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# U.S. Trustee

Amended UST Statement (10 day)

UST Statement of Declination



The CM EVENTS and INSTRUCTIONS

February 14, 2012

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Two virtual declination statements were requested by the Executive Office for the U.S. Trustees (EOUST). Both statements are related to a U.S. Trustee's obligation under 11 U.S.C. Sec. 704 to file a 10-day statement with the court to indicate whether or not a debtor has filed a bankruptcy petition with a presumption of abuse. Because different circumstances can validly change the U.S. Trustee's assertion of a presumption of abuse, the U.S. Trustee (UST) can file a declination statement indicating that a motion to dismiss or convert will not be filed in the case.

## **UST STATEMENT OF DECLINATION**

This virtual event replaces the e-filed documents that previously have been entitled *United States Trustee's Statement Pursuant to 11 U.S.C. Section 704(b)(2); A Motion to Dismiss Will Not Be Filed* or *United States Trustee's Statement Pursuant to 11 U.S.C. Section 704(b)(2) That a Motion to Dismiss Under Section 707(b) Is Not Appropriate and Will Not Be Filed*.

In the past, the U.S. Trustee's office has served this e-filed document by mail. I'm not sure what your process will be now. My information states 'The EOUST will be sending guidance to all USTs about the use and service of the new virtual entries. If you have any questions, please contact SDSD Support Branch at 210-301-6321 or for questions about the USTs request for these events contact Shaun Stuart, Attorney Advisor, BJD at 202-502-2247'.

### **Docketing the UST Statement of Declination:**

1. From the Docketing menu, go to Response/Support Docket Entries.
2. Enter the Case Number.
3. Highlight the event entitled UST Statement of Declination.



**Available Events** (click to select events)

Amended UST Statement (10 day)
<b>UST Statement of Declination</b>

4. On the otherwise blank next two screens, click NEXT.
5. The next screen contains the docket text of the event. At the end of the docket text is a white box which allows you to enter free form text as to the reason(s) why the UST does not consider a motion under Section 11 U.S.C. 707(b) to be appropriate. Remember, whatever you type in the white box will be in the docket text. There is no spell check in CM!! (NOTE: You have approximately 9,000 characters you can add in

the text box. Final text exceeding the maximum length will be truncated.) This is your Final Docket Text!!

Docket Text: Modify as Appropriate.

The United States Trustee (UST) previously filed a statement pursuant to Section 11 U.S.C. 704(b)(1)(A) indicating that this case is presumed to be an abuse of the provisions of Chapter 7 of Title 11 of the United States Code. Notice is hereby provided that the United States Trustee, based on the currently available information, does not consider a motion under Section 11 U.S.C. 707(b) to be appropriate for the following reasons: *The Debtors indicated on their Chapter 7 Statement of Current Monthly Income and Means-Test Calculation ("Means Test") that "the presumption arises". The UST agreed that the Means Test showed sufficient monthly disposable income for the presumption of abuse to arise. The bankruptcy trustee is currently administering this case as an "asset case". The Debtors filed a Declaration of Special Circumstances to Rebut Presumption of Abuse Under 11 U.S.C. Sec. 707(b) on December 13, 2010. Upon reviewing the Debtors' schedules and Declaration, the UST has determined that the Debtors' future income will be significantly decreased based on their loss of income. As of the date of filing their bankruptcy, the debtor was employed and only receiving unemployment compensation in the amount of \$1950.00 per month. He had worked in the automotive service industry for many years and it has been difficult for him to replace his employment. With the decrease in salary, the Debtors will no longer have disposable income to devote to a Chapter 13 plan. Based on the above change in circumstances, the UST does not consider a motion to dismiss under Sec. 707(b)(2) to be appropriate in this particular case.* (Trustee, Test)

NEXT

Clear

6. This screen shows your Final Docket Text. The free form text you added is in italics. I actually copied the free form text below from a previously e-filed document. Make sure your docket text is correct and there are no misspellings. If you find you need to correct the text you entered, use your web browser BACK button to modify the entry. Click in the white box and by using the arrows on your keyboard, find the text you need to delete, correct or add and make your corrections. Click NEXT and again your Final Docket Text appears. Make sure your docket text is correct and, if so, click NEXT.

Docket Text: Final Text

The United States Trustee (UST) previously filed a statement pursuant to Section 11 U.S.C. 704(b)(1)(A) indicating that this case is presumed to be an abuse of the provisions of Chapter 7 of Title 11 of the United States Code. Notice is hereby provided that the United States Trustee, based on the currently available information, does not consider a motion under Section 11 U.S.C. 707(b) to be appropriate for the following reasons: *The Debtors indicated on their Chapter 7 Statement of Current Monthly Income and Means-Test Calculation ("Means Test") that "the presumption arises". The UST agreed that the Means Test showed sufficient monthly disposable income for the presumption of abuse to arise. The bankruptcy trustee is currently administering this case as an "asset case". The Debtors filed a Declaration of Special Circumstances to Rebut Presumption of Abuse Under 11 U.S.C. Sec. 707(b) on December 13, 2010. Upon reviewing the Debtors' schedules and Declaration, the UST has determined that the Debtors' future income will be significantly decreased based on their loss of income. As of the date of filing their bankruptcy, the debtor was employed and only receiving unemployment compensation in the amount of \$1950.00 per month. He had worked in the automotive service industry for many years and it has been difficult for him to replace his employment. With the decrease in salary, the Debtors will no longer have disposable income to devote to a Chapter 13 plan. Based on the above change in circumstances, the UST does not consider a motion to dismiss under Sec. 707(b)(2) to be appropriate in this particular case.* (Trustee, Test)

**Attention!!** Clicking NEXT commits this transaction. Use your web browser BACK button to modify this entry.

Have you redacted?

NEXT

Clear

Once you have clicked NEXT on your Final Docket Text screen, there is no correcting your docket text.

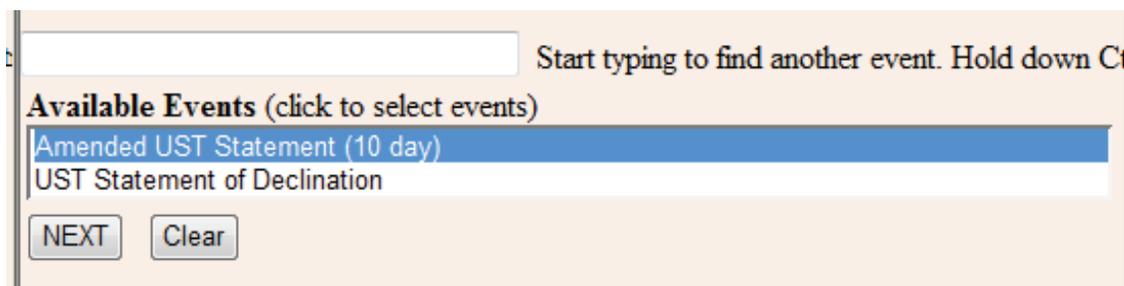
## **AMENDED UST STATEMENT (10 day)**

This virtual event should be docketed when the U.S.Trustee initially indicated the presumption arises, and then through discovery or investigation determines that the presumption does not arise. It provides notice that the U.S. Trustee has changed their position regarding the presumption.

This virtual event replaces the e-filed documents that previously have been entitled *United States Trustee's Statement of Change to No Presumed Abuse*.

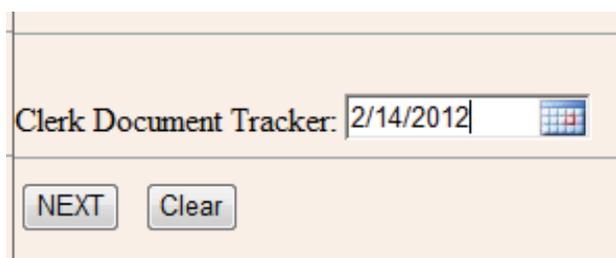
### **Docketing the Amended UST Statement (10 day):**

1. From the Docketing menu, go to Response/Support Docket Entries.
2. Enter the Case Number.
3. Highlight the event entitled Amended UST Statement (10 day).



A screenshot of a web interface showing a search bar at the top with the text "Start typing to find another event. Hold down C". Below the search bar is a dropdown menu titled "Available Events (click to select events)". The dropdown menu is open, showing two options: "Amended UST Statement (10 day)" which is highlighted in blue, and "UST Statement of Declination". Below the dropdown menu are two buttons: "NEXT" and "Clear".

4. On the otherwise blank next two screens, click NEXT.
5. On this screen you will see "Clerk Document Tracker: (preset date)". Click NEXT. By clicking NEXT on this screen, you are setting a Clerk Document Tracker deadline so the case manager will know this event has been docketed and they will send the L126, *Clerk's Notice of United States Trustee's Statement That No Presumption of Abuse Has Arisen Under 11 U.S.C. Section 707(b)(2)*.



A screenshot of a web interface showing a "Clerk Document Tracker:" label followed by a text input field containing the date "2/14/2012" and a calendar icon. Below the input field are two buttons: "NEXT" and "Clear".

6. Click NEXT on an otherwise blank screen.
7. This screen shows your Final Docket Text.

Docket Text: Final Text

**The United States Trustee (UST) previously filed a statement that this case was presumed to be an abuse under Section 707(b)(2). Based on further review, the UST has determined that this case is NOT presumed to be an abuse under Section 707(b)(2). (Trustee, Test)**

**Attention!!** Clicking **NEXT** commits this transaction. Use your web browser **BACK** button to modify this entry.

**Have you redacted?**

You cannot modify this docket text. Clicking NEXT on this screen docket the event.

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# U.S. Trustee

Amended UST Statement (10 day)

UST Statement of Declination



The CM EVENTS and INSTRUCTIONS

February 14, 2011

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Two virtual declination statements were requested by the Executive Office for the U.S. Trustees (EOUST). Both statements are related to a U.S. Trustee's obligation under 11 U.S.C. Sec. 704 to file a 10-day statement with the court to indicate whether or not a debtor has filed a bankruptcy petition with a presumption of abuse. Because different circumstances can validly change the U.S. Trustee's assertion of a presumption of abuse, the U.S. Trustee (UST) can file a declination statement indicating that a motion to dismiss or convert will not be filed in the case.

## **UST STATEMENT OF DECLINATION**

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**Available Events** (click to select events)

- Amended UST Statement (10 day)
- UST Statement of Declination**

NEXT Clear

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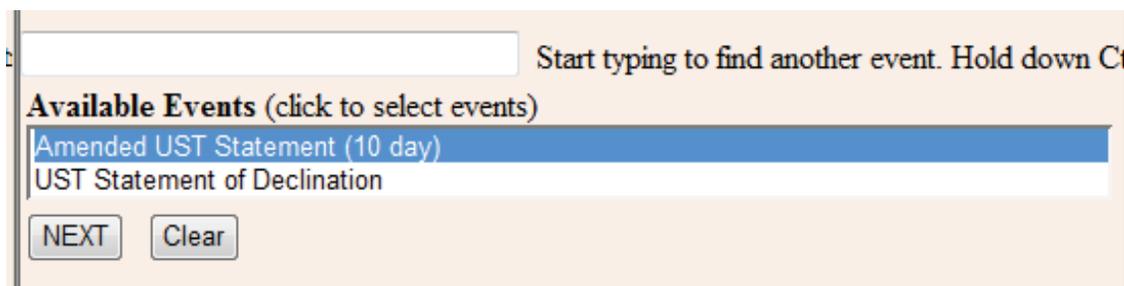
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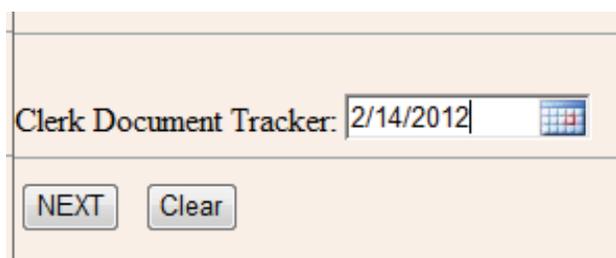
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**Have you redacted?**

You cannot modify this docket text. Clicking NEXT on this screen docket the event.

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# CHAPTER 7 ASSET REPORTS

## • U.S. TRUSTEE EVENTS •

Trustee's Final Report (TFR)  
Trustee's Final Account and Distribution Report (TDR)  
and Associated Notices



The CM EVENTS and INSTRUCTIONS

June 30, 2009

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## U.S. TRUSTEE EVENTS

The docket events that you will select will depend on which report you are filing: the Final Report (TFR) or the Final Account (TDR). This job aid is divided into two sections, one for each report and its associated events.

### Accessing the CM system:

1. At the Bankruptcy Court home page click on the PACER button.
2. Click on the hyperlink Eastern District of California Official Case Records - PACER System to login.
3. Use the login and password given to you by the court for docketing purposes (each person who will docket has a separate login). Leave the field for client code blank.
4. Click on the **Docketing** tab in the blue bar at the top of the screen, then click on UST Final Report Events.
5. Enter the case number with the year in two-digit format (e.g., 08-20027) and click the NEXT button.
6. The following selections will appear:



**Available Events (click to select events)**

1. Final Report (TFR)
2. Final Report Notice (NFR)
3. Final Report (BNC Notice of TFR)
4. Final Account (TDR)
5. Final Account (BNC Notice of TDR)

The events are numbered in the order that they should be docketed. The first three relate to the Final Report, and the last two are for the Final Account entries. The actual docket text will be lengthier and more descriptive than the “pick list” items above.

## EVENTS TO USE WHEN THE FINAL REPORT IS FILED

There are three events that you may docket. In some instances, you may be docketing only the Final Report (if the net proceeds are under \$1500). The two titled Final Report Notice **must** be docketed on the same day in order for the Bankruptcy Noticing Center to provide complete information to the parties. [The trustee-prepared NFR is accompanied by the Court's notice that gives parties information on objection procedures.]

### Chapter 7 Trustee's Final Report, Application for Compensation and Applications for Compensation of Professionals:

1. Select ***Final Report (TFR)*** from the list of events. Click NEXT.
2. This screen prompts for the filing party. Highlight the Trustee's name. Click NEXT.
3. At the next screen click on the Browse button and locate your PDF copy of the Trustee's Final Report. [HINT: You may view the PDF file by right-clicking on the file name and clicking Open.] To select the PDF file, highlight it and click Open on that screen. The file name will drop into the Filename box. If you selected the wrong PDF, use the Back button on your browser to return to the previous screen and you will be able to select a different file to upload. Otherwise, click NEXT.
4. The next screen allows you to indicate if this is an ***Amended Final Report (TFR)***. If it is not, click NEXT.
5. Next you will see a reminder regarding the noticing of the ***Final Report (TFR)*** that states:

**IF the balance on hand is \$1,500.00 or more AND/OR the compensation requested by the Trustee is \$1,000.00 or more, you MUST:**

1. ***Docket the Notice of Final Report and Applications for Compensation (Final Report Notice (NFR)).***
  2. ***Generate the Order Fixing Deadline for Filing Objections to Trustee's Final Report and Applications for Final Compensation and/or Reimbursement of Expenses and Notice Thereof (Final Report (BNC Notice of TFR)).***
6. On an otherwise blank screen, click NEXT.

- The final docket text is displayed below:

Docket Text: Final Text

**Chapter 7 Trustee's Final Report, Application for Compensation and Applications for Compensation of Professionals filed on behalf of Trustee Stephen C. Ferlman. The United States Trustee has reviewed the Chapter 7 Trustee's Final Report. Filed by US Trustee. (Gettler, Sandy)**

**Attention!!** Clicking NEXT commits this transaction. Use your web browser BACK button to modify this entry.

NEXT Clear

**This is the “point of no return screen”.** If you find you have made an error, do NOT click on the NEXT button. Clicking on Docketing in the blue bar at the top will abort the event, or use the BACK button on your browser to return to previous screens.

- The last screen titled *Notice of Electronic Filing* displays the Case Name, Case Number, Document Number and Docket Text.

### **Notice of Trustee’s Final Report and Applications for Compensation:**

- Select ***Final Report Notice (NFR)*** from the list of events. Click NEXT.
- This screen prompts for the filing party. Highlight the Trustee’s name. Click on the NEXT button.
- At the next screen click on the Browse button and locate your PDF copy of the Notice of Trustee’s Final Report and Applications for Compensation (NFR). [HINT: You may view the PDF file by right-clicking on the file name and clicking Open.] To select the PDF file, highlight it and click Open on that screen. The file name will drop into the Filename box. If you selected the wrong PDF, use the Back button on your browser to return to the previous screen and you will be able to select a different file to upload. Otherwise, click NEXT.
- The next screen allows you to indicate if this is an ***Amended Notice of Trustee’s Final Report and Applications for Compensation (Final Report Notice (NFR))***. If it is not, click NEXT.
- On an otherwise blank screen, click NEXT.
- After clicking on the NEXT button, you will see the final docket text screen (see next page).

Docket Text: Final Text

**Notice of Trustee's Final Report and Applications for Compensation (NFR) filed on behalf of Trustee Stephen C. Ferlman as transmitted to BNC for service. Filed by U.S. Trustee. (Gettler, Sandy)**

**Attention!!** Clicking NEXT commits this transaction. Use your web browser BACK button to modify this entry.

**This is the “point of no return screen”.** If you find you have made an error, do NOT click on the NEXT button. Clicking on Docketing in the blue bar at the top will abort the event, or use the BACK button on your browser to return to previous screens.

7. The last screen titled *Notice of Electronic Filing* displays the Case Name, Case Number, Document Number and Docket Text.

### **Order Fixing Deadline for Filing Objections to Trustee’s Final Report and Applications for Final Compensation and/or Reimbursement of Expenses and Notice Thereof:**

1. Select ***Final Report (BNC Notice of TFR)*** from the list of events. Click NEXT.
2. This screen prompts for the filing party. Highlight the Trustee’s name. Click NEXT. Click NEXT on the otherwise blank two screens.
3. If the ***Final Report Notice (NFR)*** has not been docketed in the case, you will see this warning: **Our records indicate that the *Notice of Trustee’s Final Report and Applications for Compensation (NFR)* HAS NOT been docketed in this case. IT MUST BE DOCKETED BEFORE THIS NOTICE IS GENERATED!** You will not be able to proceed until the NFR has been docketed.
4. The final docket text screen displays.

Docket Text: Final Text

**Order Fixing Deadline for Filing Objections to Trustee's Final Report and Applications for Final Compensation and/or Reimbursement of Expenses and Notice Thereof as Transmitted to BNC for Service (Gettler, Sandy)**

**Attention!!** Clicking NEXT commits this transaction. Use your web browser BACK button to modify this entry.

5. The last screen titled *Notice of Electronic Filing* displays the Case Name, Case Number Docket Text, but the Document Number will be blank. The document number will not be assigned and no image will be available until the Bankruptcy Court case manager generates the notice.

### **EVENTS TO USE WHEN THE FINAL ACCOUNT IS FILED**

When the trustee has transmitted his Final Account and Distribution Report to the Office of the U.S. Trustee, you will be docketing both the Final Account and the event which will generate the notice to all parties that this document has been filed.

### **Chapter 7 Trustee's Final Account and Distribution Report Certification that the Estate has been Fully Administered and Application of Trustee to be Discharged:**

1. Select ***Final Account (TDR)*** from the list of events. Click NEXT.
2. This screen prompts for the filing party. Highlight the Trustee's name. Click NEXT.
3. At the next screen click on the Browse button and locate your PDF copy of the Trustee's Final Account and Distribution Report (TDR). [HINT: You may view the PDF file by right-clicking on the file name and clicking Open.] To select the PDF file, highlight it and click Open on that screen. The file name will drop into the Filename box. If you selected the wrong PDF, use the Back button on your browser to return to the previous screen and you will be able to select a different file to upload. Otherwise, click NEXT.
4. The next screen prompts you select if this is an ***Amended Final Account (TDR)***. If it is not, click NEXT.
5. On the next screen you will see a reminder regarding the noticing of the ***Final Account (TDR)*** that states: **Remember to generate the Notice of Trustee's Final Account and Distribution Report (Final Account (BNC Notice of TDR))!!**. Click NEXT.
6. On an otherwise blank screen, click NEXT.

7. This is the final docket text screen:

Docket Text: Final Text

**Chapter 7 Trustee's Final Account and Distribution Report, Certification that the Estate has been Fully Administered and Application of Trustee to be Discharged filed on behalf of Trustee Stephen C. Ferlman. The United States Trustee has reviewed the Final Account, Certification that the Estate has been Fully Administered and Application of Trustee to be Discharged. Filed by US Trustee. (Gettler, Sandy)**

**Attention!!** Clicking NEXT commits this transaction. Use your web browser BACK button to modify this entry.

NEXT Clear

- This is the “point of no return screen”.** If you find you have made an error, do NOT click on the NEXT button. Clicking on Docketing in the blue bar at the top will abort the event, or use the BACK button on your browser to return to previous screens.
8. The last screen titled *Notice of Electronic Filing* displays the Case Name, Case Number, Document Number and Docket Text.

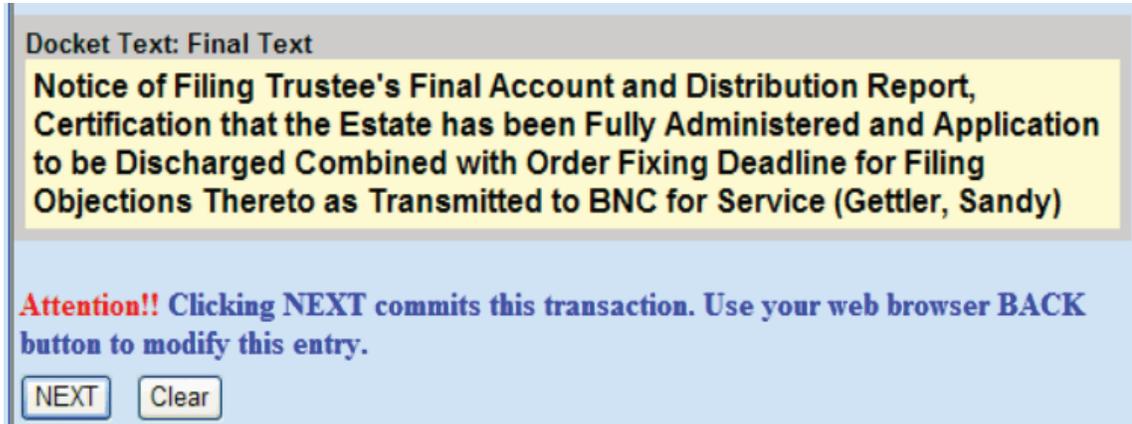
**Notice of Filing Trustee’s Final Account and Distribution Report, Certification that the Estate has been Fully Administered and Application to be Discharged, Combined with Order Fixing Deadline for Filing Objections Thereto:**

This notice must be sent every time the *Chapter 7 Trustee’s Final Account and Distribution Report (TDR)* is filed:

1. Select *Final Account (BNC Notice of TDR)* from the list of events. Click on the NEXT button.
2. This screen prompts for the filing party. Highlight the Trustee’s name. Click on the NEXT button.
3. Click NEXT on the otherwise blank screen.
4. If the *Trustee’s Final Account and Distribution Report (Final Account (TDR))* has not been docketed in the case, you will see this warning: **Our records indicate that the Trustee’s Final Account and Distribution Report, Certification that the Estate has been Fully Administered and Application to be Discharged (Final Account (TDR)) HAS NOT been docketed in this case.**

**IT MUST BE DOCKETED BEFORE THIS NOTICE IS GENERATED!** You will not be able to proceed until the TDR has been docketed.

5. The next screen sets a follow up date for the case manager to close the case. Do not modify the pre-calculated date. Click NEXT.
6. After clicking on the NEXT button on an otherwise blank screen, you will see the final docket screen:



Docket Text: Final Text

**Notice of Filing Trustee's Final Account and Distribution Report, Certification that the Estate has been Fully Administered and Application to be Discharged Combined with Order Fixing Deadline for Filing Objections Thereto as Transmitted to BNC for Service (Gettler, Sandy)**

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## Error messages and translations:

In an effort to avoid having incorrect docket entries, many checkpoints have been built into the U.S. Trustee events. Error messages or warnings may display depending on what you are trying to docket. Here are some of them:

- **PLEASE VERIFY THE CASE NUMBER. THIS IS NOT A CHAPTER 7 CASE!** If you accidentally enter a case number that is not for a Chapter 7 debtor, you will see this message and be prevented from proceeding any further with docketing to that case.
- **PLEASE VERIFY THE CASE NUMBER. THIS CASE IS CLOSED!** If you accidentally enter a case number for a closed case, you will see this message and be prevented from proceeding any further with docketing to that case.
- **PLEASE VERIFY THE CASE NUMBER. THIS IS AN ADVERSARY CASE!** If you accidentally enter a case number that is for an adversary case, you will see this message and be prevented from proceeding any further with docketing to that case.
- **Our records indicate that a *Notice of Trustee's Final Report and Applications for Compensation (Final Report Notice (NFR))* HAS NOT been docketed in this case. IT MUST BE DOCKETED BEFORE THIS NOTICE IS GENERATED!** This warning displays during the generation of the Notice of Trustee's Final Report (Final Report Notice (NFR)) and Order Fixing Deadline for Filing Objections to Trustee's Final Report (Final Report (BNC Notice of TFR)) events if the court docket does not contain that docket entry. You will be prevented from proceeding any further with generating the BNC Notice.
- **Our records indicate that a *Trustee's Final Account and Distribution Report, Certification that the Estate has been Fully Administered and Application to be Discharged (Final Account (TDR))* HAS NOT been docketed in this case. IT MUST BE DOCKETED BEFORE THIS NOTICE IS GENERATED!** This warning displays during the Final Account (BNC Notice of TDR) event if the court docket does not contain that docket entry. You will be prevented from proceeding any further with generating the BNC Notice.
- **IF the balance on hand is \$1,500.00 or more AND/OR the compensation requested by the Trustee is \$1,000.00 or more, you MUST:**
  1. **Docket the *Notice of Final Report and Applications for Compensation (Final Report Notice (NFR))* and generate a copy of the Notice .**
  2. **Generate the *Order Fixing Deadline for Filing Objections to Trustee's Final Report and Applications for Final Compensation and/or Reimbursement of Expenses and Notice Thereof (Final Report (BNC***

*Notice of TFR*). This reminder indicates the steps that need to be taken when amounts in the Final Report (TFR) meets the above criteria.

- **Remember to generate the *Notice of Trustee's Final Account and Distribution Report (BNC Notice of TDR)*!!** This display is found in the Trustee's Final Account and Distribution Report (TDR) event to remind you generate the appropriate notice.
- **You must select a person from the select list before continuing.** The system will not let you proceed without choosing a party filer. For these events, the party filer will always be the Chapter 7 Trustee.
- **Warning: The transaction you submitted has already been accepted and posted by this system. If your original submission contained an error ...** [this is a long warning message and not all of it is included here.] This is a warning you will see any time you have finished docketing an event (by clicking NEXT at the final docket text screen) and then used your browser Back button to return to the final docket text and clicked NEXT again. This warning is common to all CM events and is meant to tell you that you cannot back up after the "point of no return" to fix something. There is nothing you need to do. Your original completed docket entry will be intact.