

## APPLICATION FOR SEARCH OF BANKRUPTCY RECORDS

### **Information for the Public**

This form may be used by the public when requesting the clerk, by mail, to check the court's records to determine:

1. Whether a specified individual or business filed a petition in bankruptcy;
2. Whether a petition was voluntary (filed by the debtor) or involuntary (filed by the debtor's creditors);
3. Whether a case is still pending or has been closed, and if closed, the date of closing;
4. Whether the debtor was granted a discharge;
5. Whether the specified individual or business is a party to an adversary proceeding (lawsuit), and if so, the status of the proceeding, the disposition of the proceeding, and the case number of the bankruptcy case in which the proceeding arises.

The fee for a search conducted by the clerk will cost \$26. Most courts have indexed the above-listed information, making it available for public inspection through card files or microfiche, or have it available as part of an automated database. Thus, you usually can conduct a search at the court location yourself, free of charge, rather than requesting the clerk to conduct the search for you upon payment of a fee. Most courts also offer basic information on current cases by telephone, utilizing an automated Voice Case Information System (VCIS). (More detailed information is available by computer and telephone mode (PACER) to subscribers to a court's PACER service. If you anticipate making repeated requests, you should contact the clerk's office for information about subscribing to PACER.)

Requests for photocopies of specific documents contained in a particular file, or for certification of documents should be made by letter, not by using this form. The letter must contain:

the name of the debtor or the parties to the adversary proceeding,

the case number,

if applicable, the adversary proceeding number,

if applicable, the names of the parties to the adversary proceeding,

a list of the documents concerned, and

your name, address, and phone number.

By reviewing the docket sheet in the case before requesting photocopies, you may be able to ascertain which specific documents you need. Then you do not need to order copies of the entire file.

The fee for photocopies is 50 cents per page. The fee for certification of a copy is \$9 per document or paper. A check or money order made payable to the Clerk, U.S. Bankruptcy Court, for the full amount of the fee **MUST** be enclosed with the letter. (There is a \$25 fee for checks paid into the court which are returned for insufficient funds.) **PLEASE DO NOT SEND CASH THROUGH THE MAIL.**

Older cases may have been closed and shipped to a Federal Records Center. If so, there is a \$45 fee for retrieving the case file from the records center. The Search Fee Guidelines for Bankruptcy Courts state that if a file must be retrieved from a Federal Records Center, only the \$45 retrieval fee should be charged.

### **Applicable Law and Rules**

1. Section 107(a) of the Bankruptcy Code (11 U.S.C. § 107(a)) provides that all papers filed in a bankruptcy case, and the case docket are public documents open to examination by any entity.
2. Section 107(b) provides that the bankruptcy court may enter an order sealing a court file to protect an entity with respect to a trade secret or confidential research, development, or commercial information, or to protect a person with respect to scandalous or defamatory matters contained in a paper filed in a bankruptcy case.
3. Fed. R. Bankr. P. 9018 provides the procedure for invoking the court's power under Section 107(b) to seal a file.

4. Fed. R. Bankr. P. 5003(d) states:

On request, the clerk shall make a search of any index or papers in the clerk's custody and certify whether a case or proceeding has been filed in or transferred to the court or if a discharge has been entered in its records.

5. 28 U.S.C. § 1930 authorizes the Judicial Conference of the United States to fix fees for the conduct of a search, and for other services.
6. The current fee for conducting a search is \$26 per name or item searched. The fee for reproducing records and papers is 50 cents per page. The fee for certification of a copy is \$9 per document or paper. The fee for retrieving a record from a Federal Records Center, the National Archives, or other storage location removed from the court's place of business is \$45.
7. The Search Fee Guidelines for Bankruptcy Courts state that, if the case must be retrieved from a Federal Records Center, only the \$45 retrieval fee should be charged. These guidelines are set out in Appendix I to the Judicial Conference's Bankruptcy Court Miscellaneous Fee Schedule.

### **Instructions**

#### **Name of Individual Subject of Search:**

Insert in this box the name of the individual or business that is the subject of the search request.

#### **SSN or EIN of Subject:**

Insert in this box the Social Security Number (if an individual) or the Employer Tax Identification number (if a business entity) of the subject of the search. If you do not know these numbers, you may leave the box blank.

#### **Please Search Your Records for the following:**

Place an "x" in the appropriate box.

Underline or circle either "pending" or "closed," if that information is known.

B 132  
continued

**Please Search for the Period From:**

Insert on this line the period of time for which the search of records is requested.

**Name, Address, and Phone Number:**

Insert the complete name, street address, city, state, zip code and telephone number, including area code, of the person requesting the search.

Enclose a check or money order in the amount of \$26.00 payable to the Clerk, U.S. Bankruptcy Court. DO NOT SEND CASH.

**Certificate of Search:**

This portion of Form B 132 is to be completed by the bankruptcy clerk who performs the search.

**General Information for the Clerk**

This form is for use by persons seeking basic information by mail concerning a petition or an adversary proceeding. The information sought through this form should be available on the court's automated database, Form B 130A Bankruptcy Case Index Card, or Form B 130B Adversary Proceeding Index Card. The search fee of \$26 should be charged unless the court requires every request for basic information to be made in writing.

Requests for copies of documents, or detailed information concerning the status of any particular action in a case should be handled through letter or use of a local form, and are subject to the proper fee for services rendered by the clerk's office.