUI, and other priority classes
- Check boxes for student loan, DSO, pension loans.
 - But no box for credit card debts???
- Check box for whether debt is subject to offset
- Like 106D, additional notice parties cross-reference line number rather than creditor name, require last 4 digits of account number

2. List all of your priority unsecured claims. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If you have more than two priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. (For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

2.1

| Total claim | Priority amount | Nonpriority amount |
|-------------|-----------------|--------------------|
|-------------|-----------------|--------------------|

Priority Creditor's Name

Last 4 digits of account number ____ \$ _____ \$ _____ \$ _____

Number Street

When was the debt incurred? _____

City State ZIP Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another
- ☐ Check if this claim is for a community debt

- ☐ Contingent
- ☐ Unliquidated
- ☐ Disputed

Type of PRIORITY unsecured claim:

Is the claim subject to offset?

- ☐ No
- ☐ Yes

- ☐ Domestic support obligations
- ☐ Taxes and certain other debts you owe the government
- ☐ Claims for death or personal injury while you were intoxicated
- ☐ Other. Specify _____

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than four priority unsecured claims fill out the Continuation Page of Part 2.

4.1

Nonpriority Creditor's Name

Number Street

City State ZIP Code

Who incurred the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No
☐ Yes

Last 4 digits of account number _ _ _ _

When was the debt incurred? _ _ _ _

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts
☐ Other. Specify _ _ _ _ _

Total claim

\$ _ _ _ _

Part 3: List Others to Be Notified About a Debt That You Already Listed

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name

Number Street

City

State

ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims

☐ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number ____ _

Executory Contracts & Unexpired Leases (106G)

- Calls only for name, address, type of contract or lease.
- No government account number, no explanation that lease isn't for non-residential property, etc.
- Specifically asks for cell phone contracts, apartment leases.
- Personal property leases will appear ***both*** here and on A/B.

2. **List separately each person or company with whom you have the contract or lease.** Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

Person or company with whom you have the contract or lease

State what the contract or lease is for

2.1

Name

Number Street

City State ZIP Code

2.2

Codebtors Schedule (106H)

- Form includes question about community spouses that used to be on the SOFA.
- Cross reference to creditor is to form and line number, not name of creditor.

2. Within the last 8 years, have you lived in a community property state or territory? (*Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.*)
- ☐ No. Go to line 3.
- ☐ Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?
- ☐ No
- ☐ Yes. In which community state or territory did you live? _____. Fill in the name and current address of that person.

Name of your spouse, former spouse, or legal equivalent

Number Street

City State ZIP Code

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on *Schedule D* (Official Form 106D), *Schedule E/F* (Official Form 106E/F), or *Schedule G* (Official Form 106G). Use *Schedule D*, *Schedule E/F*, or *Schedule G* to fill out Column 2.

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

3.1

Name _____

☐ Schedule D, line _____

Number _____ Street _____

☐ Schedule E/F, line _____

City _____

State _____

ZIP Code _____

☐ Schedule G, line _____

Expense Schedule (106J/106J-2)

- New 106J-2 for reporting separate household expenses of “debtor 2”
- Addresses defect in 12/01/2013 Schedule J form—unclear how to compute monthly net income if you filled out two B6J’s
- Slight wording changes deal with the problem.

106J:

22. Calculate your monthly expenses.

| | | |
|--|------|----------|
| 22a. Add lines 4 through 21. | 22a. | \$ _____ |
| 22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2 | 22b. | \$ _____ |
| 22c. Add line 22a and 22b. The result is your monthly expenses. | 22c. | \$ _____ |

106J-2:

22. Your monthly expenses. Add lines 5 through 21.
The result is the monthly expenses of Debtor 2. Copy the result to line 22b of Schedule J to calculate the total expenses for Debtor 1 and Debtor 2.

| | |
|-----|----------|
| 22. | \$ _____ |
|-----|----------|

Statement of Financial Affairs (107)

- Questions completely rearranged (see table)
- Income: Specifies years that should be included
- Chapter 12 and 13 debtors no longer need to include information about a non-filing spouse
- Other addresses: joint debtors might have had separate prior addresses
- Prior income: new category for “operating a business”
- Preferential payments question calls for category of debt, including new category of “suppliers or vendors”
- New question for preferential payment of debts owed **by** an insider
- New category—garnishment—in pre-petition payment question

Statement of Financial Affairs (Cont'd)

- Set-off question requires account number
- Bankruptcy payment question requires e-mail or website address of payee and name of person who made the payment, if not the debtor
- New question for debt settlement payments
- New question about storage units
- Non-ordinary-course transfer question requires description of property received, or debts paid, in exchange
- Only two questions about business interests, and lookback is just 4 years (instead of 6)
 - Name, address, nature, and EIN of the business
 - Financial statements

2. During the last 3 years, have you lived anywhere other than where you live now?

- ☐ No
- ☐ Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

| Debtor 1: | | Dates Debtor 1 lived there | Debtor 2: | | Dates Debtor 2 lived there |
|--|--|-------------------------------|--|--|---|
| | | | <input type="checkbox"/> Same as Debtor 1 | | <input type="checkbox"/> Same as Debtor 1 |
| <div><div>Number</div><div>Street</div></div> | | <div>From</div> <div>To</div> | <div><div>Number</div><div>Street</div></div> | | <div>From</div> <div>To</div> |
| <div></div> | | | <div></div> | | |
| <div>City</div> <div>State</div> <div>ZIP Code</div> | | | <div>City</div> <div>State</div> <div>ZIP Code</div> | | |

Part 2: Explain the Sources of Your Income

4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities.

If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

☐ No

☐ Yes. Fill in the details.

| | Debtor 1 | | Debtor 2 | |
|---|--|---|--|---|
| | Sources of Income Check all that apply. | Gross Income (before deductions and exclusions) | Sources of Income Check all that apply. | Gross Income (before deductions and exclusions) |
| From January 1 of current year until the date you filed for bankruptcy: | <input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business | \$ _____ | <input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business | \$ _____ |
| For last calendar year: (January 1 to December 31, _____) yyyy | <input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business | \$ _____ | <input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business | \$ _____ |
| For the calendar year before that: (January 1 to December 31, _____) yyyy | <input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business | \$ _____ | <input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business | \$ _____ |

Part 3: List Certain Payments You Made Before You Filed for Bankruptcy

6. Are either Debtor 1's or Debtor 2's debts primarily consumer debts?

- ☐ No. Neither Debtor 1 nor Debtor 2 has primarily consumer debts. *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$8,225* or more?

- ☐ No. Go to line 7.

- ☐ Yes. List below each creditor to whom you paid a total of \$8,225* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

* Subject to adjustment on 4/01/18 and every 3 years after that for cases filed on or after the date of adjustment.

- ☐ Yes. Debtor 1 or Debtor 2 or both have primarily consumer debts.

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$800 or more?

- ☐ No. Go to line 7.

- ☐ Yes. List below each creditor to whom you paid a total of \$800 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

| | Date of payment | Total amount paid | Amount you still owe | Was this payment for... |
|------------------------------|-----------------|-------------------|----------------------|--|
| <div>Creditor's Name</div> | | \$ | \$ | <div><input type="checkbox"/> Mortgage</div> |
| <div>Number Street</div> | | | | <div><input type="checkbox"/> Car</div> |
| | | | | <div><input type="checkbox"/> Credit card</div> |
| | | | | <div><input type="checkbox"/> Loan repayment</div> |
| <div>CityStateZIP Code</div> | | | | <div><input type="checkbox"/> Suppliers or vendors</div> |
| | | | | <div><input type="checkbox"/> Other</div> |

8. Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider?

Include payments on debts guaranteed or cosigned by an insider.

- ☐ No
- ☐ Yes. List all payments that benefited an insider.

| | <div><div>Date of payment</div></div> | <div><div>Total amount paid</div></div> | <div><div>Amount you still owe</div></div> | <div><div>Reason for this payment</div><div>Include creditor's name</div></div> |
|---|---------------------------------------|---|--|---|
| <div><div>Insider's Name</div><div></div></div> | <div></div> | <div>\$</div> <div></div> | <div>\$</div> <div></div> | |
| <div><div>Number</div><div>Street</div><div></div></div> | <div></div> | | | |
| <div><div>City</div><div>State</div><div>ZIP Code</div></div> | <div></div> | | | |

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?

Do not include any payment or transfer that you listed on line 16.

- ☐ No
- ☐ Yes. Fill in the details.

Person Who Was Paid

Number Street

City State ZIP Code

Description and value of any property transferred

Date payment or
transfer was made

Amount of payment

\$

\$

Part 11:**Give Details About Your Business or Connections to Any Business**

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- ☐ A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
- ☐ A member of a limited liability company (LLC) or limited liability partnership (LLP)
- ☐ A partner in a partnership
- ☐ An officer, director, or managing executive of a corporation
- ☐ An owner of at least 5% of the voting or equity securities of a corporation
- ☐ No. None of the above applies. Go to Part 12.
- ☐ Yes. Check all that apply above and fill in the details below for each business.

| | | |
|---|---|---|
| <div>_____</div> <div>Business Name</div> | <div>Describe the nature of the business</div> <div>_____</div> | <div>Employer Identification number</div> <div>Do not include Social Security number or ITIN.</div> |
| <div>_____</div> <div>Number Street</div> | | <div>EIN: _ _ - _ _ _ _ _</div> |
| <div>_____</div> <div>City State ZIP Code</div> | <div>Name of accountant or bookkeeper</div> <div>_____</div> | <div>Dates business existed</div> <div>From _ _ _ _ To _ _ _ _</div> |

28. Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties.

- ☐ No
- ☐ Yes. Fill in the details below.

Date Issued

Name

MM / DD / YYYY

Number Street

City State ZIP Code

| Legacy Question | Modernized Question (OF 107) |
|--|--|
| 1. Income from employment or operation of business | 4. Did you have any income from employment or from operating a business during this year or the two previous calendar years? |
| 2. Income other than from employment or operation of business | 5. Did you receive any other income during this year or the two previous calendar years? |
| 3a. Payments to creditors (consumer debtors) | 6. |
| 3b. Payments to creditors (non-consumer debtors) | Ditto |
| 3c. Payments to creditors (to or for the benefit of insiders) | 7. Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider? |
| | 8. Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider? |
| 4a. Suits and administrative proceedings, executions, garnishments and attachments (lawsuits) | 9. Within 1 year before you filed for bankruptcy, were you a party in any lawsuit, court action, or administrative proceeding? |
| 4b. Suits and administrative proceedings, executions, garnishments and attachments (attachments, garnishments, seizures) | 10. Within 1 year before you filed for bankruptcy, was any of your property repossessed, foreclosed, garnished, attached, seized, or levied? |

| | |
|--|---|
| 5. Repossessions, foreclosures and returns | (Part of Q10) |
| 6a. Assignments and receiverships (ABC's) | N/A |
| 6b. Assignments and receiverships (property in hands of a custodian) | N/A |
| 7. Gifts | 13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person? |
| | 14. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity? |
| 8. Losses | 15. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling? |
| 9. Payments related to debt counseling or bankruptcy | 16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition? |
| | 17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors? |

| | |
|--|--|
| 10a. Other transfers (non-ordinary course, 2 years) | 18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs? |
| 10b. Other transfers (self-settled trusts, 10 years) | 19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? |
| 11. Closed financial accounts | 20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred? |
| 12. Safe deposit boxes | 21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables? |
| | 22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy? |
| 13. Setoffs | 11. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt? |
| 14. Property held for another person | 23. Do you hold or control any property that someone else owns? Include any property you borrowed from, are storing for, or hold in trust for someone. |

| | |
|---|--|
| 15. Prior address of debtor | 2. During the last 3 years, have you lived anywhere other than where you live now? |
| 16. Spouses and Former Spouses | N/A (Appears on 106H) |
| 17a. Environmental Information (notices received) | 24. Has any governmental unit notified you that you may be liable or potentially liable under or in violation of an environmental law? |
| 17b. Environmental Information (notices given) | 25. Have you notified any governmental unit of any release of hazardous material? |
| 17c. Environmental Information (judicial & admin proceedings) | 26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders. |
| 18a. Nature, location and name of business | 27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business? |
| 18b. Nature, location and name of business (single-asset real estate) | N/A |
| N/A (information not solicited) | N/A |
| N/A (information not solicited) | N/A |
| N/A (information not solicited) | N/A |
| 19a. Books, records and financial statements (bookkeepers) | N/A |

| | |
|--|--|
| 19b. Books, records and financial statements (auditors, preparers of financial statements) | N/A |
| 19c. Books, records and financial statements (in possession of books on petition date) | N/A |
| 19d. Books, records and financial statements (persons to whom financial statements were furnished) | 28. Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties. |
| 20a. Inventories (dates of inventories) | N/A |
| 20b. Inventories (persons who have records of inventories) | N/A |
| 21a. Current Partners, Officers, Directors and Shareholders (partnerships) | N/A |
| 21b. Current Partners, Officers, Directors and Shareholders (corporations) | N/A |
| 22a. Former partners, officers, directors and shareholders (partnerships) | N/A |
| 22b. Former partners, officers, directors and shareholders (corporations) | N/A |
| 23. Withdrawals from a partnership or distributions by a corporation | N/A |

Statement of Intention (108)

- Reformatted (TYG) to have section for secured debts followed by section for personal property leases

Part 1: List Your Creditors Who Have Secured Claims

1. For any creditors that you listed in Part 1 of *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 106D), fill in the information below.

Identify the creditor and the property that is collateral

What do you intend to do with the property that secures a debt?

Did you claim the property as exempt on Schedule C?

Creditor's name: _____

Description of property securing debt: _____

☐ Surrender the property.

☐ Retain the property and redeem it.

☐ Retain the property and enter into a *Reaffirmation Agreement*.

☐ Retain the property and [explain]: _____

☐ No

☐ Yes

Part 2: List Your Unexpired Personal Property Leases

For any unexpired personal property lease that you listed in *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 106G), fill in the information below. Do not list real estate leases. *Unexpired leases* are leases that are still in effect; the lease period has not yet ended. You may assume an unexpired personal property lease if the trustee does not assume it. 11 U.S.C. § 365(p)(2).

Describe your unexpired personal property leases

Will the lease be assumed?

Lessor's name: _____

☐ No

Description of leased property: _____

☐ Yes

Additional Notes – Forms 122A-2 and 122C-2

- New statement regarding qualified ABLE programs
- ABLE account – may be set up for disabled persons and used to pay education, housing, and transportation for that person

26. **Continuing contributions to the care of household or family members.** The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. These expenses may include contributions to an account of a qualified ABLE program. 26 U.S.C. § 529A(b).

\$_____

Additional Notes – Form 410A

Mortgage Proof of Claim Attachment

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

| Part 1: Mortgage and Case Information | Part 2: Total Debt Calculation | Part 3: Arrearage as of Date of the Petition | Part 4: Monthly Mortgage Payment |
|--|---|--|--|
| Case number: _____ | Principal balance: _____ | Principal & interest due: _____ | Principal & interest: _____ |
| Debtor 1: _____ | Interest due: _____ | Prepetition fees due: _____ | Monthly escrow: _____ |
| Debtor 2: _____ | Fees, costs due: _____ | Escrow deficiency for funds advanced: _____ | Private mortgage insurance: _____ |
| Last 4 digits to identify: ____ _ | Escrow deficiency for funds advanced: _____ | Projected escrow shortage: _____ | Total monthly payment: <div style="border: 1px solid black; padding: 2px;">_____</div> |
| Creditor: _____ | Less total funds on hand: - _____ | Less funds on hand: - _____ | |
| Servicer: _____ | Total debt: <div style="border: 1px solid black; padding: 2px;">_____</div> | Total prepetition arrearage: <div style="border: 1px solid black; padding: 2px;">_____</div> | |
| Fixed accrual/daily simple interest/other: _____ | | | |

Additional Notes – Form 410A

Mortgage Proof of Claim Attachment

[illegible]

Resources

- <http://www.uscourts.gov/rules-policies/pending-rules-amendments/pending-changes-bankruptcy-forms>
 - Note especially the instruction booklets
 - And the advisory committee notes
- <http://www.oneylaw.com/BkAssist/NewForms.pdf>
 - This presentation
 - Copies of instruction booklets
 - Fully worked-out sample case filings

Official Bankruptcy Forms For Non-Individual Debtors Effective December 1, 2015

Presented to the Bankruptcy Bar
November 20, 2015
Greenbelt, Maryland

Maria Ellena Chavez-Ruark, Saul Ewing LLP
Jennifer L. Kneeland, Linowes and Blocher, LLP
Stephen A. Metz, Shulman Rogers Gandal Pordy & Ecker, P.A.
Gerard R. Vetter, Office of the United States Trustee

Voluntary Petition (Form B201)

- Seeks information related to business and eliminates questions pertinent to individuals
- Eliminates previously required exhibits because irrelevant or included in new petition
- Conveys information regarding assets requiring immediate attention due to a hazardous condition, security need or perishability as well as the location and insurance information for such assets
- Requires debtor's website address
- Requires North American Industry Classification System (NAICS) four-digit code

Additional First Day Filings

Must be filed with voluntary petition

- Attachment to voluntary petition (Form 201A) – required for Chapter 11 debtors who file periodic reports with SEC
- Mailing matrix formatted as a mailing list

Additional First Day Filings (cont.)

Must be filed with voluntary petition

- List of creditors with 20 largest general unsecured claims (Form 204)
 - required for Chapter 9 and 11 debtors
- Includes name, telephone number and email address for contact person
- Requires identification of (i) total claim, if partially secured, (ii) deduction for value of collateral or setoff, and (iii) unsecured claim

Additional Filings

Must be filed within 14 days of petition

- Declaration under penalty of perjury (Form 202) (applies to any document requiring declaration and replaces declaration on each form)
- Schedules of assets and liabilities (Form 206)
- Statement of financial affairs (Form 207)
- Disclosure of compensation to debtor's attorney (Form 203)

Additional Filings for Small Business Debtors

Must be filed with the petition:

- Most recent balance sheet
- Most recent statement of operations
- Most recent cash flow statement
- Most recent federal income tax return
- If debtor does not have these documents, a statement under penalty of perjury that debtor has not prepared documents

Involuntary Petition (Form B205)

- Seeks information similar to information in voluntary petition
- Also requires statements:
 - Establishing venue (debtor had domicile, principal place of business or principal assets in district OR debtor's affiliate has case in district)
 - Demonstrating eligibility to file
 - Affirming debtor is not paying debts when due (unless disputed) OR custodian was appointed

Proof of Claim (Form 410)

- Includes same information as in current form
- Is revised and reformatted to make claim easier to read and understand
- Adds question regarding whether claim is based on a lease
- Asks whether claim was acquired from someone else and whether anyone else filed a claim

Notices of Case (Forms 309C/D/F/H)

- Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline (Form 309C)
- Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set (Form 309D)
- Notice of Chapter 11 Bankruptcy Case (Form 309F)
- Notice of Chapter 12 Bankruptcy Case (Form 309H)

Notices of Case (Forms 309C/D/F/H) (cont.)

- Renames forms to make clear whether claims bar date has been set as opposed to using “asset” and “no asset” designations
- Removes information relating solely to individuals
- Adds email address for debtor’s attorney and trustee (if applicable)
- Includes notice to creditors with foreign address that they may move to extend deadlines

Schedules (Forms 206A/B, D-H)

Schedule A/B – Real and Personal Property (Form 206A/B)

- Consolidates information re: real and personal property into a single form
- Contains 11 categories of property (“Parts”)
- Each Part is broken down into sub-parts, contains 79 sub-parts
- Groups assets by categories which follow layout and order of liquidity on balance sheet
- Requires “current value” of each asset and some parts also require valuation method (defined in instructions) and net book value

Schedule A/B – Real and Personal Property

Part 1: Cash and cash equivalents

- Includes name of institution, last 4 digits of account number

Part 2: Deposits and prepayments

- For “Prepayments,” includes examples of prepayments on executory contracts, leases, insurance, taxes and rent

Schedule A/B – Real and Personal Property (cont.)

Part 3: Accounts Receivable

- Requires separate amounts for 90 days old or less and over 90 days old
- Requires face amounts and doubtful/uncollectible accounts

Part 4: Investments

- Is broken down by three different types
- Requires “valuation method used for current value” and “current value of debtor’s interest”

Schedule A/B – Real and Personal Property (cont.)

Part 5: Inventory, excluding agriculture assets

- Includes more detail and breaks inventory into categories for raw materials, works in progress and finished goods
- Requires a disclosure if any property was purchased within 20 days before filing, and requires value disclosures
- Requires description of any perishable items

Part 6: Farming and fishing-related assets

- Requires more detail (11 different sub-parts)

Schedule A/B – Real and Personal Property (cont.)

Part 7: Office furniture, fixtures, and equipment; and collectibles

- Includes several categories of assets
- Requires net book value, valuation method and current value

Part 8: Machinery, equipment, and vehicles

- Again, requires net book value, valuation method and current value
- Includes examples
- Requires VIN or HIN for cars, boats and planes

Schedule A/B – Real and Personal Property (cont.)

Part 9: Real property

- Mirrors requirement for other assets
- Requires nature and extent of debtor's interest
- Like some other assets, asks whether there is a depreciation schedule and if appraised by a professional within the last year
- Does not require amount of secured claim

Part 10: Intangibles and intellectual property

- Is broken down by type, with separate parts for each type of property

Schedule A/B – Real and Personal Property (cont.)

Part 11: All other assets

- Includes specific sub-parts for notes receivable, tax refunds and net operating losses, causes of action, trusts, etc.
- Includes a part for “Other property” and provides examples (*e.g.*, season tickets and country club memberships)
- Schedule A/B requires that executory contracts and unexpired leases be listed, but they do not appear to fit into any of the parts (so presumably must be disclosed in Part 11)

Schedule D – Secured Claims (Form 206D)

- Specifically states to list creditor separately if it has more than one secured claim
- Requires email address, if known
- Discloses if multiple creditors have an interest in same collateral and order of priority of liens
- Discloses if creditor is an insider or related party
- Lists notice parties, such as collection agencies, assignees, and attorneys for secured creditors, in Part 2
- Requires undersecured claims be listed on D but not E/F (even if wholly unsecured)

Schedule E/F – Unsecured Claims (Form 206E/F)

- Lists priority unsecured creditors in Part 1
- Lists nonpriority unsecured creditors in Part 2
- Specifically requires the listing of parties to executory contracts and unexpired leases, in addition to listing them on Schedule A/B and Schedule G
- Lists notice parties in Part 3
- Totals claims in Part 4
- States whether claim is subject to setoff

Schedule G (Form 206G) and Schedule H (Form 206H)

Schedule G – Executory Contracts and Unexpired Leases (Form 206G)

- Adds statement regarding remaining term and lists contract number for government contracts

Schedule H – Codebtors (Form 206H)

- Indicates which schedule applies to each codebtor

Statement of Financial Affairs (Form 207)

- Has been entirely revamped to make it easier to read and theoretically generate more complete and accurate information
- Contains 14 “Parts”
- Each Part is broken down into sub-parts

Statement of Financial Affairs (cont.)

Part 1: Income

- Requires both business and non-business revenue information
- Permits debtor to determine reporting period based on its fiscal year

Statement of Financial Affairs (cont.)

Part 2: Transfers made before filing

- Identifies preferential transfers and reason for transfers to non-insiders and insiders
 - For non-insiders, includes expense reimbursements to employees up to \$6,225 but excludes compensation
 - For insiders, includes expense reimbursements to employees up to \$6,225
 - Eliminates “amount still owing” to creditor
- Seeks information regarding repossessions, foreclosures, returns and setoffs

Statement of Financial Affairs (cont.)

Part 3: Legal actions or assignments

- Adds check boxes for status of case (pending, on appeal or concluded)
- Eliminates statement regarding terms of ABC or settlement with creditor
- Includes governmental audits and arbitrations

Statement of Financial Affairs (cont.)

Part 4: Gifts and charitable contributions

- Requires disclosure if more than \$1,000 per recipient within last two years
- Differs from current form, which has one-year look back and thresholds of \$100 per charitable contribution recipient and \$200 per family gift

Statement of Financial Affairs (cont.)

Part 5: Losses

- Requires disclosure of losses within one year before filing due to theft, fire or casualty
- Advises debtor to include unpaid claims on Schedule A

Statement of Financial Affairs (cont.)

Part 6: Payments or transfers

- Has one year look back period for payments related to bankruptcy and requires email or website address of recipients
- Has ten year look back period for payments to self-settled trusts
- Has catch-all category for other transfers within two years

Statement of Financial Affairs (cont.)

Part 7: Previous locations

- Requires previous addresses within three years

Part 8: Health care bankruptcies

- Contains new questions for debtor who offers services and facilities for diagnosing or treating injury, deformity or disease or providing surgical, psychiatric, drug treatment or obstetric care
- Lists facilities and count of patients at each facility
- Requires disclosure of how and where records kept

Statement of Financial Affairs (cont.)

Part 9: Personally identifiable information

- Requires disclosure whether debtor collects and retains personally identifiable information
- Requires confirmation whether debtor's employees have participated in any ERISA, 401(k), 403(b) or other pension or profit sharing plans made available by debtor within six years, whether debtor served as plan administrator and whether plan has been terminated

Statement of Financial Affairs (cont.)

Part 10: Financial account, safe deposit boxes and storage units

- Includes closed checking, savings, money market and other financial accounts as well as CDs and shares in banks, credit unions, brokerage houses, cooperatives, associations and other institutions
- Adds question regarding storage units or warehouses in which debtor kept property within one year of filing and names of people with access

Statement of Financial Affairs (cont.)

Part 11: Property debtor holds or controls but does not own

- Instructs debtor not to include leased property

Part 12: Environmental information

- Requires information regarding pending judicial or administrative proceedings under environmental laws

Statement of Financial Affairs (cont.)

Part 13: Debtor's business or connections to business

- Requires detailed information about debtor's business and/or connections to business in last six years
- Removes threshold of 5% ownership interest
- Requires information on individuals/firms who audited, compiled or reviewed debtor's books or prepared financial statements
- Requires explanation if books and records unavailable

Statement of Financial Affairs (cont.)

Part 13: Debtor's business or connections to business (cont.)

- Consolidates disclosures regarding officers, directors, managing members, general partners, shareholders, etc. and changes to these positions within one year
- Requires disclosure of compensation and other “value” to insiders within one year

Part 14: Signature and declaration

Director's Forms

- Application for Search of Bankruptcy Records (Form 1320)
- Subpoena for Rule 2004 Examination (Form 2540)
- Bill of Costs (Form 2630)

Overview

- Supreme Court approved the 2015 amendments to the Federal Rules of Civil Procedure on April 29, 2015.
- Absent contrary conduct by Congress, the amendments take effect as of December 1, 2015.
- The amendments “shall govern in all proceedings in civil cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.”
- The amendments are designed to streamline discovery and quicken initial progress of civil actions.
- Certain of these amendments carry over to the Federal Rules of Bankruptcy Procedure as will be noted during presentation.

Rule 26. Duty to Disclose; General Provisions Governing Discovery

* * * * *

(b) Discovery Scope and Limits.

(1) *Scope in General.* Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable. —including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any discoverable matter. For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action. Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C).

(d) **Timing and Sequence of Discovery.**

* * * * *

(2) *Early Rule 34 Requests.*

(A) *Time to Deliver.* More than 21 days after the summons and complaint are served on a party, a request under Rule 34 may be delivered:

(i) to that party by any other party, and

(ii) by that party to any plaintiff or to any other party that has been served.

(B) *When Considered Served.* The request is considered to have been served at the first Rule 26(f) conference.

FED. R. CIV. PROC. 34 – Amends Fed. Rule Bankr. Proc. 7034

Rule 34. Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes

(b) Procedure.

(2) *Responses and Objections.*

(A) *Time to Respond.* The party to whom the request is directed must respond in writing within 30 days after being served or — if the request was delivered under Rule 26(d)(2) — within 30 days after the parties' first Rule 26(f) conference. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the court.

(B) *Responding to Each Item.* For each item or category, the response must either state that inspection and related activities will be permitted as requested or state ~~an objection~~ with specificity the grounds for objecting to the request, including the reasons. The responding party may state that it will produce copies of documents or of electronically stored information instead of permitting inspection. The production must then be completed no later than the time for inspection specified in the request or another reasonable time specified in the response.

(C) *Objections.* An objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest.

Rule 34. Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes

(b) Procedure.

(2) *Responses and Objections.*

(A) *Time to Respond.* The party to whom the request is directed must respond in writing within 30 days after being served or — if the request was delivered under Rule 26(d)(2) — within 30 days after the parties' first Rule 26(f) conference. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the court.

(B) *Responding to Each Item.* For each item or category, the response must either state that inspection and related activities will be permitted as requested or state **an objection with specificity the grounds for objecting** to the request, including the reasons. The responding party may state that it will produce copies of documents or of electronically stored information instead of permitting inspection. The production must then be completed no later than the time for inspection specified in the request or another reasonable time specified in the response.

(C) *Objections.* An objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest.

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(C) *Objections.* An objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest.

Rule 37. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions

* * * * *

(e) **Failure to ~~Provide~~Preserve Electronically Stored Information.** ~~Absent exceptional circumstances, a court may not impose sanctions under these rules on a party for failing to provide electronically stored information lost as a result of the routine, good-faith operation of an electronic information system.~~ If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the court:

(1) upon finding prejudice to another party from loss of the information, may order measures no greater than necessary to cure the prejudice; or

(2) only upon finding that the party acted with the intent to deprive another party of the information's use in the litigation may:

(A) presume that the lost information was unfavorable to the party;

(B) instruct the jury that it may or must presume the information was unfavorable to the party;

or

(C) dismiss the action or enter a default judgment.



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