

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO**

**BANKRUPTCY DESK  
REFERENCE MANUAL**



**CHIEF JUDGE RANDOLPH BAXTER  
JUDGE RICHARD L. SPEER  
JUDGE MARILYN SHEA-STONUM  
JUDGE PAT E. MORGENSTERN-CLARREN  
JUDGE RUSS KENDIG  
JUDGE MARY ANN WHIPPLE  
JUDGE ARTHUR I. HARRIS  
JUDGE KAY WOODS**

**CLERK: KENNETH J. HIRZ**

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## **INTRODUCTION**

**THIS MANUAL WAS PREPARED BY THE CLERK'S OFFICE OF THE UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF OHIO, AS A REFERENCE GUIDE FOR BANKRUPTCY COURT PRACTITIONERS. WHILE THE INFORMATION PRESENTED IS ACCURATE AS OF THE DATE OF PUBLICATION, IT SHOULD NOT BE CITED OR RELIED UPON AS LEGAL AUTHORITY. MOREOVER, THE INFORMATION IS NOT INTENDED TO SERVE AS A COMPLETE EXPLANATION OF THE SUBJECT MATTER COVERED, NOR OF EVERY ISSUE ADDRESSED BY THE BANKRUPTCY COURT.**

**USERS OF THIS MANUAL ARE ENCOURAGED TO REFER TO THE APPLICABLE LEGAL AUTHORITIES GOVERNING BANKRUPTCY PROCEEDINGS, INCLUDING TITLES 11 AND 28 OF THE UNITED STATES CODE, THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL RULES PROMULGATED BY THIS COURT, AND THE ADMINISTRATIVE ORDERS AND GENERAL ORDERS ISSUED BY THIS COURT.**

**KENNETH J. HIRZ  
CLERK OF COURT**

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# **I. BANKRUPTCY COURT OVERVIEW**

## **DEFINITIONS**

The following definitions describe terms used in this manual:

- “Clerk” means the Clerk of the Bankruptcy Court and any Deputy Clerk.
- “Judge” means any judicial officer, including any District Judge or Bankruptcy Judge, before whom any bankruptcy case or proceeding is pending.
- “Court” means any Judge or Clerk of Court personnel to whom responsibility for a particular action or decision in a bankruptcy case or proceeding has been duly delegated or assigned.
- “Local Bankruptcy Rule(s)” or “LBR” mean the Local Rule(s) for the United States Bankruptcy Court, Northern District of Ohio.
- “Local Civil Rule(s)” or “LCR” mean the Local Civil Rule(s) for the United States District Court, Northern District of Ohio.  
[See LBR 9001-1]

## **COURT BUSINESS HOURS**

The office hours of the United States Bankruptcy Court Clerk’s Office are 8:00 a.m. to 5:00 p.m.; the public business hours during which papers may be filed are 9:00 a.m. to 4:00 p.m. weekdays, excluding legal holidays. In an emergency, papers may be filed at other times by making prior arrangements with the Clerk during public business hours. [See Fed. R. Bankr. P. 5001(c)]

## **COURT LOCATIONS**

### **AKRON**

U.S. Bankruptcy Court  
455 Federal Building  
Two South Main Street  
Akron, Ohio 44308  
Phone: (330) 375-5840  
FAX: (330) 375-5490  
Judge: Marilyn Shea-Stonum  
Deputy Clerk-in-Charge: Marie Randolph

### **CLEVELAND (Headquarters)**

U.S. Bankruptcy Court  
Key Tower  
127 Public Square  
Cleveland, Ohio 44114  
Phone: (216) 522-4373  
FAX: (216) 522-4082  
Judges: Randolph Baxter (Chief Judge)  
Pat E. Morgenstern-Clarren  
Arthur I. Harris  
Deputy Clerk-in-Charge: David Egar

**CANTON**

U.S. Bankruptcy Court  
Frank T. Bow Federal Building  
201 Cleveland Avenue, SW  
Canton, Ohio 44702  
Phone: (330) 489-4431  
FAX: (330) 489-4434  
Judge: Russ Kendig  
Deputy Clerk-in-Charge: Karen Rupert

**TOLEDO**

U.S. Bankruptcy Court  
411 U.S. Courthouse  
1716 Spielbusch Avenue  
Toledo, Ohio 43624  
Phone: (419) 259-6440  
FAX: (419) 259-6479  
Judges: Richard L. Speer  
Mary Ann Whipple  
Deputy Clerk-in-Charge: David Fickel

**YOUNGSTOWN**

U.S. Bankruptcy Court  
10 E. Commerce Street  
Youngstown, Ohio 44503  
Phone: (330) 746-7027  
FAX: (330) 746-8312  
Judge: Kay Woods  
Deputy Clerk in Charge: Carol Papalas

**COUNTIES SERVED BY DIVISIONAL OFFICES**

**EASTERN DIVISION:**

**AKRON**

Medina  
Portage  
Summit\*

**CLEVELAND**

Cuyahoga\*  
Geauga  
Lake  
Lorain

**CANTON**

Ashland  
Carroll  
Crawford  
Holmes  
Richland  
Stark\*  
Tuscarawas  
Wayne

**YOUNGSTOWN**

Ashtabula  
Columbiana  
Mahoning\*  
Trumbull

**WESTERN DIVISION:**

**TOLEDO**

Allen  
Auglaize  
Defiance  
Erie  
Fulton  
Hancock  
Hardin  
Henry  
Huron  
Lucas\*  
Marion  
Mercer  
Ottawa  
Paulding  
Putnam  
Sandusky  
Seneca  
Van Wert  
Williams  
Wood  
Wyandot

\* Indicates county in which divisional office is located.

## **FORMS AVAILABLE FROM CLERK'S OFFICE**

Please check the Bankruptcy Court website at [www.ohnb.uscourts.gov](http://www.ohnb.uscourts.gov) for a listing of local forms available on-line and at the Court's divisional offices. The forms can be found under the link entitled Forms & Publications, Local Forms.

## **OFFICE OF THE UNITED STATES TRUSTEE\***

### **UNITED STATES TRUSTEE**

Saul Eisen  
BP America Building  
200 Public Square  
20<sup>th</sup> Floor, Suite 3300  
Cleveland, Ohio 44114  
Phone: (216) 522-7176

### **CHAPTER 12 TRUSTEE**

#### **EASTERN DIVISION**

Andrew Suhar  
Metro Tower  
Suite 1101  
11 Federal Plaza C  
Youngstown, Ohio 44503

### **CHAPTER 12 TRUSTEE**

#### **WESTERN DIVISION**

Suzanne Mandross  
PO Box 2534  
Toledo, Ohio 43606  
Phone: (419) 537-9906

### **CHAPTER 13 TRUSTEE**

#### **AKRON**

Jerome Holub  
Key Building, Suite 930  
159 S. Main Street  
Akron, Ohio 44308  
Phone: (330) 762-6335

### **CHAPTER 13 TRUSTEE**

#### **CANTON**

Toby Rosen  
Charter One Bank Building, 4<sup>th</sup> Floor  
400 W. Tuscarawas Street  
Canton, Ohio 44702  
Phone: (330) 455-2222

### **CHAPTER 13 TRUSTEE**

#### **CLEVELAND**

Craig Shopneck  
BP Tower  
200 Public Square, Suite 3860  
Cleveland, Ohio 44114  
Phone: (216) 621-4268

### **CHAPTER 13 TRUSTEE**

#### **TOLEDO**

Anthony DiSalle  
501 Toledo Building  
316 N. Michigan Street  
Toledo, Ohio 43624  
Phone: (419) 255-0675

### **CHAPTER 13 TRUSTEE**

#### **YOUNGSTOWN**

Michael Gallo  
20 Federal Plaza West  
Suite 600  
Youngstown, Ohio 44503  
Phone: (330) 743-1246

\* The above information on the Office of the United States Trustee applies to Region 9, which includes the Northern District of Ohio. Please note that the Office of the United States Trustee is not a part of the United States Bankruptcy Court.

## **SECTION 341 MEETING LOCATIONS**

### **AKRON (Chapter 7)**

First Energy Building  
76 South Main Street, Atrium Level  
Akron, Ohio 44308

### **AKRON (Chapter 13)**

Chapter 13 Hearing Room  
159 South Main Street  
904 Key Building  
Akron, Ohio 44308

### **CANTON (Canton)**

Frank T. Bow Federal Building  
201 Cleveland Avenue, SW  
#B 13  
Canton, Ohio 44702

### **CANTON (Chapter 7 - Mansfield)**

Mansfield Municipal Complex  
City Council Chambers  
30 North Diamond Street  
Mansfield, Ohio 44902

### **CANTON (Chapter 13 - Mansfield)**

Richland County Courthouse  
50 Park Avenue, E.  
Commissioner's Office, 1<sup>st</sup> Floor  
Mansfield, Ohio 44902

### **CLEVELAND**

BP America Building  
200 Public Square, Atrium Level  
Cleveland, Ohio 44114

### **TOLEDO (Toledo Area)**

Ohio Building  
420 Madison Avenue, Room 680  
Toledo, Ohio 43604

### **TOLEDO (Lima Area)**

American Mall Community Room  
3000 West Elm Street  
Lima, Ohio 45805

### **TOLEDO (Marion Area)**

Marion City Hall  
233 West Center Street  
2<sup>nd</sup> Floor  
Marion, Ohio 43302

### **YOUNGSTOWN (Ashtabula County)**

Ashtabula County Courthouse  
25 West Jefferson Street  
2<sup>nd</sup> Floor Conference Room  
Jefferson, Ohio 44047

### **YOUNGSTOWN (All Others)**

Federal Building and U.S. Courthouse  
10 E. Commerce Street  
Room 340  
Youngstown, Ohio 44503

## **FEDERAL HOLIDAYS**

The United States Bankruptcy Court closes in observance of these federal holidays:  
[See Fed. R. Bankr. P. 5001(c) and 9006(a)]

New Year's Day*	January 1
Martin Luther King, Jr. Day	3 <sup>rd</sup> Monday in January
Presidents Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day*	July 4
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veterans Day*	November 11
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Christmas Day*	December 25

\* If a holiday falls on a Saturday, it is celebrated on the previous Friday. If a holiday falls on a Sunday, it is celebrated on the following Monday.

## **ADDITIONAL INFORMATION**

**COURT WEB SITE:** [www.ohnb.uscourts.gov](http://www.ohnb.uscourts.gov)

The Court's web site contains a variety of information, including:

- Names of the Judges and the Clerk of Court
- Court locations and telephone numbers
- Staff directory
- Hours of operation
- Job postings
- Information on the Court's Case Management/Electronic Case Filing (CM/ECF) Project
- Desk Reference Manual
- Local Bankruptcy Rules
- Bankruptcy Appellate Rules
- Bankruptcy Appellate Panel Manual
- Official Forms, Local Forms, and Clerk's Notices
- Selected General Orders, Administrative/Miscellaneous Orders, and Memoranda
- Selected published opinions
- Fee schedule
- Information on PACER (Public Access to Court Electronic Records)
- Information on VCIS (Voice Case Information System)
- Miscellaneous announcements and notices
- Links to related sites

PUBLIC ACCESS TO COURT ELECTRONIC RECORDS (PACER):

PACER provides the public with electronic access to selected Court case information from a personal computer. Subscribing parties can access cases and docket sheets electronically, retrieving information that is also available in the Clerk's Office. The PACER telephone number is (800) 579-5735. To subscribe, or report problems, contact the PACER Support Center at (800) 676-6856.

VOICE CASE INFORMATION SYSTEM (VCIS):

The VCIS system provides general access to the information and records on bankruptcy cases. Public case information may be obtained without charge using a touch-tone phone. The VCIS telephone number is (800)898-6899.

ADMINISTRATIVE AND GENERAL ORDERS, LOCAL RULES:

Copies of the Administrative and General Orders issued by the Judges, as well as the Court's Local Bankruptcy Rules, can be obtained by calling the Clerk's Office at (216) 522-4373 x3035.

## **II. FILING OF A BANKRUPTCY PETITION**

### **TYPES OF CASES**

CHAPTER 7 (LIQUIDATION): The orderly, court-supervised procedure by which a trustee collects the non-exempt property of an individual or business debtor, reduces the assets to cash, and makes distributions to creditors.

CHAPTER 9 (MUNICIPALITY): The process by which a municipal unit is permitted to continue its operations while it adjusts or refinances its creditors' claims.

CHAPTER 11 (REORGANIZATION): The reorganization of a business debtor, usually involving a corporation or partnership, which permits the enterprise to continue its operations while restructuring its finances through a court-approved plan.

CHAPTER 12 (FAMILY FARMER): The adjustment of debts of a family farmer with regular annual income through a court-approved debt repayment plan. (The provisions of Chapter 12 expired on January 1, 2004. Legislation to extend Chapter 12 is pending in Congress.)

CHAPTER 13 (WAGE EARNERS PLAN): The adjustment of debts of an individual with regular income, or a small business owned by such individual, which allows the debtor to retain certain assets by repaying creditors over a period of time through a court-approved plan.

## **ELIGIBILITY FOR FILING**

- Chapter 7: Petition may be filed by an individual, partnership, corporation, stockbroker, or commodity broker. [See 11 U.S.C. §§ 101(17) and 109(b), (d), (e), and (f)]
- Chapter 9: Petition may be filed by a municipality. [See 11 U.S.C. §§ 101(34) and 109(c)]
- Chapter 11: Petition may be filed by an individual, partnership, corporation, or a railroad. [See 11 U.S.C. §§ 101(17) and 109(b), (d), (e), and (f)]
- Chapter 12: Petition may be filed by an individual, partnership, or corporation. [See 11 U.S.C. §§ 101(17) and (18) and 109(b), (d), (e), and (f)]. (The provisions of Chapter 12 expired on January 1, 2004. Legislation to extend Chapter 12 is pending in Congress.)
- Chapter 13: Petition may be filed by an individual only. [See 11 U.S.C. § 109(e)]

## **GENERAL FILING REQUIREMENTS**

### **ELECTRONIC CASE FILING (ECF)**

All pleadings and other papers filed in all cases and proceedings, whether pending or new, must be filed electronically according to the procedures established by the Court, except as follows:

1. Parties without legal representation (*pro se* parties) must file all pleadings and other papers conventionally and not electronically.
2. Creditors who are not registered Electronic Case Filing users must file proofs of claim conventionally.
3. The signature declaration form (Declaration re: Electronic Filing of Documents), as set forth in section II B 4 of the Electronic Case Filing Administrative Procedures Manual, must be filed conventionally.
4. All documents set forth in section III of the Electronic Case Filing Administrative Procedures Manual, as it may be amended from time to time, must be filed conventionally and not electronically unless specifically authorized by the Court.  
[See General Order No. 03-1]

### **VENUE**

A case may be commenced in the bankruptcy court for the district (1) in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the debtor have been located for the 180 days immediately preceding commencement of the case, or for a longer portion of the 180-day period than the domicile, residence, principal place of business in the United States, or principal assets in the United States of the debtor were located in any other

district; or (2) in which a case is pending under Title 11 concerning the debtor's affiliate, general partner, or partnership. [See 28 U.S.C. § 1408; LBR 1071-1]

### RELATED CASES

A petition involving a related case must be filed at the Court location where the first related case was filed. Related cases include cases in which the debtors are:

1. identical individuals or entities, *e.g.*, DBAs, FDBAs, other cases of the same person;
2. a corporation and any major shareholder thereof;
3. affiliates;
4. a partnership and any of its general partners;
5. an individual and his or her general partner or partners;
6. an individual and his or her spouse;
7. entities having substantial identity of financial interests or assets.

[See LBR 1015-2(a)]

### REJECTION OF PETITIONS

The Clerk may refuse to accept for filing any petition (1) not accompanied by the proper filing fee, unless otherwise authorized by law, or (2) presented for filing on behalf of a person or entity subject to an order enjoining such person or entity from filing such petition, or (3) not signed by the debtor. The Clerk shall not accept for filing any facsimile transmission unless ordered by the Court. [See Fed. R. Bankr. P. 1006(a); LBR 1002-1(a) and 5005-1(b); General Order No. 89-1]

### PRO SE PETITIONS

Any debtor wishing to file a bankruptcy petition without the assistance of an attorney must comply with the following requirements:

1. The debtor must appear in person at the appropriate Clerk's Office to file the petition.
2. When appearing at the Clerk's Office, the debtor must provide sufficient identification before the petition will be accepted for filing. A picture ID, such as a driver's license, is the preferred type of identification.
3. If co-debtors intend to file a joint case, both co-debtors (husband and wife) must be present at the Clerk's Office.
4. An exception to the above requirements will be permitted if the debtor has executed a power of attorney. In such cases the holder of the power of attorney may file the petition on behalf of the debtor after presenting the power of attorney document and sufficient identification at the Clerk's Office.
5. The petition must be accompanied by the proper filing fee, unless otherwise authorized by law.
6. The petition must be signed by the debtor.

7. The petition will not be accepted for filing by a bankruptcy petition preparer on behalf of a debtor.

## **REQUIRED DOCUMENTS**

The following provisions govern the types and format of documents required with respect to the filing of a petition:

### **PETITIONS**

#### **Chapter 7:**

Petition and Signature Page  
Summary of Schedules  
Schedules A-J and Declaration Page  
Statement of Financial Affairs and Declaration Page  
Disclosure of Attorney Fees  
Statement of Intention  
Matrix

[See 11 U.S.C. §§ 329 and 521(1) and (2); Fed. R. Bankr. P. 1006, 1007, and 2016(b); LBR 1007-1 and 1007-2]

#### **Chapter 11:**

Petition and Signature Page  
Exhibit "A"  
Summary of Schedules  
Schedules A-J and Declaration Page  
List of 20 Largest Unsecured Creditors  
List of Equity Secured Creditors  
Statement of Financial Affairs and Declaration Page  
Corporate Resolution (if Corporation)  
Disclosure of Attorney Fees  
Matrix

[See 11 U.S.C. §§ 329 and 521(1) and (2); Fed. R. Bankr. P. 1006, 1007, and 2016(b); LBR 1007-1 and 1007-2]

#### **Chapter 12:** (The provisions of Chapter 12 expired on January 1, 2004. Legislation to extend Chapter 12 is pending in Congress.)

Petition and Signature Page  
Summary of Schedules  
Schedules A-J and Declaration Page  
Statement of Financial Affairs and Declaration Page  
Disclosure of Attorney Fees  
Matrix

[See 11 U.S.C. §§ 329, 521(1) and (2), and 1221; Fed. R. Bankr. P. 1006, 1007, and 2016(b);

LBR 1007-1 and 1007-2]

Chapter 13:

Petition and Signature Page

Summary of Schedules

Schedules A-J and Declaration Page

Statement of Financial Affairs and Declaration Page

Chapter 13 Plan and Summary

Disclosure of Attorney Fees

Matrix

[See 11 U.S.C. § 329; Fed. R. Bankr. P. 1006, 1007, 2016(b), and 3015; LBR 1007-1 and 2]

SCHEDULES

The schedules shall state the names and addresses of creditors and parties in interest in alphabetical order within the designated boxes by the last names of natural persons and the first names of other entities. Computer-generated forms may not exceed the box size of the official forms. Each address shall include the number and street or the post office box and the city, state, and zip code. If full address information is unknown, the schedules shall so state. Whenever an interest in real estate is scheduled, the legal description, permanent parcel number, and street address shall be stated. [See LBR 1007-1(a), 5005-1(d) and 9004-1(b)]

MATRICES

Unless otherwise ordered by the Court, all petitions must be accompanied by a mailing matrix listing creditors and parties in interest. Modifications to a previously filed matrix shall be treated as an amendment to the listing of creditors and will require debtor verification and payment of appropriate costs. All matrices must meet the following minimum standards:

1. Each address may not exceed 5 lines of type;
2. Each matrix page must be prepared showing creditors in a single column no closer than 1½ inches from any edge;
3. Each line of type cannot exceed 35 characters;
4. Addresses should not contain account numbers or other internal creditor identifying codes;
5. The last line within each address must show only the city, state, and zip code;
6. Only 2 letter state abbreviations shall be used;
7. Matrices must be submitted in letter quality print using Courier, Prestige Elite, or Letter Gothic font styles.

[See LBR 1007-2]

The matrix shall be considered to be a “list of creditors,” as that term is used in Fed. R. Bankr. P. 2002(g). It is the responsibility of the debtor, or debtor’s counsel, to verify that all scheduled creditors and related parties are included within any disk, electronic mail or paper matrix, and that the matrix format is compatible with automated equipment used by the Court. In addition, the debtor shall be responsible to cure, by re-serving affected creditors and parties in interest, any noticing deficiencies resulting from incomplete lists of creditors or improper formatting within the matrix. [See General Order No. 02-1]

## FORMS

Except as otherwise ordered by the Court, all papers filed with the Clerk, including exhibits, shall comply with Official Bankruptcy Forms, and shall be printed, typewritten, or hand printed in ink on 8½ x 11 inch white paper. The Official Bankruptcy Forms can be found on the Court's website at [www.ohnb.uscourts.gov](http://www.ohnb.uscourts.gov). The Clerk may accept different sized documents, such as computer printouts. [See Fed. R. Bankr. P. 9009; LBR 1002-1(b), 5005-1(a), and 9004-1(a)]

## GENERAL FORMAT OF PAPERS

All documents presented for filing or lodging in paper format either by mail or over the counter shall be prepared on only one side of the document. No duplex or double-sided printing will be accepted. No documents presented for filing shall be pre-punched. [See General Order 02-3]

## CAPTION

On all papers filed with the Clerk after the petition, the name of the Judge to whom the case is assigned shall be included in the caption either above or below the case number. [See LBR 5005-1(d) and 9004-2]

## VERIFICATION AND SIGNATURE

The petition must be verified by the petitioner or contain an unsworn declaration. Every petition filed on behalf of a party represented by an attorney must be signed by at least one attorney of record in the attorney's individual name. Signatures on the petition, pleadings, motions, and other documents shall include the attorney's typewritten name, firm affiliation, if any, address, telephone number, and Bar Registration Number. Only the original petition need be signed and verified, but all copies must be conformed to the original. [See 28 U.S.C. § 1746; Fed. R. Bankr. P. 1008, 9011(a), and 9011(c); LBR 5005-1(e) and 9011-4]

Signatures on documents filed via the Court's Electronic Case Filing system are governed by section II.B. of the Electronic Case Filing (ECF) Administrative Procedures Manual, which can be found on the Court's website at [www.ohnb.uscourts.gov](http://www.ohnb.uscourts.gov).

## COPIES

An original and 3 copies of the petition, each schedule, statement, list, and plan shall be filed with the Clerk. Upon conversion of any case, an original and 3 copies of amended schedules or related documents shall be filed with the Clerk. The above copy requirements shall not apply to papers filed by electronic means established by the Court. [See Fed. R. Bankr. P. 1007 and 3015; LBR 1002-1(c), 1007-1(b), and 5005-2]

## FILING FEES

### CASE-SPECIFIC FEES

Chapter 7: \$209

Chapter 11: \$839

Chapter 12: \$239 (The provisions of Chapter 12 expired on January 1, 2004. Legislation to extend Chapter 12 is pending in Congress.)

Chapter 13: \$194  
[See 28 U.S.C. § 1930; Bankruptcy Court Miscellaneous Fee Schedule.]

**INSTALLMENT FEES**

Payment of filing fees in installments is permitted only for voluntary petitions filed by an individual. If the petitioner files an application to pay the filing fee in installments, the application must state the proposed terms of the installment payments and that the applicant has not compensated an attorney for services in connection with the case. The number of proposed installments must not exceed four, with the final installment payable no later than 120 days after the filing date. The Court may, for good cause shown, extend the deadline for the final payment for 60 days. [See Fed. R. Bankr. P. 1006(b)]

Payment of filing fees in installments is permitted when filing fees are paid by credit card for documents filed via the Court’s Electronic Case Filing system. [See General Order No. 03-2; Electronic Case Filing (ECF) Administrative Procedures Manual, Section II.E]

**CHILD SUPPORT CREDITORS**

Upon the completion and filing of the requisite form, the Clerk shall accept filings from child support creditors or their representatives for appearance and intervention in all cases and proceedings in this Court without charge or any filing fees which would otherwise be applicable. [See 28 U.S.C. § 1930(b); § 304(g) of the Bankruptcy Reform Act of 1994; § 6 of the Judicial Conference Miscellaneous Fee Schedule; General Order No. 95-1]

**RESTRICTIONS**

Petitioners may not proceed *in forma pauperis* when filing bankruptcy petitions, nor may debtors pay their filing fees with personal checks or credit cards. [See 28 U.S.C. § 1930(a)]

**ADDITIONAL COURT FEES**

Adversaries .....	\$150.00
Amended Matrix or Creditors’ List .....	\$26.00
Ancillary Petition .....	\$839.00
Appeal .....	\$255.00
Archives Retrieval .....	\$45.00
Certificate of Liens .....	\$7.00
Certifications .....	\$9.00
Conversion from Chapter 7 to Chapter 11 .....	\$645.00
Conversion from Chapter 13 to Chapter 11 .....	\$645.00
Conversion from Chapter 11, 12, or 13 to Chapter 7 .....	\$15.00
Copies, per Page.....	\$.50
Exemplifications .....	\$18.00
Mailing Labels, per Page .....	\$5.00
Microfilm/Microfiche of Court Record .....	\$5.00
Miscellaneous Paper, Filing or Indexing .....	\$39.00

Motion for Relief or Abandonment .....	\$150.00
Motion to Withdraw Reference .....	\$150.00
Notices (Only if Noticing Occurred Prior to 1/1/98) .....	\$.50
Registration of Judgment from Foreign District .....	\$30.00
Returned Check .....	\$45.00
Search of Records .....	\$26.00
Split Case from Chapter 7 to Chapter 13 .....	\$155.00
Split Case from Chapter 13 to Chapter 7 .....	\$155.00
Tape or Other Recording Duplication .....	\$26.00
Witness Fee, per Day .....	\$40.00
Witness Mileage, per Mile .....	\$.375

[See 28 U.S.C. § 1930; Bankruptcy Court Miscellaneous Fee.]

### **III. DEBTOR/CREDITOR PROVISIONS**

#### **MOTION FOR RELIEF FROM STAY**

A motion for relief from the automatic stay provided by 11 U.S.C. § 362(a) shall be served on the debtor, the debtor’s counsel, the trustee, the trustee’s counsel if appointed, any official committees and their counsel if appointed, and any other parties asserting, having, or claiming an interest in the property, and shall identify the property, and state the amount of the outstanding indebtedness and the fair market value of the property. The motion, which shall be styled according to the standardized forms set forth in General Order No. 99-1, shall be accompanied by a legible and complete copy of all relevant loan and security agreements and evidence of perfection, unless such documents are voluminous. A copy of any prior orders of the Court upon which the motion relies shall be attached. [See Fed. R. Bankr. P. 4001(a)(10) and 9014; LBR 4001-1, 9013-1, 9013-2, and 9013-3; General Order No. 99-1]

#### **MEETING OF CREDITORS**

##### **IN GENERAL**

Except in Chapter 9 cases, a meeting of creditors (Section 341 Meeting) is required within a reasonable time after the order for relief in the case. Every debtor must personally attend the meeting of creditors and submit to an examination under oath. The United States Trustee, his/her designee, or a panel trustee (Chapter 7 cases) presides at the meeting. Creditors are not required to attend the meeting, but may attend and question the debtor, elect a trustee other than the one assigned, and conduct such other business as may be appropriate. Meetings other than the first Section 341 Meeting may take place. A meeting of equity security holders may be held if ordered by the Court. The United States Trustee may call special meetings of creditors or a final meeting of creditors. [See 11 U.S.C. §§ 341(a), 343, and 901(a); Fed. R. Bankr. P. 2003(b)(1) and (2), (f), and (g)]

### SCHEDULING THE MEETING

In Chapter 7, 11, and 13 cases, the Section 341 Meeting must take place not less than 20 nor more than 40 days after the order for relief; in Chapter 12 cases, the meeting must occur not less than 20 nor more than 35 days after the order for relief. The meeting may be held at a later time if there is an appeal from or a motion to vacate the order for relief, or if there is a motion to dismiss the case. The debtor, the trustee, all creditors and indenture trustees must be given at least 20 days notice by mail. By law, the meeting may be held at any place where Court is regularly held or at any other place designated by the Court or the United States trustee which is within the district and convenient for the parties in interest. [*See* **341 MEETING LOCATIONS**, above. *See also* Fed. R. Bankr. P. 2002(a) and 2003)]

### DISCHARGE OF DEBTOR

- Chapter 7: The discharge is granted after the time for filing objections to discharge expires, provided there are no objections pending. [*See* 11 U.S.C. § 727; Fed. R. Bankr. P. 4004(c)(1)]
- Chapter 11: The order confirming the plan operates as a discharge. [*See* 11 U.S.C. § 1141]
- Chapter 12: The discharge is granted when the debtor completes payments under a confirmed plan. [*See* 11 U.S.C. § 1228]. (The provisions of Chapter 12 expired on January 1, 2004. Legislation to extend Chapter 12 is pending in Congress.)
- Chapter 13: The discharge is granted when the debtor completes payments under a confirmed plan. [*See* 11 U.S.C. § 1328]

### REAFFIRMATION AGREEMENTS

A reaffirmation agreement is a debtor's agreement with a creditor to reaffirm the debtor's obligation to repay a debt that would otherwise be dischargeable. [*See* 11 U.S.C. § 524]