

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)**

**CLERK'S FILING INSTRUCTIONS**

***Please visit the court's website address above for additional information, including the web pages for pro se (without attorney) parties.***

**A. GEOGRAPHIC BOUNDARIES**

This court is the United States Bankruptcy Court for the Southern District of Florida.

The Southern District of Florida is comprised of the following counties:

- Dade, Monroe (Miami Division)
- Broward - (Ft. Lauderdale Division)
- Palm Beach, Indian River, Okeechobee, Highlands, Martin, St. Lucie - (West Palm Beach Division)

**B. LOCATION OF CLERK'S OFFICES**

The Clerk maintains three staffed offices.

**Location**

**Open To the Public\***

Claude D. Pepper Building  
51 S.W. 1st Avenue #1510  
Miami, Florida 33130  
(305) 714-1800

Monday - Friday  
9:00 am - 4:30 pm

299 E. Broward Blvd.  
Room 112  
Ft. Lauderdale, FL 33301  
(954) 769-5700

Monday - Friday  
9:00 am - 4:30 pm

The Flagler Waterview Building  
1515 North Flagler Drive  
Room 801  
West Palm Beach, FL 33401  
(561) 514-4100

Monday - Friday  
9:00 am - 4:30 pm

\*Any party seeking to conventionally file an emergency or otherwise time sensitive paper during a time period when the clerk's office is not open to the public shall, in advance, contact the clerk or chief deputy clerk to request after hours, holiday, or weekend filing accommodations. [See Local Rule 5001-2(B)]

**C. SEARCHING FOR CASE INFORMATION**

1. See "[Clerk's Instructions for Electronic Public Access Services](#)". Limited case information will be provided by the clerk's office in response to telephone inquiries. This information includes: case type, case number, chapter, assigned judge, date filed, date discharged, date closed, primary party names, addresses, phone numbers, and NARA's (National Archives and Records Administration) case file location numbers.

## **D. LOCATION OF FILES**

Paper case files are not maintained for cases filed on or after October 17, 2005. Documents filed in cases filed prior to October 17, 2005, and still pending before the court are located in the clerk's office in the division where the assigned judge is chambered. Documents filed in any case on or after October 17, 2005, must be accessed electronically, either by using the clerk's office public terminals or by obtaining an account with the PACER Service Center. See "[Clerk's Instructions for Obtaining Copies of Court Records.](#)"

## **E. BANKRUPTCY RULES AND FORMS**

The Bankruptcy Code and the Bankruptcy Rules and the local rules, administrative orders, court guidelines and clerk's instructions of this court set forth the requirements for filing bankruptcy petitions, complaints, and other proceedings and papers in this court.

The current versions of the Official Bankruptcy Forms and Administrative Office of the United States Courts Director's Procedural Forms and this court's local forms must be used.

Official Bankruptcy Forms (petition, schedules and other related forms), Administrative Office of the United States Courts Director's Procedural Forms, and this court's local rules, administrative orders, local forms, clerk's instructions and court guidelines are available on the court's web site, [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov).

## **F. FILING FEES, GENERALLY**

The clerk may refuse to accept for filing any petition or other paper tendered without the required clerk's fees. Payment for filing fees by non attorney filers must be in the form of cash (exact change required), money order, or cashier's or "official" check made payable to "Clerk, U.S. Court". The clerk will accept a personal or business check ONLY for payment of copy, certification or research fees upon presentation of an official government photo identification of the person who is presenting the check. **DO NOT SEND CASH THROUGH THE MAIL.** Child support creditors seeking fee waivers must file the Administrative Office of the United States Courts Directors' Procedural Form "Appearance of Child Support Creditor or Representative". [See Local Rules 1006-1, 5080-1 and 5081-1 and the Clerk's Summary of Fees.]

Filing fees for petitions and other fee based documents filed electronically by registered users of CM/ECF must be paid utilizing the CM/ECF credit card payment module. Failure to pay fees for electronically filed documents by 3:00 a.m. the following day will result in the temporary suspension of electronic filing privileges until all fees are paid.

For information on installment payments and chapter 7 fee waiver applications for voluntary petitions, please refer to section L, "Additional Information for Filing Petitions".

## **G. REQUIRED SIGNATURES AND OTHER INFORMATION**

The clerk may refuse to accept for filing any petition presented without required original signature(s) and address(es). Other nonconforming papers may be stricken from the court record or, if filed in a closed or dismissed case, returned without filing. [See Local Rules 1002-1(B) and 1003-1, and 5005-1(C).] Registered CM/ECF users filing cases in CM/ECF must submit the Local Form "Declaration Under Penalty of Perjury to Accompany Petitions, Schedules, Filing Fee Applications and Statements Filed Electronically" [See Local Rule 1007-1(D) and 9011-4(C) and (D).]

## **H. PHOTO ID REQUIREMENT FOR PRO SE PETITIONS**

For information about this requirement see section L, "Additional Information for Filing Petitions".

## **I. PLACE OF FILING PAPERS**

Conventionally filed (in paper) documents may be filed in any division. Unless directed by the court, do not deliver any papers to a judge's chambers. [See Local Rule 5005-1(B).] Any creditor with internet access may file a proof of claim electronically and print a copy of the claim at the time of filing by using the electronic claims filing program available on the court website: [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov).

## **J. COURTESY COPY NOT REQUIRED**

Documents filed electronically or conventionally, including petitions, notices of appeal and other documents need no additional paper copies for the court's use, unless otherwise directed by the court or clerk. **Conventional paper filers may if desired, provide an extra copy when the original is filed in order to receive a conformed copy. Please include an adequate sized stamped self-addressed envelope if return by mail is desired.**

## **K. ADDITIONAL INFORMATION FOR FILING PETITIONS**

To: All Potential or Current Debtors

In addition to the other informational guidelines supplied by the clerk's office, please review the following items 1 through 14 below to ensure that your papers are prepared in the correct format using the correct forms and that other clerk's instructions are followed. The following pages list the papers required by chapter (and type) of petition, complaint or other proceeding. A "Notice to Consumer Debtor(s) Under Section 342(b) of the Bankruptcy Code," "Notice to Pro Se Debtors" and a "Notice of New Photo Identification Requirement for Debtors Filing a Petition Without Attorney Representation Effective August 1, 2011" are attached to these instructions.

***PLEASE NOTE: THE STAFFS OF THE JUDGES' AND CLERK'S OFFICES ARE NOT PERMITTED TO ASSIST YOU WITH PREPARING YOUR PETITION OR OTHER DOCUMENTS, OR PROVIDE YOU WITH LEGAL ADVICE.***

### **1. Filing Fee for Petition.**

If a husband and wife are filing a joint petition, only one filing fee is required (see also item "G" "Filing Fees, Generally"). Filing fees are due at the time of filing, unless an individual debtor is requesting payment in installments or a chapter 7 individual debtor is seeking a fee waiver. The following requirements must be met:

#### **A. Installment payments**

Only individual debtors (including joint petitions filed by a husband and wife) may apply to pay the filing fee in installments. You must use the local form available from the clerk's office. Both debtors, if joint petition, must sign the application. A minimum installment payment of \$50 is required.[See Local Rule 1006-1.] The clerk will not accept a voluntary petition presented for filing by a debtor seeking to pay filing fee in installments if filing fees remain due from any previous case filed by that debtor

unless the application is accompanied by payment of all previously due fees. [See Local Rules 1002-1(B)(1)(b) and 1006-1(A)]

## **B. Chapter 7 Fee Waiver Applications.**

Individual debtors in chapter 7 cases who meet certain financial requirements may apply for a waiver of the filing and certain other fees. An Official Bankruptcy Form "Application for Waiver of the Chapter 7 Filing Fee For Individuals Who Cannot Pay the Filing Fee in Full or in Installments" must be submitted in accordance with the Judicial Conference of the United States' "Interim Procedures Regarding the Chapter 7 Fee Waiver Provisions" and Local Rule 1006-1(B). These documents are posted on the court website on the pro se web pages under the information for chapter 7 fee waivers along with a link to the poverty guidelines that must be met in order to qualify for this waiver.

## **2. Photo Identification Requirement for Pro Se Petitions**

Debtors who are not represented by an attorney must present current official government photo identification at the time the petition is presented for filing. [See the clerk's public notice "New Photo Identification Requirement for Debtors Filing a Petition Without Attorney Representation Effective August 1, 2011" attached to these instructions].

## **3. Petition**

- A. The Official Form Petition consists of five pages, including Exhibit D, which must be completed fully and signed by debtors. For a joint petition, wherever signatures are required, both husband and wife must sign, even if the form you are using does not provide enough lines for both to sign. Original signatures must be on all documents. Debtors with attorneys who will be using CM/ECF to electronically file their documents must sign the Local Form "Declaration Under Penalty of Perjury to Accompany Petitions, Schedules, Filing Fee Applications and Statements Filed Electronically".
- B. An individual and a corporation, trust or partnership cannot file in the same petition. Separate petitions must be filed. [See also Local Rule 1015-1 for joint administration.] A corporation, trust or partnership filing a petition must be represented by an attorney.
- C. If you have not filed any prior bankruptcy case within the last eight years, you must indicate "NONE" in that section.
- D. The statistical/administrative information requested at the bottom of the first page must be completed. If complete schedules are not filed with the petition, please estimate this information.
- E. All originals and copies must be legible (including handwritten papers).

## **4. Statement of Social Security**

All individual debtors must submit a Official Bankruptcy Form "Statement of Social-Security Number(s) (or other Individual Taxpayer-Identification Number(s) (ITIN(S)))" at the time the petition is filed. This document will not be placed in the public records.

## 5. Exhibit D

Exhibit D, the “Individual Debtor’s Statement of Compliance with Credit Counseling Requirement” must be submitted at the time of filing the petition. If a joint case, the husband and wife must each submit a separate signed Exhibit D. If checking box 3, the required summary of exigent circumstances must be set forth on the form. If checking box 4 the required motion must accompany Exhibit D. If checking box 1, a copy of the certificate from the agency and any debt repayment plan developed through the agency must accompany Exhibit D. If box 2 is checked indicating that counseling was received but the certificate was not available at the time of filing the petition, the certificate indicating that pre filing counseling was received and any debt repayment plan developed through the agency must be filed within 14 days of the date of filing the petition.) **FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY RESULT IN DISMISSAL OF YOUR CASE WITHOUT FURTHER NOTICE.** Make sure you are using the most recent version of the official forms available on the court’s website. The new forms only require submission of the last 4 digits of the social security number.

## 6. List of Creditors (Creditor Service Matrix)

Follow the instructions contained in “Clerk’s Instructions for Preparing, Submitting and Obtaining Service Matrices”. Do not follow the instructions that come with the kit you may have purchased from an office supply store. **DO NOT PUT ANY OTHER INFORMATION ON THIS MATRIX OTHER THAN WHICH THE INSTRUCTIONS REQUIRE. FAILURE TO COMPLY WITH MATRIX REQUIREMENTS MAY RESULT IN DISMISSAL OF YOUR CASE.**

## 7. Schedules

Use the latest version posted on the court website. When filing schedules, submit everything listed in these Instructions required for the chapter you are filing, even if you indicate “**NONE**”. Do not omit the schedules you think are unnecessary because you don’t have any real property, secured creditors, etc. because your case may be dismissed without further notice for failure to file documents. Debtors must sign their own schedules and statements and any amendments. [See Clerk’s Instructions for Preparing, Submitting and Obtaining Service Matrices”. Local Rules 1007-1, 1007-2, and 1009-1; and see also Local Rule 1009-1(D)(4) Re: Deadline for Amendments in Unconfirmed Chapter 13 Cases.]

## 8. Chapter 13 Plan

If filing a chapter 13 case, the plan must be submitted on the local form required by Local Rule 3015-1(B)(1). [See Local Rule 3015-1(B)(2), and Local Rule 3015-2(A) “Deadline for Filing Amended Plan”.] You must start making your plan payments to your chapter 13 trustee no later than 30 days after filing your petition. [See Local Rule 3070-1.]

## 9. Use of Bankruptcy Kits

The instructions contained in the “bankruptcy kit” you purchased will differ from this court’s clerk’s instructions and this court requires you to use a local version of some forms instead of the national version (i.e., “Application to Pay Filing Fee in Installments”). Please make sure you follow the clerk’s instructions and use the latest version of all required forms when filing a case in this district.

## **10. Refiling after Dismissal**

If the petition is being filed after dismissal of the debtor's previous case by any bankruptcy court, a copy of the dismissal order and any other orders which set forth the conditions under which the subsequent case may be filed must accompany the petition. [See Local Rule 1002-1(A)(3).]

The clerk will not accept any voluntary petition presented for filing by a debtor who had a prior case dismissed by an order which prohibited the debtor from filing for a period of time that has not yet expired, or where a court order sets forth conditions for refiling and those conditions have not been met. [See Local Rule 1002-1(B)(1)(a).]

Individual debtors filing a chapter 7, 11, or 13 case who have filed a previous case or case(s) at any time should be aware that, protection of the automatic stay may be limited or may not be available at all. [See 11 U.S.C. §362(c)(3) and 11 U.S.C. §362(c)(4).]

## **11. Debtors Filing Without an Attorney or with Assistance from a Bankruptcy Petition Preparer**

If the debtor is not represented by an attorney, the debtor should provide the court with a phone number where the debtor can be reached. An attorney is required for all petitions filed by corporations and other non individual business entities. [Local Rule 9010-1(B)(1)].

Bankruptcy petition preparers who prepare documents for filing by debtors must sign the documents and include the preparer's name, address, social security number and telephone number [see 11 U.S.C. §110], and file Official Bankruptcy Form "Disclosure of Compensation of Bankruptcy Petition Preparer". [See Local Rule 2016-1(D).] Any document prepared by a bankruptcy petition preparer must include the required Official Bankruptcy Form "Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer" (see 11 U.S.C. §110). [See also section 2 above regarding pro se debtor photo identification requirement.]

## **12. Form of Petitions and Attachments and Other Papers Filed with the Court**

Review the Local Rules for form requirements for conventional paper and registered CM/ECF filers. When filing schedules, file every schedule listed for that chapter and type (individual or non-individual) even if you will indicate "None" on the document. When filing copies of payment advices under 11 U.S.C. §521(a)(1)(B)(iv), or notifying the court that payment advices will not be filed, submit the Local Form "Declaration Regarding Payment Advices". [See Local Rule 1007-1(F).]

[See also Local Rules 5005-1, 5005-3, 5005-4, 9004-1, 9004-2, 9011-4, and 9072-1 for additional format requirements and "Guidelines For Preparing, Submitting and Serving Orders"].

## **13. Amendments to Petitions, Schedules, Lists, and Statements**

For information on fee, format and service requirements for submitting amendments to petitions, lists, schedules and statements, see Local Rules 1007-2 and 1009-1, the "Clerk's Instructions for Preparing, Submitting and Obtaining Service Matrices" and Local Form "Debtor's Notice of Compliance with Requirements for Amending Creditor

Information". Requests for amendments to a debtor's social security number must comply with Local Rule 1009-1(C). If attempting to amend schedules to add creditors after a case is closed, please refer to Local Rule 5010-1(B). Registered CM/ECF users must file the Local Form "Declaration Under Penalty of Perjury to Accompany Petitions, Schedules, Filing Fee Applications and Statements Filed Electronically" in accordance with Local Rule 1009-1(A)(2).

#### **14. Debtor's Tax Returns**

Debtors must provide the trustee with a copy of their federal income tax return if required under 11 U.S.C. §521(e) or the case may be dismissed. [Do not file the return with the court unless directed by the court.]

#### **15. Documents Required by Chapter or Proceeding Type**

Following are lists by chapter or type of proceeding of the documents (indicating format of submission) required in this court. Certain documents are required at the time of initiating the filing and are indicated by an "\*\*". The other required documents may be either filed at the time of the initial filing or by the deadlines stated in the federal statutes, rules and local rules and orders. You must use the most current version of the Official Bankruptcy Forms, Administrative Office of the United States Courts Director's Forms and this court's local forms.

If seeking joint administration of cases, please refer to Local Rule 1015-1 Conventional paper filers: Assemble original papers in the order listed below for the chapter you are filing under.

### **CHAPTER 7 (Attorney needed for Non-Individual Cases)**

**Debtors must provide the trustee with a copy of their federal income tax return if required under 11 U.S.C. §521(e) or the case may be dismissed. [Do not file the return with the court unless directed by the court.]**

**Original and, if desired, 1 copy for return to filer  
Filing Fee: \$306.00**

- \*1. Voluntary Petition (attorney for consumer debtor must sign Exhibit B in petition on second page)

#### **Additional Requirements for Petitions:**

- A. Individual debtors must obtain credit counseling before filing the petition, unless an exception applies. (See clerk's "Stop" notice attached to these instructions.)
- B. Debtors filing without attorney representation (pro se) must provide photocopies of debtors' official government photo identification at the time of filing the petition. See the clerk's public notice "New Photo Identification Requirement for Debtors Filing a Petition Without Attorney Representation Effective August 1, 2011" attached to these instructions.]
- C. Individual debtors must complete Exhibit D to the Voluntary Petition which is titled "EXHIBIT D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement" and submit it at the time of filing the petition. If a joint case, the

husband and wife must each submit a separate signed Exhibit D. If checking box 1, a copy of the certificate from the agency and any debt repayment plan developed through the agency must accompany Exhibit D. If box 2 is checked indicating that counseling was received but the certificate was not available at the time of filing the petition, the certificate indicating that pre filing counseling was received and any debt repayment plan developed through the agency must be filed within 14 days of the date of filing the petition.) If checking box 3, the required summary of exigent circumstances must be set forth on the form. If checking box 4 the required motion must accompany Exhibit D. **FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY RESULT IN DISMISSAL OF YOUR CASE WITHOUT FURTHER NOTICE.**

D. If the petition is being filed by a foreign representative where an order granting recognition of the foreign main proceeding has been entered, a certified copy of the order granting recognition of the foreign main proceeding must accompany the petition. [see 11 U.S.C. §1511]

2. Summary of Schedules
3. Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. §159)
4. Schedule A - Real Property
5. Schedule B - Personal Property
6. Schedule C - Property Claimed as Exempt (Individual Cases Only)
7. Schedule D - Creditors Holding Secured Claims
8. Schedule E - Creditors Holding Unsecured Priority Claims
9. Schedule F - Creditors Holding Unsecured Nonpriority Claims
10. Schedule G - Executory Contracts and Unexpired Leases
11. Schedule H - Codebtors
12. Schedule I - Current Income of Individual Debtor (Individual Cases Only)
13. Schedule J - Current Expenditures of Individual Debtor (Individual Cases Only)
14. Unsworn Declaration Concerning Debtor's Schedules
15. Statement of Financial Affairs and Unsworn Declaration
16. Chapter 7 Individual Debtor's Statement of Intention
- \*17. List of Creditors (if schedules are not filed with the petition)

#### Additional Requirements (Filed separately)

1. Official Bankruptcy Form "Disclosure of Compensation of Attorney for Debtor" (if debtor represented by attorney).
- \*2. Official Bankruptcy Form "Disclosure of Compensation of Bankruptcy Petition Preparer" (if debtor is assisted by a petition preparer).
3. Corporate Ownership Statement (as required by Bankruptcy Rule 1007(a)(1) and Local Rule 1002-1(A)(2)). [Please note Local Rule 1002-1(A)(2) definition of parties falling under the classification of "corporation" required to file this statement.]
- \*4. Official Bankruptcy Form "Statement of Social-Security Number(s) (or other Individual Taxpayer-Identification Number(s) (ITIN(S)))" (required for all individual debtors). This document will not be placed in the public records.
- \*5. Creditor Matrix filed in accordance with the "Clerk's Instructions for Preparing, Submitting and Obtaining Service Matrices".

6. Local Form "Declaration Regarding Payment Advices" with attached copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition as required by 11 U.S.C. §521(a)(1)(b)(iv). If copies are not attached, file the "Declaration" and indicate the reason(s). (required for all individual debtors).
7. Official Bankruptcy Form 22(A) (Chapter 7) - "Statement of Current Monthly Income and Means Test Calculation for Use in Chapter 7 Only" (required for all individual debtors).
- \*8. If debtor was assisted by a bankruptcy petition preparer, Official Form 19 "Declaration and Signature of Non Attorney Bankruptcy Petition Preparer" containing the required "Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer" (11 U.S.C. §110).
- \*9. For petitions filed using CM/ECF, the Local Form "Declaration Under Penalty of Perjury to Accompany Petitions, Schedules, Filing Fee Applications and Statements Filed Electronically".
10. Before the discharge can be entered, the individual debtor must file the Official Bankruptcy Form "Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management". This course must be taken **AFTER** the petition is filed.

**CHAPTER 9 Original and, if desired, 1 copy for return to filer  
Filing Fee: \$ 1,046.00**

- \*1. Voluntary Petition
- \*2. List of Creditors Holding 20 Largest Unsecured Claims (accompanied by unsworn declaration)

Additional Requirements (Filed separately)

1. List of Creditors (deadline for filing set by court)
2. Plan
3. Official Bankruptcy Form "Disclosure of Compensation of Attorney for Debtor"

**CHAPTER 11** (Attorney Needed for Non-Individual Cases)

**Debtors must provide the trustee with a copy of their federal income tax return if required under 11 U.S.C. §521(e) or the case may be dismissed. [Do not file the return with the court unless directed by the court.] See item 12 below for chapter 11 small business requirement to file tax return with the petition.**

**For additional chapter 11 requirements and forms, please refer to the "Clerk's Instructions for Chapter 11 Cases", court "Guidelines for Prepackaged Chapter 11 Cases" and to the U.S. Trustee Guideline letter you will receive from the U.S. Trustee after your case is filed and the forms listed on the Miami U.S. Trustee website: <http://www.usdoj.gov/ust/r21/miami/forms.htm>.**

**Original and 1 copy to be returned to filer  
Filing Fee: \$ 1,046.00**

- \*1. Voluntary Petition

**Additional Requirements for Petitions:**

- A. Individual debtors must obtain credit counseling before filing the petition, unless an exception applies. (See clerk's "Stop" notice attached to these instructions.)
- B. Debtors filing without attorney representation (pro se) must provide current photocopies of debtors' official government photo identification at the time of filing the petition. See the clerk's public notice "New Photo Identification Requirement for Debtors Filing a Petition Without Attorney Representation Effective August 1, 2011" attached to these instructions.]
- C. Individual debtors must complete Exhibit D to the Voluntary Petition which is titled "EXHIBIT D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement" and submit it at the time of filing the petition. If a joint case, the husband and wife must each submit a separate signed Exhibit D. If checking box 1, a copy of the certificate from the agency and any debt repayment plan developed through the agency must accompany Exhibit D. If box 2 is checked indicating that counseling was received but the certificate was not available at the time of filing the petition, the certificate indicating that pre filing counseling was received and any debt repayment plan developed through the agency must be filed within 14 days of the date of filing the petition.) If checking box 3, the required summary of exigent circumstances must be set forth on the form. If checking box 4 the required motion must accompany Exhibit D. **FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY RESULT IN DISMISSAL OF YOUR CASE WITHOUT FURTHER NOTICE.**
- D. If the petition is being filed by a foreign representative where an order granting recognition of the foreign main proceeding has been entered, a certified copy of the order granting recognition of the foreign main proceeding must accompany the petition. [see 11 U.S.C. §1511].

- \*2. Exhibit "A" (Non-Individual Cases Only)
- \*3. List of Creditors Holding 20 Largest Unsecured Claims (accompanied by unsworn declaration)
- 4. Summary of Schedules
- 5. Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. §159)
- 6. Schedule A - Real Property
- 7. Schedule B - Personal Property
- 8. Schedule C - Property Claimed as Exempt (Individual Cases Only)
- 9. Schedule D - Creditors Holding Secured Claims
- 10. Schedule E - Creditors Holding Unsecured Priority Claims
- 11. Schedule F - Creditors Holding Unsecured Nonpriority Claims
- 12. Schedule G - Executory Contracts and Unexpired Leases
- 13. Schedule H - Codebtors
- 14. Schedule I - Current Income of Individual Debtor (Individual Cases Only)
- 15. Schedule J - Current Expenditures of Individual Debtor (Individual Cases Only)
- 16. Unsworn Declaration Concerning Debtor's Schedules
- 17. Statement of Financial Affairs and Declaration
- 18. List of Equity Security Holders (Non-Individual Cases Only)
- \*19. List of Creditors (if schedules not filed with petition)

Additional Requirements (Filed separately)

- 1. Official Bankruptcy Form "Disclosure of Compensation of Attorney for Debtor" (if debtor is assisted by petition preparer).
- \*2. Official Bankruptcy Form "Disclosure of Compensation of Bankruptcy Petition Preparer" (if debtor is assisted by a petition preparer).

- \*3. Creditor Matrix filed in accordance with the “Clerk’s Instructions for Preparing, Submitting and Obtaining Service Matrices”(CI-3).
4. Plan and Disclosure Statement. Note: See Clerk’s Instructions for Chapter 11 cases for the forms available.
5. Pursuant to Local Rule 2081-1(A), chapter 11 debtors, except individual debtors not engaged in business, are required to file within 14 days after filing the petition, a certified report containing financial information regarding payroll and sales taxes using Local Form “Debtor’s Notice of Filing Payroll and Sales Tax Reports”. Only the original (with certificate of service included) need be filed with the court.
- \*6. Corporate Ownership Statement (as required by Bankruptcy Rule 1007(a)(1) and Local Rule 1002-1(A)(2)). Please note Local Rule 1002-1(A)(2) definition of parties falling under the classification of “corporation” required to file this statement.
- \*7. Official Bankruptcy Form “Statement of Social-Security Number(s) (or other Individual Taxpayer-Identification Number(s) (ITIN(S)))” (required for all individual debtors). This document will not be placed in the public records.
8. Local Form “Declaration Regarding Payment Advices” with attached copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition as required by 11 U.S.C. §521(a)(1)(b)(iv). If copies are not attached, file the “Declaration” and indicate the reason(s). (required for all individual debtors).
9. Official Bankruptcy Form 22(B)(Chapter 11) "Statement of Current Monthly Income for Use in Chapter 11)". (required for all individual debtors)
- \*10. If debtor was assisted by a bankruptcy petition preparer, Official Form 19 “Declaration and Signature of Non Attorney Bankruptcy Petition Preparer” containing the required “Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer” (11 U.S.C. §110).
- \*11. For petitions filed using CM/ECF, the Local Form "Declaration Under Penalty of Perjury to Accompany Petitions, Schedules, and Statements Filed Electronically".
- \*12. If debtor is a small business, as required by 11 U.S.C. §1116(1), debtors’ most recent balance sheet, statement of operations, cash-flow statement, and Federal income tax return; or a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed. The tax return will be docketed as a non public “restricted” documents and requests for copies must comply with Local Rule 5005-1(A)(2)(c).
13. If debtor is an individual, as required under Local Rules 3022-1(B) and 4004-3(A)(9), the Local Form “Notice of Deadline to Object to Debtor’s Statements Re: 11 U.S.C. §522(q)(1) Applicability, Payment of Domestic Support Obligations and [For Chapter 11 Cases Only] Applicability of Financial Management Course and Statement Regarding Eligibility to Receive a Discharge” must be filed and served before the court may consider entry of the discharge.
14. Local Form “Chapter 11 Case Management Summary” as required under Local Rule 2081-1(B) must be filed within the earlier of three business days after relief is entered or one business day prior to the date of the first scheduled hearing. This summary must be served on all parties of record.

15. If applicable, Official Bankruptcy Form B26 if required under Bankruptcy Rule 2015.3.

## **CHAPTER 12 (Attorney Needed for Non-Individual Cases)**

**Debtors must provide the trustee with a copy of their federal income tax return if required under 11 U.S.C. §521(e) or the case may be dismissed. [Do not file the return with the court unless directed by the court.]**

**Original and, if desired, 1 copy for return to filer  
Filing Fee: \$ 246.00**

- \*1. Voluntary Petition

### **Additional Requirements for Petitions:**

- A. Individual debtors must obtain credit counseling before filing the petition, unless an exception applies. (See clerk's "Stop" notice attached to these instructions.)
- B. Debtors filing without attorney representation (pro se) must provide current photocopies of debtors' official government photo identification at the time of filing the petition. See the clerk's public notice "New Photo Identification Requirement for Debtors Filing a Petition Without Attorney Representation Effective August 1, 2011" attached to these instructions.]
- C. Individual debtors must complete Exhibit D to the Voluntary Petition which is titled EXHIBIT D - "Individual Debtor's Statement of Compliance with Credit Counseling Requirement" and submit it at the time of filing the petition. If a joint case, the husband and wife must each submit a separate signed Exhibit D. If checking box 1, a copy of the certificate from the agency and any debt repayment plan developed through the agency must accompany Exhibit D. If box 2 is checked indicating that counseling was received but the certificate was not available at the time of filing the petition, the certificate indicating that pre filing counseling was received and any debt repayment plan developed through the agency must be filed within 14 days of the date of filing the petition.) If checking box 3, the required summary of exigent circumstances must be set forth on the form. If checking box 4 the required motion must accompany Exhibit D. **FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY RESULT IN DISMISSAL OF YOUR CASE WITHOUT FURTHER NOTICE.**
- D. If the petition is being filed by a foreign representative where an order granting recognition of the foreign main proceeding has been entered, a certified copy of the order granting recognition of the foreign main proceeding must accompany the petition. [see 11 U.S.C. §1511].

2. Summary of Schedules
3. Schedule A - Real Property
4. Schedule B - Personal Property
5. Schedule C - Property Claimed as Exempt (Individual Cases Only)
6. Schedule D - Creditors Holding Secured Claims
7. Schedule E - Creditors Holding Unsecured Priority Claims
8. Schedule F - Creditors Holding Unsecured Nonpriority Claims
9. Schedule G - Executory Contracts and Unexpired Leases

\* minimum initial filing requirements  
CI-1 (rev. 04/02/12)

10. Schedule H - Codebtors
11. Schedule I - Current Income of Individual Debtor (Individual Cases Only)
12. Schedule J - Current Expenditures of Individual Debtor (Individual Cases Only)
13. Unsworn Declaration Concerning Debtor's Schedules
14. Statement of Financial Affairs and unsworn declaration
- \*15. List of Creditors (if schedules are not filed with the petition)

Additional Requirements (Filed separately)

1. Official Bankruptcy Form "Disclosure of Compensation of Attorney for Debtor" (if debtor is represented by an attorney).
- \*2. Official Bankruptcy Form Disclosure of Compensation of Bankruptcy Petition Preparer (if debtor is assisted by a petition preparer).
- \*3. Corporate Ownership Statement (as required by Bankruptcy Rule 1007(a)(1) and Local Rule 1002-1(A)(2)). Please note Local Rule 1002-1(A)(2) definition of parties falling under the classification of "corporation" required to file this statement.
- \*4. Official Bankruptcy Form "Statement of Social-Security Number(s) (or other Individual Taxpayer-Identification Number(s) (ITIN(S)))" (required for all individual debtors). This document will not be placed in the public records.
- \*5. Creditor Matrix filed in accordance with the "Clerk's Instructions for Preparing, Submitting and Obtaining Service Matrices" (CI-3).
6. Local Form "Declaration Regarding Payment Advices" with attached copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition as required by 11 U.S.C. §521(a)(1)(b)(iv). If copies are not attached, file the declaration and indicate the reason(s). (required for all individual debtors).
- \*7. If debtor was assisted by a bankruptcy petition preparer, Official Form 19 "Declaration and Signature of Non Attorney Bankruptcy Petition Preparer" containing the required "Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer" (11 U.S.C. §110).
- \*8. For petitions filed using CM/ECF, the Local Form "Declaration Under Penalty of Perjury to Accompany Petitions, Schedules, Filing Fee Applications and Statements Filed Electronically".
9. If debtor is an individual, as required under Local Rules 2082-1(B) and 4004-3(A)(9), the Local Form "Notice of Deadline to Object to Debtor's Statements Re: 11 U.S.C. §522(q)(1) Applicability, Payment of Domestic Support Obligations and [For Chapter 11 Cases Only] Applicability of Financial Management Course and Statement Regarding Eligibility to Receive a Discharge" must be filed and served before the court may consider entry of the discharge.

## CHAPTER 13

**Note to Chapter 13 Debtors - You must start making plan payments to the chapter 13 trustee 30 days after you file your petition. [See Local Rule 3070-1(A)(1).]**

**The local form "Rights and Responsibilities Agreement" must be entered into by the attorney and debtor but is not filed with the court (see Chapter 13 Guidelines for Compensation for Chapter 13 Attorneys).**

**You must provide the trustee with a copy of your Federal income tax return as required under 11 U.S.C. §521(e) or your case may be dismissed. Do not file the return with the court unless directed by the court.**

**For additional information see “Chapter 13 Suggestions” posted on the court website and the chapter 13 trustees’ web sites.**

**Original and, if desired 1 copy for return to filer  
Filing Fee: \$ 281.00**

\*1. Voluntary Petition

Additional Requirements for Petitions:

- A. Individual debtors must obtain credit counseling before filing the petition, unless an exception applies. (See clerk’s “Stop” notice attached to these instructions.)
- B. Debtors filing without attorney representation (pro se) must provide current photocopies of debtors’ official government photo identification at the time of filing the petition. See the clerk’s public notice “New Photo Identification Requirement for Debtors Filing a Petition Without Attorney Representation Effective August 1, 2011” attached to these instructions.]
- C. Individual debtors must complete Exhibit D to the Voluntary Petition which is titled EXHIBIT D - “Individual Debtor’s Statement of Compliance with Credit Counseling Requirement” and submit it at the time of filing the petition. If a joint case, the husband and wife must each submit a separate signed Exhibit D. If checking box 1, a copy of the certificate from the agency and any debt repayment plan developed through the agency must accompany Exhibit D. If box 2 is checked indicating that counseling was received but the certificate was not available at the time of filing the petition, the certificate indicating that pre filing counseling was received and any debt repayment plan developed through the agency must be filed within 14 days of the date of filing the petition.) If checking box 3, the required summary of exigent circumstances must be set forth on the form. If checking box 4 the required motion must accompany Exhibit D. **FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY RESULT IN DISMISSAL OF YOUR CASE WITHOUT FURTHER NOTICE.**
- D. If the petition is being filed by a foreign representative where an order granting recognition of the foreign main proceeding has been entered, a certified copy of the order granting recognition of the foreign main proceeding must accompany the petition. [see 11 U.S.C. §1511].

- 2. Summary of Schedules
- 3. Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. §159)
- 4. Schedule A - Real Property
- 5. Schedule B - Personal Property
- 6. Schedule C - Property Claimed as Exempt
- 7. Schedule D - Creditors Holding Secured Claims
- 8. Schedule E - Creditors Holding Unsecured Priority Claims
- 9. Schedule F - Creditors Holding Unsecured Nonpriority Claims
- 10. Schedule G - Executory Contracts and Unexpired Leases
- 11. Schedule H - Codebtors

\* minimum initial filing requirements  
CI-1 (rev. 04/02/12)

12. Schedule I - Current Income of Individual Debtor
13. Schedule J - Current Expenditures of Individual Debtor
14. Unsworn Declaration Concerning Debtor's Schedules
15. Statement of Financial Affairs and declaration
- \*16. List of Creditors (if schedules are not filed with the petition)

Additional Requirements (Filed separately)

1. Official Bankruptcy Form "Disclosure of Compensation of Attorney for Debtor" (if debtor is represented by an attorney).
- \*2. Official Bankruptcy Form Disclosure of Compensation of Bankruptcy Petition Preparer (if debtor is assisted by a petition preparer).
- \*3. Creditor Matrix filed in accordance with the "Clerk's Instructions for Preparing, Submitting and Obtaining Service Matrices" (CI-3).
4. Local Form Chapter 13 Plan  
[See also Local Rule 3070-1(A)(1) for deadline for debtor to commence payments to the chapter 13 trustee.]
- \*5. Official Bankruptcy Form "Statement of Social-Security Number(s) (or other Individual Taxpayer-Identification Number(s) (ITIN(S)))". This document will not be placed in the public records.
6. Local Form "Declaration Regarding Payment Advices" with attached copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition as required by 11 U.S.C. §521(a)(1)(b)(iv). If copies are not attached, file the declaration and indicate the reason(s) (required for all individual debtors).
7. Official Bankruptcy Form 22(C) (Chapter 13) "Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income".
- \*8. For petitions filed using CM/ECF, the Local Form "Declaration Under Penalty of Perjury to Accompany Petitions, Schedules, Filing Fee Applications and Statements Filed Electronically".
9. Before the discharge can be entered, the individual debtor must file the Official Bankruptcy Form "Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management". This course must be taken **AFTER** the petition is filed. The debtor must also file the Local Form "Debtor's Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object" as required by Local Rule 4004-3(A)(8).

**INVOLUNTARY PETITIONS (joint involuntary petitions are not permitted)**

[See Local Rule 1003-1(C)]

**Original and, if desired, 1 copy for return to filer**

**Filing Fee: Same as chapter fee**

- \*1. Involuntary Petition (Note: If the petition is being filed electronically by a registered user, a scanned copy of the petitioning creditor signature page with original signatures of all petitioning creditors must be submitted with the petition.)
- \*2. Corporate ownership statements as required by Bankruptcy Rule 1010(b)

**Note:** The clerk will generate the form “Summons to Debtor in Involuntary Case” and provide a copy to the petitioners for service on the debtor. See Local Rule 1010-1(A).

## **PETITION FOR RECOGNITION OF A FOREIGN PROCEEDING UNDER CHAPTER 15**

**Original and, if desired, 1 copy for return to filer**  
**Filing Fee: \$ 1,046.00**

- \*1. Official Form I “Voluntary Petition” (check off in the designated box whether the petition is for Recognition of a Foreign Main Proceeding or Foreign Nonmain Proceeding).
- \*2. If the petition is for recognition of a foreign nonmain proceeding, the Administrative Office of the U.S. Courts Director’s Form “Summons in a Chapter 15 Case Seeking Recognition of a Foreign Nonmain Proceeding” (See Local Rule 1010-1(B)).
- \*3. List containing the name and address of those designated by Bankruptcy Rule 1007(a)(4).
- \*4. Corporate ownership statement as required by Bankruptcy Rule 1011(f).

## **MOTIONS TO REOPEN CASES**

**Original and, if desired, 1 copy for return to filer**

- 1. **To add a creditor in chapter 7 no asset cases:** No filing fee is required provided debtor files an adversary complaint as required by Local Rule 5010-1(B); amended schedules must be accompanied by a \$30 fee and filed in accordance with Local Rule 1009-1(D).
- 2. **To avoid a judicial lien:** Chapter 7 filing fee \$260; chapter 13 filing fee \$235; and chapter 11 filing fee \$1000. **If case has been archived a \$53 archive retrieval fee is required.** See also Local Rule 5010-1 (F).
- 3. **To correct an administrative clerk’s error or for actions related to the debtor’s discharge:** No fee required.
- 4. **To request issuance of a discharge in a chapter 7 or 13 case upon the filing of the Official Bankruptcy Form “Debtor’s Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management” accompanied by a motion to reopen case (See Local Rule 5010-1(G) and (H)):** Chapter 7 filing fee \$260; chapter 12 filing fee 260; chapter 13 filing fee \$ 235.
- 5. **To correct Social Security Number or Other Individual Taxpayer Identification Number:** Chapter 7 filing fee \$260; chapter 12 filing fee \$260; chapter 13 filing fee \$235; and chapter 11 filing fee \$1000. **If case has been archived a \$53 archive retrieval fee is required.** See also Local Rule 5010-1(E).
- 6. **To shorten the “with prejudice” period provision of a prior order of dismissal:** No fee required.
- 7. **To reopen a chapter 11 case involving an individual debtor whose case was previously closed after confirmation of a plan but prior to entry of discharge:** No fee required.

8. **To reopen a case to file a motion to redact personal information in a closed case.**  
See Local Rule 5005-1(A)(3).

## **ADVERSARY PROCEEDING**

**Original and, if desired, 1 copy for return to filer (complaint only) - Filing Fee: \$293.00**  
[Note: No fee required if filed by chapter 7 or chapter 13 debtors.]

- \*1. Administrative Office of the U.S. Courts Director's Form "Adversary Proceeding Cover Sheet" [See Local Rule 7003-1(A)]. NOTE: Adversary complaints filed by registered users in CM/ECF do not need form cover sheet. The information required by the cover sheet is captured from data input directly into CM/ECF by the filer.
- \*2. Original Complaint [See Local Rule 7003-1(A)].
- \*3. Corporate Ownership Statement as required by Bankruptcy Rule 7007-1 and Local Rule 7003-1(B)(2). Please note Local Rule 1002-1(A)(2) definition of parties falling under the classification of "corporation" required to file this statement.

Upon the filing of an adversary proceeding, the clerk will generate and docket an electronic "Summons and Notice of Pretrial" and "Order Setting Filing and Disclosure Requirements" and transmit to the plaintiff electronically or via mail, who must serve them together with the complaint on all defendants in accordance with the federal and local rules. See also Local Rules 7004-2 and 7016-1(B).

## **REGISTRATION OF JUDGMENT FROM ANOTHER DISTRICT**

[See also Local Rule 7069-1(B)]

**Original and one copy - Filing Fee: \$46.00**

- \*1. Certified copy of Judgment (including Bill of Costs entered)
- \*2. Administrative Office of the U.S. Courts Director's Form "Certification of Judgment for Registration in Another District" or certified copy of an order allowing the judgment to be registered in this district.

## **WRIT OF EXECUTION** [See also Local Rule 7069-1]

**Original and, if desired, 1 copy for return to filer**

- \*1. Writ to U.S. Marshal
- \*2. Motion for Writ of Execution
- \*3. Certified copy of the judgment (including any Bill of Costs entered)

## **WRIT OF GARNISHMENT** Required Treasury Deposit \$100.00 [See also Local Rule 7069-1(D)]

**Original and, if desired, 1 copy for return to filer**

- \*1. Writ of Garnishment
- \*2. Motion for Writ of Garnishment
- \*3. Proposed Order (when required by Florida law)
- \*4. Certified copy of the judgment (including any Bill of Costs entered)
- \*5. Local Form Notice Pursuant to Florida Statute 77.041 to Defendant of Right Against Garnishment of Wages, Money and Other Property

## **OTHER MISCELLANEOUS PROCEEDINGS**

Registration of a judgment in another district (see above); a motion for a protective order, or to quash a subpoena issued in a case pending in another district, a request to perpetuate testimony concerning a potential adversary proceeding under Rule 7027, a request to register a discharge order under Rule 4004(f), or any other request to register with the court a document not in a case or proceeding.

**Original and, if desired, 1 copy for return to filer - Filing Fee: \$46.00**

\*1. Pleading

**CLAIMS** [For filing transfers of claims - see Local Rule 3001-1(C).]

**Original and, if desired, 1 copy for return to filer (Note: In a chapter 13 case where the debtor is not represented by an attorney, a copy of the claim must be mailed to the debtor. See Local Rule 3002-1(E)).**

Unless the court directs otherwise, all **original** proofs of claim must be filed with the court using the Official Bankruptcy Form "Proof of Claim." If you wish to receive an acknowledgment from the clerk that your claim has been filed, you must include a copy of your claim with an adequate size self-addressed envelope containing sufficient postage so that the clerk may return a date-stamped copy of your claim to you.

Any creditor with internet access may file a proof of claim electronically and print a copy of the claim at the time of filing by using the electronic claims filing program available on the court website: [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

**NOTICE TO PRO SE DEBTORS**

**READ THIS IMPORTANT NOTICE TO AVOID THE DISMISSAL OF YOUR CASE.**

As a debtor you must attend a meeting of creditors and timely pay filing fee installments (if applicable) or chapter 13 plan payments (if applicable) on time or your case may be dismissed without further notice to you. You are responsible for following up with your case after filing your petition to make sure you are aware of the date set for you to appear at your first meeting of creditors. The questions and answers which follow are provided to assist you in meeting your responsibility to attend your first meeting of creditors on the scheduled date and time.

*Before you file you must complete pre bankruptcy credit counseling using one of the approved credit counseling providers listed on the United States Trustee website <http://www.justice.gov/ust/> under the "Bankruptcy Reform Information" link <http://www.justice.gov/ust/eo/bapcpa/index.htm>. You must file Exhibit D to the petition "Individual Debtor's Statement of Compliance with Credit Counseling Requirement" and, as applicable, file the required certificate or motion. See clerk's "Stop" notice attached to these instructions for more information. Both husband and wife must complete the requirement.*

*Before a chapter 7 or 13 debtor can receive a discharge, the debtor (both debtors in husband and wife case) must complete the required financial management course after filing the petition using one of the approved providers listed on the United States Trustee website <http://www.justice.gov/ust/> under the "Bankruptcy Reform Information" link <http://www.justice.gov/ust/eo/bapcpa/index.htm> and file the required certificate.*

Debtors who are not represented by an attorney must present current official government photo identification at the time the petition is presented for filing. [See the clerk's public notice "New Photo Identification Requirement for Debtors Filing a Petition Without Attorney Representation Effective August 1, 2011" attached to these instructions.]

Please view the video posted on this court's pro se webpage on line or at clerk's office which follows a debtor through the bankruptcy process. The link is: [http://www.flsb.uscourts.gov/Pro\\_Se/Pro\\_se.html](http://www.flsb.uscourts.gov/Pro_Se/Pro_se.html)

## **1. WHAT IS A MEETING OF CREDITORS?**

Bankruptcy law requires each debtor (or both debtors if husband and wife filed together) who files a bankruptcy petition to appear at a "first meeting of creditors". The meeting is not presided over by the judge. Instead the trustee assigned to your case (or a representative from the U.S. Trustee's office if you filed a chapter 11 case) will ask you questions under oath about your estate. Creditors who attend will also be permitted time to ask you questions. Your presence at the meeting of creditors is mandatory and continuances are granted only in exceptional circumstances. [See Local Rule 2003-1.]

**[Note:** Each individual debtor must present to the presiding officer at the meeting of creditors two pieces of identification as follows: 1) original government-issued photo identification; and 2) original social security card, or if applicable, Tax Identification Number (or other acceptable confirmation of each debtor's social security number, or if applicable, Tax Identification Number). [See also Local Rules 5072-2 and 5073-1 regarding security regulations and access to the court and prohibited electronic devices.]

## 2. HOW WILL MY CREDITORS AND I KNOW THE DATE SCHEDULED FOR MY MEETING OF CREDITORS?

The clerk of court will serve you and to all of the creditors listed on the initial service matrix filed with your petition, a notice which will provide the date, time and location of your first meeting of creditors. This notice will also contain other important information regarding your case, including the name of the trustee (if you filed a chapter 7, 12 or 13 case) assigned to your case. It is your responsibility as the debtor to verify that this notice contains your correct name, address, and social security number (or, if applicable, tax identification number) and to notify the clerk's office if you find an error. Notices mailed to your creditors will have your address or, if represented by an attorney, your attorney's address in the return address section of the envelope so that mail incorrectly addressed to your creditors will be returned to you. The clerk will mail your copy of the notice to you at the mailing address listed on your bankruptcy petition. The clerk will use the addresses provided in your creditor service matrix to mail copies to your creditors. **IT IS VERY IMPORTANT FOR YOU TO SUPPLY CORRECT ADDRESS INFORMATION FOR YOURSELF AND YOUR CREDITORS AND TO NOTIFY THE COURT IN WRITING IF THERE ARE ANY CHANGES. IF YOU ADD CREDITORS AFTER THE FILING OF YOUR INITIAL SERVICE MATRIX YOU MUST SERVE THE NEW CREDITORS WITH A COPY OF THE NOTICE. SEE LOCAL RULE 1007-2 AND 1009-1(D)(2).**

## 3. WHEN WILL MY CREDITORS AND I RECEIVE THIS NOTICE AND WHAT SHOULD I DO IF I DON'T RECEIVE IT?

### Chapter 7, 11 and 12 Cases

If you filed a chapter 7, 11 or 12 case, you and your creditors should receive a copy of this notice no later than 7-10 days after you filed your bankruptcy petition and creditor service matrix. If you do not receive this notice within 10 days from the filing of your petition you must notify the clerk's office immediately by calling in Miami at (305) 714-1800, the divisional office in Ft. Lauderdale at (954) 769-5700, or the divisional office in West Palm Beach at (561) 514-4100. You may call our voice case information system (available 24 hours a day) at (305) 536-5972, 536-5973, 536-5979, (305) 536-5696 or 1-800-473-0226 to determine if the date has been set in the computer; however you still must notify the court if you do not receive a copy within the time indicated.

### Chapter 13 Cases

If you file a chapter 13 case, your meeting of creditors and the confirmation hearing on your plan cannot be set until your plan and a creditor service matrix have been filed. If you did not file a plan with your petition, the clerk will serve, on you and all parties of record, an initial notice advising that the case was filed. After the plan is filed, a notice of meeting of creditors and other deadlines and information will be served on all parties of record. Your plan must be filed using the one page Local Form "Chapter 13 Plan". You must pay your first payment to the chapter 13 trustee within 30 days from the date of filing. [See Local Rule 3070-1.] Prior to the first scheduled meeting of creditors, the debtor shall provide to the trustee all documents listed in the Trustee's Notice of Required Documents and provide tax returns in accordance with 11 U.S.C. §521(e) and (f) and §1308. **DO NOT FILE THESE DOCUMENTS OR A CERTIFICATE OF SERVICE OF THESE DOCUMENTS WITH THE COURT, UNLESS ORDERED BY THE COURT TO DO SO.** See the document "Chapter 13 Trustees' Suggestions" for additional requirements.

If you do not receive notice of your meeting of creditors within 7 days after you file your plan and creditor service matrix, you must notify the clerk's office immediately by calling in Miami at (305) 714-1800, the office in Ft. Lauderdale at (954) 769-5700 or the office in West Palm Beach at (561) 514-4100. You may call our voice case information system (available 24 hours a day) at (305) 536-5972, 536-5973, 536-5979, (305) 536-5696 or 1-800-473-0226 to determine if the date has been set in the computer; however, you still must call the clerk's office if you do not receive a copy of the notice within the time indicated.

#### **4. WHAT SHOULD I DO WITH THE MAIL THAT WAS ADDRESSED TO MY CREDITORS THAT IS BEING RETURNED TO ME?**

These notices are being returned to you because the address you provided on your creditor service matrix is not correct or the creditor has moved. It is your responsibility to ensure that the clerk's office is provided with correct address information in order to provide any future noticing in your case. If you receive mail back from a creditor you must immediately mail the notice to the creditor at the new or corrected address. A certificate of service must be filed with the clerk's office which contains the new or corrected address information for the affected creditor and must state the date that you mailed the notice. You must also file a supplemental creditor matrix with the clerk which lists only those creditors with address changes. [See "Clerk's Instructions for Preparing, Submitting and Obtaining Service Matrices" (CI-3).] **DO NOT RETURN THESE NOTICES TO THE CLERK'S OFFICE. The exception to this requirement is if a debtor has received a bypass notice from the Bankruptcy Noticing Center (BNC) and is using it to change a previously submitted creditor address.**



**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**



**NOTICE TO ALL DEBTORS:  
READ THIS BEFORE YOU FILE YOUR CASE**

DID YOU (AND YOUR SPOUSE, IF JOINT PETITION) COMPLETE THE REQUIRED UNITED STATES TRUSTEE APPROVED PRE-FILING BANKRUPTCY CREDIT COUNSELING COURSE?

Exhibit D “*INDIVIDUAL DEBTOR’S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT*” must be filed with your petition.

- ▶ If you completed the counseling and you have the certificate with you confirming you took the course, check box 1 of Exhibit D and file the certificate with your petition.
- ▶ If you completed the counseling and you do NOT have the certificate with you, check box 2 of Exhibit D. **You will have 14 days after your case is filed to file the certificate or your case may be dismissed.**
- ▶ If you did NOT complete the counseling yet, you must check box 3 of Exhibit D, if it applies, and explain WHY you did not receive the counseling. You must get the counseling as soon as possible, but no later than the date ordered by the court, and you must file the certificate. The court will enter an order that will require you to appear in court and explain why you didn’t get counseling before you filed bankruptcy. The court could dismiss your case if the court finds you did not have a good reason to file bankruptcy without taking the course.
- ▶ If you meet the requirements for an exemption from counseling (mentally ill or disabled or persons on military duty in an active combat zone) you must check box 4 of Exhibit D and file a motion for determination by the court. See 11 U.S.C. §109(h)(4), and Local Rule 1007-1(E) and clerk’s filing instructions for more information.

Under the bankruptcy laws, the court can only allow you to complete the course **after filing** if you meet **all** of the following conditions. [See 11 U.S.C. §109(h)(3).]

- 1) You must have tried to get counseling from an approved agency within at least a seven day period before filing and the agency couldn’t provide it; AND
- 2) There are exigent (emergency) circumstances that prevented you from obtaining credit counseling before filing. (Important: The court will determine what qualifies as an emergency circumstance).

**Please be advised that most debtors will not be able to meet these conditions because credit counseling is readily available in this district. The decision to file your petition is up to you but if you file without taking the course, you are risking dismissal of your case. *The clerk cannot provide legal advice or predict in advance how a judge will decide your request for an extension to complete this requirement.***

To complete this requirement before filing, obtain from the clerk a list of United States Trustee approved pre- bankruptcy credit counseling agencies or go to this website:

[http://www.usdoj.gov/ust/bapcpa/ccde/cc\\_approved.htm](http://www.usdoj.gov/ust/bapcpa/ccde/cc_approved.htm)

There is a fee for taking this course. If you are unable to pay the fee, the agency must provide the course for free. See 11 U.S.C. §111(c)(2)(B). A free on-line counseling course is available at this US Trustee approved provider site: <http://www.consumerbankruptcy counseling.info/cbcp/about.html>

You may take the course on a computer. If you don’t have a computer, your public library may allow you to use their public computers.

## UNITED STATES BANKRUPTCY COURT

### NOTICE TO CONSUMER DEBTOR(S) UNDER §342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts:

(1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

#### **1. Services Available from Credit Counseling Agencies**

**With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis.** The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

**In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge.** The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

#### **2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**

##### **Chapter 7: Liquidation (\$245 filing fee, \$46 administrative fee, \$15 trustee surcharge: Total fee \$306)**

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a “means test” designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes;

domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

**Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$46 administrative fee: Total fee \$281)**

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

**Chapter 11: Reorganization (\$1000 filing fee, \$46 administrative fee: Total fee \$1046)**

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

**Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$46 administrative fee: Total fee \$246)**

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

**3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials**

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at [http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html#procedure](http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure).

United States Bankruptcy Court
District Of

In re Debtor

Case No.
Chapter

CERTIFICATION OF NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

Certification of [Non-Attorney] Bankruptcy Petition Preparer

I, the [non-attorney] bankruptcy petition preparer signing the debtor's petition, hereby certify that I delivered to the debtor the attached notice, as required by § 342(b) of the Bankruptcy Code.

Printed name and title, if any, of Bankruptcy Petition Preparer Address:

Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

X Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Certification of the Debtor

I (We), the debtor(s), affirm that I (we) have received and read the attached notice, as required by § 342(b) of the Bankruptcy Code.

Printed Name(s) of Debtor(s)

X Signature of Debtor Date

Case No. (if known)

X Signature of Joint Debtor (if any)

Date

Instructions: Attach a copy of Form B 201A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) only if the certification has NOT been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.



## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA

### NEW PHOTO IDENTIFICATION REQUIREMENT FOR DEBTORS FILING A PETITION WITHOUT ATTORNEY REPRESENTATION

**EFFECTIVE AUGUST 1, 2011**

If you file a bankruptcy petition on or after August 1, 2011 with this court and you are not represented by an attorney, you must provide a current government issued photo identification when you bring in or mail your petition to the clerk of the U.S. Bankruptcy Court or your petition will not be accepted for filing.

Below are the new requirements and information as to what is considered proper identification. (See also *Local Rule 1002-1(B)1(d)* and the "*Clerk's Instructions For Filing*", amended effective August 1, 2011.)

**1) Filing in person:** Only the individual debtor or a person presenting a notarized power of attorney authorizing that person to file the petition on the debtor's behalf may bring a petition to the clerk's office. The debtors (and any person holding power of attorney authorizing that person to file on behalf of the debtor) must present photo identification. If the petition is for a husband and wife and only one spouse appears in person to file the petition, a legible copy of the absent spouse's identification card must be provided at the time the petition is filed.

**2) Filing by mail:** A photocopy of the debtor(s)' government issued identification must accompany the petition.

**3) Required identification:** When filing in person or by mail, identification presented must:

- contain a photograph
- be **government** issued such as a state driver's license, state or federal issued identification card, U.S. passport, federal, state or local U.S. government employee photo identification card
- be current
- be legible

**4) Retention of identification photocopies by the clerk:** The clerk will convert identification photocopies collected to pdf documents for retention under a restricted docket event which will be inaccessible to the public. Any paper copies submitted will be destroyed.

**UNITED STATES BANKRUPTCY COURT, SDFL**  
**IMPORTANT INFORMATION FOR CHAPTER 13 DEBTORS**

- ◆ You (both spouses if joint petition) must obtain counseling prior to filing bankruptcy unless an exception applies. You must file Exhibit D “*Individual Debtor’s Statement of Compliance with Credit Counseling Requirement*” with your petition. See Local Rule 1007-1(E).
- ◆ You must use this court’s current local plan form to file your plan. See Local Rule 3015-1(B).
- ◆ Within 30 days of **filing** your chapter 13 petition, you must begin making your plan payments to the chapter 13 trustee assigned to your case. (See address below). If you are not current with your payments at the meeting of creditors, your case will be dismissed without further notice or hearing. See Local Rule 3070-1.
- ◆ You must provide the trustee with a copy of your Federal income tax return as required by 11 U.S.C. §521(e) and Bankruptcy Rule 4002(b)(3) or your case may be dismissed. See Local Rules 1017-2(C) and 4002-1.
- ◆ All required schedules, statements, copies of payment advices [see 11 U.S.C. §521(a)(1)(b)(iv), Local Rule 1007-1(F) and Local Form “*Declaration Regarding Payment Advices*”] lists and your plan are due within 14 days of filing your petition (if you didn’t file them when you filed your petition). If you do not timely file these papers, your case will be dismissed without further notice or hearing.
- ◆ You (both spouses, if joint petition) must attend the meeting of creditors scheduled for your case or the case will be dismissed.
- ◆ You (both spouses, if joint petition) must present to the trustee at the meeting of creditors your original government issued photo ID and original (not a copy) proof of your Social Security or Taxpayer ID numbers.
- ◆ You (both spouses, if joint petition) must complete the required financial management course and file the Official Bankruptcy Form “*Debtor’s Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management*” and the Local Form “*Debtor’s Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object*” as required by Local Rule 4004-3(A)(8), before a discharge will be issued.
- ◆ If you are paying your filing fee in installments and fail to timely make a payment, your case will be dismissed without further notice. See Local Rule 1006-1(A)(4).
- ◆ See Local Rule 3070-1 for information on the status pre-confirmation payments.
- ◆ See Local Rule 3015-3(B) for information on the chapter 13 confirmation process.

**CHAPTER 13 DEBTORS AND ATTORNEYS ARE REQUIRED TO SIGN THIS COURT’S  
LOCAL FORM “RIGHTS AND RESPONSIBILITIES AGREEMENT”.**

**(SEE COURT GUIDELINES FOR CHAPTER 13 COMPENSATION and Local Rule 2016-1(B)(2))**

**CHAPTER 13 TRUSTEES’ CONTACT INFORMATION**

**DADE AND NORTH DADE DIVISION CODE 5 CASES: NANCY HERKERT, P.O. Box 279806, Miramar, FL 33027; Phone: (954) 443-4402; Web page <http://www.ch13herkert.com>. All chapter 13 plan payments **must** be mailed to a lock box at the following address: NANCY N. HERKERT, CHAPTER 13 TRUSTEE, P.O. BOX 2099, MEMPHIS, TN 38101-2099.**

**BROWARD AND PALM BEACH DIVISION CASES: ROBIN WEINER, P.O. Box 559007, Ft. Lauderdale, FL 33355-9007; Phone: (954) 382-2001; Web page <http://www.ch13weiner.com>. All chapter 13 plan payments **must** be mailed to a lock box at the following address: ROBIN R. WEINER, CHAPTER 13 TRUSTEE, P.O. BOX 2258, MEMPHIS, TN 38101-2258.**