

# CONSUMER PRO-SE DEBTOR GUIDE

**THE CLERK'S OFFICE IS PROHIBITED BY 28 U.S.C. SECTION 955 FROM GIVING LEGAL ADVICE OR ASSISTING WITH THE PREPARATION OF FORMS.**

Revised January 2007

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

1000 Elm Street, 10<sup>th</sup> Floor  
Manchester, NH 03101  
(603) 222-2600

CLERK'S OFFICE HOURS

8:30 A.M. - 4:30 P.M. OPEN TO THE PUBLIC FOR  
ACCEPTING PETITIONS AND  
FILE REVIEW

4:30 P.M. - 5:00 P.M. TELEPHONE INQUIRIES  
ONLY (603) 222-2600\*

\*EMERGENCY MATTERS WILL BE REFERRED TO THE

CLERK FOR IMMEDIATE REVIEW AND  
SPECIAL CONSIDERATION.

## Consumer Pro-Se Debtor Guide

Non-Attorney filers are commonly referred to as pro se filers. **Pro se:** A Latin phrase meaning “for himself/herself” or “in one’s own behalf.” This term denotes a person who represents himself/herself in court.

This Guide has been put together to answer some of the most often asked questions put to the Clerk's office staff by people filing bankruptcy without legal representation. This Guide is not intended to advise you of your legal rights or responsibilities under bankruptcy. Bankruptcy law is complicated. It is our recommendation to you if possible, to seek the advice of an attorney.

The excerpts from the Bankruptcy Court's Local Rules and Administrative Orders are provided to make you, as a pro-se debtor, aware of rules you should follow closely. We have also included information provided by the Office of the United States Trustee regarding the possible consequences of filing a bankruptcy petition under Chapter 7.

If you decide to use a bankruptcy document preparation service, be aware that a "bankruptcy petition preparer," as defined in 11 U.S.C. section 110, is subject to strict regulations which include requirements that the preparer sign any papers prepared on behalf of the debtor, include identification of the individuals who prepared the papers and furnish the debtor with a copy of the documents prepared.

The Clerk's Office is prohibited by 28 U.S. C. section 955 from giving legal advice or assisting with the preparation of forms. For additional information visit our website at [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov).

## **Bankruptcy Abuse Prevention and Consumer Protection Act of 2005**

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) was enacted on April 20, 2005. Most new provisions became effective on October 17, 2005.

### **What are some of the recent changes in the bankruptcy law?**

**Waiting Periods if Previous Filing** - A debtor who previously filed a bankruptcy and obtained a discharge, may not receive another discharge unless there has been sufficient time between the two cases. If this is important to you, check it further before filing the case.

**Pre-Bankruptcy Counseling** - Within 180 days prior to filing a case, a debtor must attend a briefing from a certified counseling agency concerning the availability of credit counseling. A debtor will receive a certificate of credit counseling to be filed with the Court after counseling has been completed. The counseling may be waived or deferred in some cases.

**Financial Counseling After Filing** - The debtor will not receive a discharge unless the debtor completes a course on personal financial management education and files a certification of completion of this counseling or exemption from the counseling. The certificate is due within 45 days following the first date set for the meeting of creditors. A list of certified financial counselors is posted on both the Court's website [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov) and that of the Office of the United States Trustee. If the debtor fails to file a certificate of completion of or exemption from this counseling, the court will close the bankruptcy case without issuing a discharge. If a case is closed without a discharge, the debtor may reopen the case when the financial management course is completed in order to file the certificate and receive a discharge. The reopening fee

varies depending on the Chapter.

**Tax Return** - Individual debtors must provide a copy of their most recent tax return to the trustee and to any creditor who requests a copy of the return. This must be provided to the parties at least 7 days prior to the date set for the meeting of creditors.

**Means Test** - Individual debtors who file a chapter 7, 11 or 13 petition must file a new form which will give detailed information about their income for the purpose of determining whether a debtor's filing represents an abuse of the bankruptcy system. Some debtors may be prohibited from filing a chapter 7 case if their income would permit them to make payments to their creditors. This form is included in the forms needed to file a bankruptcy case which are posted on the court's website [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov) site and must be filed within 15 days of the filing of the petition.

### **Filing of Wage Statements and Monthly Net Income**

**Calculations** - An individual debtor must send to the trustee copies of all payment advices or wage statements given to a debtor by any employer within 60 days before the date of filing of a case. These are not filed with the court. The debtor must file with the court a statement showing the average income earned per month during the 6 months prior to the filing date. This will be completed on a form available from the court or from the court website [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov). Both the wage statements and the average income calculation are due 15 days from the date of filing the petition. In chapter 7 cases the income statement and the means test are combined into a single form.

**Waiver of Filing Fees** - The courts may now waive the filing fees for indigent debtors who file an application for waiver of fees.



The application for waiver of fees will be available from the court and on our website and must be filed with the petition. If the fee waiver is denied, the debtor will be required to either pay the full fee immediately or will be required to pay the fee in installments over 120 days.

**Listed below are links to important information about the significant changes to the Bankruptcy Code and rules, forms and procedures.**

**Recommended Bankruptcy Rules and Officials Forms:**

[www.nhb.uscourts.gov](http://www.nhb.uscourts.gov)

**Credit Counseling and Debtor Education Providers (United States Trustee Program website):**

[www.usdoj.gov/ust/eo/bapcpa/ccde/index.htm](http://www.usdoj.gov/ust/eo/bapcpa/ccde/index.htm)

**Means Testing Information (United States Trustee Program website):** [www.usdoj.gov/ust/eo/bapcpa/meanstesting.html](http://www.usdoj.gov/ust/eo/bapcpa/meanstesting.html)

**Poverty Guidelines (Department of Health and Human Services website):** [aspe.hhs.gov/poverty/05fefreg.htm](http://aspe.hhs.gov/poverty/05fefreg.htm)

## **THIS SHEET GIVES YOU SOME GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE.**

**BEFORE YOU FILE BANKRUPTCY:** You can choose the kind of bankruptcy that best suits your needs:

- **Chapter 7** - A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the state where you live.

- **Chapter 13** - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The Court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

- **Chapter 12** - This is only for family farmers but is the same as a Chapter 13.

- **Chapter 11** - This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the Court must approve a plan to repay your debts. There is no trustee unless the Judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property. If you have filed bankruptcy under one chapter, you may be able to change your case to another chapter. Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

## **WHAT IS A BANKRUPTCY DISCHARGE ?**

One of the reasons people file bankruptcy is to get a "discharge." It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. A discharge is a Court order which states that you do not have to pay most of the debts you owed before you filed your bankruptcy petition. Some debts cannot be discharged. For example, you cannot discharge debts for:

- \* Child support
- \* Alimony;
- \* Most student loans;
- \* Court fines and criminal restitution
- \* Personal injury caused by drunk driving or under the influence of drugs.

Also, if the Judge finds that you received money or property by fraud, that debt may not be discharged. It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a Court order. You can only receive a chapter 7 discharge once every eight years.

**IF YOU WANT MORE INFORMATION OR HAVE QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE.**

## **Notice to Pro-Se Debtor**

The purpose of this notice is to acquaint you with the four (4) chapters of the Federal Bankruptcy Code under which you may file a bankruptcy petition. Therefore, you should seek the advice of an attorney to learn of your rights and responsibilities under the law should you decide to file a petition with the court.

**BE AWARE THAT FILING FEES ARE EARNED WHEN**

**PAID. THIS MEANS FEES PAID TO THE COURT WILL NOT BE REFUNDED EVEN IF YOUR CASE IS DISMISSED OR WITHDRAWN**

**CHAPTER 7: LIQUIDATION (\$ 299.00 FILING FEE)**

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts.
2. Under Chapter 7, a trustee takes possession of all your property. You may claim certain property as exempt under governing law. The trustee then liquidates all non-exempt property and uses the proceeds, if any, to pay your creditors according to priorities set forth in the Bankruptcy Code

**CHAPTER 12: REPAYMENT OF ALL OR PART OF THE DEBTS OF A FARMER WITH REGULAR INCOME (\$239.00 FILING FEE)**

1. The Bankruptcy Code provides that only a farmer with regular income may file a petition under Chapter 12.
2. Under Chapter 12, you must file a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually, the period allowed by the court to repay your debts is three (3)

years, but not more than five (5) years. Your plan must be approved by the court before it can take effect.

### **CHAPTER 13: REPAYMENT OF ALL OR PART OF THE DEBTS OF AN INDIVIDUAL WITH REGULAR INCOME (\$274.00 FILING FEE)**

1. Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them 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 a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually, the period allowed by the court to repay your debts is three (3) years, but not more than five (5) years. Your plan must be approved by the court before it can take effect.

**CHAPTER 11: REORGANIZATION**                      **(\$1039.00  
FILING FEE)**

1. Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision for an individual to file a Chapter 11 petition should be reviewed with an attorney. It is extremely unlikely that a non-lawyer would be able to successfully administrate a Chapter 11 case, and such a case would almost certainly be dismissed or converted to a Chapter 7.

**NEW PETITION FEES:**

*New petition filing fees may be waived, if approved by a Judge. Check, money order, cash or credit card (Visa, MasterCard, American Express, Discover, Diners Club) may be used to pay the fee; if the debtor is pro se payment shall be in cash or money order only. No personal checks or credit cards of pro se debtors will be accepted.*

Chapter 7 Voluntary or Involuntary . . . . .	\$ 299.00
[\$245 filing fee + \$39 administrative fee + \$15 trustee surcharge fee]	
Chapter 9 . . . . .	1,039.00
[\$1,000 filing fee + \$39 administrative fee]	
Chapter 11 Non-railroad . . . . .	1,039.00
[\$1,000 filing fee + \$39 administrative fee]	
Chapter 11 Railroad . . . . .	1,039.00
[\$1,000 filing fee + \$39 administrative fee]	
Chapter 12 . . . . .	239.00
[\$200 filing fee + \$39 administrative fee]	
Chapter 13 . . . . .	274.00
[\$235 filing fee + \$39 administrative fee]	
Chapter 15 . . . . .	1,039.00
[\$1,000 filing fee + \$39 administrative fee]	

**CASE REOPENING FEES:**

*The fee is collected upon the filing of the Motion. Exemptions include (1) reopening a case to permit a party to file a complaint to obtain a determination under Rule 4007(b), or (2) reopening a case when a creditor is violating the terms of the discharge under 11 U.S.C. § 524. The fee is required if the reopening is to amend schedules.*

Chapter 7 . . . . .	260.00
Chapter 13 . . . . .	235.00
Chapter 11 . . . . .	1,000.00
Chapter 12 . . . . .	200.00
Chapter 15 . . . . .	1,000.00

**CONVERSION FEE:**

Converting a Chapter 9 or 11 to Chapter 7 . . . . .	15.00
Converting a Chapter 12 to Chapter 7 . . . . .	60.00
Converting a Chapter 13 to Chapter 7 . . . . .	25.00
Converting a Chapter 12 to Chapter 13 . . . . .	35.00
Converting a Chapter 7 to a Chapter 11, at the request of the Debtor . . . . .	755.00
<i>Fee is the difference between the Ch. 7 filing fee (\$245) and the Ch. 11 filing fee (\$1,000).</i>	
Converting a Chapter 12 to a Chapter 11, at the request of the Debtor . . . . .	800.00
<i>Fee is the difference between the Ch. 12 filing fee (\$200) and the Ch. 11 filing fee (\$1,000).</i>	
Converting a Chapter 13 to a Chapter 11, at the request of the Debtor . . . . .	765.00
<i>Fee is the difference between the Ch. 13 filing fee (\$235) and the Ch. 11 filing fee (\$1,000).</i>	



**BIFURCATED CASE FEE:**

*For “severing” or “splitting” a joint case into two separate cases, at the request of the debtor.*

Chapter 7 .....	260.00
Chapter 13 .....	235.00
Chapter 11 .....	1,000.00
Chapter 12 .....	200.00

**OTHER FILING FEES:**

Amendments to a Debtor's Schedule of Creditors, Lists of Creditors or Mailing Matrix .....	\$ 26.00
<i>No fee is required to change the address of a creditor or to add the name and address of an attorney for a listed creditor.</i>	
Complaint and Removals .....	250.00
<i>Ch. 7 &amp; 13 Debtors are exempt; Ch 11 &amp; 12 Debtors in Possession are required to pay the fee. If filed by the Trustee, it may be charged to the estate or paid upon filing the complaint.</i>	
Motion to Withdraw the Reference of a Case .....	150.00
Motion to Compel Abandonment of Property of the Estate .....	150.00
Motion for Relief from the Automatic Stay .....	150.00
<i>No fee is required for filing a motion to lift a co-debtor stay, a stipulated/assented motion for relief from stay or if the motion for relief is filed by a child support creditor and accompanied by the required § 304(g) form.</i>	
Notice of Appeal .....	255.00
<i>Fee consists of \$5.00 for filing the appeal and \$250.00 for docketing the appeal.</i>	
Cross Appeal .....	255.00
<i>Fee consists of \$5.00 for filing the appeal and \$250.00 for docketing the appeal.</i>	
Request for Authority to file a Direct Appeal or Cross Appeal to the First Circuit Court of Appeals .....	255.00
<i>If authorized, an additional fee of \$200 becomes due.</i>	

**MISCELLANEOUS FEES:**

For every search of the records of the Bankruptcy Court (per name or item searched) .....	26.00
Certification Fee (per item) .....	9.00
Exemplification Fee (per item) .....	18.00
Archive Retrieval Fee .....	45.00
Filing or indexing a paper not in a pending case or proceeding, including registering a judgment from another district .....	39.00
Returned Check .....	45.00
CD/Tape reproduction of recordings of proceedings .....	26.00
Photocopies (per page) .....	.50
For public users obtaining information through CM/ECF PACER (per page) .....	.08
For printing copies of any record/document accessed electronically at a public terminal in the courthouse (per page) .....	.10

**The Fair Credit Reporting Act**

The Fair Credit Reporting Act, 6 U.S.C. section 605, is the law that controls credit reporting agencies. The law states that credit reporting agencies may not report a bankruptcy case on a person's credit report after ten years from the date the bankruptcy case is filed. Other negative credit information is removed after seven years. The larger credit reporting agencies belong to an organization called the Associated Credit Bureaus. The policy of the Associated Credit Bureau is to remove Chapter 11 and Chapter 13 cases from the credit report after seven years to encourage debtors to file under these chapters.

You may want to contact the Federal Trade Commission, Bureau of Consumer Protection, Education Division, Washington, D.C. 20580, or telephone them at (202) 326-2222 and request the publications "How to Dispute Credit Reporting Errors" and "Fair Credit Reporting".

### Should I Declare Bankruptcy?

There is a 7 page descriptive bankruptcy pamphlet titled "Should I Declare Bankruptcy?" prepared by the New Hampshire Bar Association which describes what bankruptcy is, the different chapters available and possible alternatives to filing bankruptcy. To obtain a copy of this pamphlet, please contact the New Hampshire Bar Association at 2 Pillsbury Street, Concord, NH 03301, (603) 224-6942 or the Clerk's Office of the Bankruptcy Court at 1000 Elm Street, 10<sup>th</sup> Floor Manchester, NH 03101, (603) 222-2600.

## **Petition Filing Requirements**

All petitions commencing a new case shall conform substantially to Official Bankruptcy Form Number 1 and shall be completed legibly in all respects. All information requested or provided for in Official Bankruptcy Form Number 1 or by Bankruptcy Rule 1005 shall be completed by petitioner. All petitions must be filed on 8 ½ X 11 inch paper and will be accepted for filing if the information requested in Official Bankruptcy Form 1 and Bankruptcy Rule 1005 and the following are included:

- (a) filing fees- cash, money order or bank check**
- (b) chapter number under which the petition is filed;**
- (c) social security statement and/or tax identification number, if applicable;**
- (d) the creditor matrix (whether filed with or without schedules);**
- (e) petitioner's signature on original;**
- (f) certificate of credit counseling**
- (g) in chapter 11 cases, in addition to the list required by Bankruptcy Rule 1007(d) a list of the twenty largest unsecured creditors (excluding insiders) prepared in the same format as the creditor matrix;**

## FORMAT FOR CREDITOR MATRIX

The debtor shall prepare and submit, at the time the petition is filed, a master address list in the matrix form specified herein which contains the names, addresses and zip codes of all creditors and parties in interest in alphabetical order, accompanied by a statement that the list has been verified by the debtor and is complete upon submission. In order to insure that the list of creditors you file can be properly read by the optical scanner, we ask that you observe the following guidelines.

1. Lists should be typed on a single page in a single column rather than in three columns (see example below).
2. Lists must be typed so that no letters are closer than 1 inch from any edge of the paper.
3. Each name/address must consist of no more than five (5) total lines, with at least one blank line between each of the name/address blocks.
4. Each line must be 45 characters or less in length.
5. Do **NOT** include the following people on the creditor matrices. They will be retrieved automatically by the computer for noticing:

DEBTOR  
JOINT DEBTOR  
ATTORNEY FOR DEBTOR(S)  
U.S. TRUSTEE

6. Do **NOT** include account numbers on matrix.

7. Do **NOT** staple pages together

#### SAMPLE MATRIX

Creditor Name  
Street Address or PO Box  
City, State, zip code

## **THINGS TO AVOID ON CREDITOR MATRIX**

Although the court is using sophisticated equipment and software to insure accuracy in creditor list reading, certain problems still occur. By following these guidelines, the court will avoid delays or additional effort in mailing notices.

The following problems can prevent your lists from being read by the optical scanner, requiring you to re-submit your creditor list in an acceptable form.

### **AVOID**

1. Extra marks on the list - such as letterhead, dates, debtor names,  
coffee stains, handwritten marks.
2. Non-standard paper such as onion skin, half-sized paper, or colored  
paper. Use 8 1/2 x 11 standard paper.
3. Poor quality type caused by submitting a photocopy or carbon.
4. Stray marks should be avoided. Do not type lines, debtor names,  
page numbers, or anything else on the front of the creditor list. Any  
identifying marks you choose to add can be typed on the back of the  
list.
5. Upper case only (all capital letters) should be avoided.  
Type in upper  
and lower case as you would in a letter.
6. Zip code must be on the last line. Nine digit zip code

should be typed  
with a hyphen separating the two groups of digits. Do  
NOT type  
attention lines or account numbers on the last line. If you  
must use an  
attention line, it should be the second line of the  
name/address. (The  
zip code must be at the end for the zip code sorting  
equipment to find  
it.)

### Filing Schedules and Statements

An **original** petition requesting relief under Chapter 7, 9, 11, 12 or 13 of the Bankruptcy Code shall be filed. This rule applies to both voluntary and involuntary petitions. One copy of the matrix required by LBR 1002-1 (b) (4) shall be filed with each original petition. The matrix pages shall not be pre-punched or stapled together.

**Filing of Schedules and Statements.** The original petition must have statements and schedules in the following sequence required by LBR 1007-1 (b) from top to bottom:

Voluntary Petition;  
Statement of Affairs;  
Schedules A - J;

Declaration Concerning Debtor's Schedules;  
If appropriate, Chapter 7 Individual Debtor's  
Notice to Individual Consumer Debtor  
Statement of Intention  
Summary of Schedules  
Means Test (Statement of Monthly Income)  
Statistical Summary of Certain Liabilities  
Exhibit D

**The following documents shall be filed  
separately:**

Pre-Petition Certificate of Credit Counseling  
(counseling must be obtained  
within 180 days prior to filing petition)  
Matrix  
Matrix Verification  
Statement of Social Security Number  
Chapter 13 Plan (Chapter 13 only)



**EXCERPTS FROM THE LOCAL RULES OF  
THE U.S. BANKRUPTCY COURT DISTRICT OF  
NEW HAMPSHIRE**

**RULE 5081-1 Fees - Form of Payment.** The filing fee or any other required payment shall be cash, check, money order, credit card or such electronic means as may be adopted by the clerk. **Personal checks or credit cards of the debtor shall not be accepted.** Cash should not be sent through the mail. Checks or money orders must be made payable only to "Clerk, U.S. Bankruptcy Court." **BE AWARE THAT FILING FEES ARE EARNED WHEN PAID. REFUNDS ARE NOT MADE FOR ANY REASON.**

**RULE 4002-2 Address of the Debtor.** The debtor shall notice the court and any trustee appointed in the case in writing, whenever the debtor's mailing address changes while the case is pending. Failure to comply with this rule may result in dismissal of the case, granting of relief against the debtor based upon notice to the last address of record in the case, or such other sanctions as the court may deem appropriate.

**RULE 9004-1(g) Signed Originals.** Whenever a pleading or other document is required to be filed, such filing shall be effective only upon reception and date-stamping of a signed original document.

## **Amendments to Schedules**

### **What should be included when amending any schedules and/or statements?**

1. Clearly state which schedule/statement is being amended
2. State why or how it is being amended
3. Debtor(s) original signature on amendment

### **What are the requirements when amending Schedules D, E or F?**

1. Amendment to Schedule (Signed by Debtor)
2. Notice to Additional Creditor(s)
3. Certificate of Service
4. Matrix of Added creditor(s) only
5. \$26.00 filing fee
6. Amendment cover sheet
7. Updated Summary of Schedules and Statistical Summary of Liabilities

### **What are the requirements for the Notice to Additional**

## **Creditors?**

1. Name and address of Trustee
2. Date and time of Section 341 meeting held or will be held
3. Extension of appropriate deadlines
  - \* 60 days for objections to discharge
  - \* 90 days to file a proof of claim
4. Notice can be a separate document or incorporated in the amendment

## **Certificates of Service. Who do I serve?**

1. Did you serve the added creditor?
2. Did you serve the U.S. Trustee and the trustee?
3. Are there any other parties needing service?
4. Is the original certificate of service signed and dated before mailing to the U.S. Bankruptcy Court?

**Matrix for Amendments: Only the added creditor(s) should appear.**

### **Example:**

My Business  
123 Busy Street  
PO Box 111  
Anywhere, NH 33333

**When Amending Your Schedules Remember:**

**THE DEBTOR(S) MUST VERIFY AN AMENDMENT TO ANY SCHEDULE OR STATEMENT FILED AT THE COURT**

**IF NO DEBTOR(S) SIGNATURE APPEARS, THE DOCUMENT WILL BE RETURNED TO YOU AND WILL NOT BE CONSIDERED FILED WITH THE COURT.**

## Most Commonly Asked Questions

### **1. Question: Where do I get the forms to file bankruptcy?**

Answer: Any office supply store that sells blank legal forms and documents or they can be downloaded from our website at [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov). The Clerk's Office does not supply such forms.

### **2. Question: Why can't you give me advice on how to file bankruptcy or what chapter I should file?**

Answer: We can give you some information that will explain the differences between Chapter 7, 11, and 13. Then you can make an informed decision. 28 U.S.C. Section 955 prohibits the staff of the Clerk's office from giving legal advice or assisting with the preparation of the forms. We are not attorneys.

### **3. Question: When am I under bankruptcy protection?**

Answer: You are under bankruptcy protection when your petition is time stamped by a member of the Clerk's Office staff or other official of the court. A case number is assigned at this time.

### **4. Question: How does bankruptcy affect my credit rating?**

Answer: Credit "rating" is a matter governed by state law, not federal bankruptcy law. Effects of filing may differ from

creditor to  
Report Act  
bureau directly  
your credit report.

creditor. See the information on the Fair Credit  
contained in this this booklet. Contact the credit  
regarding any discrepancies on

## **5. Question: Why do I have to pay a fee to file for bankruptcy?**

Answer: Federal statute, 28 U.S.C. Section 1930, requires a fee to file  
a bankruptcy petition. However, Rule 1006 does  
allow for the  
payment of the filing fee in installments.

## **6. Question: How can I pay in installments?**

Answer: An application to pay filing fee in installments can  
be filed with  
the bankruptcy petition and approved by the  
Court. This form can be found on our website at  
[www.nhb.uscourts.gov](http://www.nhb.uscourts.gov). The total number of  
payments or installments shall not exceed four, the  
first installment being paid upon the filing of the petition  
and the final installment must be paid within  
120 days of the filing of the petition.

**7. Question: How much do I have to pay for each installment?**

Answer: Local Bankruptcy Rule 1006-1 explains that the minimum payment per installment is one-fourth (1/4) the total fee required with the filing of a petition. This would be \$ 74.75 for a Chapter 7 case and \$68.50 for a Chapter 13 case.

**8. Question: Can the filing fee be waived if I cannot afford to pay in installments?**

Answer: You may file an application to proceed in forma pauperis, which means without paying the fee. To proceed without paying the fee you must file an Application to Waive Filing Fee. To qualify for in forma pauperis you must earn less than 150% of the poverty level. The application and the poverty level amounts are available on our website at [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov). The Application to Waive the Filing Fee must be approved by a judge.

If the application is denied, you must pay the filing fee in full or file an application to pay the filing fee in installments.

**9. Question: If my case gets dismissed or I change my mind about filing, will my filing fee be refunded?**

Answer: Filing fees are earned when paid and cannot be refunded.

**10. Question: How long does it take for my creditors to be notified that I have filed**

## **bankruptcy?**

Answer: The creditors listed on your matrix are notified within 7-10 days of your filing.

### **11. Question: How do I add a creditor to my petition that has already been filed?**

Answer: You may file an amendment to your schedules per Local Bankruptcy Rule 1009-1. This may or may not require a filing fee, depending upon the schedule being amended. The amendment should be in pleading form and clearly state what is being added or changed. See section regarding amendments to schedules.

### **12. Question: How long does it take to get a discharge?**

Answer: Every case is different. It depends on the case, the creditors involved and the trustee. The case cannot be discharged until after the deadline for filing objections to the discharge has passed.

### **13. Question: Will all of my creditors be notified of my discharge?**

Answer: All creditors who were listed in your schedules or added by amendment to your schedules will be notified.

### **14. Question: When I receive my discharge, is my case**



**complete?**

Answer: No, your case is not complete until you receive the order closing the case.

**15. Question: Can a Debtor receive a second discharge in a later Chapter 7 case?**

Answer: The court will deny a discharge in a later chapter 7 case if the debtor received a discharge under chapter 7 or chapter 11 in a case filed within eight years before the second petition is filed.

The court will also deny a chapter 7 discharge if the debtor previously received a discharge in a chapter 12 or chapter 13 case filed within six years before the date of the filing of the second case unless (1) the debtor paid all "allowed unsecured" claims in the earlier case in full, or (2) the debtor made payments under the plan in the earlier case totaling at least 70 percent of the allowed unsecured claims and the debtor's plan was proposed in good faith and the payments represented the debtor's best effort. A debtor is ineligible for discharge under chapter 13 if he or she received a prior discharge in a chapter 7, 11, or 12 case filed four years before the current case or in a chapter 13 case filed two years before the current case.

**We may not refer you to any individual attorney and are not permitted to give you any advice of a legal nature.**

**We suggest you call any one of the following to inquire about legal assistance:**

\* \* \* \* \*  
\* \* \* \* \*

**Legal Advice & Referral Center (LARC)**

**PO Box 4147**

**Concord, NH 03302**

**Telephone: (603) 229-0002**

**Toll-free Telephone: (800) 639-5290**

**Office Hours: Mon.-Thurs. 9:00 a.m. - 4:30 p.m., Fri.**

**9:00 a.m. - 1:00 pm**

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**New Hampshire Legal Assistance Branch Offices**

**1361 Elm Street, Suite 307**

**Manchester, NH 03101**

**Telephone: (603) 668-2900**

**Toll-free Telephone: (800) 562-3174**

**58 Main Street**

**Littleton, NH 03561**

**Telephone: (603) 444-8000**

**Toll-free Telephone: (800) 548-1886**

**206 Moody Bldg., Tremont Sq.**

**Claremont, NH 03743**

**Telephone: (603) 542-8795**

**Toll-free Telephone: (800) 562-3994**

**154 High Street**

**Portsmouth, NH 03802  
Telephone (603) 431-74111  
Toll-free Telephone (800) 334-3135  
Office Hours: Monday-Friday 8:30 am - 5:00 pm**

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**Franklin Pierce Law Center  
2 White Street  
Concord, NH 03301  
Library, Reference Assistance and Civil Practice Clinic  
Telephone: 228-1541  
Office Hours: 8:00 am - 5:00 pm**

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