

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

Voluntary Chapter 7 Case of Individual Debtor – Requirements

- _____ **Filing Fee: \$299.00** [this includes a \$39 administrative fee and a \$15 trustee surcharge].
- File Official Form 3A if debtor seeks to pay by installments.
 - File Official Form 3B if debtor seeks a waiver of the fee (*in forma pauperis*) [to be eligible for a waiver, the debtor’s income must be less than 150% of the official poverty line; on the court’s website – www.nysb.uscourts.gov – there is a link to official poverty line data].
 - Fees can be paid by money order or certified check (**no** personal checks). In Manhattan and Poughkeepsie (but **not** in White Plains), fees can also be paid with cash in the exact amount (the clerk’s office is unable to make change).
- _____ **Voluntary Petition** (Official Form 1).
- Before filing, check the last four digits of the debtor’s social security number (appearing on the petition) to ensure accuracy.
- _____ **List of Creditors** [include name and complete address for each listing].
- Debtor must file list of creditors with the petition and such list must include those listed (or to be listed) on Schedule G (Executory Contract and Unexpired Leases) and Schedule H (Codebtors).
- _____ **Statement of Social Security Number** (Official Form 21).
- Required for *all* individual debtors.
 - Before filing, check the accuracy of the social security number appearing on the form.
 - File paper original with the petition, but do **not** include on the diskette with the other documents (since this form should **not** appear on the electronic docket).
- _____ **Notice to Individual Debtor with Primarily Consumer Debts under 11 U.S.C. § 342(b)** (Form B 201).
- **Certificate of Debtor** (appearing at end of the notice) must be filed with the petition (where the debtor did not retain the services of an attorney or bankruptcy petition preparer). [US Trustee, on motion, can request dismissal if this certificate is not filed within 15 days from the date of filing of the petition.]
 - **Certificate of Bankruptcy Petition Preparer** (appearing toward the end of the notice) must be filed with the petition (where the debtor retained the services of a bankruptcy petition preparer).
- _____ **Certificate of Credit Counseling and Debt Repayment Plan.**
- *All* individual debtors are required to undergo credit counseling from an agency approved by the US Trustee for this federal judicial district [Southern District of New York] **within 180 days prior to filing the petition**; to view the list of approved agencies for this district, a link to the US Trustee’s website can be accessed from the court’s website, www.nysb.uscourts.gov.
 - When filing the certificate furnished by the credit counseling agency, the debtor must also file a copy of any debt repayment plan created as part of credit counseling.
- _____ **Exhibit D.**
- **At the time of case filing**, the debtor must file (with the voluntary petition) a signed, completed **Exhibit D**, “*Individual Debtor’s Statement of Compliance with Credit Counseling Requirement*”; in a joint case, each debtor must file a **separate Exhibit D**.
 - Depending on how the debtor completes **Exhibit D**, the credit counseling certificate is due either at the time of case filing **OR** 15 days from the date of case filing (*see* Exhibit D).
 - As indicated on **Exhibit D**, the debtor must make a **separate written request** when asking the court for the following form of relief: Request for Court Determination of Waiver Due to Incapacity, Disability or Active Military Duty in a Combat Zone [Section 109(h)(4)].
- _____ **Statement of Current Monthly Income and Means Test Calculation** (Official Form 22A).
- Required for all individual debtors.
 - Must be filed with the petition or within 15 days from the date of filing.
 - Before filing, debtors should make sure that they have placed a check in one of the two boxes appearing in the upper, right-hand corner of the form’s first page (indicating that the “**presumption arises**” or that the “**presumption does not arise**”).

_____ **Schedules** (Official Form 6).

- Individual debtors must file **all** parts: *Summary of Schedules, Statistical Summary of Certain Liabilities and Related Data* (28 U.S.C. § 159) and Schedules A through J, including the *schedules of assets and liabilities*, the *schedule of executory contracts and unexpired leases*, and the *schedules of current income and expenditures*.
- Must be filed with the petition or within 15 days from the date of filing.

_____ **Statement of Financial Affairs** (Official Form 7).

- Must be filed with the petition or within 15 days from the date of filing.

_____ **Chapter 7 Individual Debtor’s Statement of Intention** (Official Form 8).

- Required **ONLY** if the individual debtor’s *schedules of assets and liabilities* contain debts secured by property of the estate or personal property subject to an unexpired lease.
- Must be filed within 30 days of the filing of the petition or by the date first set for the section 341(a) meeting of creditors, whichever is **earlier**.

_____ **Record of any Interest in an Education IRA.**

- In addition to completing line 11 of Schedule B, the debtor must separately file a record of any interest in an education individual retirement account (Education IRA).
- Must be filed with the petition or within 15 days from the date of filing.
- The debtor should redact his or her social security number prior to filing (delete or block first five digits).

_____ **Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer** [if the debtor retained the services of a bankruptcy petition preparer].

- Official Form 19 must be filed with any petition prepared by a bankruptcy petition preparer.

_____ **Statement Disclosing Compensation Paid or To Be Paid to a Bankruptcy Petition Preparer.**

- Must be filed with any petition prepared by a bankruptcy petition preparer.

_____ **Statement Disclosing Compensation Paid or To Be Paid to the Attorney for the Debtor.**

- Must be filed within 15 days or any other date set by the court.

_____ **After Filing: Debtor Must Complete Course in Personal Financial Management.**

- *All* individual debtors in cases under chapters 7 and 13 are required to complete this course from a course provider approved by the US Trustee for this federal judicial district [Southern District of New York]; to view the list of approved course providers for this district, a link to the US Trustee’s website can be accessed from the court’s website, www.nysb.uscourts.gov.
- After completing the course, the debtor must file **Official Form 23** (“Debtor’s Certification of Completion of Instructional Course Concerning Financial Management”) **within 45 days** after the first date set for the section 341(a) meeting of creditors. In a joint case, each debtor must file a *separate* Official Form 23.

_____ **Where, Prior to Filing, Landlord Obtained Judgment for Eviction from Residential Lease.**

- Debtor must complete bottom portion of the second page of the Voluntary Petition (Official Form 1).
- Debtor should obtain separate instructions from the clerk’s office.

NOTE: Payment Advices or Other Evidence of Payment – Pursuant to General Order M-315 (signed 12/08/05), individual debtors in chapter 7 cases must provide the chapter 7 case trustee – no later than the time of the meeting of creditors conducted pursuant to 11 U.S.C. § 341(a) – copies of payment advices or other evidence of payment received by the debtor from any employer *within 60 days before* the date of the filing of the petition. Do not file payment advices with the Court.