

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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

GENERAL INFORMATION

GEOGRAPHIC BOUNDARIES

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)

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 #1517
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]

SEARCHING FOR DEBTOR INFORMATION

All paper case records are filed in the clerk's office by case number. Case information may also be obtained through the following public access services:

1. ECF/PACER (Electronic Case Files/Public Access to Court Electronic Records) - ECF/PACER is the latest electronic public access service that allows users to obtain case and docket information from the clerk's office. ECF PACER may be accessed through our website: www.flsb.uscourts.gov or directly at: <https://ecf.flsb.uscourts.gov>. To access ECF/PACER a login and password is required. You must register through the PACER Billing and Support Center by calling 1-800-676-6856, or by registering on-line at: <http://pacer.psc.uscourts.gov>. There is a fee to view or download information from this

system. [See “**Clerk’s Instructions for Electronic Public Access Services**” for more information.]

2. VCIS (Voice Case Information System) - This service provides access to general case information through a touch tone telephone: Dial toll free - 1-800-473-0226 or (305) 536-5972, 536-5973, 536-5979, 536-5696.

ECF/PACER and the court’s website can be accessed at public query terminals located in each divisional clerk’s office. For technical assistance in accessing the ECF/PACER system contact IT Services at (305) 714-1878, 1853 or 1855.

3. Contacting Clerk’s Office - Telephonically, the clerk’s office will provide limited case information (i.e., case type, case number, chapter, assigned judge, date filed, date discharged, date closed, primary party names, addresses, and phone numbers), and NARA’s (National Archives and Records Administration) case file location numbers.

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.

OBTAINING COPIES OF COURT RECORDS

Copies of documents filed in cases prior to October 17, 2005 may be obtained from the clerk’s office at a cost of \$.50 per page.

Copies of documents filed in cases on or after October 17, 2005, or court dockets, proofs of claim or claim registers for cases filed prior to October 17, 2005, can be printed from public access terminals at any clerk’s office location at a cost of \$.10 per page or from ECF/PACER at a cost of \$.08 per page, with a limit of \$2.40 per document (no page limit for transcripts).

Certified copies of court records for any document, regardless of date of filing must be obtained from the clerk’s office at a cost of \$9.00 for each certified document plus a per page copy charge of \$.50. The fee for a search conducted by the clerk’s office is \$26.00 per name or item.

Copies of papers in closed cases which have been sent to the Federal Records Center in East Point, Georgia can either be ordered directly from NARA by submitting Local Form “National Archives and Records Administration Order for Copies of Bankruptcy Cases,” or from the court by submitting the Local Form “Archives Request Form.” Local forms are available on the court website at www.flsb.uscourts.gov.

NOTE: *Original documents filed on or after October 17, 2005 in hard copy format will be maintained, retained or disposed of as set forth in Local Rule 5003-1(A).*

BANKRUPTCY FORMS AND LOCAL RULES

Official bankruptcy forms (petition, schedules and other related 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. Local rule booklets are also available for sale at each divisional clerk’s office. When required to be filed under the Local

Rules, the current version of the Official Bankruptcy Forms and Administrative Office of the United States Courts Director's Forms must be used.

FILING INFORMATION

The Bankruptcy Code, the Bankruptcy Rules and the local rules and administrative orders of this court prescribe the requirements for filing bankruptcy petitions, complaints, and other proceedings in this court. The instructions on the following pages list the papers required by chapter (and type) of petition, complaint or other proceeding. In addition, the information in items 1-10 is provided to assist you in complying with the filing requirements of this court. A **"Notice to Consumer Debtor(s) Under Section 342(b) of the Bankruptcy Code"** and **"Notice to Pro Se Debtors"** are attached to these instructions.

1. FILING FEES

- A. In General.** 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 for payment of copy, certification or research fees upon presentation of government photo identification of the party presenting the check. **DO NOT SEND CASH THROUGH THE MAIL.** Child support creditors seeking fee waivers must file the Administrative Office of the U.S. Courts Director's Form **"Appearance of Child Support Creditor or Representative"**. [See Local Rules 1006-1, 5080-1 and 5081-1 and Clerk's Summary of Fees.]

Filing fees for petitions and other fee based documents filed electronically by registered users of CM/ECF will 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.

- B. Installment payments.** Individual debtors applying to pay the filing fee in installments must comply with the requirements of Local Rule 1006-1(A), and Local Form "Application by Individual Debtor to Pay Filing Fee in Installments" must be submitted. An initial payment of **AT LEAST \$39.00** must accompany the petition.

The clerk will not accept any 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 Rule 1002-1(B)(1)(b).]

- C. 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 pages, along with a link to the poverty guidelines that must be met in order to qualify for this waiver.

2. REQUIRED SIGNATURES

The clerk may refuse to accept for filing any petition which does not contain the required original signature(s) and address(es). Other nonconforming papers may be stricken from the court record or returned without filing. Registered CM/ECF users filing cases in CM/ECF must submit the Local Form "Declaration Under Penalty of Perjury to Accompany Petitions, Schedules and Statements Filed Electronically" [See Local Rule 1007-1(D).]

3. 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).]

4. REFILE 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 on or after October 17, 2005 who have filed a previous case or case(s) at any time should be aware that, as a result of new provisions under the Bankruptcy Code, 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).]

5. 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 business entities except in certain instances. [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).

6. 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. **Conventional paper filers need only file the original and, if desired, an extra copy in order to return a conformed copy to the party filer. Please include an adequate sized stamped self-addressed envelope if return by mail is desired. Please note: All**

debtors, regardless of chapter, must complete all 3 pages of the petition and any required exhibits to the petition, including exhibit D, which is required for all individual debtors. For joint debtor cases, each spouse must complete a separate exhibit D. 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**".]

7. CREDITOR SERVICE MATRIX

See "**Clerk's Instructions for Preparing, Submitting and Obtaining Service Matrices**" for instructions for both conventional filers and registered CM/ECF users.

8. 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 and Statements Filed Electronically" in accordance with Local Rule 1009-1(A)(2).

9. COURTESY COPY NOT REQUIRED

Documents filed electronically or conventionally, including petitions, notices of appeal and other documents need no additional paper copies, unless otherwise directed by the court or clerk. See Local Rule 5005-1(F)(2) requirement for courtesy copies for emergency filings.

10. DOCUMENTS REQUIRED BY CHAPTER OR PROCEEDING TYPE

Following is a list 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. Please ensure that you are using 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.

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.]

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]

**Original and, if desired, 1 copy for return to filer
Filing Fee: \$299.00**

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

Note: Individual debtors must obtain credit counseling before filing the petition, unless an exception applies. (See clerk's "Stop" notice on page 22 of these instructions. 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 15 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.**

- 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” (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, 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: \$ 1039.00

- *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)

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]

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.]

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: \$1039.00

*1. Voluntary Petition

Note: Individual debtors must obtain credit counseling before filing the petition, unless an exception applies. (See clerk’s “Stop” notice on page 22 of these instructions. 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 15 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.**

*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 petit
- *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 15 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)". (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).

* minimum initial filing requirements
CI-1 (rev. 05/07/09)

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: \$239.00**

*1. Voluntary Petition

Note: Individual debtors must obtain credit counseling before filing the petition, unless an exception applies. (See clerk's "Stop" notice on page 22 of these instructions. 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 15 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.**

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
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, 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. See “Chapter 13 Suggestions” posted on the court website and the chapter 13 trustees’ websites.

Original and, if desired 1 copy for return to filer
Filing Fee: \$274.00

*1. Voluntary Petition

Note: Individual debtors must obtain credit counseling before filing the petition, unless an exception applies. (See clerk's "Stop" notice on page 22 of these instructions.) 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 15 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.**

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
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, 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
- *2. Local Form "**Summons to Debtor in Involuntary Case**"
- *3. Corporate ownership statements as required by Bankruptcy Rule 1010(b)

PETITION FOR RECOGNITION OF A FOREIGN PROCEEDING UNDER CHAPTER 15

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

Filing Fee: \$1039.00

- *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, Local Form "**Summons in Nonmain Proceeding Under Chapter 15**"
- *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 \$26 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 \$45 archive retrieval fee is required.** See also Local Rule 5010-1 (F).

* minimum initial filing requirements
CI-1 (rev. 05/07/09)

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" (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 \$45 archive retrieval fee is required.** See also Local Rule 5010-1(E).

ADVERSARY PROCEEDING

Original and, if desired, 1 copy for return to filer (complaint only) - Filing Fee: \$250.00
[Note: No fee required if filed by chapter 7/13 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 to file a hard copy of the 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 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: \$39.00

- *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 Registry 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 (ex.: Registration of foreign judgment, contested subpoenas)

Original and, if desired, 1 copy for return to filer - Filing Fee: \$39.00

- *1. Pleading

If subpoena, see Local Forms **Subpoena in Adversary Proceeding** and **Subpoena in Bankruptcy Proceeding**.

CLAIMS

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

Unless the court directs otherwise, all **original** proofs of claim must be filed with the court using the Administrative Office of the U.S. Courts Director's 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.

Transfer of claims - see Local Rule 3001-1(C).

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

INFORMATION FOR COMPLETING 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 to ensure that your papers are prepared in the correct format using the correct forms and that other clerk's instructions are followed. These procedures apply only to cases filed in the Southern District of Florida.

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.

General Information

1. This court is the United States Bankruptcy Court for the Southern District of Florida.
2. 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. A personal check or business check will ONLY be accepted for payment of copy, certification or research fees, upon presentation of an official government issued photo identification card of the person who is presenting the check. Do not send cash through the mail. Non cash payments must be made payable to "Clerk, U.S. Court". [See Local Rule 5081-1.]
3. 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 \$39 is required. Only chapter 7 individual debtors may file 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". [See Local Rule 1006-1.]
4. If a husband and wife are filing a joint petition, only one filing fee is required.

Petition

1. The Official Form Petition consists of three pages which must be completed fully by debtors. 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 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 15 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 which are available on the court's website. The new forms only require submission of the last 4 digits of the social security number. 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.
2. 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.]

3. A corporation, trust or partnership filing a petition must be represented by an attorney.
4. If you have not filed any prior bankruptcy case within the last eight years, you must indicate "NONE" in that section.
5. 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.
6. 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.
7. 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, and Statements Filed Electronically"
8. All originals and copies must be legible (including handwritten papers).

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.**

List of Creditors

1. If complete schedules are filed at the time the petition is filed, you do not have to file a separate list of creditors.
2. If you do not file your schedules at the time the petition is being filed, you must file a list of creditors. You may print your creditor service list and use it as your list of creditors to attach to the original and copies of two page petition.

Schedules (make sure you are using the latest version)

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 someone reviewing the papers might think you forgot to complete the required papers and your case may be dismissed without further notice. 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.]

Chapter 13 Plan

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.]

Use of Bankruptcy Kits

1. 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.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
NOTICE TO PRO SE DEBTORS**

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

WARNING: 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 this court's website under the "Bankruptcy Reform Act Information". 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 on page 22 of this document 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 this court's website under the "Bankruptcy Reform Act Information" and file the required certificate.

PLEASE VIEW THE VIDEO POSTED ON THIS COURT'S PRO SE WEBPAGE which follows a debtor through the bankruptcy process
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 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. 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 first 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.**

*** Note: A creditor's failure to receive notice of your case may result in the debt owed to that creditor not being discharged.**

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 have not completed this counseling before you file your petition, and you do not meet the requirements for an extension to complete the counseling after filing, your case will be dismissed and you will not receive a discharge of your debts. In some cases, you may not be allowed to file another case for 180 days. Even if you file another case within one year after your first case was dismissed, protection under the Bankruptcy Code from your creditors may be limited to thirty days after filing the new case.

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 five 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);**
- 3) You must complete box 3 of Exhibit D and summarize the exigent circumstances in the designated place on Exhibit D and file with your petition.**

Please be advised: 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

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.

Note: there are exemptions from this requirement available for the mentally ill or disabled or persons on military duty in an active combat zone. See 11 U.S.C. §109(h)(4), Exhibit D, box 4, on the Official Bankruptcy Petition, and Local Rule 1007-1(E) and clerk’s filing instructions for more information.

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) 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 15 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.**

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, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

1. 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, 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.

2. 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.

3. 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.

4. 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, \$39 administrative fee: Total fee \$274)

1. 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.

2. 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.

3. 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, \$39 administrative fee: Total fee \$1039)

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, \$39 administrative fee: Total fee \$239)

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.

Certificate 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 this notice required by § 342(b) of the Bankruptcy Code.

Printed name and title, if any, of Bankruptcy Petition Preparer _____

Address: _____

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

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.)

Certificate of the Debtor

I (We), the debtor(s), affirm that I (we) have received and read this notice.

Printed Name(s) of Debtor(s) _____

Case No. (if known) _____

X _____
Signature of Debtor Date

X _____
Signature of Joint Debtor (if any) Date