UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF ILLINOIS

PRO-SE
DEBTOR GUIDE

December 1, 2015

*** * * SPECIAL NOTICES AND ALERTS * * ***

* Notice of an emergency or weather related closing of the Clerk's Office, including the cancellation or delay of court proceedings will appear on the court's website at www.ilcb.uscourts.gov.

* A recorded voice message regarding closings or delays will be available on the main Clerk's Office office telephone line of the affected court location.

* You should contact the Office of the US Trustee at 309-671-7854 regarding emergency or weather related cancellations of Meetings of Creditors.

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INTRODUCTION - PRO-SE DEBTOR GUIDE

This guide has been put together to answer some of the most often asked questions of the clerk's office staff by debtors filing bankruptcy pro-se (without legal representation). This guide is in no way intended to advise you of your legal rights or responsibilities under bankruptcy or to inform you on which chapter to file. The bankruptcy law is complicated and not easily described, and you should, if possible, seek the advice of an attorney.

If you do decide to file bankruptcy without the benefit of counsel or use of a document preparation service, be aware that a "bankruptcy petition preparer," as defined in 11 U.S.C. section 110, is subject to strict regulations which include requirements that the preparer sign any papers prepared on behalf of the debtor, include identification of the individuals who prepared the papers and furnish the debtor with a copy of the documents prepared.

While the information presented is accurate as of the date of publication, it should not be cited or relied upon as legal authority. It should not be used as a substitute for reference to the United States Bankruptcy Code (title 11, United States Code) and the Federal Rules of Bankruptcy Procedure, both of which may be reviewed at libraries or on-line at: http://www.ilcb.uscourts.gov/. Also the Administrative Office's Bankruptcy Judges Advisory Group has developed a new web page for individuals who are thinking of filing bankruptcy without an attorney. This page is now available at the Federal Judiciary's national web site at: http://www.uscourts.gov/bankruptcycourts/prose.html. Finally, this publication should not substitute for the advice of competent legal counsel.

Bankruptcy fraud is a felony under federal criminal law, and may result in arrest, fine, or imprisonment. In the event of fraud during any bankruptcy proceeding, such as the hiding of assets, or the failure of the debtor to obey a lawful order of the court, the discharge can be denied or revoked.

THE CLERK'S OFFICE IS PROHIBITED BY 28 U.S.C. SECTION 955 FROM GIVING LEGAL ADVICE OR ASSISTING WITH THE PREPARATION OF FORMS.

INTERNET ADDRESSES:

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The following web sites are referenced in this Pro Se Debtor Guide.

U.S. Courts: http://www.uscourts.gov/
U.S. Bankruptcy Court: http://www.ilcb.uscourts.gov/
U.S. Trustee's: http://www.usdoj.gov/ust/

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ADDRESSES AND PHONE NUMBERS

Springfield Office

U.S. Bankruptcy Court
2nd Floor, Room 226
600 E. Monroe St.
Springfield, IL 62701

Clerk of Court: Adrienne D. Atkins

***Operations Manager*:** Gerald Miller

Office Hours: Monday through Friday
8:00 a.m. - 5:00 p.m.

Clerk's Office: (217) 492-4551

Jurisdiction: Adams, Brown, Cass, Christian, DeWitt, Greene, Logan, McLean, Macon, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, Scott and Shelby. For hearing location information on split counties, please contact the Springfield office at the number listed above.

Peoria Office

U.S. Bankruptcy Court
2nd Floor, Room 216
100 N.E. Monroe Street
Peoria, IL 61602

***Operations Manager*:** Michelle Heitzman

Office Hours: Monday through Friday
8:00 a.m. – 5:00 p.m.

Clerk's Office: (309) 671-7035

Jurisdiction: Bureau, Fulton, Hancock, Henderson, Henry, Knox, McDonough, Marshall, Mercer, Peoria, Putnam, Rock Island, Stark, Tazewell, Warren and Woodford.

Urbana Office

203 United States Courthouse
201 S. Vine Street
Urbana, IL 61801

Operations Manager: Linda Blough

Office Hours: Monday – Friday
8:00 a.m. - 5:00 p.m.

Clerk's Office: (217) 974-7330

Jurisdiction: Champaign, Coles, Douglas, Edgar, Ford, Iroquois, Kankakee, Livingston, Moultrie, Piatt and Vermillion.

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IMPORTANT PRIVACY ACT INFORMATION

The Judicial Conference of the United States adopted a policy in September 2001 regarding privacy and public access to electronic case files. This policy requires litigants in bankruptcy cases to modify or partially redact personal data identifiers contained in documents that will be made available electronically.

You **should not include sensitive information in any document filed with the court** unless such inclusion is required by the Federal Rules of Bankruptcy Procedure or Official Forms or the inclusion is otherwise necessary and relevant to the case. If sensitive information must be included, the following personal data identifiers **must be** partially redacted from the pleading:

a. **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

b. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.

c. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.

d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

In addition, exercise caution when filing documents that contain the following:

1) any personal identifying number, such as driver's license number;

2) medical records, treatment and diagnosis;

3) employment history;

4) individual financial information; and

5) proprietary or trade secret information.

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The Statement of Social Security Number (Form B-121) should be filed as a separate document. You should include your complete social security number on this form as it will not be viewable by the public.

The responsibility for redacting personal data identifiers from documents is with the filers and not the clerk's office.

DUTIES OF DEBTOR (RULE 4002)

A. In General

1. Attend and submit to an examination at the times ordered by the Court.

2. Attend the hearing on a complaint objecting to discharge and testify; if called as a witness.

3. Inform the trustee immediately in writing as to the location of real property in which the debtor has an interest and the name and address of every person holding money or property subject to the debtor's withdrawal or order if a schedule of property has not yet been filed pursuant to Rule 1007.

4. Cooperate with the trustee in the preparation of an inventory, the examination of proofs of claim, and the administration of the estate.

5. File a statement of any change of the debtor's address.

B. Individual debtors' duty to provide documentation.

1. Personal Identification. Every individual debtor will bring to the meeting of creditors under § 341:

   a. A picture identification issued by a governmental unit, or other personal identifying information that establishes the debtor's identity (e.g., drivers' license, passport).

b. Evidence of social security number(s), or a written statement that such documentation does not exist. (A driver's license does not qualify as proof of social security number.)

c. Cellular telephones, pagers and electronic equipment are strictly prohibited and cannot be brought inside the building.

2. Financial Information. Every individual debtor shall bring to the meeting of creditors under § 341 and make available to the trustee the following documents or copies of them, or provide a written statement that the documentation does not exist or is not in the debtor's possession:

a. Evidence of current income such as the most recent pay stub.

b. Unless the trustee or the United States trustee instructs otherwise, statements for each of the debtor's depository and investment accounts, including checking, savings, and money market accounts, mutual funds and brokerage accounts for the time period that includes the date of the filing of the petition.

c. Documentation of monthly expenses claimed by the debtor when required by § 707(b)(2)(A) or (B).

3. Tax Return. At least 7 days before the first date set for the meeting of creditors under § 341, the debtor shall provide to the trustee a copy of the debtor's Federal Income Tax Return for the most recent tax year ending immediately before the commencement of the case and for which a return was filed, including any attachments, or a transcript of the tax return, or provide a written statement that the documentation does not exist.

4. Tax Returns Provided to Creditors. If a creditor, at least 15 days before the first date set for the meeting of creditors under § 341, requests a copy of the debtor's tax return, that is to be provided to the trustee under subdivision (b)(3), the debtor shall provide to the requesting creditor a copy of the return, including any attachment, or a transcript of the tax return, or provide a written statement that the documentation does not exist at least 7 days before the first meeting of creditors under § 341.

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5. Confidentiality of Tax Information. The debtor's obligation to provide tax returns under Rule 4002(b)(3) and (b)(4) is subject to procedures for safeguarding the confidentiality of tax information established by the Director of Administrative Office of the United States Courts.

FILING FEE PAYMENT OPTIONS

If an individual is unable to pay the full filing fee at the time of filing, they can apply to pay their filing fee in installments. Form, B 103A Application for Individuals to Pay the Filing Fee in Installments, which is available from the Bankruptcy Court's website http://www.ilcb.uscourts.gov/, must be completed and filed with the Court with the Voluntary Petition. The Judge will review the application and if approved, you will be permitted to complete payment of the fee **by the date set for the meeting of creditors**.

If you cannot afford to pay the fee, either in full at the time of filing, or in installments, then you may apply for a waiver of the filing fee. This also requires completing an application, Form, B 103B Application to Have the Chapter 7 Filing Fee Waived, which is available from the Bankruptcy Court's website http://www/ilcb.uscourts.gov/. The Judge will review the application and determine if the fee will be waived.

Additional information on payment of filing fees in installments or application for waiver of the filing fee can be found at the U.S. Courts website, http://www.uscourts.gov/bankruptcycourts/prose.html

Please note: Personal checks will not be accepted from debtors or debtors in possession. Payment may be made in the form of a bank cashier's check, a U.S. Postal money order, or cash. If payment is by cash, **exact change is required.**

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AVAILABLE CHAPTER INFORMATION AND FILING REQUIREMENTS

Basic Information Regarding Chapter 7 - *Liquidation Under the Bankruptcy Code* - The chapter of the Bankruptcy Code providing for "liquidation," (i.e., the sale of a debtor's nonexempt property and the distribution of the proceeds to creditors.)

This document contains general information about Chapter 7 of the U.S. Bankruptcy Code. While this information is accurate as of the date of publication, it should not be cited or relied upon as legal authority. This information should supplement, not substitute for advice of competent legal counsel.

Chapter 7 is designed for individuals and businesses who wish to make a fresh start, but cannot pay their debts from their income. Under this chapter, the individual debtor is permitted to exempt, or keep, certain property. The remaining property is liquidated, that is, sold by an impartial trustee, and the money from the sale is paid to creditors.

A Chapter 7 case begins with the filing of a petition, schedule of assets and liabilities, and a statement of financial affairs, with the bankruptcy court. Official Bankruptcy Forms can be purchased at a legal stationery store or may be printed from the court's website at www.ilcb.uscourts.gov/.

Upon the filing of the petition, an impartial trustee is appointed by the United States Trustee to administer the case and liquidate the debtor's non-exempt assets.

A husband and wife may file one joint petition. When this is done, they need to be sure to provide the required data for both spouses.

One of the official forms is a schedule of "Exempt" property. Federal bankruptcy law establishes exemptions for some types of property. However, many states, including Illinois, have adopted their own exemption laws, in place of the federal exemptions.

After the petition is filed, creditors will receive notice of the filing. Once the petition has been filed, most actions by creditors to collect money owed to them must stop.

Next, a "meeting of creditors" is held. The debtor must attend this meeting (if husband and wife file jointly, BOTH must attend). Creditors may appear and ask questions regarding the debtor's financial affairs and property. The trustee will conduct this meeting and question the debtor on the same matters. The debtor must provide any financial records or documents that the trustee requests.

If the debtor has assets that cannot be exempted, the trustee will take those assets and sell them. The money received at the sale will then be used to pay creditors and/or administrative expenses.

Some time after the meeting of creditors, the debtor will receive a "discharge," which extinguishes the debtor's obligations to pay certain debts. There are some debts which cannot be discharged. In addition, secured creditors retain some rights which may permit them to seize pledged property, even after a discharge is granted.

This is very basic information. There are numerous other actions and proceedings which could take place in a Chapter 7 case. The bankruptcy law regarding the scope of a Chapter 7 discharge is complex, and debtors should consult competent legal counsel in this regard prior to filing.

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Filing Requirements - Chapter 7 Forms

☐ **$335 Filing Fee.** (To apply to pay the filing fee in installments or to waive the filing fee, see page 6). **(Exact Cash, Money Order, or Cashier's Check ONLY. No Personal Checks Accepted.)**

Originals of the following MUST be filed with the Petition:

☐ B101 Voluntary Petition (12/15) **– Original signature(s) required**

☐ B121 Your Statement About Your Social Security Numbers (12/15) **- individual debtors only. Please provide a phone number on the form where you can be reached or a message can be left.**

☐ Certificate of Completion of Credit Counseling Course **- individual debtors only** (see page 17)

☐ Creditor Mailing Matrix (see page 13)

Originals of the following MUST be filed with the Petition or within 14 days, even if only to state "None":

☐ B106 A Summary of Your Assets and Liabilities and Certain Statistical Information (12/15)

☐ B106A/B Schedule A/B -Property (12/15)

☐ B106C Schedule C – The Property You Claim as Exempt (12/15) - **individual debtors only**

☐ B106D Schedule D - Creditors Who Hold Claims Secured By Property (12/15)

☐ B106E/F Schedule E/F - Creditors Who Have Unsecured Claims (12/15)

☐ B106G Schedule G - Executory Contracts and Unexpired Leases (12/15)

☐ B106H Schedule H – Your Codebtors (12/15)

☐ B106I Schedule I - Your Income (12/15) – **individual debtors only**

☐ B106J Schedule J - Your Expenses (12/15) - **individual debtors only**

☐ B106 Declaration About an Individual Debtor's Schedules (12/15)

☐ B107 Your Statement of Financial Affairs for Individuals Filing for Bankruptcy (12/15)

☐ B108 Statement of Intention for Individuals Filing for Bankruptcy re consumer debts secured by personal property (12/15) – **individual debtor's only and only if debts listed on Schedule D. Must be filed on or before the first meeting of creditors.**

☐ B122A-1 Chapter 7 Statement of Your Current Monthly Income (12/15) - **individual debtors only** (Instructions)

☐ B122A-1 Supp Statement of Exemption from Presumption of Abuse (12/15) – **IF APPLICABLE, individual debtors only**

☐ B122A-2 Chapter 7 Means Test Calculation (12/15) - **IF APPLICABLE, individual debtors only**

Must be filed within 60 days of the first date set for the meeting of creditors:

☐ B423 Certification About a Financial Management Course (12/15) - **individual debtors only**

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Basic Information Regarding Chapter 13 - *Individual Debt Adjustment* - The chapter of the Bankruptcy Code providing for adjustment of debts of an individual with regular income. (Chapter 13 allows a debtor to keep property and pay debts over time, usually three to five years.)

Chapter 13 is designed for individuals with regular income who desire to pay their debts but are currently unable to do so. Creditors are repaid, in full or in part, in installments over a three-year period. During this time, creditors are prohibited from starting or continuing collection efforts.

A Chapter 13 case begins with the filing of a petition, schedules of assets and liabilities, and a statement of financial affairs with the bankruptcy court. Official Bankruptcy Forms can be purchased at a legal stationery store or may be printed from the court's web site at www.ilcb.uscourts.gov/.

A husband and wife may file a joint petition. However, when only one spouse files, the income and expenses of the non-filing spouse should also be included to accurately assess financial responsibilities.

Upon the filing of the petition, an impartial trustee is appointed by the United States Trustee to administer the case. Also, most actions by creditors to collect money owed to them must end. Creditors are notified of the filing and sent a copy of the proposed plan.

The debtor must file a plan of repayment with the petition or within fourteen days afterward. Plans provide for payments of fixed amounts to the trustee on a regular basis, typically biweekly or monthly. A plan for over 3 years must be for cause and in no case may a plan be for more than 5 years. The plan must be approved by the court. The debtor must start making payments to the trustee within 30 days after the filing of the plan, even if the plan has not yet been approved by the court.

The trustee then distributes the funds to creditors according to the terms of the plan.

Approximately 20 to 40 days after the petition is filed, a "meeting of creditors" is held. The debtor must attend this meeting (if husband and wife file jointly, BOTH must attend). The trustee will conduct this meeting and question the debtor regarding the debtor's financial affairs and the proposed terms of the plan. Creditors may also attend this meeting and question the debtor.

After the meeting of creditors is concluded, the trustee must determine whether the plan is feasible and meets the standards of the Bankruptcy Code. Both the trustee as well as creditors have the opportunity to object to the confirmation of the plan. Any objections to the plan are set for hearing. When the plan is confirmed by the judge, the trustee commences distribution of the funds received from the debtor.

Upon successful completion of a Chapter 13 plan, the debtor will receive a "discharge" which extinguishes the debtor's obligation to pay any unsecured debts that were included in the plan, but were not paid in full through the plan. As in a Chapter 7, some debts cannot be discharged.

This is very basic information. There are numerous other actions and proceedings which could take place in a Chapter 13 case. The bankruptcy law regarding the scope of a Chapter 13 discharge is complex, and debtors should consult competent legal counsel in this regard prior to filing.

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Filing Requirements - Chapter 13 Forms

☐ **$310 Filing Fee.** (To apply to pay the filing fee in installments, see page 6).
(Exact Cash, Money Order, or Cashier's Check ONLY. No Personal Checks Accepted.)

Originals of the following MUST be filed with the Petition:

☐ B101 Voluntary Petition (12/15) **– Original signature(s) required**

☐ B121 Your Statement About Your Social Security Numbers (12/15) - **Please provide a phone number on the form where you can be reached or a message can be left.**

☐ Certificate of Completion of Credit Counseling Course

☐ Creditor Mailing Matrix (see page 13)

Originals of the following MUST be filed with the Petition or within 14 days, even if only to state "None":

☐ B106 Summary of Your Assets and Liabilities and Certain Statistical Information (12/15)

☐ B106A/B Schedule A /B - Property (12/15)

☐ B106C Schedule C – The Property You Claim as Exempt (12/15)

☐ B106D Schedule D - Creditors Who Hold Claims Secured By Property (12/15)

☐ B106E/F Schedule E/F - Creditors Who Have Unsecured Claims (12/15)

☐ B106G Schedule G - Executory Contracts and Unexpired Leases (12/15)

☐ B106H Schedule H – Your Codebtors (12/15)

☐ B106I Schedule I - Your Income (12/15)

☐ B106J Schedule J - Your Expenses (12/15)

☐ B106 Declaration About an Individual Debtor's Schedules (12/15)

☐ B107 Your Statement of Financial Affairs for Individuals Filing for Bankruptcy (12/15)

☐ B122C-1 Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (12/15) (Instructions)

☐ B122C-2 Chapter 13 Calculation of Your Disposable Income (12/15) **– IF APPLICABLE**

☐ Chapter 13 Plan (Use of the Court's Chapter 13 Model Plan is mandatory for all Chapter 13 cases filed in the Springfield Division. See the Forms page for further instructions regarding use of the Model Plan.)

Must be filed no later than the date of the last payment made under the Plan, or the date of the filing of a motion for a discharge under § 1328(b):

☐ B423 Certification About a Financial Management Course (12/15)

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GUIDELINES FOR PREPARING THE CREDITOR MATRIX

The list of creditors (matrix) is "read" by an Optical Character Reader (OCR). This list is then stored in the computer database where it can be used to generate bankruptcy notices. To insure that your matrix can be read by the optical scanner, we ask that you observe the following guidelines:

1. Lists should be typed in a single column on 1 side of the paper only.

2. There must be a least a ½ inch margin from the edge of the paper on all sides (bottom, top, and sides).

3. Each name/address entry must consist of no more than five (5) lines, and each entry should have at least 1 blank line between it and the next entry.

4. Each line should be no more than 40 characters in length.

5. Put only the names and addresses of your creditors on this list. Do not put your name or any other information or marks on the front. (If you wish, you may write your name on the back of the sheets.)

6. If the Debtor's mailing address is different from his street address (place of residence) you should type the mailing address on the matrix. This only applies if the debtor wants to receive notices at their mailing address.

7. Do not use all capital letters (even on 1st line). Use capital and small case. If these guidelines are not followed, your matrix will be returned to you and you will have to prepare another one. This will slow the processing of your case and will cause needless delays.

NOTE: Cases filed in the Springfield Division, and Ch. 7s and Ch. 11s filed in the Urbana division, the matrix **must** be filed with the case. Cases filed in the Peoria Division, and Ch. 13s filed in the Urbana division, the matrix MUST be filed within 5 days from the date petition is filed, or your case WILL BE DISMISSED.

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A SAMPLE MATRIX (Fillable format on page 15)

Credit Union
3 College Street
Peoria, IL 61614

Karle and Mary Smith
P.O. Box 2
Blue Springs, MO 64015

City State Bank
Box 116
Any City, Illinois

Gas Company
300 Liberty St.
Somewhere, IL 61602

Medical Center
10 Oak Ave.
Peoria, IL 61636

James P. Organ, M.D.
222 N. Knoxville Ave.
Peoria, IL 61614

Quality Systems
90 Henderson St.
Yourtown, IL 61402

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U.S. BANKRUPTCY COURT
Central District of Illinois

In re:	)	Case No.: _____
	)	Chapter: _____
	)	
	)	
	)	
	)	
_____	)	
Debtor(s)		

CERTIFICATE OF SERVICE

I hereby certify that on _____ *(date)*, a copy of the following: _____ _____ *(document name)* was mailed by first-class U.S. mail, postage prepaid, and properly addressed to the following:

(List the name and address of each party served exactly as addressed on the envelope.)

(Attach additional addresses on a separate sheet.)

_____ _____

(Date) *(Signature)*

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CREDIT COUNSELING REQUIREMENTS PER 11 U.S.C. § 109(h)

Under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), which was enacted on April 20, 2005, all individual debtors who file bankruptcy on or after October 17, 2005, must undergo credit counseling within six months before they file bankruptcy and must complete a financial management instructional course after they file bankruptcy. With certain exceptions, an individual is not eligible to file bankruptcy without completing credit counseling, and is not eligible to receive a bankruptcy discharge without completing a financial management instructional course.

A. **Requirements Prior to Filing Bankruptcy**

In order to be eligible for filing under any chapter, a debtor must participate in an individual or group briefing conducted by an approved, nonprofit budget/credit counseling service in the 180-day period prior to the filing of bankruptcy.

1. 1 U.S.C. § 521(b) requires that a debtor, who is an individual, shall file with the court a certificate and debt repayment plan (if applicable) from the approved nonprofit budget and credit counseling agency.

    a. The Credit Counseling Agency will give you the Certificate. You must file this certificate and any debt repayment plan with the Court **at the time of filing the petition**.

    b. The approved agency listing can be found at: http://www.usdoj.gov/ust/

2. There are three (3) exceptions to this rule:

    a. For debtors who reside in judicial districts for which the United States Trustee has determined that such services are not readily available; Please refer to the Trustee's Website for more information: http://www.usdoj.gov/ust/

    b. For debtors who can demonstrate exigent circumstances that warrant a waiver. Debtors who are granted waivers are given 30 days from the date of filing to meet the requirement.

    c. For debtors who are incapacitated, disable, or on active military duty in a combat zone (with limiting definitions for incapacity and disability).

3. An individual may be allowed to file bankruptcy without a briefing by a credit counselor if there are exigent circumstances that merit a waiver of the requirements. To obtain a waiver, the individual must submit a certification to the Court describing the exigent circumstances, and stating that they requested credit counseling services from an approved credit counseling agency, but were unable to obtain the services within 5 days. If a waiver is granted, the Debtor must attend a briefing within 30 days (plus 15 more if granted by the Court) after the petition is filed.

MEANS TESTING UNDER 11 U.S.C. §707

Means Test Filing Requirements

1. The Means Test documents shall be completed and filed at the same time the Petition is filed.

2. If the documents are not filed with the Petition, the Clerk's office will enter a specific deadline on the docket in which to file the required documents.

3. A debtor must enter income and expense information onto the appropriate form and then make calculations using the entered information. Some of the information needed to complete the forms comes from the Census Bureau and the Internal Revenue Service (IRS). This information can be found on the United States Trustee's Website: www.usdoj.gov/ust/.

4. The forms can be downloaded from the Court's website www.ilcb.uscourts.gov/ or at www.usdoj.gov/ust/.

FINANCIAL MANAGEMENT COURSE UNDER 11 U.S.C. § § 727 AND 1328

Individuals filing under chapters 7 and 13 must complete an approved financial management course (subject to exceptions set forth below) in order to receive a discharge.

A. The court shall not grant a discharge under § 727(a)(11) or § 1328 (g)(1) if the debtor fails to complete an approved instructional course concerning personal financial management.

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1 The list of agencies approved to conduct financial management courses will be compiled by the United States Trustee (UST). That list can be found at http://www.usdoj.gov/ust/ (instructional course concerning personal financial management).

2. There are specific exceptions to this requirement, including:

   a. if the debtor is unable to complete the financial management requirements as a result of incapacity or disability; or

   b. if the debtor is on active military duty in an active combat zone; or

   c. if the UST has determined that adequate financial management services are not available in the district.

3. Upon completion of the Financial Management Court, the debtor shall:

   a. File the certification with the Court.

   b. The debtor will receive the Certificate of Completion of Financial Management from the agency providing the course.

   c. The certification must be filed within 60 days of the date of the 341 meeting of creditors for Chapter 7 Cases, and by the date of the last payment for Chapter 13 Cases.

   d. The Certificate of Completion of instructional course concerning personal financial management must be filed in all individual Chapter 13 and Chapter 7 cases.

B. If the debtor fails to submit the required certification regarding financial management, the case will be closed without the discharge being granted.

C. The debtor can subsequently move to reopen the case to request that the discharge be granted. The debtor will be required to pay the fee to reopen the case.

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U.S. AS A CREDITOR OR PARTY

A list of the commonly used Federal and State Agency Addresses, which are used when the U.S. is a creditor, can be found our web site: http://www.ilcb.uscourts.gov/. It is under "CM/ECF Electronic Case Filing," "Manual for Practitioners." Click on hyperlink for "Commonly Used Federal and State Agency Addresses." These addresses should be added to the debtor's schedules of liabilities and the matrix, if appropriate.

REGISTRY OF MAILING ADDRESSES FOR STATE AND GOVERNMENTAL UNITS

A list of mailing address for State and Governmental Units can be found at our web site: http://www.ilcb.uscourts.gov/. It is under "CM/ECF Electronic Case Filing," "Manual for Practitioners." Click on hyperlink for "Registry of Mailing Addresses for State and Governmental Units."

MOST COMMONLY ASKED QUESTIONS

1. Is it necessary to have an attorney when filing bankruptcy?

While it is possible to file a bankruptcy case "pro se," that is, without the assistance of an attorney, it may be difficult to do so successfully. Hiring a competent attorney is highly recommended. The Clerk's Office of the Bankruptcy Court is prohibited from giving legal advice, helping you complete forms, or recommending an attorney. You may wish to contact your local County Bar Association for an attorney referral.

2. Where can I obtain legal advice?

If you do not have an attorney, you can contact the County Bar Association. They may be able to assist you in finding free or low cost legal advice. Many attorneys also offer a free initial consultation at which you may be able to ask questions pertaining to your individual situation. You cannot obtain legal advice or help in completing forms from the Bankruptcy Clerk's Office.

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3. Where do I file my bankruptcy case?

Pro Se debtors (debtors without an attorney) may file their cases by mail or in person (see our locations, mailing addresses and county jurisdictions listed on Page 2).

4. What happens after I file my bankruptcy petition?

After the petition and schedules are filed with the Clerk's Office, a notice will be mailed to all the parties listed on the mailing matrix. This notice will advise them of the date and time of the first meeting of creditors (341 meeting) and other important information concerning the case. For this reason, it is extremely important that all parties listed on the liability schedules are also listed on the mailing matrix with complete addresses.

5. What is the 341 meeting of creditors?

This is a meeting of creditors at which the debtor is questioned under oath by creditors, a trustee, examiner, or the United States trustee about his/her financial affairs. If you are a debtor and are unable to attend your first meeting on the day it is scheduled, you must contact your trustee as soon as possible and request that the matter be continued.

6. What is the trustee and the United States Trustee?

United States Trustee: An officer of the U.S. Justice Department responsible for supervising the administration of bankruptcy cases, estates and trustees, monitoring plans and disclosure statements, monitoring creditors' committees, fee applications and performing other statutory duties.

Chapter 7 Trustee: A person appointed in a chapter 7 case to represent the interest of the bankruptcy estate and the unsecured creditors. The trustee's responsibilities include reviewing the debtor's petition and schedules, liquidating the property of the estate, and making distributions to creditors. The trustee may also bring actions against creditors or the debtor to recover property of the bankruptcy estate.

Chapter 13 Trustee: A person appointed to administer a chapter 13 case. A chapter 13 trustee's responsibilities are similar to those of a chapter 7 trustee;

however, a chapter 13 trustee has the additional responsibilities of overseeing the debtor's plan, receiving payments from debtors and disbursing plan payments to creditors.

7. How do I correct information or add information to my case?

The information contained in your petition, schedules and statement of affairs is submitted under penalty of perjury. Therefore, you must be certain it is correct when you sign these documents. If, however, you later discover that you have creditors that you inadvertently did not list on your schedules or incorrect information in your petition, schedules or statement of affairs, this can be corrected by filing an amendment with the Clerk's Office. Any amendments should list only the corrected or additional information. Do not refile the original documents with additions or the new information highlighted. A filing fee of $30 is required for amendments to Schedules D, E & F or an amended mailing matrix.

8. How long does a bankruptcy remain on a credit report and what is the Fair Credit Reporting Act?

A bankruptcy generally affects a debtor's credit report for 7 to 10 years. However, this depends entirely on the individual credit reporting agency. The Bankruptcy Court has no influence on the type of information the credit bureaus report or how long they keep it in their records.

The Fair Credit Reporting Act, 6 U.S.C. Section 605, is the law that controls credit reporting agencies and governs actions by the agencies. You may want to request the publication "How to Dispute Credit Reporting Errors" or "Fair Credit Reporting" from the Federal Trade Commission. You may request these by writing to Federal Trade Commission, Bureau of Consumer Protection, Education Division, Washington, D.C. 20580, calling them at (202) 326-2222 or by visiting their web site: http://www.ftc.gov/.

9. How do I report an address change to the Court?

If you are a debtor representing yourself, you may mail a change of address to the Court. You must provide the name of the case, the case number, and your new address.

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10. How do I obtain a copy of my bankruptcy papers?

You should always retain a copy of all your bankruptcy documents as you will probably need them sometime in the future. You may obtain copies of documents in your case by requesting them in writing, by faxing your request or by visiting the Clerk's Office. The Clerk's Office will advise you of the fee required for the copies requested. Do not submit payment until you have been notified of the exact amount. Many cases filed prior to 4/12/04 will be located in the Federal Archive and Record Center in Chicago, IL. We will provide information to you on how to obtain copies if your file has been moved to the Federal Records Center.

11. What is an automatic stay?

The filing of a bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If a creditor attempts to collect a debt or take other action in violation of the Bankruptcy code, they may be penalized. Prohibited collection actions are listed in the Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures and garnishing or deducting from the debtor's wages. A creditor may petition the Court to be relieved of the automatic stay. This request is made in the form of a written motion. For cause, the Court may terminate, modify or condition the stay.

12. What is a reaffirmation agreement?

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the Court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law.

Reaffirmation agreements:

• must be voluntary;

• must not place too heavy a burden on you or your family;

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• must be in your best interest; and

• can be cancelled any time before the Court issues your discharge or within 60 days after the agreement is filed with the Court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the Court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the Court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

13. What is a Bankruptcy Discharge and how does it operate?

One of the reasons people file bankruptcy is to get a “discharge.” A discharge is a Court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for:

• most taxes;

• child support

• alimony

• most student loans

• Court fines and criminal restitution; and personal injury caused by drunk driving or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the Judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The Judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a Court order.

You can only receive a Chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement or any other kind of document to do this. Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

14. What is the difference between secured, unsecured and priority debts?

Secured Debt - A secured debt is a debt that is backed by property. A creditor whose debt is “secured” has a right to take property to satisfy a “secured debt”. For example, most homes are burdened by a “secured debt”. This means that the lender has the right to take the home if the borrower fails to make payments on the loan. Most people who buy new cars give the lender a “security interest” in the car. This means that the debt is a “secured debt” and that the lender can take the car if the borrower fails to make payments on the car loan.

Unsecured Debt - A debt is unsecured if you have simply promised to pay someone a sum of money at a particular time and you have not pledged any real or personal property to collateralize that debt. Example: Most credit card debts are unsecured.

Priority Debt - A priority debt is a debt entitled to priority in payment, ahead of most other debts, in a bankruptcy case. A listing of priority debts is given in the bankruptcy code. Some examples of priority debts include, taxes, wage claims of employees, alimony, maintenance or support of a spouse or child. If you have questions deciding which of your debts are entitled to priority status, you should consult an attorney.

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UNITED STATES BANKRUPTCY COURT
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DEBTOR ELECTRONIC BANKRUPTCY NOTICING (DeBN)

Note: Only the court is authorized to send notices to the debtor through this DeBN program. All other parties, such as trustees and creditors, will continue to serve the debtor via U.S. mail or in person as required by court rules.

The U.S. Bankruptcy Court for the Central District of Illinois now offers debtors the opportunity to request receipt of court notices and orders via email, instead of U.S. mail, through a program called "Debtor Electronic Bankruptcy Noticing" or "DeBN."

DeBN provides the following advantages:

- **Faster** — You'll receive notices the same day they are filed by the court.
- **Convenient** — Access your notices anywhere you have internet access.
- **No more lost paperwork** — Storing notices on your computer means never losing a paper copy.
- **Less paper clutter** — Helps the environment and reduces paper clutter in your home.
- **It is FREE!**

Pursuant to Federal Rule of Bankruptcy Procedure 9036, a party may make a written request for delivery of notices via email, instead of U.S. mail. Through the DeBN program, only notices and orders that have been filed by the court can be emailed to the debtor. Debtors requesting participation in the DeBN program must complete and file a *Debtor's Electronic Noticing Request (DeBN)* form with the court where their case is filed.

Go to *www.ilcb.uscourts.gov/debn* for more information and to download the request form.

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