

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

Voluntary Chapter 7 Case of *Individual Debtor* – Requirements

_____ **Filing Fee: \$338.00** [this includes a \$78 administrative fee and a \$15 trustee surcharge].

- File Official Form 103A if individual debtor seeks to pay by installments.
- File Official Form 103B if individual 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. [150% of the HHS Poverty Guidelines may be obtained at <http://www.uscourts.gov/file/document/150-percent-hhs-poverty-guidelines>].
- Fees can be paid by money order or certified check (**no** personal checks). In Manhattan, fees can also be paid with cash in the exact amount (the clerk’s office is unable to make change). The White Plains and Poughkeepsie offices do **not** accept cash.

_____ **Voluntary Petition for Individuals Filing for Bankruptcy** (Official Form 101).

- Debtor(s) must complete **Part 5**, “*Explain Your Efforts To Receive a Briefing About Credit Counseling.*”
- Depending on how the debtor completes **Part 5**, the credit counseling certificate is due either at the time of case filing *OR* 14 days from the date of case filing.
- As indicated on **Part 5**, the debtor(s) must make a **separate written request** when asking the court for a 30-day temporary waiver of the requirement or if the debtor is requesting for court determination of waiver due to incapacity, disability, or active military duty in a military combat zone.

_____ **List of Creditors** [include name and complete address for each listing].

- Pursuant to Fed. Rule Bankr. P. 1007(a)(1), debtor must file list of creditors with the petition and such list must include those listed (or to be listed) on Schedules D, E/F, G and H.

_____ **Statement About Your Social Security Numbers** (Official Form 121).

- 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 only if filing conventionally.

_____ **Notice Required by 11 U.S.C. § 342(b) for Individuals Filing For Bankruptcy** (Form B 2010).

- If the debtor is an individual with primarily consumer debts, the debtor must have received and read the notice (Form B 2010) BEFORE the petition is filed.
- **Certification of the Debtor** (page 8 of the *Voluntary Petition for Individuals Filing For Bankruptcy* [Official Form 101]) must be signed.

_____ **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.
- If the debtor has not already received credit counseling and believes the debtor is entitled to a temporary waiver from receiving it or that the debtor is not required to receive it, see line 15 of the *Voluntary Petition for Individuals Filing For Bankruptcy* (Official Form 101).

_____ **Chapter 7 Statement of Your Current Monthly Income** (Official Form 122A-1).

- Required for all individual debtors.
- Must be filed with the petition or within 14 days from the date of filing.
- If the completed Form 122A-1 shows income above the median, debtors must also file Official Form 122A-2.
- Official Form 122A-1Supp may be needed if the debtor provided certain military or homeland defense services or if the debtor does not have primarily consumer debts.

_____ **Schedules of Assets and Liabilities** (Official Forms 106).

- Individual debtors must file **all** parts: *Summary of Your Assets and Liabilities and Certain Statistical Information* (Official Form 106Sum), *Declaration About an Individual Debtor’s Schedules* (Official Form 106Dec), *Schedule A/B: Property* (Official Form 106A/B), *Schedule C: The Property You Claim as Exempt* (Official Form 106C), *Schedule D: Creditors Who Have Claims Secured by Your Property* (Official Form 106D), *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 106E/F), *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 106G), *Schedule H: Your Codebtors* (Official Form 106H), *Schedule I: Your Income* (Official Form 106I), and *Schedule J: Your Expenses* (Official Form 106J). In joint debtor cases, if debtor 2 lives in a separate household, *Schedule J-2: Expenses for Separate Household of Debtor 2* [Official Form 106J-2] is required.
- Must be filed with the petition or within 14 days from the date of filing.

_____ **Statement of Financial Affairs for Individuals Filing for Bankruptcy** (Official Form 107).

- Must be filed with the petition or within 14 days from the date of filing.

_____ **Statement of Intention for Individuals Filing Under Chapter 7** (Official Form 108).

- 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 24 of Schedule A/B: Property, 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 14 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).

_____ **Bankruptcy Petition Preparer’s Notice, Declaration, and Signature** (Official Form 119).

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

_____ **Disclosure of Compensation of Bankruptcy Petition Preparer** (Director’s Procedural Form B 2800).

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

_____ **Attorney’s Disclosure of Compensation** (Director’s Procedural Form B 2030).

- Must be filed within 14 days or any other date set by the court.

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

- Debtor must complete section 11 of the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101), *Initial Statement About an Eviction Judgment Against You* (Official Form 101A) and *Statement About Payment of an Eviction Judgment Against You* (Official Form 101B).
- Debtor should obtain separate instructions from the clerk’s office.

_____ **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 B 423** (“Certification About a Financial Management Course”) **within 60 days** after the first date set for the section 341(a) meeting of creditors, unless the course provider has notified the court that the debtor has completed the course. In a joint case, each debtor must file a **separate** Official Form B423.

NOTE: Payment Advices or Other Evidence of Payment Required by Section 521(a)(1)(B)(iv) – Pursuant to Local Rule 4002-1, 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 current income 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.