

III. INSTRUCTIONS FOR COMPLETING BANKRUPTCY FORMS

1. **Photocopy the forms in this package and prepare drafts.** Prepare your final forms only after you have double checked your answers.
2. **Type the information on all final forms, if possible.** Forms must be legible, 8 ½ by 11 inches in size, and printed on one side only.
3. **Respond to every question that calls for a response.** If a question does not apply to you and there is no "None" box to check, answer the question by typing or writing "N/A" for "not applicable."
4. **Use continuation pages if you run out of room.** If there is no pre-printed continuation page in *SECTION V* for the particular form you need, make one using an 8 ½ by 11 inch sheet of white paper. Label continuation pages with your name and the name of the form, followed by "Continuation Page 1," "Continuation Page 2," etc. Insert the words "See continuation page" next to the question and put the additional information on the continuation page. Attach all continuation pages to the appropriate forms before filing them.
5. **Indicate when you are uncertain about your answer.** If, for example, you are unsure what category to use on a form for a particular item of property or a debt, put it where you think it should go and write a brief note next to the entry, indicating you are unsure.
6. **Answer truthfully.** You must sign a declaration under penalty of perjury that the information you have provided on your bankruptcy forms is true and correct.
7. **Make sure that each form contains all required signatures and certifications.** If you are married and filing jointly with your spouse, both you and your spouse must sign and date all forms EXCEPT *Exhibit D, Individual Debtor's Statement of Compliance with Credit Counseling Requirement (Form B1, Exh.D)*, the *Disclosure of Compensation of Attorney for Debtor (Form B203)* and *Disclosure of Compensation of Bankruptcy Petition Preparer (Form B280)*. A separate *Exhibit D* must be completed and signed by each spouse and both *Exhibit D*'s shall be attached to the joint petition for filing.

If you are represented by an attorney, your attorney must sign and date the *Voluntary Petition (Form B1)*, *Disclosure of Compensation of Attorney for Debtor (Form B203)*, and if applicable, *Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys (Form EDC 3-096)*, and *Application & Declaration Re: Additional Fees and Expenses in Chapter 13 Cases (Form EDC 3-095)*.

All documents prepared for compensation by bankruptcy petition preparers must include a declaration, the bankruptcy petition preparer's social security number, and the bankruptcy petition preparer's signature. Additionally, bankruptcy petition preparers must sign, date, and include their social security number on

the *Disclosure of Compensation of Bankruptcy Petition Preparer (Form B280)* and *Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (Official Form 19)*.

8. **Include the debtor's full name, all other names used within eight years before filing the petition, the debtor's address, and county of residence in the spaces provided on the voluntary petition.** If filing a joint case, the name, all other names used within eight years before filing the petition, the address and county of residence of the debtor's spouse shall also be placed in the spaces provided for that purpose in the petition. If the mailing address is different from the street address for either debtor, mailing addresses shall also be provided. Pursuant to Federal Rule of Bankruptcy Procedure 1005, all other names used by the debtor or joint debtor in the last eight years, including married, maiden, and trade names, shall be included in the petition.
9. **Legal representation.** Individual and joint debtors may file bankruptcy without being represented by an attorney. Debtors that are corporations, partnerships, or unincorporated associations, however, **must** be represented by an attorney. The attorney's state bar identification number, as well as the attorney's name, address and telephone number, shall appear in the in the spaces provided on the petition.
10. **Include all required telephone numbers.** If the debtor is represented by an attorney, the attorney's telephone number must be provided in the indicated space on the petition. If the debtor is not represented by an attorney, the debtor's telephone number shall be provided in the indicated space on the petition.
11. **Know what the Court requires of "bankruptcy petition preparers."** Section 110(a) of the Bankruptcy Code (11 U.S.C. §110(a)) defines "bankruptcy petition preparer" as a person, other than an attorney or an employee of an attorney, who prepares for compensation a petition or other document for filing by a debtor in a U.S. Bankruptcy Court or a U.S. District Court in connection with a bankruptcy case. Bankruptcy petition preparers are permitted to provide services limited to the typing and filing of forms. These services are subject to various statutory requirements and limitations. For example, the Bankruptcy Code requires a bankruptcy petition preparer, within fifteen (15) days after the date of the filing of the petition, to file a declaration under penalty of perjury disclosing compensation received from or on behalf of the debtor and any unpaid fee charged to the debtor. To fulfill this requirement, the *Disclosure of Compensation of Bankruptcy Petition Preparer (Form B280)* included in **SECTION V** should be filed with the petition, or no later than fifteen (15) days after filing the petition.

Bankruptcy petition preparers are required to sign and print the preparer's name, address, and social security number on all documents prepared for filing. They shall not, however, sign any document on behalf of the debtor. The debtor (and in a joint case, the debtor's spouse) must sign all documents **EXCEPT** the

Disclosure of Compensation of Attorney for Debtor (Form B203) and Disclosure of Compensation of Bankruptcy Petition Preparer (Form B280) **regardless** of who actually prepared them for filing with the Court. Copies of all prepared documents should be furnished to you by the bankruptcy petition preparer at the time they are presented to you for signature. Additionally, the law prohibits bankruptcy petition preparers from collecting or receiving any court fees connected with the filing of your case.

12. **Provide all requested information.** All information required for the petition, statements, and schedules in the package shall be provided by the debtor, including the statistical/administrative information requested in the bottom left corner of the first page of the petition. Scheduled assets and liabilities must fall within the estimates indicated on the first page of the petition.
13. **Protect your privacy.** With limited exceptions, the papers filed in a bankruptcy case and the documents of the bankruptcy court are public records. Consequently, bankruptcy case files and dockets may be viewed and copied at the Clerk's Office by any person, unless otherwise ordered by the Court.

Since March 1, 1999, all documents filed in pending Eastern District of California bankruptcy cases and proceedings (except Proofs of Claim filed in cases pending prior to March 1, 1999 and documents sealed or otherwise restricted by Court order) have been scanned into imaged form and are available on the Internet through the Court's Public Access to Court Electronic Records (PACER) information system. Any PACER subscriber¹ may read, download, store, and print the full content of imaged documents in cases filed on or after December 1, 2003. However, documents in cases filed prior to December 1, 2003 that have been closed for more than one year may be accessed through PACER by case participants only. The general public may access documents in these cases at one of the Clerk's Office public lobby terminals, or may obtain copies of them from the Clerk's Office.

To address the privacy concerns resulting from public access to electronic case files, Federal Rule of Bankruptcy Procedure 9037 requires the redaction of social security numbers, individual taxpayer identification numbers, dates of birth, the names of individuals other than the debtor known to be and identified as a minors, and financial account numbers in electronic and paper filings made with the court. These "personal data identifiers" shall be included in your bankruptcy papers as follows:

- a. **Social Security Number(s) and Individual Taxpayer Identification Number(s) (ITIN(s)).** Include only the last four digits of an individual debtor's or individual joint debtor's social security number or individual taxpayer identification number (ITIN) on the *Voluntary Petition (Form B1)*. However, as required by Federal Rule of Bankruptcy Procedure 1005,

¹ A login and password are required to access PACER. PACER subscribers are charged a fee for access to case information.

include the debtor's and joint debtor's full social security and/or individual taxpayer identification numbers in the *Statement of Social Security Number or Individual Taxpayer Identification Number (ITIN) (Form B21)* submitted with the petition. In compliance with the policy of the Judicial Conference of the United States, Form B21 is not maintained in the court file or available on the Internet. It is used to provide the debtor's and joint debtor's complete social security numbers and/or individual taxpayer identification numbers to creditors and other parties in the notice of meeting of creditors sent to them by the court. The copy of the notice filed with the court and available to a person searching the record includes only the last four digits of the debtor's and joint debtor's social security numbers and/or individual taxpayer identification numbers.

- b. **Dates of birth.** Include only the year of an individual's birth.
- c. **Names of minors.** Refer to individuals, other than the debtor or joint debtor, known to be and identified as minors by using their initials. Do not disclose the minor's name. On Schedule I of Form B6, *Current Income of Individual Debtor(s)*, list the relationship and age of the debtor's dependents (i.e., son, age 6) instead of their initials.
- d. **Financial account numbers.** Include only the last four digits of financial account numbers. However, to assist the trustee and creditors, debtors may elect to include complete financial account numbers on schedules D (*Creditors Holding Secured Claims*), E (*Creditors Holding Unsecured Priority Claims*), and F (*Creditors Holding Unsecured Nonpriority Claims*) of Form B6. Including the complete number will operate as a waiver by the debtor of the protection of Rule 9037 as to the unredacted account numbers provided in these schedules. See Federal Rule of Bankruptcy Procedure 9037(g).

The responsibility for redacting these personal data identifiers rests solely with the party or nonparty making the filing. By filing it's own information without redaction and not under seal, an entity waives the protection of Rule 9037 and, if done by mistake, must seek relief from the court. The Clerk will not review each document for compliance with redaction requirements.

Pursuant to the E-Government Act of 2002 and Federal Rule of Bankruptcy Procedure 9037, an entity making a redacted filing may also:

- a. File an unredacted version of the document under seal; OR
- b. File a reference list under seal that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed.. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the

corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as a matter of right.

The unredacted version of the document or the reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

- 14. Submit properly prepared Master Address Lists.** A Master Address List includes the names, addresses and zip codes of all creditors in a bankruptcy case. This list is used for noticing and must be filed at the time the petition is filed. The Master Address List must be prepared in strict compliance with instructions of the Clerk in a format approved by the Court. Local Bankruptcy Rule 1007-1(b).

Instructions concerning the preparation of Master Address Lists are set forth in the *Guidelines for Preparation of Master Address Lists* (Form EDC 2-190) included in Appendix 4. Debtors not represented by an attorney, or whose petitions are prepared by a Bankruptcy Petition Preparer, must prepare the Master Address list for filing in printed form. The court offers an online application that will assist with preparing a Master Address List for paper submission. This is available at the Clerk's Office or online at www.caeb.uscourts.gov/mal/. Attorneys must prepare an electronic version of the Master Address List for direct submission through the court's electronic filing system. More information on how to submit a Master Address List electronically is available at the Clerk's Office or online at www.caeb.uscourts.gov. A *Verification of Master Address List* (Form EDC 2-100) must accompany every Master Address List presented for filing. The verification form is located in Section V.

- 15. Make sure you have correctly listed any indebtedness to the United States.** Local Bankruptcy Rule 2002-1(a) requires that when listing an indebtedness to the United States for other than taxes, the debtor shall separately list both the U.S. Attorney and the federal agency through which the debtor became indebted. Both addresses shall be included in the Master Address List. The address of the U.S. Attorney shall include, in parenthesis, the name of the federal agency as follows:

For cases assigned to the Sacramento Division:

United States Attorney
(For *[insert name of agency]*)
501 I Street, Suite 10-100
Sacramento, CA 95814

For cases assigned to the Modesto and Fresno Divisions:

United States Attorney
(For *[insert name of agency]*)
2500 Tulare Street, Suite 4401
Fresno, CA 93721

- 16. Use the addresses specified in the Roster of Governmental Agencies.** Certain federal and state agencies have specified particular addresses to which notice of bankruptcy proceedings shall be directed. These agencies and their addresses are included on the *Roster of Governmental Agencies (Form EDC 2-785)* included in Appendix 4. Local Bankruptcy Rule 2002-1(b) requires that when listing a debt to an agency included on the roster, the Master Address List and schedule of creditors shall be completed using the address shown on the roster. When listing an indebtedness to an agency not on the roster, the Master Address List and appropriate schedule shall include such address as will effect proper notice to the agency.
- 17. Assemble your documents in the correct order.** Petitions, exhibits, schedules, statements, and lists other than Master Address Lists, should be assembled in the order indicated in Appendix 2, *Required Documents and Fees (Form EDC 2-035)*. Originals of documents **shall not be stapled or hole punched**. Use binder clips or paper clips on original documents instead of staples. Staple together copies of documents. Copies of documents may be hole punched. **DO NOT** attach the *Statement of Social Security Number or Individual Taxpayer Identification Number (ITIN) (Form B21)*, the hard-copy (paper) Master Address List, Master Address List verification form, chapter 12 debtor's plan, or chapter 13 debtor's plan to the petition. **File each of these as a separate document.**