

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 search 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 is \$30.¹

The courts have indexed the information listed above, making it available for public inspection at terminals located at the court or over the Internet using the courts' Public Access to Court Electronic Records (PACER) system. Information on using PACER is available at <http://pacer.psc.uscourts.gov/>. A log-in and password are required but instant registration is available. The fee for using PACER over the Internet generally is 10 cents per page², with the total for any document, docket sheet, or case-specific report not to exceed the fee for 30 pages, provided however that transcripts of federal court proceedings are not be subject to the 30-page fee limit. A person making limited inquiries about a single case is unlikely to be charged, however, because PACER users are not billed until they have incurred more than \$15 of charges in a quarterly billing cycle.

¹ The fees cited in this Instruction are current as of April 1, 2012. You should check the court's website, the Judiciary website at www.uscourts.gov, or the Miscellaneous Fee Schedule, which is published as an appendix after section 1930 of the Judicial Code (28 U.S.C. § 1930), for the current fees.

² The PACER fee was increased from 8 cents per page to 10 cents per page and the quarterly exemption was increased to \$15, effective April 1, 2012. Local, state, and federal government agencies were exempted from the increase for three years.

You can conduct a search on a terminal at the court location yourself, free of charge, rather than using PACER or requesting the clerk to conduct the search for you. In addition, most courts also offer basic information on current cases by telephone, utilizing an automated Voice Case Information System (VCIS)

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 \$11 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 \$53 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 \$53 fee for retrieving the case file from the records center.

Applicable Law and Rules

1. Section 107(a) of the Bankruptcy Code (11 U.S.C. § 107(a)) provides that, unless the court orders otherwise, 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 document filed in a bankruptcy case or taking other actions 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 the document.

3. Fed. R. Bankr. P. 9018 provides the procedure for invoking the court's power under section 107(b) to seal a document or to take other protective actions.
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. Section 1930 of the Judicial Code (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.

Instructions

Name of individual or business that is the subject of the search:

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

Social-Security No. or Individual Taxpayer-Identification No. (ITIN) of Subject:

Insert in this box the social-security number or individual taxpayer-identification number (if an individual) of the subject of the search. If you do not know these numbers, you may leave the box blank. Because this box may contain full social-security numbers, the form should not be filed electronically.

Employer Tax-Identification No. (EIN) (if any) of Subject:

If known, insert in this box the employer tax-identification number (if any) of the subject of the search.

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.

Please Search for the Period From:

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

Enclose a check or money order in the amount of \$30 payable to the Clerk, U.S. Bankruptcy Court. DO NOT SEND CASH.

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.

Certificate of Search:

This portion of Form 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, either on the public access terminals at the intake counter or over the PACER system. The search fee of \$30 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.

This form is not intended for inclusion in the court's case records. For that reason and because the form may contain social-security numbers, it should not be filed electronically.