



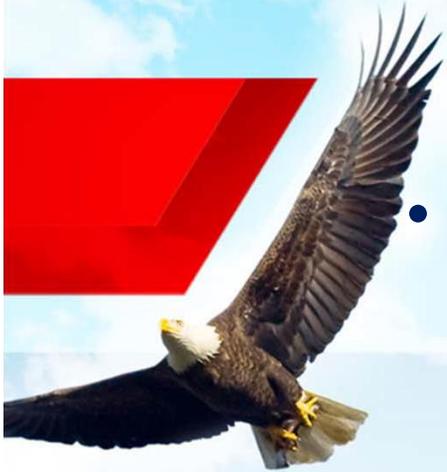
December 1, 2015 New Bankruptcy Forms Training

Produced by U.S. Bankruptcy Court for Rhode Island
Customized for U.S. Bankruptcy Court District of Connecticut

Why the Forms Are Changing?



- Part of Forms Modernization Project – began in 2008
- Designed to be easier for debtors to read and understand
- To improve interface between technology and the forms
 - increase efficiency and reduce need to produce same information in multiple formats
- New forms will be more compatible with court's Next Generation CM/ECF system



Which Forms are Changing?

- All but 6 existing official forms and virtually all of the director's forms – all forms are being renumbered
- Official Bankruptcy Forms are approved by the Judicial Conference and are required by Fed. R. Bankr. P. 9009. **These forms change from two to three digit numbers** (sometimes followed by a letter), and generally follow the below pattern:
 - **1XX** forms --case opening, **individual debtors**
 - **2XX** forms --case opening, **non-individual debtors**
 - **3XX** forms -- **court notices and orders**, and
 - **4XX** forms -- **all other types** of forms

What About Director Forms?



- Director's Bankruptcy Forms are issued under Rule 9009 by the Director of the Administrative Office of the U.S. Courts.
- The use of Director's Forms may be required by local court rules or general orders, but otherwise exist for the convenience of the parties.
- Director's bankruptcy forms have been changed from three- to four-digit numbers (sometimes followed by a letter); usually by adding a zero to the original form number.

Case Opening Petition Forms

- The current Voluntary and Involuntary petitions are broken into **5 separate forms**.
- Separate petition forms for individuals, non-individuals and chapter 15 cases (foreign proceedings)
 - **For Voluntary Cases:** Forms 101, 201 and 401
 - **For Involuntary Cases:** Forms 105 and 205
- Most of the form changes involve separating the forms by the type of debtor.
- There will still be **one filing event for opening a voluntary case** and **one filing event for opening an involuntary case**.



Form 101- Voluntary Petition Individual Debtor



- This form is now 8 pages.
- References to, and Exhibits A, B, C and D themselves, have been eliminated. The requested information is either asked in the form itself or is not applicable to individual debtors
- Language and instructions are now simpler on all forms
- Includes chapter 7 and 11 individual business data
- There are **comprehensive instructions accompanying all the new forms** (a copy of the instructions are posted on U.S. Courts' website at: <http://www.uscourts.gov/rules-policies/pending-rules-amendments/pending-changes-bankruptcy-forms>)
- Users are also strongly encouraged to review the **Committee Notes** to each form for further understanding

Changes to Credit Counseling Process

Form 101 now includes credit counseling as part of the voluntary petition for individuals (No more Exhibit D):

- Exigent Circumstances:

- Under Part 5, requires the filing of a separate statement if debtor is alleging exigent circumstances and seeking a 30 day waiver

- Motion for Waiver of Credit Counseling:

- If a debtor believes a briefing is not required because of **incapacity, disability or active duty**, a motion for waiver of credit counseling must be filed.
- **Revised ECF Event:** Motion, Waiver of Credit Counseling. Located under Bankruptcy Events → Motions/Applications → Motion, Waiver of Credit Counseling.



Debtor Who Resides as a Tenant

The rent provisions have been removed from the petition and replaced with Official Forms:

- 101A -- *Initial Statement About an Eviction Judgment Against You* and
- 101B -- *Statement About Payment of an Eviction Judgment Against You*
- **Form 101A applies if:**
 - (1) the landlord has a judgment for possession or an eviction judgment;
 - (2) the debtor rents the residence and
 - (3) seeks to stay the eviction under §362(a)(3).
- The debtor is now required to **certify under penalty of perjury that:**
 - (1) they have a right to stay in the residence under state law and
 - (2) that the rent has been paid to the court
- The debtor is also required to timely serve a copy of the applicable statements on the landlord.



Form 101B and New Rent Related Events

If debtors wish to stay in their residence
for more than 30 days after filing:



(1) They must file Form 101B within 30 days after filing the petition

(2) Certify on Form 101B, under penalty of perjury, that:

(a) they have a right to stay in the residence under state law and

(b) that they have paid their landlord the entire delinquent amount as stated in the judgment for possession or in the eviction judgment

- 2 New ECF Events:

- Initial Statement of Eviction Judgment – Official Form 101A
Bankruptcy Events → Miscellaneous.

- Statement about Payment of Eviction Judgment – Official Form 101B
Bankruptcy Events → Miscellaneous.

CM/ECF Case Opening Screens

Dec. 1, 2015 Bankruptcy Forms

Form 101 - Voluntary Petition for Individuals

Open New Voluntary Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors **New**

Estimated assets

Estimated liabilities

Small business

- A (\$0 to \$50,000 (\$0 to \$10,000))
- B (\$50,001 to \$100,000 (\$10,000 to \$100,000))
- C (\$100,001 to \$500,000 (\$100,000 to \$1 million))
- D (\$500,001 to \$1 million (\$1 million to \$100 million))
- E (\$1,000,001 to \$10 million (More than \$100 million))
- F (\$10,000,001 to \$50 million)
- G (\$50,000,001 to \$100 million)
- H (\$100,000,001 to \$500 million)
- I (\$500,000,001 to \$1 billion)
- ~~J (More than \$1 billion)~~
- K (\$1,000,000,001 - \$10 billion)
- L (\$10,000,000,001 - \$50 billion)
- M (More than \$50 billion)

Nature of Debt:

Business
Consumer
Other **New**

Type of debtor

- Individual
- Corporation (includes LLC & LLP)
- Partnership
- Other

Nature of business

- Health Care Business
- Single Asset Real Estate
- Railroad
- Stockbroker
- Commodity Broker
- Clearing Bank
- None of the above

Disabled for Individual debtors

Deactivated for cases filed after 11/30/2015

New

fppt.com

fppt.com

Voluntary Petition for Non-Individuals



- Official Form 201 has been substantially reformatted and reorganized
- Provides options for either chapter 7, 9 or detailed options for chapter 11:
 - Is debtor a small business,
 - Is debtor a shell company
 - Is plan being filed with the petition
- Form requires an **address for the location of principal assets if different from the principal place of business** and includes line for listing debtor's website.
- Debtor must indicate if it is an investment company including a hedge fund or pooled investment vehicle, or an investment advisor or tax exempt entity.
- The debtor is required to list its North American Industry Classification System 4-digit code.

Voluntary Petition-Non-Individuals



- References to, and Exhibits B, C and D themselves, have been eliminated. The requested information is either asked in the form itself or is not applicable to non-individual debtors
- Official Form 201A, *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11* has replaced Exhibit A. The debtor must file Form 201A if requesting relief under Chapter 11 and if required to file periodic reports (e.g. forms 10K and 10Q) with the SEC

CM/ECF Case Opening Screens

Dec. 1, 2015 Bankruptcy Forms

Form 201 Voluntary Petition for Non-Individuals

Open New Voluntary Bankruptcy Case

Prior filing within 180 days

Fee

Nature of business

Asset

Estimated number of creditors

Estimated assets

Estimated liabilities

Small business

A plan is being filed with this petition.

Acceptances of the plan were solicited prepetition

Debtor is required to file periodic reports

Debtor is a shell company *New*

**New Nature of Business codes:
Investment Company
Investment Advisor**

Type of debtor

- Individual
- Corporation (includes LLC & LLP)
- Partnership
- Other

Nature of business

- Health Care Business
- Single Asset Real Estate
- Railroad
- Stockbroker
- Commodity Broker
- Clearing Bank
- None of the above

**Other changed to
None of the Above**

Special categories *New*

- Tax-Exempt Entity
- Investment Company
- Investment Advisor

NAICS code

4
4231 (Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers)

Next Clear

CM/ECF Case Opening Screens

Dec. 1, 2015 Bankruptcy Forms

Form 201 Voluntary Petition for Non-Individuals

Open New Voluntary Bankruptcy Case

Prior filing within last 8 years

Estimate of assets

Estimated liabilities

Small business

A plan is being filed with this petition.

Acceptances of the plan were solicited per petition

Debtor is required to file periodic reports

Debtor is a shell company *New*

Type of debtor

- Individual
- Corporation (includes LLC & LLP)
- Partnership
- Other

Nature of business

- Health Care Business
- Single Asset Real Estate
- Railroad
- Stockbroker
- Common carrier
- Cleaning
- None of the above

Special categories *New*

- Tax-Exempt Entity
- Investment Company
- Investment Advisor

NAICS code

(Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers)

Next Clear

New Chapter 11 Fields
Debtor is Required to file periodic reports
Debtor is a shell company

New NAICS business codes:

Official Form 401 – Petition for Reorganization of Foreign Proceeding (Chapter 15)

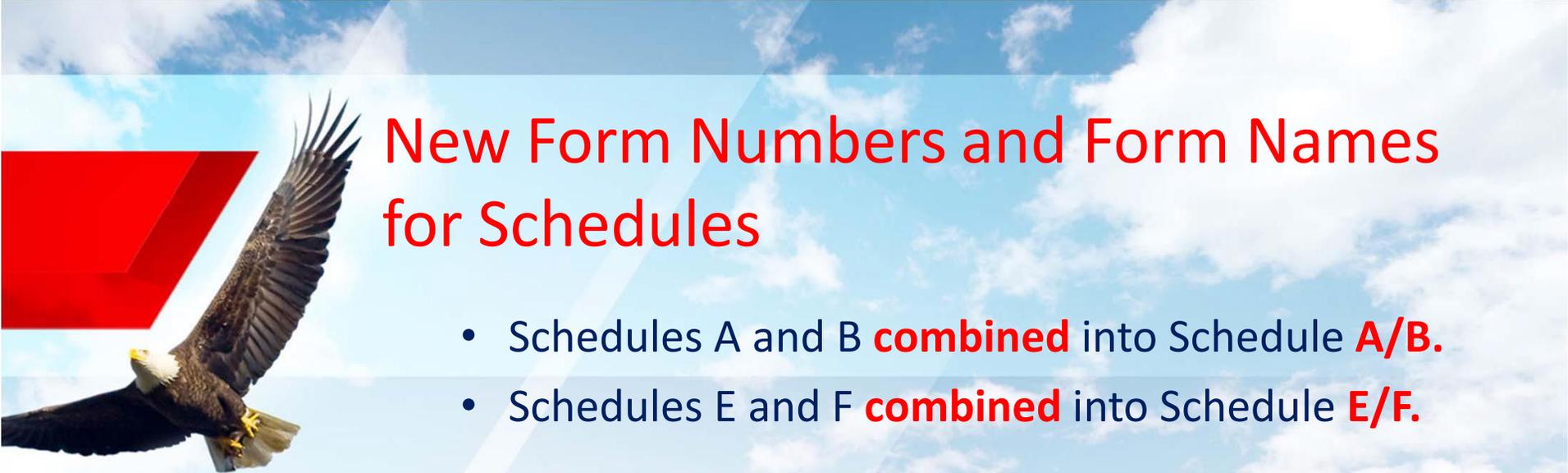


- Applies to foreign proceedings involving both individual and non-individual debtors
- The new form consolidates information previously included in Official Form 1 and requires evidence of the foreign proceeding and of the foreign representative's appointment.
- Documents must be translated into English.
- The foreign representative must attach a list of persons or bodies entitled to notice.

Involuntary Petitions



- Official Form 105, *Involuntary Petition Against an Individual*
- Official Form 205, *Involuntary Petition Against a Non-Individual*
- Both forms require a statement that each petitioner or the petitioner's representative has reviewed the information in the petition and has a "reasonable belief that the information is true and correct"
- Petitioner's attorney must provide their email address, or if petitioner is an individual or not represented by an attorney, the contact phone and email address of the petitioner must be provided



New Form Numbers and Form Names for Schedules

- Schedules A and B **combined** into Schedule **A/B**.
- Schedules E and F **combined** into Schedule **E/F**.

Current Form #	Current Name	New Form #	New Name
B6A	Schedule A - Real Property	B106A/B	Schedule A/B Property - Individual
B6B	Schedule B - Personal Property	B206A/B	Schedule A/B Property - Non-Individual
B6E	Schedule E - Creditors Holding Unsecured Priority Claims	B106E/F	Schedule E/F - Creditors Who Have Unsecured Claims - Individual
B6F	Schedule F - Creditors Holding Unsecured Nonpriority Claims	B206E/F	Schedule E/F - Creditors Who Have Unsecured Claims - Non-Individual

- Separate A/B Forms for **Individual** and **Non-Individual** debtors
- Separate E/F Forms for **Individual** and **Non-Individual** debtors

Schedules and Summary of Schedules

New Schedules have separate Individual and Non-Individual forms and new form numbers:

<u>Individual</u>	<u>Non-Individual</u>
– B106 A/B	B206 A/B
– B106 D	B206 D
– B106 E/F	B206 E/F
– B106 G	B206 G
– B106 H	B206 H



Schedules and Summary of Schedules



- Although the schedule forms are combined, there are still separate fields for:
 - Real estate/property (Formerly Schedule A)
 - Personal property (Formerly Schedule B)
 - Priority unsecured claims (Formerly Schedule E)
 - Non-priority unsecured claims (Formerly Schedule F)
- Users will be prompted to enter separate amounts for each field when docketing Schedule A/B and Schedule E/F.
- Form 106Sum has been renamed *Summary of Your Assets and Liabilities and Certain Statistical Information*

Form 106A/B (Individual Filer) - *Property*

Schedule 106A/B includes 7 Categories of Property:

1. Real estate
2. Vehicles
3. Personal household items
4. Financial assets (includes 2 new categories)
 - Bonds, mutual funds, or publicly traded stocks
 - Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment
5. Business related property
6. Farm and commercial fishing related property
7. Catch all – all other property not otherwise listed

Form 206A/B -- *Assets – Real and Personal Property*, applicable to non-individuals, includes 11 categories of property types.



Form 106C (Individual Filer) - *The Property You Claim as Exempt*



The exemption table has 4 columns:

- **Column 1** -- brief description of the exempt property and line number listed on Schedule A/B
- **Column 2** -- value of the portion of the asset owned by the debtor, rather than the entire asset
- **Column 3** -- the amount, rather than the value, of the exemption claim. Entries may be listed as either a dollar limited amount or as 100% of fair market value, up to any applicable statutory limit.
- **Column 4** -- specific law that allows exemption
- There is **no Form 206C for non-individual debtors** as exemptions are applicable only to individual debtors.

Forms 106D and 206D – *Creditors Who Have Claims Secured by Property*



- **Form 106D (individual)** – includes 4 checkboxes to describe nature of lien as either:
 - Agreement the debtor made (such as mortgage or secured car loan)
 - Statutory lien (such as tax or mechanic lien)
 - Judgment lien from a lawsuit, or
 - Other (including a right to offset)
- **Form 206D (non-individual)**
 - If a creditor has > one claim, list separately for each claim
 - Indicate if multiple creditors have interest in same collateral
 - List the order of each creditor's priority in the collateral
 - Indicate whether creditor is an insider or related party

Forms 106E/F and 206E/F – *Creditors Who Have Unsecured Claims*



- Schedule E/F consolidates priority and nonpriority unsecured claims into a single form, but separately grouped for reporting purposes
- The Form eliminates the question “consideration for claim” and instructs debtors to list claims in creditor alphabetical order
- For priority claims – 4 checkboxes to choose from:
 - Domestic support obligations
 - Taxes and certain other debts owed the government
 - Claims for death or personal injury while intoxicated
 - Other – debtor must specify basis for priority (e.g. wages)

Forms 106E/F and 206E/F – *Creditors Who Have Unsecured Claims, con't*



- For nonpriority claims – 4 checkboxes to choose from:
 - Student loans
 - Obligations arising out of a separation agreement or divorce not listed as priority claim
 - Debtor to pension or profit-sharing plans
 - Other (claims not subject to separate reporting) – specify basis of claim

Form 106G and 206G – *Executory Contracts and Unexpired Leases*



- **Form 106G for individuals is simplified:**
 - Instead of multiple assertions about each contract/lease, debtor is to identify the name and address of the other party to the contract/lease and state what the contract/lease deals with
- **Form 206G for non-individuals**
 - Includes an additional requirement to state the remaining term for any contract or lease listed and the contract number of any government contract

Forms 106I and J (Individual Filer) – *Your Income, Your Expenses*



- **Both Form 106I and 106J** were part of initial set of forms published by the Forms Modernization Project in 2012.
 - They are renumbered and internal cross references updated
 - **Only apply to individual debtors** --there currently are no corresponding 206I or 206J for non-individuals, but it is expected that there will be Director Forms 2060I and 2060J available next year
- Form 106J was also revised to include references to **new Form 106J-2: *Expenses for Separate Household of Debtor 2***
 - Revisions clarify how to calculate monthly net income in joint cases where Debtor 1 and Debtor 2 maintain separate households.

New Form B106J-2 Expenses for Separate Household of Debtor 2

- New Form: **B106J-2** Expenses for Separate Household of Debtor 2

Part 1: Describe Your Household
1. Is this a joint case?
<input type="checkbox"/> No. Go to line 2.
<input type="checkbox"/> Yes. Does Debtor 2 live in a separate household?
<input type="checkbox"/> No
<input type="checkbox"/> Yes. Debtor 2 must file Official Forms 106J-2, <i>Expenses for Separate Household of Debtor 2</i> .

- The total of Debtors 1 and 2 expenses will be included on line 22b of Schedule J

Copy the result to line 22b of Schedule J to calculate the total expenses for Debtor 1 and Debtor 2.



Form 106Dec (Individual Filer) – *Declaration About Individual Debtor's Schedules*



- Form only applies to individuals
- Form deletes the Declaration and Signature of Bankruptcy Petition Preparer which use to appear on Form 6 and instead, if applicable, directs the debtor to complete and file Official Form 119, *Bankruptcy Petition Preparer's Notice, Declaration and Signature*.

New ECF Event:

- Declaration About Individual Debtor's Schedules – Official Form 106Dec, under Bankruptcy Events → Miscellaneous.

Form 107 (Individual Filer) – *Statement of Financial Affairs for Individuals Filing for Bankruptcy*



- Revised in its entirety
- No longer need to include information in a chapter 12 or 13 cases about a non-filing spouse's general financial affairs
- **There are 11 sections:**
 - Part 1:** Give Details About Your Marital Status and Where You Lives Before
 - Part 2:** Explain the Sources of Your Income
 - Part 3:** List Certain Payments You Made Before You Filed for Bankruptcy
 - Part 4:** Identify Legal Actions, Repossessions, and Foreclosures
 - Part 5:** List Certain Gifts and Contributions
 - reporting threshold \$600 per person
 - Increases look back from one to two years

Form 107 – *Statement of Financial Affairs for Individuals Filing for Bankruptcy* con't

Part 6: List Certain Losses

- Clarifies reporting insurance losses

Part 7: List Certain Payments or Transfers

Part 8: List Certain Financial Accounts, Safe Deposit Boxes, and Storage Units

- Adds money market accounts and storage units within 1 year of filing

Part 9: Identify Property You Hold or Control for Someone Else

Part 10: Give Details About Environmental Information

Part 11: Give Details About Your Business or Connections to Any Business

- Eliminates instructions that apply only to corporations or partnerships
- Debtor must indicate if within 4 years (previously 6), the debtor owned a business or had certain connections to a business, with 5 categories of businesses provided as checkboxes. If yes, more information is requested.



Other Revised Schedules/Forms Applicable Only to Individual Debtors



- Form 108 – *Statement of Intention for Individuals Filings Under Chapter 7*
- Form 119 – *Bankruptcy Petition Preparer's Notice, Declaration, and Signature*
- Form 121 – *Statement About Your Social Security Numbers*

Form 104: For Individual Chapter 11 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders

- Replaces prior Form 4 in chapter 11 cases filed by individuals or joint debtors
- Form is not to be filed in a chapter 7, 12 or 13 case
- Instructs debtors to include a secured creditor only if the creditor has an unsecured claim resulting from inadequate collateral value that is among the 20 largest unsecured claims
- **New ECF Event:** 20 Largest Unsecured Creditors – Official Forms 104/204, located under Bankruptcy Events → Miscellaneous



Means Test Forms for Individuals



- These 6 forms were updated in December 2014.
- All are being renumbered:
 - 122A-1: *Chapter 7 Statement of Your Current Monthly Income*
 - 122A-1Supp: *Statement of Exemption from Presumption of Abuse*
 - 122A-2: *Chapter 7 Means Test Calculation*
 - 122B: *Chapter 11 Statement of Your Current Monthly Income*
 - 122C-1: *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period*
 - 122C-2: *Chapter 13 Calculation of Your Disposable Income*
- On Forms 122A-2 and 122C-2, a statement is added that contributions to qualified ABLE accounts, as defined in 26 U.S.C. §529A(b), may be included in the deduction for contributions to the care of household or family members

Other Form Changes Specific to Non-Individual Filings



- Form 202 – *Declaration Under Penalty of Perjury for Non-Individual Filers* replaces current Form 2 and a section of current Form 6
 - **New ECF Event:** Declaration Under Penalty of Perjury for Non-Individual Debtors – Official Form 202, located under Bankruptcy Events → Miscellaneous
- Form 204 – *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* replaces current Form 4
 - **New ECF Event:** 20 Largest Unsecured Creditors - Official Forms 104/204, located under Bankruptcy Events → Miscellaneous

Forms 309A-309I - Meeting of Creditors Notices



- All of the meeting of creditor notices have been revised to make them easier to read and understand, and renumbered
- Email addresses for the debtor's attorney and the trustee have been added to the form
- Parties are informed they may review papers filed in the case through PACER, as well as at the court
- The four versions for Chapter 7 cases have been renamed to state whether the notice specifies a deadline for filing a proof of claim, rather than whether the case is an "asset" or "no-asset" case

New Form 309A – Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline



Information to identify the case:

Debtor 1	_____	_____	_____	Last 4 digits of Social Security number or ITIN _____
	First Name	Middle Name	Last Name	EIN _____
Debtor 2 (Spouse, if filing)	_____	_____	_____	Last 4 digits of Social Security number or ITIN _____
	First Name	Middle Name	Last Name	EIN _____
United States Bankruptcy Court for the: _____	District of _____			[Date case filed for chapter 7 _____
	(State)			MM / DD / YYYY OR
Case number: _____				[Date case filed in chapter _____
				MM / DD / YYYY
				Date case converted to chapter 7 _____
				MM / DD / YYYY

Official Form 309A (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline 12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about



Other Important Official Form Changes

- Form 318 – *Order of Discharge*
 - Legal terms are explained more fully
 - Reaffirmed debts are explained more fully
- Form 410 – *Proof of Claim*
 - Substantially reorganized
 - New question added that solicits information about claims based on leases
- Form 410A – *Mortgage Proof of Claim Attachment*
 - Requires the claimant to provide a loan history rather than itemized information about principal, interest and fees



Information about Software Providers



- [Best Case landing page](#) provides information for its customers.
- [CINcompass landing page](#) provides information for its customers
- [New Hope Software](#) was acquired by CINgroup, is being discontinued, and has transition information available on its landing page
- [EZ-Filing](#) is likewise being discontinued and has transition information available on its landing page

Example of Best Case Instructions for new Schedule A/B



Overview:

Official Form 106 A/B, *Schedule A/B: Property* replaces Official Form 6A, *Real Property* and Official Form 6b, *Personal Property* in cases of individual debtors.

New Form Elements:

Line 4, Part 2, *Watercraft, aircraft, motor homes, ATVs and other recreational vehicles and accessories*, was formerly a combination of lines 25, 26, and 27 of Schedule B. The newly-revised section adds specific lines to enter in the make, model, and year of the debtor's watercraft, aircraft, motor home, ATV, or other recreational vehicles. Additionally, a section has been added to enter other information about the debtor's vehicle, and a series of checkboxes to indicate who has an interest in the property.

NEW – Checkbox has been added to indicate if you have ownership of a vehicle that would be applicable for this section

NEW - A new section has been added to indicate Make/Model/Year

NEW - A section has been added to enter other information about the debtor's vehicle

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories
Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

No
 Yes

4.1. Make: _____
Model: _____
Year: _____
Other information:

If you own or have more than one, list here:
4.2. Make: _____

Who has an interest in the property? Check one.

Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

Current value of the entire property?	Current value of the portion you own?
\$ _____	\$ _____



Detailed comments about what has changed on each schedule page.



Where to find Additional Resources:

On the U.S. Court's Website:

- A Forms Number Conversion chart
- Instructions for completing the new forms
- All of the Forms, in Downloadable format
- Committee Notes

<http://www.uscourts.gov/rules-policies/pending-rules-amendments/pending-changes-bankruptcy-forms>