

Guide for Individuals Filing a Bankruptcy Case Without an Attorney



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Introduction

This guide is intended to assist people filing a bankruptcy case without an attorney. Filing a bankruptcy case is a complex undertaking. If the documents required in a bankruptcy case are not completed properly, or if further steps in the bankruptcy process are not taken on time, a debtor can lose property or other important rights unnecessarily. With that in mind, you should seriously consider consulting an attorney. A separate section of this guide lists organizations that may be able to offer you legal assistance.

The Clerk's Office receives documents and filing fees from attorneys, and the general public; maintains dockets and court calendars; distributes court directives including notices, subpoenas and summons; responds to public inquiries; and serves as a central resource of public information for the court.

Requests for Legal Advice

The Clerks's office employees often get requests for information which may be characterized as "legal advice". While there can be no precise definition of what constitutes "legal advice", Clerk's office employees are limited in the information they can provide. They can provide information on filing requirements and general information relating to the polices and procedures of the Clerk's office.

Legal Help Desk

An attorney is available every Friday from 9:30am to 12:30pm (room 622) to answer questions you may have about filing bankruptcy and completing your forms. The phone number is (312) 435-6032.

General Information

The Northern District of Illinois is comprised of two divisions; the Eastern Division (**Chicago**), and the Western Division (**Rockford**).

Court Addresses

Eastern Division

U.S. Bankruptcy Court
Dirksen Federal Building
219 S. Dearborn
Chicago, IL 60604
(312) 435-5694

Western Division

U.S. Bankruptcy Court
211 S. Court St.
Rockford, IL 61101
(815) 987-4350

The Northern District of Illinois covers 18 counties. If the debtor's residence, principal place of business or principal assets have been located in one or more of these counties for 180 days, the case should be filed in the Northern District of Illinois. The county determines the division.

Eastern Division Counties	Western Division Counties
Cook, Dupage, Lake, Kane Will, Grundy, LaSalle and Kendall	Boone, Carroll, DeKalb, Jo Davess, Lee, McHenry, Ogle, Stephenson, Whiteside and Winnebago

Overview of Bankruptcy Chapters

The following is a brief summary of chapter 7,11,12 and 13 (for a more in depth explanation please refer to *Bankruptcy Basics*).

Chapter 7 (Liquidation)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their debts. Debtors whose debts are primarily consumer debts are subject to a “Chapter 7 Statement of Current Monthly Income and Means Test” designed to determine whether the case should be permitted to proceed under chapter 7.

The purpose of filing a chapter 7 is to obtain a discharge of your debt. Some debts are not discharged under the law.

Chapter 11 (Reorganization)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12 (Family Farmer)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

Chapter 13 (Repayment)

Chapter 13 is designed for individuals with regular income who desire to pay all or part of their debts in installments over a period of time. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The court must approve your plan before it takes effect.

After completing the payment under your plan, your debts are generally discharged except for certain debts under the law.

Documents You Are Required To File when filing bankruptcy

All chapters require the following. *Failure to file the required documents could result in your case being dismissed.*

- Voluntary Petition* (Official Form No.1)
With a **list containing the names and addresses of all creditors** of the debtor unless the petition is accompanied by schedules D,E, and F.
- Notice to Individual Debtor with Primarily Consumer Debts*
Must be filed with petition or within 15 days after the case is filed.
- Notice to debtor by “bankruptcy petition preparer” **if applicable**
Must be filed with petition if prepared by a ‘bankruptcy petition preparer.’
- Statement of Social Security Number (Official Form 21).
Required if the debtor is an individual. Must be filed with petition.
- Certificate of Credit Counseling and Debt Repayment Plan
Required if the debtor is an individual. All individual debtors must receive **budget and credit counseling** from a non-profit agency approved by the U.S. Trustee’s Office. Visit the Court’s website at www.ilnb.uscourts.gov for the list of approved agencies. Must be filed with petition. (*See Attachment #1*)
- Statement disclosing compensation paid or to be paid to a “bankruptcy petition preparer” **if applicable**
- Statement of Current Monthly Income and Means Test (Official Form 22A, 22B and 22C)
Required if the debtor is an individual with primarily consumer debts. Must be filed with petition or within 15 days after the case is filed.
- Schedules of assets and liabilities - schedules A - F (Official Form No. 6).

- Must be filed with petition or within 15 days after the case is filed.
- Schedule of executory contracts and unexpired leases - schedule G (Official Form 6)
Must be filed with petition or within 15 days after the case is filed.
 - Schedules of current income and expenditures - schedules I and J (Official Form No. 6).
Must be filed with petition or within 15 days after the case is filed.
 - Statement of Financial Affairs (Official Form 7).
Must be filed with petition or within 15 days after the case is filed.
 - Pay stubs - copies of all 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, **(1) shall not** be filed with the court unless otherwise ordered, and **(2) shall be** provided to the trustee, and any creditor who timely requests copies of the payment advices or other evidence of payment, at least seven days before the time the meeting of creditors is conducted. To be considered timely, a creditor's request must be received at least 15 days before the first date set for the meeting of creditors.
 - Federal Income Tax Return - **must provide to trustee** a copy of the most recent tax return or a transcript at least **7 days before** the meeting of creditors. To receive a transcript of your tax return, call 1-800-829-1040. Failure to provide the trustee with this information could result in the dismissal of your case.

Below are additional filing requirements specific to each chapter.

Chapter 7

- Statement of Intention regarding secured property (Official Form 8).
An individual debtor/joint debtor whose schedule of assets and liabilities include consumer debts that are secured by property of the estate, are required to file a Statement of Intention with respect to the property securing those debts. Must be filed within 30 days or by the date set for the 341 meeting of creditors, whichever is **earlier**.
- Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form 23).
Individuals filing under chapter 7 must complete an approved financial management course ***(subject to exceptions below)** in order to receive a discharge. The deadline for filing is 45 days after the 341 meeting. See our website for a list of the approved agencies.

***Exceptions**

1. If the debtor is unable to complete the financial management requirement as a result of incapacity or disability; or

2. If the debtor is on active military duty in an active combat zone; or
3. If the US Trustee or BA has determined that adequate financial management services are not available in the district.

Chapter 11

- List of Creditors holding the 20 largest unsecured claims (Official Form 4)
Must be filed with petition.
- Names and addresses of equity security holders of the debtor*
Must be filed with petition or within 15 days after the case is filed, unless the court orders otherwise.

Chapter 12

- Chapter 12 Plan
Must be filed with petition or within 15 days after the case is filed.

Chapter 13

- Chapter 13 Plan
Must be filed with petition or within 15 days after the case is filed.
- Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form 23).
Individuals filing under chapter 13 must complete an approved financial management course ***(subject to exceptions below)** in order to receive a discharge. See our website for a list of the approved agencies.

***Exceptions**

1. If the debtor is unable to complete the financial management requirement as a result of incapacity or disability; or
2. If the debtor is on active military duty in an active combat zone; or
3. If the US Trustee or BA has determined that adequate financial management services are not available in the district.

Forms

The court has forms available for use at our website www.ilnb.uscourts.gov. The forms are fillable which allow you to complete the forms while they are displayed on screen.

Fees

Payments should be made by cash (*exact change is required*), cashier's check, certified check, or money order made payable to "Clerk, U.S. Bankruptcy Court". The Clerk's Office does not accept personal checks. Please check our website for the most current fee schedule.

Application to Pay Filing Fees in Installments (*individuals only*)

If you cannot afford to pay the full fee at the time of filing, you may apply to pay the fee in installments. The form can be downloaded from the court's website www.ilnb.uscourts.gov.

The following are terms of the agreement:

The full filing fee shall be paid in four equal installment payments;

The first installment payment is to be paid within 30 days, and at least half of the filing fee must be paid within 60 days of the filing of the petition;

The final installment payment shall be payable not later than 120 days after filing the petition.

Failure to pay the Filing Fee in full in the time limits will result in the dismissal of your case.

Application For Waiver of the Chapter 7 Filing Fee "In Forma Pauperis" (Original Form B3B)

If you cannot afford to pay the fee either in full or in installments, you may request a waiver of the filing fee by completing an Application for Waiver of the Chapter 7 Filing Fee. A judge will decide whether you have to pay the fee. The form can be downloaded from the court's website www.ilnb.uscourts.gov.

What happens after you file the petition

Upon the filing of the bankruptcy petition the automatic stay goes into effect and prohibits (stops) creditors from most collection actions against the debtor or the debtor's property. As long as the stay is in effect, creditors generally may not initiate or continue lawsuits, wage garnishments or even telephone calls demanding payment.

Numbering System

Upon the filing of your voluntary petition, a case number is assigned to your case. This number should appear on all subsequent documents filed with the court.

Judge Assignment

A judge will be assigned to your case after it has been filed.

Trustee Assignment

Trustees are always assigned in cases under chapters 7, 12 and 13. The trustee's job is to administer the bankruptcy estate, to make sure creditors get as much money as possible, to verify the truthfulness of your papers, and to object to your Discharge if appropriate.

Meeting of Creditors

A meeting of creditors is usually held 20 to 40 days after the case is filed. You and your creditors will receive notice of the filing of the petition, and the date of the meeting of creditors. Please read this notice carefully. It contains important information about the date, time and location of the meeting.

You (and your spouse in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors. This meeting is conducted by the trustee assigned to your case. You are required to bring with you to the meeting;

- proof of identity
- your social security card
- evidence of current income in a chapter 13 case.

Chapter 7

A case trustee is appointed to administer the case and liquidate the debtor's nonexempt assets. The case trustee is selected from a panel of private trustees established by the United States trustee. A current list of panel trustees may be obtained at the public service counter for a fee.

Chapter 13

A chapter 13 trustee is appointed to serve to evaluate your plan, recommend whether it should be approved and if approved make distributions to creditors.

Obtaining Other Information

The following resources are available for obtaining other information.

Court Website

www.ilnb.uscourts.gov The web site provides general information about the court, local bankruptcy rules and general orders, bankruptcy forms, and the Judges' calendars.

Public Access Terminals

Terminals are available in room 713 - Chicago and room 110 - Rockford. There is no charge to view cases on-line at the courthouse. However, there is a 10 cents per page charge for printing paper copies of documents through public access terminals).

The Voice Case Information System (VCIS)

VCIS uses an automated voice response system to read a limited amount of bankruptcy case information directly from the court's database in response to touch-tone telephone inquiries. The court does not charge a fee for using this service.

To access VCIS call 1-888- 232-6814 (Chicago), 1-888-293-3698 (Rockford) between the hours of 4:00 a.m. and 8:00 p.m. Instructions will guide you through the process.

If you need assistance with a specific case, and cannot obtain the information through our website or Voice Case Information System, please call the central information number (312)435-5694 (Chicago) and (815) 987-4353 (Rockford). Or you can see any of our customer service representatives at the public counters for assistance.

Locations for Meetings/Hearings

Meeting of Creditors

Meetings of creditors are held at one of the following locations depending upon your county.

Eastern Division (Chicago)

U.S. Trustee
227 W. Monroe - 33rd floor
Chicago, IL 60604

Kane County Courthouse
100 S. Third St., Room 140
Geneva, IL 60134

Lake County Courthouse
18 N. County St.. #301
Waukegan, IL 60085-4339

DuPage County Courthouse
505 N. County Farm Rd., Room 2000
Wheaton, IL 60187

EMCO Plaza Building
57 W. Jefferson, 2nd floor
Joliet, IL 60431

Office of Chapter 13 Trustee Tom Vaughn
200 S. Michigan, Suite 1300
Chicago, IL 60604

Office of Chapter 13 Trustee Marilyn O. Marshall
224 S. Michigan, Suite 800
Chicago, IL 60604

Office of Chapter 13 Trustee Glenn B. Stearns - (3 locations)

DuPage and Kane County
Counties
DuPage Bar Association
126 S. County Farm Rd.
Wheaton, IL 60187

Lake County
Babcox Justice Center
20 S. County St.
Rm 150
Waukegan, IL 60085

Will, LaSalle, Grundy and Kendall
Counties
EMCO Plaza Bldg.
57 W. Jefferson
Rm 209
Joliet, IL 60432

Bankruptcy Judges

Presently there are 11 judges sitting in the Northern District. Ten in the Eastern Division and one in the Western Division. The bankruptcy judges hear all matters with the exception of the Meeting of Creditors.

Eastern Division (Chicago)

U.S. Bankruptcy Court
219 South Dearborn
Chicago, Il 60604

Western Division (Rockford)

U.S. Bankruptcy Court
211 S. Court St.
Rockford, Il 61101

Judge	Courtroom	Judge	Courtroom
Eugene R. Wedoff	744	Manuel Barbosa	115
Susan Pierson Sonderby	642		
Jack B. Schmetterer	682		
John H. Squires	680		
Carol A. Doyle	613		
Bruce W. Black	615		
John D. Schwartz	719		
Pamela S. Hollis	644		
A. Benjamin Goldgar	613		
Jacqueline P. Cox	619		

Amendments to Petition, Schedules and Statements

A voluntary petition, list, schedule or statement may be amended by the debtor at any time before the case is closed. There is a filing fee (see current fee schedule) for amendments to a debtor's schedules D,E or F. Examples of amendments which require a fee include:

- adding creditors
- deleting creditors
- changing the amount specified as being owed to a creditor
- changing a classification of a debt

A fee is not charged when the amendment is to change the address of a listed creditor. This can be done by letter.

The debtor shall serve a copy of amendments on all creditors, the case trustee, and in a Chapter 11 case, on the United States Trustee and any official committee of unsecured creditors. Proof of such service shall be filed with the bankruptcy court.

In addition, if the debtor adds any creditors to the schedules after the first notice of the meeting of creditors, the debtor shall serve each additional creditor, by first-class or certified mail, with a copy of the original notice of the meeting of creditors, and shall file a proof of such service with the bankruptcy court.

Any amendment to debtor's schedules should be clearly labeled as "**Amended**", and indicate what is being amended i.e. **adding creditor**. Only those creditors affected should be included. Any new creditors must have a complete mailing address.

If the case is closed, you must file a motion to reopen case and pay the applicable filing fee.

Conversions

Conversion (by the debtor) from a chapter 13 to a chapter 7 is permitted by filing a **Notice of Conversion** and paying the required filing fee.

All other conversion requests must be made by filing a motion. The filing fee is required when the order is entered.

A filing fee is required when filing a motion converting a case to a Chapter 7. Please check our website for the most current fee schedule.

Motion Information

Copies of all motions shall be accompanied by a notice of motion, proof of service and a minute order. The motion, notice of motion and proof of service must be drafted by the filer. The minute order is a local bankruptcy form that can be accessed from the court's website.

All motions shall indicate on their face, the name of the judge to whom the case is assigned, the case number and the name of the debtor.

Eastern Division - The **original** and **one copy** of each motion, notice of motion and proof of service shall be filed with the clerk by 4:30 p.m. on the second business day preceding the date of presentment. Except in the case of an emergency, written notice of the intent to present a motion must be personally served at or before 4:00 o'clock p.m. of the second business day preceding the date of presentment. Where service of such notice is by mail, the notice shall be mailed at least five business days before the date of presentment.

Other than true emergency motions, no motions will be heard that have not been filed with the clerk in accordance with the above.

Western Division - The **original** and **two copies** of each motion, notice of hearing and proof of service shall be filed with the clerk as least five days before the hearing date.

Emergency motions may be scheduled only upon approval of the court, and for cause shown., in accordance with Local Rule 306. Shortened notice - motions to schedule a hearing on shortened notice must contain a statement explaining the circumstances which justify special treatment.

The following types of motions have a filing fee. Please check our website for the most current fee schedule.

- motion for relief from the automatic stay
- motion to compel abandonment of property of the estate
- motion to withdraw reference of a case

WARNING REGARDING CREDIT COUNSELING REQUIREMENT

All individual debtors must be able to check truthfully one of the four statements listed below. If none of these statements applies to you, you are not eligible to file a bankruptcy case, and any case you do file can be dismissed by the court. If that happens, you will lose whatever filing fee you paid and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you will be subject to paying a second filing fee, and you may have to take extra steps to stop creditors' collection activities.

Pre-bankruptcy counseling with certificate. Within the 180 days *before the filing of my bankruptcy case*, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. **Attach to your bankruptcy petition a copy of the certificate and a copy of any debt repayment plan developed through the agency.**

Pre-bankruptcy counseling without certificate. Within the 180 days *before the filing of my bankruptcy case*, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. **You must file a copy of a certificate from the agency describing the services provided to you no later than 15 days after your bankruptcy case is filed.**

Attempted pre-bankruptcy counseling with an emergency requiring bankruptcy filing. Before filing this bankruptcy case, I requested a credit counseling briefing from an approved agency but I was unable to obtain the briefing for five days from the time I made my request, and an emergency requires me to file a bankruptcy case now. **If the court is not satisfied with your reasons for filing the bankruptcy case now, without first receiving a credit counseling briefing, your case may still be dismissed. If the court is satisfied with your reasons, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case, and must file a certificate from the agency that provided the briefing, together with any debt management plan developed through the agency.**

Incapacity, disability, service in a war zone. I am not required to receive a credit counseling briefing because one of the following applies.

- I am impaired by mental illness or mental deficiency such that I am incapable of realizing and making rational decisions with respect to my financial responsibilities.
- I am physically impaired to the extent that I am unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.
- I am on active military duty in a military combat zone.

(Attachment #1)