

**UNITED STATES BANKRUPTCY COURT**  
District of Arizona

**TUCSON DIVISION**

James A Walsh Courthouse  
38 South Scott Avenue  
Tucson, AZ 85701  
520-202-7500

**PHOENIX DIVISION**

230 N. First Ave., Suite 101  
Phoenix AZ 85003-1727  
602-682-4000

**YUMA DIVISION**

325 W. 19th St., Ste. D  
Yuma, AZ 85364  
928-783-2288

**NOTICE TO DEBTORS NOT REPRESENTED BY AN ATTORNEY**

While an individual person or a husband and wife may file a bankruptcy petition without being represented by an attorney, the clerk's office is unable to give legal advice concerning your case.

**FILING FEES**

Filing fees are as follows: Chapter 7 – \$299; Chapter 11 – \$1039; Chapter 12 – \$239; Chapter 13 – \$274. If you are unable to pay the full filing fee at the time you file your petition, you may file an application to pay the filing fee in installments. A minimum payment of \$50.00 is required at the time the bankruptcy is filed. (This is available only to individuals. Corporations and partnerships must pay the filing fee in full.) You will receive an order of the court specifying the amounts of installments and when they are due. It is imperative that you make the installments as ordered. You may pay the installments in person or by mail. **Personal checks are not accepted**. Payment must be by cash, money order or cashier's check. **FAILURE TO PAY THE INSTALLMENTS AS ORDERED WILL RESULT IN YOUR CASE BEING AUTOMATICALLY DISMISSED**.

**WAIVER OF FILING FEE**

If you cannot afford to pay the filing in full or in installments, then you may request a waiver of the filing fee. A required form of application (available at the above court locations or at the court's web site) must be completed and filed with the court. The bankruptcy judge will decide whether you have to pay the filing fee. The judge may waive the fee only if your income is less than 150 percent of the official poverty line applicable to your family size and you are unable to pay the fee in installments. You may obtain information about the poverty guidelines from our web site or at the above locations.

**VERIFIED STATEMENT OF SOCIAL SECURITY NUMBER AND CREDIT COUNSELING CERTIFICATE**

The SSN statement and credit counseling certificate are required to be filed with the bankruptcy petition. A list of providers of the required credit counseling approved by the US Trustee may be obtained from the above locations or at the court's web site. If not filed with the petition, it must be filed within 5 days. **FAILURE TO FILE EITHER THE STATEMENT OR CERTIFICATE SHALL RESULT IN YOUR CASE BEING AUTOMATICALLY DISMISSED**.

**MASTER MAILING LIST**

A master mailing list must be filed with the petition or not later than 5 calendar days after the bankruptcy petition has been filed. Guidelines for filing the master mailing list are available from the clerk's office. It must contain the names and addresses (including zip codes) of all your creditors. **FAILURE TO FILE THE MASTER MAILING LIST WITHIN 5 DAYS OF THE FILING OF YOUR BANKRUPTCY PETITION SHALL RESULT IN YOUR CASE BEING AUTOMATICALLY DISMISSED**.

## **SCHEDULES AND STATEMENT OF AFFAIRS**

In addition to the petition and master mailing list, there are additional documents which must be filed. These documents (with the exception of the List of 20 Largest Unsecured Creditors in a Chapter 11 case) are to be filed within 15 days of the filing of the bankruptcy petition and are listed below by Chapter. The forms for these documents are available from the clerk's Phoenix office Self-Help Center. They may also be purchased at a stationery store which sells legal forms or can be downloaded from the web site, [www.uscourts.gov](http://www.uscourts.gov). The following schedules and statements are required in all cases, unless noted as applying only to a certain chapter.

**\*\* ORIGINAL DOCUMENTS ONLY REQUIRED -- PROVIDE A COPY TO BE STAMPED FOR YOUR RECORDS \*\***

1. SUMMARY OF SCHEDULES
2. SCHEDULE A – REAL PROPERTY
3. SCHEDULE B – PERSONAL PROPERTY
4. SCHEDULE C – PROPERTY CLAIMED AS EXEMPT
5. SCHEDULE D – CREDITORS HOLDING SECURED CLAIMS
6. SCHEDULE E – CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
7. SCHEDULE F – CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
8. SCHEDULE G – EXECUTORY CONTRACTS AND UNEXPIRED LEASES
9. SCHEDULE H – CO-DEBTORS
10. SCHEDULE I – CURRENT INCOME OF INDIVIDUAL DEBTOR(S)
11. SCHEDULE J – CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)
12. UNSWORN DECLARATION UNDER PENALTY OF PERJURY
13. STATEMENT OF AFFAIRS
14. DEBTOR'S STATEMENT OF INTENTION (CHAPTER 7)
15. LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS (CHAPTER 11, TO BE FILED WITH THE PETITION)
17. CHAPTER 7 INDIVIDUAL DEBTOR STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION  
(For this form to be accepted for filing, one of the two boxes in the upper right corner must be checked.)
18. CHAPTER 13 DEEBTOR STATEMENT OF CURRENT MONTHLY INCOME AND DISPOSABLE INCOME
19. CHAPTER 11 INDIVIDUAL DEBTOR STATEMENT OF CURRENT MONTHLY INCOME
20. DECLARATION REGARDING PAYMENT ADVICES OR OTHER EVIDENCE OF PAYMENT RECEIVED, WITHIN 60 DAYS BEFORE THE DATE OF THE FILING OF THE PETITION, BY THE DEBTOR FROM ANY EMPLOYER OF THE DEBTOR (You are responsible for marking through your SSN number on the pay stubs before filing them. If you do not, your SSN will be included as part of the documents that are available to the public over the Internet.)

***FAILURE TO FILE THESE REQUIRED DOCUMENTS WITHIN 15 DAYS OF THE FILING OF YOUR BANKRUPTCY PETITION SHALL RESULT IN YOUR CASE BEING AUTOMATICALLY DISMISSED. PLEASE STAPLE THESE PAPERS IN THE ORDER ABOVE.***

## **MEETING OF CREDITORS**

Approximately three weeks after you have filed your bankruptcy petition, you will receive a copy of a notice for the meeting of creditors from the clerk's office. The meeting of creditors is an opportunity for the trustee and any creditors who appear to ask you questions regarding your financial affairs. You must appear at this meeting. If a husband and wife file a joint petition, they both must appear. If you have a problem with appearing at this meeting, contact your trustee. This meeting is set by the United States Trustee, not the bankruptcy court. Therefore, do not file requests to continue or change the date of the meeting with the court. **FAILURE TO APPEAR AT THE MEETING OF CREDITORS SHALL RESULT IN YOUR CASE BEING AUTOMATICALLY DISMISSED.**

## **NOTICE TO YOUR CREDITORS**

Approximately three weeks after you file your petition, the clerk's office will send a notice for the meeting of creditors to all the creditors you have listed on your master mailing list notifying them you have filed bankruptcy. If you need to have any of your creditors receive notice sooner, you must give them notice of your bankruptcy filing yourself.

## **CHANGE OF ADDRESS**

Should your mailing address change after you file your bankruptcy petition, you must notify the clerk's office in writing. You also need to notify your trustee. Failure to do so may result in legal actions being taken against you without notice to you. When sending anything to the court, you need to include your name and the bankruptcy case number.

## **CASE NAME AND NUMBER**

When filing any papers with the court, you must include your name and bankruptcy case number. The case number must include the letters which indicate the judge to which your case is assigned.

## **REAFFIRMATION OF DEBTS**

If you desire to reaffirm any particular debt, you need to enter a written agreement with that creditor. There are no forms available from the clerk's office. If you have an application for reaffirming a debt in your bankruptcy packet, **DO NOT** file it with your petition. File it only after you and the creditor have both signed the agreement and attach the agreement to the application. You may want to contact the creditor and have them prepare the reaffirmation agreement. It must be filed with the court prior to the date in the Discharge of Debts section of the notice for the meeting of creditors. A hearing, of which you will receive written notice, may be set before the bankruptcy judge. You and your spouse both need to appear at that hearing so the judge may determine whether the reaffirmation agreement is in your best interest. Please be advised that the court does not need to approve a reaffirmation agreement that applies to a debt which is a consumer debt secured by real property. This would apply to any mortgages on your home or other debts which are secured by your home.

You also have the right to rescind any reaffirmation agreement at any time prior to the entry of your discharge (see section below on when the discharge is entered) or within 60 days after the reaffirmation agreement is filed with the court, whichever occurs later. To rescind a reaffirmation agreement, you need to give written notice you are rescinding the agreement to that creditor by mailing the written notice to the creditor.

## **LIEN AVOIDANCE**

While many liens on property survive bankruptcy, certain liens may be avoided. The clerk's office cannot advise you as to which liens may be avoided. However, if you file a motion to avoid a lien, the following procedures apply. You must file a written Motion to Avoid Lien. It must identify the lienholder. The motion must also include your name and bankruptcy case number including judge's initials. With the motion you must submit a Notice of Motion to Avoid Lien. The form for the notice may be obtained from the clerk's office. It is your responsibility to serve a copy of both the motion and the notice upon the lienholder. Service may be made by first class mail, postage prepaid. An affidavit of service must be filed after service has been made. If the lienholder fails to file a response, a certificate of service and of no objection may be filed with a form of order avoiding the lien. If a response is filed by the lienholder, a hearing will be set before the judge.

If your bankruptcy packet includes a form for the motion to avoid lien, it must be filed separately. **DO NOT** attach it to your petition.

## **STUDENT LOANS**

Student loans made, insured, or guaranteed by a governmental unit or made under any program funded by a governmental unit or a non-profit institution, are generally not discharged by your bankruptcy unless it would impose an undue hardship on you and your dependents. In order to have a student loan discharged for undue hardship, you must file a complaint naming the student loan creditor as a defendant. The clerk's office will issue the summons and return it to you. Please provide a stamped, self-addressed envelope for this purpose.

It is your responsibility to serve the summons and a copy of the complaint upon the defendant. An affidavit of service must be filed after you have made service. Service may be made by first class mail, postage prepaid. If the defendant fails to file an answer, an affidavit, and entry of default must be filed before a default judgment will be signed. You must also provide the form of judgment. If an answer is filed, the matter will be set for trial before the judge.

If your bankruptcy packet includes the form of complaint to discharge a student loan, **DO NOT** attach it to your petition. It must be filed separately.

## **AMENDMENTS**

If you want to amend your bankruptcy petition to include any creditors that you forgot to list when you filed your original schedules, you must file an amendment. Amendments to Schedules D, E or F, or Mailing List require a \$26 filing fee. If you file an amendment, you must mail a copy of that amendment to the creditors you have listed on it and to the trustee assigned to your case. You are required to provide the creditors your full Social Security Number. Please note on the amendment that you have mailed a copy to those creditors.

## **DISCHARGE**

Your discharge will not be entered until after the date in the Discharge of Debts section of your notice for the meeting of creditors has passed, which will be 60 days after the meeting of creditors. In order to receive a discharge in a chapter 7 or chapter 13 case, you must complete a financial management course and file a certificate of completion. A list of the providers of this course who are approved by the US Trustee can be obtained from the above locations or from the court's web site. If the certificate of completion of the financial management course is not filed, your case could be closed without you receiving a discharge. The discharge does not close your case. It will be closed when the trustee has completed the administration of your estate.

## **COMMUNICATIONS WITH THE COURT**

If you are having a problem with any of your creditors after the filing of your bankruptcy, it is NOT possible to communicate in person or by phone with the bankruptcy judge. If you need to seek any relief from the court, you must file a written motion specifying the relief you seek. The matter may then be set for hearing before the judge. The clerk's office cannot assist you with any problems you might have with any of your creditors. This office cannot act on your behalf in any dispute you might have with a creditor.

## **LEGAL ADVICE**

This notice has been prepared to help you understand the bankruptcy process and to advise you of the importance of the above steps in that process. However, **THE CLERK'S OFFICE MAY NOT GIVE YOU LEGAL ADVICE.** Therefore, if you have any legal questions concerning your bankruptcy case or your legal rights, you will need to consult with an attorney. The Maricopa and Pima County Bar Associations have Lawyer Referral Services. Call (602) 257-4434 in Maricopa County and (520) 623-4625 in Pima County for information about consulting with an attorney.

## **FORMS**

The clerk's Phoenix office Self-Help Center does have the forms needed to file a bankruptcy. The official forms are located in the Federal Rules of Bankruptcy Procedure, the Rules may be found in a supplement to Title 11 of the United States Code Annotated and are also available from the United States Courts web site at [www.uscourts.gov](http://www.uscourts.gov). Office supply and book stores also sell commercially prepared sets of bankruptcy forms.

## **COPIES OF TAX RETURNS**

Copies of your tax returns that you are required to provide the trustee are to be sent directly to the trustee assigned to your case. The trustee's name and address will be printed on the notice of the 341 meeting of creditors that you will receive in the mail. **DO NOT** send those copies of the tax returns to the bankruptcy court.

## **PREVIOUS BANKRUPTCY FILINGS**

If you had a previous case pending within the preceding year that was dismissed, you are advised that pursuant to 11 USC Section 362(c)(3), the automatic stay provided by Section 362(a) when the bankruptcy petition is filed will terminate in 30 days of the filing of your petition, unless you file a motion with the court seeking a continuation of the automatic stay and the court determines that the second case was filed in good faith. If you do not file this motion, the stay will terminate in 30 days. If you do file a motion, please title it as an Emergency motion.

If you had two or more previous cases pending within the preceding year that were dismissed, you are advised that pursuant to 11 USC Section 362(c)(4), no stay under Section 362 (a) went into effect when your petition was filed. Any party may request that the court enter an order confirming that there is no stay in effect. To obtain a stay, you must file a motion, within 30 days of the date of the filing of the petition, and demonstrate that the new case was filed in good faith. If you do file this motion, please title it as an Emergency motion.

DATE: 5/9/06

Terrence S. Miller  
Clerk of Court

### **Address of the Bankruptcy Clerk's Office:**

U.S. Bankruptcy Court, Arizona  
230 North First Avenue, Suite 101  
Phoenix, AZ 85003-1727  
Telephone number: (602) 682-4000

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA

NOTICE TO DEBTORS REGARDING E-MAIL NOTIFICATION

If you are a debtor in a bankruptcy case (the person who filed bankruptcy is the debtor) and have an internet e-mail address you can receive an electronic notice by e-mail whenever a filing is made in your case. If supported by your e-mail program and if you have Adobe Acrobat Reader installed, you may be able to view the document filed through a hyperlink in the e-mail notice. One look at the document is free, any further openings of the document will require a PACER account which may be obtained at the following web site, <http://pacer.psc.uscourts.gov>. To sign up for e-mail notification of filings made in your case, provide the information requested below and return this form to the address stated. **By submitting this Notice, you are consenting to receive all notices required to be sent to you by the Bankruptcy Court by e-mail only and you acknowledge that such notices will not be sent to you by regular mail.** You, therefore, need to keep the court notified of any changes in your e-mail address, which you may do by completing this form again and sending it to the court.

Your Name: \_\_\_\_\_

Your Case Number: \_\_\_\_\_

Your Internet E-Mail Address: \_\_\_\_\_

Return Completed Form to:

US Bankruptcy Court  
Attn: Debtor E-Mail Address  
230 N. 1st Ave, Suite 101  
Phoenix AZ 85003

or e-mail the above information to [debtoemailaddress@azb.uscourts.gov](mailto:debtoemailaddress@azb.uscourts.gov)