

Consumer Pro-Se Debtor Guide

Revised June 1, 2016

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

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEBRASKA**

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PREFACE

Corporations and partnerships must have an attorney to file a bankruptcy case. Individuals, however, may represent themselves in bankruptcy court. While individuals can file a bankruptcy case without an attorney or "pro se," it is extremely difficult to do it successfully.

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.

The excerpts from the Bankruptcy Court's Local Rules are provided to make you, as a pro-se debtor, aware of rules you should closely follow. A copy of the Bankruptcy Court's Local Rules can be obtained at either of the Bankruptcy Court locations or through our internet address at www.neb.uscourts.gov. We have also included information provided by the Office of the U.S. Trustee regarding the possible consequences of filing a bankruptcy petition under Chapter 7.

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. Finally, this publication should not substitute for the advice of competent legal counsel.

It is very important that a bankruptcy case be filed and handled correctly. The rules are very technical, and a misstep may affect a debtor's rights. For example, a debtor whose case is dismissed for failure to file a required document, such as a credit counseling certificate, may lose the right to file another case or lose protections in a later case, including the benefit of the automatic stay. **Bankruptcy has long-term financial and legal consequences — hiring a competent attorney is strongly recommended.**

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.

**UNITED STATES BANKRUPTCY COURT
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UNITED STATES BANKRUPTCY COURT ADDRESSES & PHONE NUMBERS

OMAHA

U. S. Bankruptcy Court
District of Nebraska
Diane L. Zech, Clerk
Eva B. Roeber, Chief Deputy
Roman L. Hruska Courthouse
111 S. 18th Plaza, Ste. 1125
Omaha, NE 68102

(402) 661-7444

Hours: 8:00 AM to 4:30 PM
Monday through Friday

LINCOLN

U. S. Bankruptcy Court
District of Nebraska
Lisa M. Smith, Deputy-In-Charge
100 Centennial Mall North
460 Federal Building
Lincoln, NE 68508

(402) 437-1625

Hours: 8:00 AM to 4:30 PM
Monday through Friday

INTERNET ADDRESSES

www.neb.uscourts.gov

-website for the U.S. Bankruptcy Court, District of Nebraska

<http://www.uscourts.gov/forms/bankruptcy-forms>

-contains the necessary forms for filing bankruptcy

www.13law.com

-contains information specific to chapter 13 bankruptcies

www.usdoj.gov/ust/

-contains an updated list of Credit Counseling & Education Agencies

-contains a list of approved Child Support agencies

www.nebls.com

-web site for low-income legal service programs

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We may not refer you to any individual attorney and are not permitted to give you legal advice of any nature. We suggest you call any one of the following to inquire about legal assistance.

NEBRASKA LEGAL SERVICES

The service provided by Nebraska Legal Services is **free upon qualification** by calling the access line: (877) 250-2016 English, (877) 669-8898 Espanol. Locations and alternate phone numbers are listed below. Web site: www.nebls.com The debtor is responsible for the cost of the filing fee.

New Toll-Free Statewide Access, Referral and Intake Line
In Omaha, call: (402) 348-1060
Toll-free: 877-250-2016

Local Offices:

(Please note: All referrals should be made using the above access line.)

Bancroft

(402) 648-3457, Fax: (402) 648-3461
Toll-free: 800-729-9908 (Native American)
Toll-free: 800-464-0258 (Farm)

Grand Island

(308) 381-0517, Fax: (308) 381-0521
Toll-free: 877-250-2018

Lincoln

(402) 435-2161, Fax: (402) 435-2171
Toll-free: 800-250-2016

Norfolk

(402) 644-4761, Fax: (402) 644-4764
Toll-free: 800-672-8319

North Platte

(308) 532-5793, Fax: (308) 532-5932
Toll-free: 877-669-9080

Omaha

(402) 348-1069, Fax: (402) 348-1068

Scottsbluff

(308) 632-4734, Fax: (308) 632-3844
Toll-free: 877-669-8898

UNIV. OF NEBRASKA LAW COLLEGE

103 Law
PO Box 830902
Lincoln, NE 68583-0902
(402) 472-3271
A \$15.00 administrative fee is charged.
Debtor is responsible for cost of filing fee.

NEBRASKA STATE BAR ASSOC.

Lawyer Referral Service
635 S. 14th St.
PO Box 81809
Lincoln, NE 68501-1809
(402) 475-7091
(800) 927-0117

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PRIVACY ACT INFORMATION

PRIVACY RULES

1. Redacted Documents. To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, effective December 1, 2003, filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or in paper, unless otherwise ordered by the Court or required statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms.
 - a. Minors' names. If the involvement of a minor child must be mentioned, only the minor's initials should be used.
 - b. Financial account numbers. If the financial account numbers are relevant, only the last four numbers of the account number should be used.
 - c. Social Security numbers. If an individual's Social Security Number is relevant in a pleading, only the last four digits of that number should be used. Official Form B21, Statement of Social Security Number, should contain the full Social Security Number and should be processed as prescribed by the Court. This statement is not part of the public record and will not be available to the public.
 - d. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
 - e. Other data as permitted by order of the Court.

2. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's Office will not review documents for compliance with this rule or redact documents, whether filed electronically or in paper. In addition, the Court will not go back and redact documents filed before December 1, 2003.

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DUTIES OF DEBTOR (RULE 4002)

A. In General.

1. Attend and submit to an examination at the times ordered by the Court.
 - If a Pro Se Debtor (not represented by an attorney) fails to appear at the originally scheduled §341 meeting, the trustee will notify the United States Trustee's office who will file a certificate of service with 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 debtor's duty to provide documentation.

1. Personal Identification. Every individual debtor shall 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.
 - b. Evidence of social security number(s), or a written statement that such documentation does not exist.
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.

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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 date set for the meeting of creditors under § 341.
5. 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 OF TAX RETURNS AS REQUIRED BY 11 U.S.C. § 521

- A. The debtor must file with the trustee a copy of debtor's most recently filed tax return for the year immediately prior to the filing of the bankruptcy petition. The tax return must be filed with the Trustee at least seven (7) days before the time of the meeting of creditors conducted pursuant to 11 U.S.C. § 341.
- B. Upon request of the court, U.S. Trustee, or any party in interest, the debtor must file with the court copies of any tax returns filed during the pendency of the bankruptcy case.

**DO NOT FILE ANY TAX RETURNS WITH THE COURT UNLESS
ORDERED TO DO SO**

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A. BANKRUPTCY FILING CHECKLIST

The forms and documents required to file bankruptcy are as follows:

NOTE: The following documents and forms are to be filed with the Court.

Always file originals and always retain a copy for your records.

1. CHECKLIST FOR VOLUNTARY CHAPTER 7 CASES

- Form B1, Voluntary Petition with filing fee (**The filing fee must be in the form of a Money Order or Cashier's Check. The Clerk's Office cannot accept a personal check from the Debtor**). If the filing fee is not paid in full at the time of filing the petition, one of the following forms shall accompany the petition:
 - Local Form - NEaplpayins. Application to Pay Filing Fee in Installments
An initial payment of AT LEAST \$75.00 must accompany the application or the application may be denied.
 - Form B3B, Application for Waiver of Chapter 7 Filing Fee
- Matrix, list of creditor names and addresses (See the instructions in this guide)
- Exhibit D to Official Form B1 - Certificate of Credit Counseling and Debt Repayment Plan
- Debtor's Certification of Completion of Credit Counseling (must be completed 180 days prior to filing bankruptcy). Debtor(s) will receive a certificate from credit counseling agency upon completion of credit counseling.
- Copies of Payment Advices (Pay Statements) or other evidence of payment received within 60 days prior to the date the petition was filed from any employer.
- Certificate of Corporation If debtor is a corporation, a certified copy of the corporation action authorizing the filing of the petition.
- Form B21, Statement of Social Security Number
- Form B6, Summary of Schedules & Statistical Summary of Certain Liabilities and Related Data (2 pages)
- Form B6A, Schedule A - Real Property
- Form B6B, Schedule B - Personal Property
- Form B6C, Schedule C - Property Claimed as Exempt
- Form B6D, Schedule D - Creditors Holding Secured Claims
- Form B6E, Schedule E - Creditors Holding Unsecured Priority Claims
- Form B6F, Schedule F - Creditors Holding Unsecured Nonpriority Claims
- Form B6G, Schedule G - Executory Contracts and Unexpired Leases
- Form B6H, Schedule H - Co-Debtors
- Form B6I, Schedule I - Current Income of Individual Debtor(s)
- Form B6J, Schedule J- Current Expenditures of Individual Debtor(s)
- Form B6, Declaration Concerning Debtor's Schedules
- Form B7, Statement of Financial Affairs
- Form B8, Chapter 7 Individual Debtor's Statement of Intention
- Form B19A, Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer
- Form B19B, Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer
- Form B22A, Statement of Current Monthly Income and Means\ Test Calculation
- Form B23, Debtor's Certification of Completion of Instructional Course Concerning Financial Management (Due within 60 days after the date of the first meeting of creditors. **The debtor is required to file with the court the actual certificate of completion of instructional course concerning financial management.**)
- Form B201, Notice to Individual Consumer Debtor
- Form B240, Reaffirmation Agreement, Ch 7 Cases (If applicable to your case)

IMPORTANT

Failure to comply with the filing requirements or missing deadlines may result in your case being dismissed and loss of bankruptcy protection

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2. CHECKLIST FOR VOLUNTARY CHAPTER 13 CASES

- Form B1, Voluntary Petition with filing fee (**The filing fee must be in the form of a Money Order or Cashier's Check. The Clerk's Office cannot accept a personal check from the Debtor**). If the filing fee is not paid in full at the time of filing the petition, the following form shall accompany the petition:
 - Local Form - NEaplpayins. Application to Pay Filing Fee in Installments
An initial payment of AT LEAST \$75.00 must accompany the application or the application may be denied.
- Exhibit D to Official Form B1 - Certificate of Credit Counseling and Debt Repayment Plan
- Matrix, list of creditor names and addresses (See the instructions in this guide)
- Debtor's Certification of Completion of Credit Counseling (must be completed 180 days prior to filing bankruptcy) - Debtor(s) will receive a certificate from credit counseling agency upon completion of credit counseling.
- Copies of Payment Advices (Pay Statements) or other evidence of payment received within 60 days prior to the date the petition was filed from any employer.
- Form B21, Statement of Social Security Number
- Form B6, Summary of Schedules & Statistical Summary of Certain Liabilities and Related Date (2 pages)
- Form B6A, Schedule A - Real Property
- Form B6B, Schedule B - Personal Property
- Form B6C, Schedule C - Property Claimed as Exempt
- Form B6D, Schedule D - Creditors Holding Secured Claims
- Form B6E, Schedule E - Creditors Holding Unsecured Priority Claims
- Form B6F, Schedule F - Creditors Holding Unsecured Nonpriority Claims
- Form B6G, Schedule G - Executory Contracts and Unexpired Leases
- Form B6H, Schedule H - Co-Debtors
- Form B6I, Schedule I - Current Income of Individual Debtor(s)
- Form B6J, Schedule J- Current Expenditures of Individual Debtor(s)
- Form B6, Declaration Concerning Debtor's Schedules
- Form B7, Statement of Financial Affairs
- Form B19A, Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer
- Form B19B, Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer
- Form B22C, Statement of Current Monthly Income and Disposable Income Calculation
- Form B23, Debtor's Certification of Completion of Instructional Course Concerning Financial Management (Must be filed no later than the date of the last payment made under the plan).
- Form B201, Notice to Individual Consumer Debtor
- Chapter 13 Plan, The Plan must conform to the form found at the Court's Website www.neb.uscourts.gov. You may also obtain a copy from the Clerk's Office for a fee. Must be filed with the petition or within 14 days.
- Certificate by Debtor in Support of Confirmation.
- Certificate by Debtor in Support of Discharge.

IMPORTANT

**Failure to comply with the filing requirements or missing deadlines
may result in your case being dismissed and
loss of bankruptcy protection**

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3. CHECKLIST FOR VOLUNTARY CHAPTER 11 CASES

- Form B1, Voluntary Petition with filing fee **(The filing fee must be in the form of a Money Order or Cashier's Check. The Clerk's Office cannot accept a personal check from the Debtor)**. If the filing fee is not paid in full at the time of filing the petition, the following form shall accompany the petition:
- Local Form - NEaplpayins, Application to Pay Filing Fee in Installments
An initial payment of AT LEAST \$75.00 must accompany the application or the application may be denied. **(for individual debtors only)**
- Matrix, list of creditor names and addresses (See the instructions in this guide)
- Form B4, List of Creditors Holding 20 Largest Unsecured Claims
- Exhibit D to Official Form B1 - Certificate of Credit Counseling and Debt Repayment Plan
- Debtor's Certification of Completion of Credit Counseling (must be completed 180 days prior to filing bankruptcy) . Debtor(s) will receive a certificate from credit counseling agency upon completion of credit counseling. **(for individual debtors only)**
- Certificate of Corporation If debtor is a corporation, a certified copy of the corporation action authorizing the filing of the petition.
- Form B21, Statement of Social Security Number
- Form B6, Summary of Schedules & Statistical Summary of Certain Liabilities and Related Data (2 pages)
- Form B6A, Schedule A - Real Property
- Form B6B, Schedule B - Personal Property
- Form B6C, Schedule C - Property Claimed as Exempt
- Form B6D, Schedule D - Creditors Holding Secured Claims
- Form B6E, Schedule E - Creditors Holding Unsecured Priority Claims
- Form B6F, Schedule F - Creditors Holding Unsecured Nonpriority Claims
- Form B6G, Schedule G - Executory Contracts and Unexpired Leases
- Form B6H, Schedule H - Co-Debtors
- Form B6I, Schedule I - Current Income of Individual Debtor(s)
- Form B6J, Schedule J- Current Expenditures of Individual Debtor(s)
- Form B6, Declaration Concerning Debtor's Schedules
- Form B7, Statement of Financial Affairs
- Form B19A, Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer
- Form B19B, Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer
- Form B22B, Statement of Current Monthly Income
- Form B201, Notice to Individual Consumer Debtor

IMPORTANT

**Failure to comply with the filing requirements or missing deadlines
may result in your case being dismissed and
loss of bankruptcy protection**

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4. CHECKLIST FOR VOLUNTARY CHAPTER 12 CASES

- Form B1, Voluntary Petition with filing fee **(The filing fee must be in the form of a Money Order or Cashier's Check. The Clerk's Office cannot accept a personal check from the Debtor)**. If the filing fee is not paid in full at the time of filing the petition, the following form shall accompany the petition:
 - Local Form - NEaplpayins. Application to Pay Filing Fee in Installments
An initial payment of AT LEAST \$75.00 must accompany the application or the application may be denied.
- Matrix, list of creditor names and addresses (See the instructions in this guide)
- Exhibit D to Official Form B1 - Certificate of Credit Counseling and Debt Repayment Plan
- Debtor's Certification of Completion of Credit Counseling (must be completed 180 days prior to filing bankruptcy) - Debtor(s) will receive a certificate from credit counseling agency upon completion of credit counseling. **(for individual debtors only)**
- Certificate of Corporation If debtor is a corporation, a certified copy of the corporation action authorizing the filing of the petition.
- Form B21, Statement of Social Security Number
- Form B6, Summary of Schedules & Statistical Summary of Certain Liabilities and Related Date (2 pages)
- Form B6A, Schedule A - Real Property
- Form B6B, Schedule B - Personal Property
- Form B6C, Schedule C - Property Claimed as Exempt
- Form B6D, Schedule D - Creditors Holding Secured Claims
- Form B6E, Schedule E - Creditors Holding Unsecured Priority Claims
- Form B6F, Schedule F - Creditors Holding Unsecured Nonpriority Claims
- Form B6G, Schedule G - Executory Contracts and Unexpired Leases
- Form B6H, Schedule H - Co-Debtors
- Form B6I, Schedule I - Current Income of Individual Debtor(s)
- Form B6J, Schedule J- Current Expenditures of Individual Debtor(s)
- Form B6, Declaration Concerning Debtor's Schedules
- Form B7, Statement of Financial Affairs
- Form B19A, Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer
- Form B19B, Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer
- Form B201, Notice to Individual Consumer Debtor
- Chapter 12 Plan. Must be filed within 90 days.
- Certificate by Debtor in Support of Confirmation.
- Certificate by Debtor in Support of Discharge.

IMPORTANT

**Failure to comply with the filing requirements or missing deadlines
may result in your case being dismissed and
loss of bankruptcy protection.**

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CHAPTER INFORMATION**

Chapter 7: Liquidation of Available Assets

The purpose of a chapter 7 liquidation is to allow a debtor with too much debt to obtain a fresh start, free from creditor harassment and free from the worries and pressures of too much debt. See H. Rep. No. 95-595, 95th Cong., 1st Sess., 125 (1977). This is accomplished through an orderly liquidation of the debtor's assets by a trustee and the equitable distribution of all non-exempt assets to creditors.

Chapter 9: Securities Investors Protection Act

The purpose of a chapter 9 bankruptcy is to allow a municipal unit to continue operating while it adjusts or refinances creditor claims with minimum loss to its creditors. Because a municipal unit cannot liquidate its assets to satisfy its creditors totally and finally, this chapter gives the municipal debtor a breathing spell from debt collection efforts to allow the debtor to work out a repayment plan for its creditors. See H. Rep. No. 95-595, 95th Cong., 1st Sess., 263 (1977).

Chapter 11: Business Reorganization

The purpose of a chapter 11 business reorganization case is to restructure a business's finances so that it may continue to operate, provide its employees with jobs, pay its creditors, and produce a return for its stockholders. The premise of a business reorganization is that assets that are used for production in the industry for which they were designed are more valuable than those same assets sold for scrap.

Chapter 12: Adjustment of Debts of a Family Farmer with Regular Income

The purpose of a chapter 12 is to assist those family farmers who have the true potential to reorganize and to allow them relief from a heavy debt burden, but yet allow family farmers to pay creditors what is reasonable under the economic circumstances. 132 Cong. Rec. S15075 (Oct. 3, 1986) (Remarks of Sen. Thurmond). It is designed to meet the needs of the family farmer while preserving the rights of farm lenders. It is modeled primarily after chapter 13 but contains chapter 11 features as well.

Under Chapter 12, you must file a plan with the court to repay your creditors all or part of the money you owe them using future earnings. The period allowed by the court to repay your debts is usually three (3) years, but not more than five (5) years. This plan must be approved by the court before it can take effect.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income

The purpose of chapter 13 is to enable individuals with regular incomes, under court supervision and protection, to develop and perform under a plan for the repayment of debts over an extended period. The plan may call for full or partial repayment.

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During the repayment period, creditors may not harass the debtor or seek to collect their debts from the debtor or any co-debtor. They must receive payments only under the plan. This protection relieves the debtor from indirect and direct pressures from creditors, and enables the debtor to provide support for self and family while repaying creditors at the same time. See H.Rep. No. 95-595, 95th Cong., 1st Sess., 118 (1977).

Under Chapter 13, you must file a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually, the period allowed by the court to repay your debts is three (3) years, but not more than five (5) years. Your plan must be approved by the court before it can take effect.

Chapter 15: Ancillary and Other Cross-Border Cases

Chapter 15, which replaces the former section 304 of the Code, is an entire new chapter. The new chapter encourages cooperation between the United States and foreign countries in connection with international insolvency cases.

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, non-profit budget/credit counseling service in the 180-day period prior to the filing of bankruptcy.

1. 11 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. Approved agency listing found at http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc_approved.htm.
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

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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.

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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.
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/eo/bapcpa/ccde/de_approved.htm (instructional course concerning personal financial management). The clerk will not be responsible for ensuring that the financial management course was conducted by an approved service (an objection to this may be raised by the trustee or other third party.)
 2. There are specific exceptions to this requirement, including:
 - a. if the debtor is unable to complete the financial management requirement 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 first scheduled 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 even if the US Trustee has not approved any agencies for the applicable district.
- 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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MEANS TESTING UNDER 11 U.S.C. §707

The means testing mechanism presumes abuse in individual cases if, after subjecting a petition to financial analysis, it is determined that the debtor could repay a threshold level of general unsecured debt.

This computation is based in large on two elements:

1. The debtor's current monthly income (generally, income from all sources, including contributions by others to household expenses but excluding Social Security benefits).
2. Allowed deductions, utilizing an IRS standard for expenses, as well as several other highly detailed expense standards.

In order to comply with the means test requirements, all individual debtors (individual chapter 7 consumer debtor, each individual debtor in a joint case, individual chapter 11 debtor, and all chapter 13 debtors) will complete the appropriate form "Statement of Current Monthly Income and Disposable Income Calculation". The forms are as follows:

1. Chapter 7 Debtors will use Bankruptcy Form B22A.
2. Chapter 11 Debtors will use Bankruptcy Form B22B.
3. Chapter 13 Debtors will use Bankruptcy Form B22C.

The clerk's office is not required to review any of the calculations provided by the debtor in the means test documents for accuracy, completeness, etc.

MEANS TEST FILING REQUIREMENTS

A. In General

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 or at <http://www.uscourts.gov/forms/bankruptcy-forms>.

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PETITION FILING REQUIREMENTS PER LOCAL RULE 1002-1

A. Specific Requirements of Content of Voluntary Petition

1. The petition shall conform to the Official Bankruptcy Forms which can be purchased at various office supply stores. The forms are also available at the clerk's office for a fee or by accessing our internet address www.neb.uscourts.gov.
2. If the debtor is a corporation, attached to the petition shall be a certified copy of the corporation action authorizing the filing of the petition.
3. The petition shall include the tax identification numbers used by a corporation, partnership, an individual, and by a sole proprietorship, if different from individual tax identification number.
4. Rule 1005 provides that the caption of the petition includes only the final four digits of the debtor's Social Security Number. The debtor is required to file "Form 21 - Statement of Social Security" with the Court at the time of filing. The Form can be found by accessing our internet address www.neb.uscourts.gov.

B. Copies: The court requires only the original of any filing. The debtor is required to mail a copy to the Trustee.

MISCELLANEOUS PETITION FILING REQUIREMENTS BY THE COURT

- A. It is very important to retain your bankruptcy papers. Copies can be obtained later, but at an expense to you.
- B. Assembling your paperwork should entail the petition page on top and then the next two signed pages. All other schedules and statements can be stapled to the back of the petition and signature pages.
- C. Schedules can either be filed with the petition or within fourteen (14) days of filing the petition.
- D. Personal checks from the debtor are not accepted. Acceptable methods of payment by the debtor(s) must be in the form of a money order or cashier's check.

*****The fees for filing bankruptcy can be located at the Court's internet website at www.neb.uscourts.gov.**

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MATRIX FILING REQUIREMENTS PER LOCAL RULE 1007-2:

A. Filing Matrix

1. **Each voluntary petition must be accompanied by a list of creditors, lessors interest holders set forth in alphabetical order (the “Matrix”).** The matrix shall include the mailing address and zip code for each creditor and shall be typewritten in a format approved by the Clerk of the Bankruptcy Court.
2. In all Ch. 7, 12 and 13 cases, the IRS shall be listed only if debtor believes a tax owing. In all Ch. 11 cases, whether or not the IRS is known to be a creditor, the IRS shall be listed on the matrix at the address shown on Appendix “B” to this guide.
3. In all cases, where the Nebraska Dept. of Revenue is known to be a creditor and in all Ch. 11 cases, whether or not the NE Dept. of Revenue is known to be a creditor, the NE Dept. of Revenue shall be listed on the matrix at the address shown on Appendix “B” to this guide.
4. In all cases, the county attorney and county treasurer from the county in which the debtor resides, shall be listed on the matrix.

MISCELLANEOUS MATRIX FILING REQUIREMENTS BY THE COURT:

- A. The matrix must be filed with the petition on the date of filing.
- B. Lists must be typed in one of the following standard typefaces or print styles: Courier 10 pitch Prestige C Elite or Letter Gothic. Avoid use of a boldface setting.
- C. Lists should be typed on a single page in a single column (rather than in three columns) with a double space between each creditor **(a sample is shown on the next page).**
- D. DO NOT include the debtor, joint debtor or the attorney for debtor’s name (if applicable) on the matrix since they are automatically added by our system.
- E. Avoid any extra marks on the list such as letterhead, dates, debtor’s name, coffee stains or handwritten marks. Also, avoid non-standard paper such as onion skin, half-sized paper or colored paper.

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SAMPLE MATRIX

Rentrax
PO Box 18888
Portland OR 97218

Yellow Pages
PO Box 2775
McAllen TX 78502

Software Solutions
751 North Lincoln
Fremont NE 68025

Sight & Sound
2055 Walton Road
St. Louis MO 63114

Brentwood Bank
8004 South 48th St.
LaVista NE 68128

AI Thrower
406 Lawrence Lane
Bellevue NE 68005

US West Communications
PO Box 737
Des Moines IA 50338

TMC Long Distance
7000 West Center Road
Ste. 402
Omaha NE 68106

Omaha Public Power
444 So. 16th St. Mall
Omaha NE 68102

Sarpy County Treasurer
Courthouse
Papillion NE 68046

Sarpy County Attorney
Courthouse
Papillion, NE 68046

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HEARINGS ON REAFFIRMATION AGREEMENTS

- A. All reaffirmation agreements filed with the Court must comply as follows:
1. Reaffirmation agreements filed with the Court shall be in compliance with Official Form B-240A/B ALT.
 2. Reaffirmation hearings may be scheduled at the Court's discretion.
- B. **Filing.** All motions to approve Reaffirmation agreements and the Reaffirmation agreements must be filed as separate documents and shall not be combined in one document or filed as an attachment.

CHAPTER 12 REQUIREMENTS

1. Certification by Debtor in Support of Confirmation. In a Chapter 12 or a Chapter 13 Case, the debtor must file a certification certifying payment of domestic support obligations with the court at least seven days prior to the expiration of the Objection to Confirmation deadline. A certification must be filed prior to confirmation of all original plans and all amended plans and all post-confirmation amended plans. If the certification is not filed with the court, the confirmation or approval order may be denied. The certification should not be filed before the applicable plan is filed. The form is found at Appendix "K".
2. Certification by Debtor in Support of Discharge Regarding Payment of Domestic Support Obligations. The Court shall not grant a discharge of all debts provided for in the plan or disallowed under 11 U.S.C. Section 502, in a Chapter 12 case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation unless such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of said certification have been paid as referenced in 11 U.S.C. Section 1228(a).

Therefore, prior to the expiration of the 9013 deadline on the Motion for Discharge, the debtor(s) must file the Certification by Debtor in Support of Discharge Regarding Payment of Domestic Support Obligations with the court or the case may be closed without a discharge. In such an event, a Motion to Reopen (with payment of the full filing fee) may be needed to permit filing of the certificate. Form is found at Appendix "O".

CHAPTER 13 REQUIREMENTS

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- A. Chapter 13 Plans shall be in substantial conformity with the form found on the Court's website www.neb.uscourts.gov.
- B. Timely Filing of Plan, Schedules and Statement of Affairs. The Chapter 13 Plan, Schedules and Statement of Affairs must be filed within the time authorized by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure. If these required documents are not timely filed, and no motion for an extension of time has been filed, the Chapter 13 Trustee or United States Trustee will file a Notification of Debtor's Failure to Comply and the case will be dismissed without further notice or hearing.
- C. Plan Filed with the Petition. If the Plan is filed with the Petition, the debtor shall serve the Plan, with a resistance date of fourteen days after the conclusion of the "Meeting of Creditors." The debtor will not have the exact date of the "Meeting of Creditors" when the Petition and Plan are filed. Therefore, the notice may state, "Any resistance to the Plan must be filed no later than fourteen days after the conclusion of the "Meeting of Creditors."
- D. Plan Not Filed with the Petition. If the Plan is not filed with the Petition, it shall be filed and served, with appropriate resistance date. No resistance date required under Neb. R. Bankr. P. 9013-1 shall be set for a date earlier than fourteen days after the conclusion of the "Meeting of Creditors".
- E. Certification by Debtor in Support of Confirmation. In a Chapter 12 or a Chapter 13 Case, the debtor must file a certification certifying payment of domestic support obligations with the court at least seven days prior to the expiration of the Objection to Confirmation deadline. A certification must be filed prior to confirmation of all original plans and all amended plans and all post-confirmation amended plans. If the certification is not filed with the court, the confirmation or approval order may be denied. The certification should not be filed before the applicable plan is filed. The form is attached at Appendix "K" and can be found on the Court's Website: www.neb.uscourts.gov.
- F. Confirmation. If a timely resistance/objection is filed, the Debtor has fourteen days after the objection to confirmation deadline to file a response with the court. All responses shall set forth specific factual and legal details and conclude with a request for relief. Any response that fails to include specific factual and legal details will not be considered. Upon filing of the Debtor's response to the objection to confirmation the court, at its discretion, may schedule a confirmation hearing or rule without further notice or hearing.
1. If the Debtor fails to file a timely response to the objection to confirmation or files a response that lacks specific factual and legal details, the court will enter an order sustaining the objection and denying confirmation of the Debtor's plan, and the Debtor will be ordered to file an amended plan in 21 days.
 2. If the objection to confirmation is settled, the parties must notify the Courtroom Department of the settlement or file an amended plan, prior to the expiration of the Debtor's response deadline.

If no timely objections to confirmation are filed, the clerk shall enter a text-only order confirming

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the plan. No confirmation order shall be entered before the Meeting of Creditors has been concluded.

If the Debtor, after consultation with the Trustee or a creditor, desires specific order language, agreed to by the parties, counsel shall notify the Courtroom Department, by e-mail or telephone, and request permission to submit such an order. All confirmation orders submitted shall be in conformity with the Local Rules.

- G. Extension of Time to File Plan. If an extension of time to file a Plan is granted and the Plan is not filed and noticed at least fifteen days prior to the first date set for the Meeting of Creditors, the Chapter 13 Trustee will continue the Meeting of Creditors. Notice of the rescheduled meeting of creditors shall be sent by the debtor to all creditors and parties requesting notice and a certificate of service shall be filed with the Court. If the Plan is not filed at least fifteen days prior to the second date set for the Meeting of Creditors, the Chapter 13 Trustee or United States Trustee will file a Notification of Debtor's Failure to Comply and the case will be dismissed without further notice or hearing.
- H. Certification by Debtor in Support of Discharge Regarding (1) Payment of Domestic Support Obligations and (2) Discharges in Prior Cases. The Court shall not grant a discharge of all debts provided for in the plan or disallowed under 11 U.S. C. Section 502, in a Chapter 13 case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation unless such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of said certification have been paid as referenced in 11 U.S.C. section 1328(a). Further, the Court shall not grant a discharge of all debts provided for in the plan or disallowed under 11 U.S.C. section 502, in a Chapter 13 case of the debtor who has received a previous discharge as referenced in 11 U.S.C. Section 1328(f)(1)and (2).

Therefore, within 14 days after the Trustee files the "Certificate of Final Payment," the debtor(s) must file the Certification by Debtor in Support of Discharge Regarding (1) Payment of Domestic Support Obligations and (2) Discharges in Prior Cases with the Court or the case may be closed without a discharge. In such event, a Motion to Reopen (with payment of the full filing fee) may be needed to permit filing of the certificate. The form is at Appendix "P" and can be found on the court's website: www.neb.uscourts.gov.

- I. Local Rules. Chapter 13 cases can be complicated and hard to understand. Refer to the Court's Local Rules at www.neb.uscourts.gov for more specific requirements regarding chapter 13 cases.

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ADVERSARY PROCEEDINGS

Certain categories of relief may be granted in a bankruptcy court only through an adversary proceeding. The usual focus of the adversary proceeding is a trial of the allegations made by the plaintiff against the defendant.

The first step in commencing an adversary proceeding is the filing of a complaint, setting forth the facts and allegations which the plaintiff believes justify the granting of relief against the defendant, and stating the relief which the plaintiff seeks. As each complaint is unique, there is no specific form provided by the court. Each complaint must be accompanied by an adversary cover sheet. This form can be downloaded from the Court's Website: www.neb.uscourts.gov by clicking on our Pro Se page link. The form is listed as AP Cover Sheet. You may also obtain the AP cover sheet at the Clerk's Office.

The summons is the notice which accompanies the complaint, advising of the names of the parties, the court in which the adversary proceeding was filed, and the time limits for responding to the complaint.

The summons is prepared and issued by the Clerk of the Bankruptcy Court. The plaintiff's attorney is responsible for serving the summons and a copy of the complaint upon the defendant(s). If the plaintiff does not have an attorney, the pro se plaintiff is responsible for serving the summons and complaint upon the defendant(s).

Applicable Law and Rules

1. In general, Fed. R. Bankr. P. 7001 requires that an adversary proceeding be commenced 1) to recover money or property; 2) to determine the validity, priority, or extent of a lien or other interest in property; 3) to obtain court approval for the sale of both the interest of the estate and of a co-owner of property; 4) to object to or revoke a discharge; 5) to revoke an order of confirmation of a plan; 6) to determine the dischargeability of a debt; 7) to obtain an injunction; 8) to subordinate an allowed claim or interest; 9) to obtain a declaratory judgment relating to any of the foregoing; or 10) to determine a claim or cause of action removed from a state court pursuant to section 1452 of title 28 (28 U.S.C. § 1452).
2. Fed. R. Bankr. P. 7004 adopts portions of Rule 4 of the Federal Rules of Civil Procedure, and sets forth other provisions for the issuance and service of a summons. These rules are detailed and complex, and should be read in their entirety.
3. Rule 4(a) specifies the information that the plaintiff's attorney (or the plaintiff) must provide on the summons form. Rule 4(b) provides that, upon or after the filing of the complaint, the clerk shall issue the summons to the plaintiff's attorney (or the plaintiff). It is then the responsibility of the plaintiff's attorney (or the plaintiff) to serve the summons on the defendant.

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4. If the debtor is the plaintiff, section 342(c) of the Bankruptcy Code (11 U.S.C. § 342(c)) requires that the debtor's name, address, Social Security number and taxpayer identification number (if any) be included in the caption. Official Form 16C may be used for this purpose.
5. A copy of the complaint must be served with the summons. Rule 4(c).
6. The Clerk will issue the summons. The plaintiff will be responsible for making additional copies. Of course, if there is more than one defendant, each must be served with a separate copy of the summons and complaint.
7. The summons and complaint may be served in a variety of ways which are set forth in Rules 7004 and 4. When the defendant is an individual, other than an infant or incompetent person, the easiest method is for the summons and complaint to be mailed by first class mail postage prepaid to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession. Rule 7004(b)(1).
8. Rule 7004(h) provides that service on a bank, savings and loan, or other insured depository institution in a contested matter or adversary proceeding must be made by certified mail addressed to an officer of the institution unless one of three exceptions applies. Those exceptions are 1) the attorney for the depository institution has filed a paper in the matter or has otherwise entered his or her appearance, 2) the court, following the procedure set out in the rule, orders otherwise, and 3) the depository institution has waived the requirement in writing by designating an officer to receive service. (Insured depository institutions are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. § 1813).)
9. Because of the exceptions and the placement of the certified mail requirement in Rule 7004 rather than Fed. R. Bankr. P. 2002, the requirement applies in an adversary proceeding only to the service of the summons and complaint or the service of the third-party summons and third-party complaint and only if the depository institution is a defendant or third-party defendant.
10. Service must be made by someone who is not a party, and who is at least 18 years of age. Rule 7004(a).
11. The summons and complaint may be served anywhere in the United States. Rule 7004(d).
12. The summons and complaint must be served within fourteen days of the issuance of the summons. Service is complete upon mailing, not upon delivery by the Postal Service. If more than fourteen days pass before service is completed, a new summons must be issued and served. Rule 7004(e) and Fed. R. Bankr. P. 9006(e).
13. If the summons and complaint are not served within 120 days of the filing of the complaint, the court may dismiss the action. Rule 4(m).

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14. On the back of the summons is a certificate of service of the summons. After service has been made, this certificate should be completed, and filed with the court. The Court requires a certificate for each defendant that was served.
15. Fed. R. Bankr. P. 7012(a) provides that once a complaint is served, the defendant has 30 days after the issuance of the summons to file an answer or make one of the motions specified in Fed. R. Civ. P. 12 (made applicable by Rule 7012(b)). If the United States or one of its agencies or officers is the defendant, the time to file an answer or make a motion is 35 days. The court can order these time limits shortened or extended. If such an order is entered, the new time limit will be stated in the summons.

Certificate of Service

1. Line 1 (name) is to be completed with the full name of the person who served the summons and complaint.
2. Line 4 (date) is to be completed with the month, day and year service was perfected.
3. The appropriate box should be checked to show how service was made.

If mail service, state the mailing address, city, state and zip code of the place to which the summons and complaint were mailed.

If personal service, state both the name of the person to whom the summons and complaint were given, and the address at which this occurred.

If residence service, state both the name of the adult to whom the summons and complaint were given, and the address at which this occurred.

If certified mail service on an insured depository institution, state both the name of the officer to whom the summons and complaint were mailed and the mailing address, city, state, and zip code to which service was mailed.

If service by publication, describe the steps taken to perfect service.

If service was made pursuant to state law, fill in the blank with the name of state under whose laws the summons and complaint were served, and describe briefly the method of service, including the name of the person served and the address at which the person was served.

4. Date: - Insert on this line the month, day, and year the certificate is signed.
5. Signature: - The person who completed service of the summons and complaint must sign. This must be an ORIGINAL signature.
6. In the box directly below the Date and Signature lines, print or type the name and address of the person who signed the certificate.

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General Information

1. The plaintiff's attorney (or the plaintiff) is responsible for serving the summons and complaint, not the clerk.
2. There is no charge for the issuance of a summons, beyond the fee for commencing the adversary proceeding. See the Court's Website for the adversary filing fee. There is no fee due if the debtor files the adversary.
3. There are a series of deadlines for actions to be taken in the adversary proceeding. The most important of these are:
 - a. If the summons is not served within fourteen days, a new summons must be issued. Rule 7004(e). Request must be made in writing to the Court to request an Alias Summons.
 - b. If no summons is served within 120 days, the court is authorized by Rule 4(m) to dismiss the adversary proceeding on its own motion, after notice to the plaintiff.
 - c. If the defendant does not answer or make a motion pursuant to Fed. R. Bankr. P.7012 within 30 days, or such time as court may fix, the plaintiff may seek the entry of a default. (See form B 260). The United States, its agencies, and its officers have 35 days to answer or make a motion.

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U.S. as a Creditor or Party per Local Rule 2002-3:

- A. If one or more of the following departments or agencies of the U.S. is a creditor, the schedule of liabilities and the matrix shall list such departments or agencies at the address indicated on Appendix "B" to this guide.
1. Dept. of Agriculture (for Commodity Credit Corp and Farm Service Agency: also list the Directors as set forth in Appendix "B")
 - a. Commodity Credit Corp. (CCC)
 - b. Farm Service Agency ("FSA")
 2. Dept. of Education
 3. Dept. of Health & Human Services (HHS)
 4. Dept. of Housing & Urban Development (HUD)
 5. Internal Revenue Service (IRS)
 6. United Postal Service (USPS)
 7. Small Business Administration (SBA)
 8. Veterans Administration (VA)

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Statement of Information Required by 11 U.S.C. § 341

Introduction

Pursuant to the Bankruptcy Reform Act of 1994, the Office of the U.S. Trustee, U.S. Department of Justice, has prepared this information sheet to help you understand some of the possible consequences of filing a bankruptcy petition under Chapter 7 of the Bankruptcy Code. This information is intended to make you aware of –

- the potential consequences of seeking a discharge in bankruptcy, including the effects on credit history;
- the effect of receiving a discharge of debts;
- the effect of reaffirming a debt; and
- your ability to file a petition under a different Chapter of the Bankruptcy Code.

There are many other provisions of the Bankruptcy Code that may affect your situation. This information sheet contains only general principles of law and is not a substitute for legal advice. If you have questions or need further information as to how the bankruptcy laws apply to your specific case, you should consult with an attorney.

WHAT IS A DISCHARGE?

The filing of a Chapter 7 petition is designed to result in a discharge of most of the debts you listed on your bankruptcy schedules. A discharge is a court order that says you do not have to repay your debts, but there are a number of exceptions. Debts which may not be discharged in your Chapter 7 case include, for example, most taxes, child support, alimony, and student loans; court-ordered fines and restitution; debts obtained through fraud or deception; and personal injury debts caused by driving while intoxicated or taking drugs. Your discharge may be denied entirely if you, for example, destroy or conceal property; destroy, conceal or falsify records; or make a false oath. Creditors cannot ask you to pay any debts which have been discharged. You can only receive a Chapter 7 discharge once every eight (8) years.

WHAT ARE THE POTENTIAL EFFECTS OF A DISCHARGE?

The fact that you filed bankruptcy can appear on your credit report for as long as 10 years. Thus, filing a bankruptcy petition may affect your ability to obtain credit in the future. Also, you may not be excused from repaying any debts that were not listed on your bankruptcy schedules or that you incurred after you filed bankruptcy.

WHAT ARE THE EFFECTS OF REAFFIRMING A DEBT?

After you file your petition, a creditor may ask you to reaffirm a certain debt or you may seek to do so on your own. Reaffirming a debt means that you sign and file with the court a legally enforceable document, which states that you promise to repay all or a portion of the debt that may otherwise have been discharged in your bankruptcy case.

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Reaffirmation agreements are strictly voluntary - - they are not required by the Bankruptcy Code or other state or federal law. You can voluntarily repay any debt instead of signing a reaffirmation agreement, but there may be valid reasons for wanting to reaffirm a particular debt.

Reaffirmation agreements must not impose an undue burden on you or your dependents and must be in your best interest. If you decide to sign a reaffirmation agreement, you may cancel it at any time before the court issues your discharge order or within sixty (60) days after the reaffirmation agreement was filed with the court, whichever is later. If you reaffirm a debt and fail to make the payments required in the reaffirmation agreement, the creditor can take action against you to recover any property that was given as security for the loan and you may remain personally liable for any remaining debt.

OTHER BANKRUPTCY OPTIONS

You have a choice in deciding what Chapter of the Bankruptcy Code will best suit your needs. Even if you have already filed for relief under Chapter 7, you may be eligible to convert your case to a different Chapter.

Chapter 7 is the liquidation chapter of the Bankruptcy Code. Under Chapter 7, a trustee is appointed to collect and sell, if economically feasible, all property you own that is not exempt from these actions.

Chapter 11 is the reorganization Chapter most commonly used by businesses, but it is also available to individuals. Creditors vote on whether to accept or reject a plan, which also must be approved by the court. While the debtor normally remains in control of the assets, the court can order the appointment of a trustee to take possession and control of the business.

Chapter 12 offers bankruptcy relief to those who qualify as family farmers and fisherman. Family farmers must propose a plan to repay their creditors over a three-to-five year period and it must be approved by the court. Plan payments are made through a Chapter 12 Trustee, who also monitors the debtors' farming operations during the pendency of the plan.

Chapter 13 generally permits individuals to keep their property by repaying creditors out of their future income. Each Chapter 13 debtor proposes a plan to repay their creditors over a three-to-five year period which must be approved by the bankruptcy court. The debtor must pay the Chapter 13 Trustee the amounts set forth in their plan. Debtors receive a discharge after they complete their Chapter 13 repayment plan

AGAIN, PLEASE SPEAK TO AN ATTORNEY IF YOU NEED FURTHER INFORMATION OR EXPLANATION, INCLUDING HOW THE BANKRUPTCY LAWS RELATE TO YOUR SPECIFIC CASE.

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THE FAIR CREDIT REPORTING ACT

The Fair Credit Reporting Act is the law that controls credit reporting agencies. The law states that credit reporting agencies may not report a bankruptcy case on a person's credit after ten years from the date the bankruptcy case is filed. Other bad credit information is removed after seven years. The larger credit reporting agencies belongs to an organization called the Associated Credit Bureaus. The policy of the Associated Credit Bureau is to remove Chapter 11 and Chapter 13 cases from the credit report after seven years to encourage debtors to file under these chapters.

You may want to contact the Federal Trade Commission, Bureau of Consumer Protection, Education Division, Washington, D.C. 20580, or telephone them at (202) 326-2222 and request the publications "How to Dispute Credit Reporting Errors" and Fair Credit Reporting

The U. S. Bankruptcy Court Clerk's Office is not responsible for credit reports. Bankruptcy records are public records and the information contained in them can be retrieved by anyone. Any disputes you have with a credit agency must be resolved by you and that agency.

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BANKRUPTCY TERMINOLOGY

Most debtors who file a bankruptcy petition, and many of their creditors, know very little about the bankruptcy process. This glossary of bankruptcy terminology explains, in layman's terms, many of the legal terms that are used in cases filed under the Bankruptcy Code.

adversary proceeding: A lawsuit arising in or related to a bankruptcy case that is commenced by filing a complaint with the court. A nonexclusive list of adversary proceedings is set forth in Fed. R. Bankr. P. 7001.

assume: An agreement to continue performing duties under a contract or lease.

automatic stay: An injunction that automatically stops lawsuits, foreclosures, garnishments, and all collection activity against the debtor the moment a bankruptcy petition is filed.

bankruptcy: A legal procedure for dealing with debt problems of individuals and businesses; specifically, a case filed under one of the chapters of title 11 of the United States Code (the Bankruptcy Code).

bankruptcy administrator: An officer of the judiciary serving in the judicial districts of Alabama and North Carolina who, like the U.S. trustee, is responsible for supervising the administration of bankruptcy cases, estates, and trustees; monitoring plans and disclosure statements; monitoring creditors' committees; monitoring fee applications; and performing other statutory duties. *Compare U.S. trustee.*

Bankruptcy Code: The informal name for title 11 of the United States Code (11 U.S.C. §§ 101-1330), the federal bankruptcy law.

bankruptcy court: The bankruptcy judges in regular active service in each federal judicial district; a unit of the district court.

bankruptcy estate: All legal or equitable interests of the debtor in property at the time of the bankruptcy filing. (The estate includes all property in which the debtor has an interest, even if it is owned or held by another person.)

bankruptcy judge: A judicial officer of the United States district court who is the court official with decision-making power over federal bankruptcy cases.

bankruptcy petition: The document filed by the debtor (in a voluntary case) or by creditors (in an involuntary case) by which opens the bankruptcy case. (There are official forms for bankruptcy petitions.)

chapter 7: 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).

chapter 9: The chapter of the Bankruptcy Code providing for reorganization of municipalities (which includes cities and towns, as well as villages, counties, taxing districts, municipal utilities, and school districts).

chapter 11: The chapter of the Bankruptcy Code providing (generally) for reorganization, usually involving a corporation or partnership. (A chapter 11 debtor usually proposes a plan of reorganization to keep its business alive and pay creditors over time. People in business or individuals can also seek relief in chapter 11.)

chapter 12: The chapter of the Bankruptcy Code providing for adjustment of debts of a "family farmer," or a "family fisherman" as those terms are defined in the Bankruptcy Code.

chapter 13: 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

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debts over time, usually three to five years.)

chapter 15: The chapter of the Bankruptcy Code dealing with cases of cross-border insolvency.

claim: A creditor's assertion of a right to payment from the debtor or the debtor's property.

confirmation: Bankruptcy judges's approval of a plan of reorganization or liquidation in chapter 11, or payment plan in chapter 12 or 13.

consumer debtor: A debtor whose debts are primarily consumer debts.

consumer debts: Debts incurred for personal, as opposed to business, needs.

contested matter: Those matters, other than objections to claims, that are disputed but are not within the definition of adversary proceeding contained in Rule 7001.

contingent claim: A claim that may be owed by the debtor under certain circumstances, *e.g.*, where the debtor is a cosigner on another person's loan and that person fails to pay.

creditor: One to whom the debtor owes money or who claims to be owed money by the debtor.

credit counseling: Generally refers to two events in individual bankruptcy cases: (1) the "individual or group briefing" from a nonprofit budget and credit counseling agency that individual debtors must attend prior to filing under any chapter of the Bankruptcy Code; and (2) the "instructional course in personal financial management" in chapters 7 and 13 that an individual debtor must complete before a discharge is entered. There are exceptions to both requirements for certain categories of debtors, exigent circumstances, or if the U.S. trustee or bankruptcy administrator have determined that there are insufficient approved credit counseling agencies available to provide the necessary counseling.

creditors' meeting see **341 meeting**

current monthly income: The average monthly income received by the debtor over the six calendar months before commencement of the bankruptcy case, including regular contributions to household expenses from nondebtors and income from the debtor's spouse if the petition is a joint petition, but not including social security income and certain other payments made because the debtor is the victim of certain crimes. 11 U.S.C. § 101(10A).

debtor: A person who has filed a petition for relief under the Bankruptcy Code.

debtor education see **credit counseling**

defendant: An individual (or business) against whom a lawsuit is filed.

discharge: A release of a debtor from personal liability for certain dischargeable debts set forth in the Bankruptcy Code. (A discharge releases a debtor from personal liability for certain debts known as dischargeable debts and prevents the creditors owed those debts from taking any action against the debtor to collect the debts. The discharge also prohibits creditors from communicating with the debtor regarding the debt, including telephone calls, letters, and personal contact.)

dischargeable debt: A debt for which the Bankruptcy Code allows the debtor's personal liability to be eliminated.

disclosure statement: A written document prepared by a chapter 11 debtor or other plan proponent designed to provide "adequate information" to creditors to enable them to evaluate the chapter 11 plan of reorganization.

equity: The value of a debtor's interest in property that remains after liens and other creditors' interests are considered. (Example: If a house valued at \$100,000 is subject to a \$80,000 mortgage, there is \$20,000 of equity.)

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executory contract or lease: Generally includes contracts or leases under which both parties to the agreement have duties remaining to be performed. (If a contract or lease is executory, a debtor may assume it or reject it.)

exemptions, exempt property: Certain property owned by an individual debtor that the Bankruptcy Code or applicable state law permits the debtor to keep from unsecured creditors. For example, in some states the debtor may be able to exempt all or a portion of the equity in the debtor's primary residence (homestead exemption), or some or all "tools of the trade" used by the debtor to make a living (*i.e.*, auto tools for an auto mechanic or dental tools for a dentist). The availability and amount of property the debtor may exempt depends on the state the debtor lives in.

family farmer or family fisherman: An individual, individual and spouse, corporation, or partnership engaged in a farming or fishing operation that meets certain debt limits and other statutory criteria for filing a petition under chapter 12.

fraudulent transfer: A transfer of a debtor's property made with intent to defraud or for which the debtor receives less than the transferred property's value.

fresh start: The characterization of a debtor's status after bankruptcy, *i.e.*, free of most debts. (Giving debtors a fresh start is one purpose of the Bankruptcy Code.)

insider (of an individual debtor): Any relative of the debtor or of a general partner of the debtor; partnership in which the debtor is a general partner; general partner of the debtor; or a corporation of which the debtor is a director, officer, or person in control.

insider (of a corporate debtor): A director, officer, or person in control of the debtor; a partnership in which the debtor is a general partner; a general partner of the debtor; or a relative of a general partner, director, officer,

or person in control of the debtor.

joint administration: A court-approved mechanism under which two or more cases can be administered together. (Assuming no conflicts of interest, these separate businesses or individuals can pool their resources, hire the same professionals, etc.)

joint petition: One bankruptcy petition filed by a husband and wife together.

lien: The right to take and hold or sell the property of a debtor as security or payment for a debt or duty.

liquidation: A sale of a debtor's property with the proceeds to be used for the benefit of creditors.

liquidated claim: A creditor's claim for a fixed amount of money.

means test: Section 707(b)(2) of the Bankruptcy Code applies a "means test" to determine whether an individual debtor's chapter 7 filing is presumed to be an abuse of the Bankruptcy Code requiring dismissal or conversion of the case (generally to chapter 13). Abuse is presumed if the debtor's aggregate current monthly income (see definition above) over 5 years, net of certain statutorily allowed expenses is more than (i) \$10,000, or (ii) 25% of the debtor's nonpriority unsecured debt, as long as that amount is at least \$6,000. The debtor may rebut a presumption of abuse only by a showing of special circumstances that justify additional expenses or adjustments of current monthly income.

motion to lift the automatic stay: A request by a creditor to allow the creditor to take action against the debtor or the debtor's property that would otherwise be prohibited by the automatic stay.

no-asset case: A chapter 7 case where there are no assets available to satisfy any portion of the creditors' unsecured claims.

nondischargeable debt: A debt that cannot be eliminated in bankruptcy. Examples

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include a home mortgage, debts for alimony or child support, certain taxes, debts for most government funded or guaranteed educational loans or benefit overpayments, debts arising from death or personal injury caused by driving while intoxicated or under the influence of drugs, and debts for restitution or a criminal fine included in a sentence on the debtor's conviction of a crime. Some debts, such as debts for money or property obtained by false pretenses and debts for fraud or defalcation while acting in a fiduciary capacity may be declared nondischargeable only if a creditor timely files and prevails in a nondischargeability action.

objection to dischargeability: A trustee's or creditor's objection to the debtor being released from personal liability for certain dischargeable debts. Common reasons include allegations that the debt to be discharged was incurred by false pretenses or that debt arose because of the debtor's fraud while acting as a fiduciary.

objection to exemptions: A trustee's or creditor's objection to the debtor's attempt to claim certain property as exempt from liquidation by the trustee to creditors.

party in interest: A party who has standing to be heard by the court in a matter to be decided in the bankruptcy case. The debtor, the U.S. trustee or bankruptcy administrator, the case trustee and creditors are parties in interest for most matters.

petition preparer: A business not authorized to practice law that prepares bankruptcy petitions.

plan: A debtor's detailed description of how the debtor proposes to pay creditors' claims over a fixed period of time.

plaintiff: A person or business that files a formal complaint with the court.

postpetition transfer: A transfer of the debtor's property made after the commencement of the case.

prebankruptcy planning: The arrangement (or rearrangement) of a debtor's property to allow the debtor to take maximum advantage of exemptions. (Prebankruptcy planning typically includes converting nonexempt assets into exempt assets.)

preference or preferential debt payment: A debt payment made to a creditor in the 90-day period before a debtor files bankruptcy (or within one year if the creditor was an insider) that gives the creditor more than the creditor would receive in the debtor's chapter 7 case.

presumption of abuse see means test priority: The Bankruptcy Code's statutory ranking of unsecured claims that determines the order in which unsecured claims will be paid if there is not enough money to pay all unsecured claims in full. For example, under the Bankruptcy Code's priority scheme, money owed to the case trustee or for prepetition alimony and/or child support must be paid in full before any general unsecured debt (*i.e.* trade debt or credit card debt) is paid.

priority claim: An unsecured claim that is entitled to be paid ahead of other unsecured claims that are not entitled to priority status. Priority refers to the order in which these unsecured claims are to be paid.

proof of claim: A written statement and verifying documentation filed by a creditor that describes the reason the debtor owes the creditor money. (There is an official form for this purpose.)

property of the estate: All legal or equitable interests of the debtor in property as of the commencement of the case.

reaffirmation agreement: An agreement by a chapter 7 debtor to continue paying a dischargeable debt (such as an auto loan) after the bankruptcy, usually for the purpose of keeping collateral (*i.e.* the car) that would otherwise be subject to repossession.

secured creditor: A creditor holding a claim

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against the debtor who has the right to take and hold or sell certain property of the debtor in satisfaction of some or all of the claim.

secured debt: Debt backed by a mortgage, pledge of collateral, or other lien; debt for which the creditor has the right to pursue specific pledged property upon default. Examples include home mortgages, auto loans and tax liens.

schedules: Detailed lists filed by the debtor along with (or shortly after filing) the petition showing the debtor's assets, liabilities, and other financial information. (There are official forms a debtor must use.)

small business case: A special type of chapter 11 case in which there is no creditors' committee (or the creditors' committee is deemed inactive by the court) and in which the debtor is subject to more oversight by the U.S. trustee than other chapter 11 debtors. The Bankruptcy Code the time a small business debtor is in bankruptcy.

statement of financial affairs: A series of questions the debtor must answer in writing concerning sources of income, transfers of property, lawsuits by creditors, etc. (There is an official form a debtor must use.)

statement of intention: A declaration made by a chapter 7 debtor concerning plans for dealing with consumer debts that are secured by property of the estate.

substantive consolidation: Putting the assets and liabilities of two or more related debtors into a single pool to pay creditors. (Courts are reluctant to allow substantive consolidation since the action must not only justify the benefit that one set of creditors receives, but also the harm that other creditors suffer as a result.)

341 meeting: The meeting of creditors required by section 341 of the Bankruptcy Code at which the debtor is questioned under oath by creditors, a trustee, examiner, or the U.S. trustee about his/her financial affairs.

Also called **creditors' meeting**

transfer: Any mode or means by which a debtor disposes of or parts with the debtor's property.

trustee: The representative of the bankruptcy estate who exercises statutory powers, principally for the benefit of the unsecured creditors, under the general supervision of the court and the direct supervision of the U.S. trustee or bankruptcy administrator. The trustee is a private individual or corporation appointed in all chapter 7, chapter 12, and chapter 13 cases and some chapter 11 cases. The trustee's responsibilities include reviewing the debtor's petition and schedules and bringing actions against creditors or the debtor to recover property of the bankruptcy estate. In chapter 7, the trustee liquidates property of the estate, and makes distributions to creditors. Trustees in chapter 12 and 13 have similar duties to a chapter 7 trustee and the additional responsibilities of overseeing the debtor's plan, receiving payments from debtors, and disbursing plan payments to creditors.

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

undersecured claim: A debt secured by property that is worth less than the full amount of the debt.

unliquidated claim: A claim for which a specific value has not been determined.

unscheduled debt: A debt that should have been listed by the debtor in the schedules filed with the court but was not. (Depending on the circumstances, an unscheduled debt may or may not be discharged.)

unsecured claim: A claim or debt for which

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a creditor holds no special assurance of payment, such as a mortgage or lien; a debt for which credit was extended based solely upon the creditor's assessment of the debtor's future ability to pay.

voluntary transfer: A transfer of a debtor's property with the debtor's consent.

1. What happens when a bankruptcy petition is filed?

The commencement of a bankruptcy case creates an "estate." The estate technically becomes the temporary legal owner of all of the Debtor's property. The estate consists of all legal or equitable interests of the Debtor in property as of the date the case is filed, including property owned or held by another person if the Debtor has an interest in the property. Section 362 of the Bankruptcy Code governs the applicability of the "automatic stay" to the facts and circumstances of your bankruptcy case. If it applies, it prohibits creditors from taking collection action against the Debtor or the Debtor's property without Bankruptcy Court approval. The Court issues a notice of commencement advising all interested parties of the filing of the bankruptcy case. This notice provides the case number, trustee, date of the meeting of creditors, deadline to file a proof of claim (if applicable), and deadline to file an objection to the discharge (if applicable).

More information can be obtained on the Court's website under Understanding Bankruptcy: www.neb.uscourts.gov

2. What does a case number indicate?

A case number indicates the office location of the court, the year the case was filed, the type of case, the number assigned to the case and the assigned judge. Example: 4:12-bk-00001-TLS, 4 indicates the office in which the case is filed (4 - Lincoln, 8 - Omaha); 12 is the year filed, bk indicates a bankruptcy case (ap indicates an adversary proceeding); 00001 is the case number assigned, TLS stands for Chief Judge Thomas L. Saladino and TJM stands for Judge Timothy J. Mahoney.

3. Do I need an attorney to represent me in my bankruptcy case?

Each Debtor filing an individual bankruptcy has a right to represent him or herself (Pro Se Debtor); however, the use of an attorney is recommended. Ignorance of the law may cost an individual far more than an attorney's fee. By law, a Corporation is required to have an attorney. Note: Individuals who choose to represent themselves will not be able to obtain legal advice from court personnel or from the trustee appointed to their case.

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4. What is a Pro Se Debtor?

A Pro Se Debtor is one who files bankruptcy without an attorney. A Pro Se Debtor is responsible for all proceedings of his/her case. Failure to comply with the Bankruptcy Code and Rules or with court orders may cause dismissal of the Debtor's case. It is recommended that all Debtors seek legal advice before filing bankruptcy.

5. Where can I obtain the necessary forms for filing bankruptcy?

The Court will provide forms for a fee. Forms are available from office supply stores or legal stationery stores. Forms are also available for printing on the Court's website: www.neb.uscourts.gov.

6. What are the current filing fees for filing bankruptcy?

Filing fees can be found on page 58 of this guide.

7. Can the Court waive the bankruptcy petition filing fee?

28 U.S.C. 1930(f)(1) provides that the court may waive filing fee in a case under Chapter 7 for an individual if the Court determines that such individual has income less than 150 percent of the income official poverty line applicable to a family of the size involved and is unable to pay that fee in installments. The Bankruptcy Rules do provide for individuals to pay the filing fee in installments. To pay the fee in installments, you must submit an application, and the application must be approved by the Court. This form is available at www.neb.uscourts.gov > under the section Filing Without an Attorney > Forms > Local Forms.

8. What will happen to my case if I filed bankruptcy in the past and failed to pay the entire filing fee?

A Bankruptcy Judge may take any of the following steps when the entire filing fee has not been paid in a prior case and the Debtor tries to file another case within 180 days of the entry of the dismissal order: (1) dismiss the case being filed, (2) refuse to allow the Debtor to pay the filing fee in installments for the current case, (3) make the Debtor pay the filing fee from the previous case, or (4) take any other action that is appropriate.

9. What chapter is right for me?

Your decision whether to file bankruptcy and under which chapter to file depends on your particular circumstances. In general, Chapter 7 is appropriate when the Debtor has insufficient income to pay a portion of his/her debts, and the Debtor is not seeking to keep non-exempt property. Otherwise, if the Debtor has an income or property and can afford to repay at least some of his/her debts, Chapter 11, 12 or 13 may be appropriate, depending on whether the Debtor is an individual, partnership,

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corporation, or family farmer. The decision whether to file a bankruptcy case and under which chapter is an extremely important decision and has tremendous financial impact. Consequently, this decision may require expert advice from a bankruptcy attorney. You may contact The Nebraska Bar Association or Legal Aid of Nebraska, found in your local telephone directories to obtain legal representation.

10. What must I do before I file my case?

Pursuant to section 109(h)(1) you must complete and obtain a certificate from an approved non-profit credit counseling agency during the 180-day period proceeding the date of filing. A list of approved Credit Counseling Agencies can be located on the U.S. Trustee's website at http://www.justice.gov/ust/eo/bapcpa/ccde/cc_approved.htm

11. What is the difference between a chapter 7, 13 and 11?

Chapter 7 – In a Chapter 7, Debtors are permitted to retain certain “exempt” property, while the remaining assets are liquidated by the trustee. The trustee will distribute the funds from the liquidation to holders of claims (creditors) in accordance with the provisions of the Bankruptcy Code. Accordingly, potential Debtors should realize that the filing of a petition under chapter 7 might result in the loss of non-exempt property.

Chapter 13 – Chapter 13 is designed for individuals with regular income to repay a portion or all of their debt over an extended period of time. Chapter 13 may be appropriate for Debtors who seek to retain certain assets through a repayment plan.

Chapter 11 – Chapter 11 allows corporations, partnerships, and certain individuals who do not qualify under Chapter 13, to reorganize without having to liquidate all assets. As in a Chapter 13, the Debtor (called the “debtor-in-possession” because a trustee is not normally assigned) is required to present a repayment plan. If the plan is accepted by the creditors and subsequently approved (“confirmed”) by the Court, this allows the Debtor to reorganize his/her/or its personal, financial, or business affairs.

NOTE: For further information on these Chapters, you may go to the Court's website: www.neb.uscourts.gov and refer to “Helpful Information”.

12. Where can I get more information about bankruptcy and bankruptcy procedures? Is there a place I can get free or inexpensive legal advice before I file?

The easiest way to get free or inexpensive bankruptcy advice is to make an appointment with a private attorney. Some attorneys may offer a free initial consultation. You may also consider contacting Legal Aid of Nebraska for inexpensive bankruptcy advice. They will send you an application and schedule a session with a

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bankruptcy attorney to assess your financial situation to see if you qualify for their services, and assist you in deciding what chapter is appropriate. Their fee is on a sliding scale based on your income. In Lincoln, they can be contacted at (402) 435-2161 or (800) 742-7555 and in Omaha at (402) 348-1069 or (888) 991-9921. Inexpensive help in typing your petition and other forms is available from “bankruptcy petition preparers.” “Paralegals” and “typing services” are considered bankruptcy petition preparers and not attorneys. They are not employed or supervised by attorneys and cannot represent you in your bankruptcy. Only a licensed attorney can give you legal advice. Bankruptcy petition preparation services are listed in the telephone book.

13. What services can a bankruptcy petition preparer provide?

Services of petition preparers are limited to the typing of forms. Petition Preparers are not authorized to practice law and therefore cannot provide debtors with legal advice.

14. How is a debt classified as secured, unsecured or priority?

A secured debt is a debt that is collateralized by property. A creditor whose debt is “secured” has a right to foreclose or to take property to satisfy a “secured debt.” For example, a mortgage loan is likely “secured” by a Debtor’s home. This means that the lender has the right to foreclose upon and take the home if the Debtor fails to make the loan payments.

An unsecured debt arises when you promise to repay someone a sum of money at a particular time, but you have not pledged any property as collateral for the debt.

A priority debt is a debt entitled to priority in payment, ahead of other debts. Please refer to 11 U.S.C. §507 of the Bankruptcy Code for a listing of such priority claims.

15. When do I receive a discharge of my debts?

The Notice of the Section §341 Meeting of Creditors reflects a date by which all complaints objecting to discharge or dischargeability of debts must be filed. If the debtor has complied with all of the filing requirements, paid the filing fee in full and pursuant to section 727(a) (10) completed an instructional course concerning personal financial management, and has filed the proper certification reflecting completion, your discharge will be entered in due course after the expiration of the date stated earlier.

16. How do I change or correct information in the petition, schedules, and statements I already filed with the Clerk’s Office?

The information contained in your petition, schedules, and statement of affairs is

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submitted under penalty of perjury. Therefore, you must be certain that it is correct when you sign these documents. If, however, you later discover that something is inaccurate, the documents may be corrected by the filing of an amendment with the Clerk's Office. New schedules or statements must be filed showing the corrected information along with a certificate of service. A fee must be paid when amending schedules D, E, or F (or any list of creditors or mailing matrix). All amendments must be served upon the United States Trustee and case trustee, and certain amendments must be served upon the creditors affected by the amendment. The amendment must also contain an original signature.

17. How do I obtain a copy of my discharge?

You can obtain a copy from the Clerk's Office by either coming in person or sending in a written request. There is a per page charge (see fee schedule on page 58 of this guide), plus an additional charge if you desire a certified copy. Payment must be in the exact amount payable either by money order or cashier's check.

18. Can a discharge be denied?

Under certain circumstances, 11 U.S.C. § 727 provides the Debtor's discharge may be denied in a chapter 7 case. Grounds for denial exist when the Debtor: (1) failed to keep or produce adequate books or financial records, (2) failed to satisfactorily explain any loss of assets, (3) committed a bankruptcy crime such as perjury, (4) failed to obey a lawful order of the bankruptcy court, or (5) fraudulently transferred, concealed, or destroyed property that would have become property of the estate. Refer to § 727 for a complete list.

19. What is the difference between a discharge being denied and a debt being declared nondischargeable?

The court can deny the Debtor's discharge of all debts, or determine that a particular debt or debts are nondischargeable. If the court denies the discharge of all debts, then the Debtor will still be legally responsible for all the debts as if no bankruptcy petition had ever been filed. If only certain debts are ruled nondischargeable, the Debtor will still receive a discharge order. However, the Debtor will remain legally responsible for those nondischargeable debts. For a discharge to be denied, either as to a particular debt or as to all debts, someone must file an adversary proceeding (lawsuit) with the court. That party must then prove one of the grounds for denial of the discharge or for a debt to be declared nondischargeable. See Question No. 19 (for discharge) and Question No. 15 (for dischargeability of a particular debt). If your discharge is not withheld or none of your debts is declared to be nondischargeable, then all the debts listed in your petition will be discharged upon the entry of the order granting your

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discharge (meaning your personal liability for the debts will be eliminated).

20. How do I obtain information about a case?

You can visit the courthouse and view a case at the public terminals between the hours of 8:00am and 4:30pm, Monday through Friday. You can also access information for the District of Nebraska, at (402) 437-1625 for the Lincoln and (402) 661-7555. You can also access information for the District of Nebraska by calling the automated phone line, toll-free at 1-866-222-8029. Information about a case may be obtained by providing the Debtor's social security or tax identification number or the Debtor's name. The following information is available: whether a case has been filed, when it was filed and under which chapter, the judge assigned to the case, Debtor's attorney and phone number, trustee and phone number, and date and time of the meeting of creditors required under Section 341 of the Bankruptcy Code.

NOTE: Case information may not be available for cases filed prior to a certain date. Information for such older cases can only be obtained through the Archive's Center in Lenexa, Kansas. Copies can be requested directly from the Archive Center, but certain information will be needed from the Court. Please contact the Clerk's Office where the case was filed for availability of the file or for instructions on ordering archived

information, Lincoln at (402) 437-1625, and Omaha at (402) 661-7555 or you can search by case number on the Court's website, www.neb.uscourts.gov under CM/ECF Info./Archive Case Information.

21. May I review my case file?

Yes, files maintained by the Clerk's Office are public records. You may review your case, but you may not remove original documents from the Court files nor take the files from the Clerk's Office. Copies of documents can be made by the Court (see fee schedule on page 58).

22. Who can I call if I have a question about a pending case?

Call the Clerk's Office or the case manager. Phone numbers for all offices are available on the Court's website: www.neb.uscourts.gov or you may contact the Clerk's office in Lincoln at (402) 437-1631 or Omaha at (402) 661-7555.

23. Can I view records through the Internet?

Yes. Access to electronic court records via the Internet or by direct dial-up modem is available by registering with PACER. To obtain a password contact the PACER Service Center at 1-800-676-6856 or go to their website at www.pacer.gov.

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24. How do I find out who is the trustee assigned to a case?

You may obtain the trustee's name by visiting the clerk's offices, or through the Voice Case Information System (VCIS). The VCIS telephone number is 1-866-222-8029. For Chapter 11 cases, you can also call the United States Trustee's Offices at (402) 221-4300. (If you received a "Commencement of Case/341 Meeting Notice," the assigned trustee, along with other contact information, is printed on that notice.)

25. What is the role of a Trustee assigned in a chapter 7 or 13 case?

Under Chapter 7, an impartial trustee is appointed to administer the case by collecting and liquidating the Debtor's non-exempt assets in a manner that maximizes the return to the Debtor's unsecured creditors.

Under Chapter 13, an impartial trustee is also appointed to administer the case. The primary roles of the chapter 13 trustee are to determine the feasibility of a Debtor's repayment plan for the court and to serve as a disbursing agent, collecting payments from Debtors and making distributions to creditors.

26. What is the function of the U. S. Trustee?

The office of the U. S. Trustee is an agency of the Department of Justice, with responsibilities that include monitoring the administration of bankruptcy cases and

detecting bankruptcy fraud. It is also responsible for appointing and supervising interim trustees to administer Chapter 7 cases, overseeing the Debtor-in-Possession, and appointing a standing Trustee in Chapter 13 cases.

27. What is a 341 meeting?

This meeting is referred to as the "meeting of creditors." All creditors are notified so that they may attend, but their attendance is not required. Debtors have a duty to appear and testify under oath and answer questions by creditors. This meeting is presided over by the trustee assigned to the case and is held approximately 40 days after the petition is filed. Debtors are required to provide photo identification and proof of social security number to the assigned trustee. A Debtor's failure to appear may result in dismissal of the case. If a continuance or change in the hearing date is sought, the trustee assigned to the case must be contacted.

28. If I file for bankruptcy, will it stop an eviction?

The Clerk's Office is prohibited from providing legal advice. Questions pertaining to how a bankruptcy filing affects enforcement of an eviction proceeding should be

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directed to a bankruptcy attorney.

29. How long does a bankruptcy filing remain on my credit report?

A maximum of ten years under provisions of the Fair Credit Reporting Act.

30. How do I get a bankruptcy filing removed from my credit report?

The Bankruptcy Court has no jurisdiction over credit reporting agencies. The Fair Credit Reporting Act, 6 U.S.C. § 605, is the law that controls credit-reporting agencies. The law states that credit reporting agencies may not report a bankruptcy case on a person's credit report after ten years from the date the bankruptcy case is filed. You may contact the Federal Trade Commission, Bureau of Consumer Protection, Education Division, Washington, D.C. 20580; their phone number is (202) 326-2222. That agency can provide further information on re-establishing credit and addressing credit problems. You can also directly contact the credit bureau(s) reporting the information – e.g., Equifax, Experian, and TransUnion.

31. What can I do if I disagree with an order entered in a case?

You can either file a motion for reconsideration of the order or file a notice of appeal. The person filing the notice of appeal becomes an "Appellant" and the other party, the "Appellee." When an appeal is filed, the matter is referred to the United States District Court. There is a filing fee to Docket the Appeal and a fee for the Notice of Appeal. See fee schedule on page 58.

32. What is an adversary proceeding? What do I need to file when filing an adversary proceeding with the Court?

An adversary proceeding is a lawsuit arising in or related to a bankruptcy case. It is commenced with the filing of an adversary proceeding cover sheet, complaint, summons, and a filing fee, if applicable.

33. What can I do if a creditor keeps trying to collect money after I have filed bankruptcy?

You should immediately notify the creditor in writing that you have filed bankruptcy, and provide them with the case name, case number, and filing date, or a copy of the petition that shows it was filed. If a creditor continues to attempt to collect, the Debtor may be entitled to take legal action against the creditor to obtain a specific order from the court prohibiting the creditor from taking further collection action. However, a formal motion must be filed, in accordance with the Bankruptcy Code and applicable Rules. If the creditor is willfully violating the automatic stay, the Court can hold the creditor in contempt of court and fine the creditor. Any such legal action brought against the creditor will be complex and will normally dictate representation by a qualified

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bankruptcy attorney.

34. What should I do if I cannot make my Chapter 13 payment?

If the Debtor cannot make a chapter 13 payment on time pursuant to the terms of the confirmed plan, the Debtor should contact the chapter 13 Trustee by phone and by letter advising the Trustee of the problem and whether it is temporary or permanent. If it is temporary, the Debtor should advise the Trustee of the time and manner in which the Debtor will make up the payments. So long as the Trustee agrees, the payments can be made up over time. If the problem is permanent and the Debtor is no longer able to make payments under the plan, the Trustee will request that the case be dismissed or converted to another chapter, or the Debtor may seek to modify his or her plan. The determination of whether to modify the plan or dismiss or convert a case requires legal analysis. The Debtor should seek counsel from a qualified bankruptcy attorney before attempting to make a decision how to proceed in their case.

35. My ex-spouse has filed bankruptcy. He/she has listed me as a co-signer on a scheduled debt. What can I do? Does my divorce decree protect me?

If you are a co-debtor with your ex-spouse on a debt, the creditor can require the entire payment of that debt from your share of the marital property, even though the divorce decree assigns the debt to your ex-spouse. Depending on the terms of your divorce decree, you may be able to have certain support obligations determined to be nondischargeable by the bankruptcy court or in state court. You should seek legal advice for a thorough explanation of your rights and obligations in this area as soon as you find out that your ex-spouse has filed bankruptcy.

36. A company has filed for bankruptcy and owes us money. What do we do?

If you have been listed as a creditor in a bankruptcy case and you received a proof of claim form from the bankruptcy court, make sure to complete the form and file it with the court by the required date. You must attach any documentation that supports your claim. If you wish to have a conformed copy returned to you, please enclose an extra copy and self-addressed, stamped envelope. If you were not listed as a creditor, you may obtain a claim form from the bankruptcy court or you can download a claim form on the Court's website, www.neb.uscourts.gov.

NOTE: Information regarding when a claim will be paid should be directed to the trustee assigned to the case, whose name and telephone number can be found on the 341 meeting notice.

37. How can I access court dockets by computer?

The PACER system allows you to access docket sheets for bankruptcy case proceedings if you have a computer and modem. There is a fee for accessing the

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PACER service via the Internet (Web PACER). To register for PACER, contact the PACER Service Center at 800-676-6856. For further information on PACER, you can visit their website, www.pacer.gov.

38. How do I obtain a proof of claim form?

Proof of claims may be download on the Court's website, www.neb.uscourts.gov or you may obtain a proof of claim form from the Bankruptcy Clerk's Office.

39. What is a reaffirmation agreement?

A reaffirmation agreement is an agreement between the Debtor and a creditor that the Debtor will pay all or a portion of the money owed, even though the Debtor has filed bankruptcy. In return, the creditor promises that, as long as payments are made, the creditor will not repossess or take back its collateral. This means that the Debtor will remain personally liable on that debt. Refer to 11 U.S.C. § 524 Bankruptcy Code for detailed information.

40. What is a Motion?

A motion is a formal written document in which the party, the movant, who is requesting an action, sets forth his/her grounds for the action requested. The party against whom the action is requested is the respondent.

41. How do I obtain copies or certified copies of documents?

Copies may be obtained directly from the Court for a per page fee, as well as certified copies for a per page fee and a certification fee (see fee schedule on page 58).

Files that are no longer housed in our courthouse facilities are archived at the Kansas City Federal Records Center in Lenexa, Kansas. You may contact the Clerk's office to retrieve the information you will need to provide to the Records Center to access the files, which include the transfer number and box number. You may also retrieve this information on our website, www.neb.uscourts.gov. You will need to have the Bankruptcy Case Number. Once you receive this information, you may contact the Kansas City Federal Records Center in Lenexa, Kansas for copies. The telephone number for the center is (913) 563-7600, the fax number is (913) 563-7691, and their website is, www.archives.gov. Please note that the Archive Center requires a fee for this service.

42. How do I get a hearing date?

It is not necessary to contact the Court for a hearing date. Upon receipt of properly filed documents, a hearing will be set automatically, and proper notice of the hearing date and time will be given to interested parties.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEBRASKA**

43. Who do I notify about a possible fraudulent filing?

The office of the United States Trustee reviews complaints about possible fraudulent filings and, if appropriate, notifies the U.S. Attorney for further investigation. The U.S. Trustee's telephone number is (402) 221-4300.

44. What is the BNC?

During the course of a bankruptcy case or proceeding, bankruptcy court notices are mailed by the Bankruptcy Noticing Center (BNC) on behalf of the court. The BNC, which is operated by a private contractor, provides notice production and mailing services for the court, but **THE BNC IS NOT THE COURT.**

DO NOT SEND DOCUMENTS TO THE BNC

Documents related to a bankruptcy case or proceeding should be sent directly to the court.

Appendix A
Matters Governed by Neb. R. Bankr. P. 9013-1

Revised 12/1/10

Neb. R. Bankr. P. 9013-1 applies to all motions, except those explicitly excluded by 9013-1. With regard to adversary proceedings, see Neb. R. Bankr. P. 7001-1. In the bankruptcy case, motions covered by Neb. R. Bankr. P. 9013-1 shall include, without limitation, the following:

1. Applications in excess of \$1,000.00 by professionals, including attorneys, for allowance and payment of claims for services rendered and expenses incurred under 11 U.S.C. §§ 330, 331.
2. Confirmation of Chapter 12 plan and amended plans under 11 U.S.C. § 1224.
3. Confirmation of Chapter 13 plan if filed after the filing of the petition.
4. Motion to abandon property of the estate under 11 U.S.C. § 554.
5. Motion to abstain.
6. Motion to access tax returns filed with the Court under 11 U.S.C. § 521.
7. Motion for adequate protection under 11 U.S.C. §§ 362 or 1205.
8. Motion to allow filing claim out of time.
9. Motion to allow post-petition claim.
10. Motion to alter, amend, or reconsider judgments.
11. Motion to appoint trustee.
12. Motion for approval of Rule 2004 examination.
13. Motion to approve compromise, settlement, stipulation, and agreement, including those requiring notice pursuant to Fed. R. Bankr. P. 4001(d), including agreements to modify or terminate the automatic stay, to provide adequate protection, to use cash collateral, or to create senior or equal liens on property of the estate or to obtain credit.
14. Motion to approve disclosure statement under 11 U.S.C. § 1125 and § 901. The filing of a disclosure statement is the equivalent of a motion to approve it. See Neb. R. Bankr. P. 2080-1(D) and 2080-1(E).
15. Motion to approve final decree.

16. Motion to approve standing trustee's final report.
17. Motion for authorization to use cash collateral, obtain credit, grant security interests, or provide administrative priority status and other relief under 11 U.S.C. § 364.
18. Motion to avoid liens under 11 U.S.C. § 522.
19. Motion to change venue under 28 U.S.C. § 1412.
20. Motion to modify Chapter 12 or Chapter 13 plans. See 11 U.S.C. §§ 1223, 1229, 1323, and 1329.
21. Motion to consolidate bankruptcy cases.
22. Motion to convert a case (all chapters).
23. Motion to deconsolidate.
24. Motion to determine value under 11 U.S.C. § 362.
25. Motion for creditor misconduct.
26. Motions for discharge pursuant to 11 U.S.C. 1228(b), 11 U.S.C. 1328(b), or 11 U.S.C. 1141(d)(5).
27. Motion to dismiss a case (see Neb. R. Bankr. P. 1017-2) (motion to dismiss case under §521 is not a 9013 matter).
28. Motion to distribute funds held by Chapter 12 or 13 trustee.
29. Motion to establish a deadline for filing of proofs of claim or interests.
30. Motion to examine the debtor's transactions with the debtor's attorney or with other professionals under Fed. Bankr. R. 2017 and Neb. R. Bankr. P. 2017-1.
31. Motion for exemption from credit counseling pursuant to 11 U.S.C. § 109(h).
32. Motion for exemption from financial management course.
33. Motion for exemption from means test under 11 U.S.C. § 707.
34. Motion to extend exclusivity period under 11 U.S.C. § 1121(d).
35. Motion to extend plan payments.
36. Motion to extend time to file credit counseling certificate.

37. Motion to extend time to file personal financial management certificate.
38. Motion to extend time to file tax returns pursuant to Neb. R. Bankr. P. 4002-1.
39. Motion to extend time to object to discharge of debt under 11 U.S.C. § 523(a)(2), (4), or (6) pursuant to 11 U.S.C. § 523(c).
40. Motion to extend time to object to discharge or to file complaint seeking to bar discharge under 11 U.S.C. § 727.
41. Motion for hardship discharge pursuant to Fed. Bankr. R. 4007(d).
42. Motion to increase assurance payments.
43. Motion for leave to enroll in federal agricultural programs. Such motions shall include the specific government program.
44. Motion for more definite statement under Fed. R. Bankr. P. 7012 (supersedes Neb. R. Bankr. P. 9013-1(A)(3)(m)).
45. Motion to object to discharge 11 U.S.C. § 727(a)(8), (9) and 1328(f)
46. Motion to prohibit use, sale, or lease of collateral.
47. Motion to redeem property.
48. Motion for reinstatement of retiree benefits pursuant to 11 U.S.C. § 522.
49. Motion for relief from automatic stay under 11 U.S.C. § 362(d) if filed by a Nebraska county respecting tax claims.
50. Motion for relief from co-debtor stay. See Neb. R. Bankr. P. 4001-1(B).
51. Motion to reopen a case under 11 U.S.C. § 350.
52. Motion respecting the assumption or rejection of executory contracts or leases under 11 U.S.C. § 365.
53. Motion to sequester rents and profits.
54. Motion to substitute attorney/party (not a notice of substitution of attorney filed by an attorney from the same law firm).
55. Motion to suspend payments in Chapter 13.
56. Motion for turnover.

57. Motion to use, sell, or lease property under 11 U.S.C. § 363(b)(1).
58. Motion to withdraw as counsel.
59. Motion to withdraw reference.
60. Notice of payment default in a Chapter 13.
61. Objection to Chapter 13 trustee's motion to allow claims.
62. Objection to claims.
63. Objection to the debtor's claimed exemptions.
64. Other motions. The Court may determine other motions using this procedure provided that the motion specifies why this procedure is appropriate under 11 U.S.C. § 102(1)(b).

APPENDIX “B”
ADDRESSES
Revised 12/01/10

Chapter 12 Trustee

301 South 13th Street, Suite 500
Lincoln, NE 68508

Chapter 13 Trustee

13930 Gold Circle, Suite 201
Omaha, NE 68144

Department of Agriculture

Office of General Counsel
P.O. Box 419205-Mail Stop 1401
Kansas City, MO 64141-0205

Office of General Counsel
9240 Troost Avenue, Mail Stop 1401
Kansas City, MO 64131

Department of Education

Office of General Counsel
400 Maryland Avenue S.W.
Washington, DC 20202-0008

U. S. Department of Education
Office of Postsecondary Education
1990 K Street, N. W.
Washington, DC 20006

Department of Health and Human Services (“HHS”)

Regional Attorney
Office of the General Counsel
601 East 12th Street, Room 411
Kansas City, MO 64106

Department of Housing and Urban Development (“HUD”)

Chief Counsel
Edward Zorinsky Federal Building
1616 Capitol Avenue, Suite 329
Omaha, NE 68102

Farm Service Agency

State Executive Director
CCC/FSA
7131 A Street
Lincoln, NE 68510-4202

Internal Revenue Service (“IRS”)

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Mississippi State Tax Commission Bankruptcy Section

Mississippi State Tax Commission
Bankruptcy Section
P.O. Box 22808
Jackson, MS 39225-4818

Nebraska Department of Revenue

Attn: Bankruptcy Unit
P.O. Box 94818
Lincoln, NE 68509-4818

Small Business Administration (“SBA”)

District Counsel
10675 Bedford Ave., Suite 100
Omaha, NE 68134-3603

Social Security Administration

Chief Counsel
601 East 12th Street, Room 535
Kansas City, MO 64106

United States Attorney

United States Attorney’s Office - Omaha
1620 Dodge Street, Suite 1400
Omaha, NE 68101

United States Attorney’s Office - Lincoln
487 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

United States Attorney General

United States Department of Justice
950 Pennsylvania Avenue N.W., Room 5137
Washington, DC 20530

United States Bankruptcy Court for the District of Nebraska

United States Bankruptcy Court for the District of Nebraska
111 South 18th Plaza, Suite 1125
Omaha, NE 68102

(402) 661-7444

NEBml_Orders_Omaha@neb.uscourts.gov - Courtroom Department

United States Bankruptcy Court for the District of Nebraska
460 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

(402) 437-1625

NEBml_Orders_Lincoln@neb.uscourts.gov - Courtroom Department

United States Department of Agriculture (“USDA”) Rural Development

State Executive Director
Room 152 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

United States Postal Service (all cases other than tort)

Law Dept. - Western Area
9350 South 150 East, Suite 800
Sandy, UT 84070 - 2716

United States Postal Service (tort cases only)

Law Dept.
P.O. Box 80143
St. Louis, MO 63180

United States Trustee

111 South 18th Plaza, Suite 1148
Omaha, NE 68102

UNITED STATES BANKRUPTCY COURT

NOTICE TO CONSUMER DEBTOR(S) UNDER §342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$75 administrative fee, \$15 trustee surcharge: Total fee \$335)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a “means test” designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny

your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$75 administrative fee: Total fee \$310)

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1,167 filing fee, \$550 administrative fee: Total fee \$1,717)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$75 administrative fee: Total fee \$275)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Certificate of [Non-Attorney] Bankruptcy Petition Preparer

I, the [non-attorney] bankruptcy petition preparer signing the debtor's petition, hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

Printed Name and title, if any, of Bankruptcy Petition Preparer
Address:

Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer.)
(Required
by 11 U.S.C. § 110.)

X _____
Signature of Bankruptcy Petition Preparer or officer,
principal, responsible person, or partner whose Social
Security number is provided above.

Certificate of the Debtor

I (We), the debtor(s), affirm that I (we) have received and read this notice.

Printed Name(s) of Debtor(s)

X _____
Signature of Debtor Date

Case No. (if known) _____

X _____
Signature of Joint Debtor (if any) Date

APPENDIX "K"
CERTIFICATION BY DEBTOR IN SUPPORT OF CONFIRMATION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF: _____)
)
)
)
 Debtor(s).)

CASE NO. BK _____

Chapter _____

CERTIFICATION BY DEBTOR
IN SUPPORT OF CONFIRMATION

With regard to the Chapter 12 or 13 plan/amended plan filed on _____, I certify that:

(ONE OF THE PARAGRAPHS BELOW MUST BE CHECKED)

_____ Since the filing of this bankruptcy, I have not been required by a judicial or administrative order or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A).

OR

_____ I have paid all amounts that first became due and payable after the filing of this bankruptcy which I am required to pay under a domestic support obligation (as defined in 11 U.S.C. § 101(14A)) required by a judicial or administrative order or by statute.

I declare under penalty of perjury that the foregoing certification is true and correct.

DATED: _____.

Debtor

Joint Debtor

APPENDIX "P"
CERTIFICATION BY DEBTOR IN SUPPORT OF DISCHARGE
REGARDING (1) PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS
AND (2) DISCHARGES IN PRIOR CASES

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	CASE NO. BK _____
)	
_____ ,)	Chapter 13
)	
Debtor(s).)	

CERTIFICATION BY DEBTOR IN SUPPORT OF DISCHARGE REGARDING
(1) PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS
AND (2) DISCHARGES IN PRIOR CASES

I certify that I have not, during the four-year period preceding the date of the order for relief under this chapter (which is the date on which the petition in this case was filed), received a discharge in a bankruptcy case filed under Chapter 7, 11, or 12; and I have not, during the two-year period preceding the date of the order for relief, received a discharge in a case filed under Chapter 13:

(ONE OF THE PARAGRAPHS BELOW MUST BE CHECKED)

_____ I am not required by a judicial or administrative order or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A).

OR

_____ I am required by a judicial or administrative order or by statute to pay a domestic support obligation as defined in 11 U.S.C. § 101(14A), and all amounts payable under such order or statute that are due on, or were due before, the date of this certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid.

I declare under penalty of perjury that the foregoing certification is true and correct.

DATED: _____.

Debtor

Joint Debtor

Bankruptcy Court Miscellaneous Fee Schedule
Effective Date 6/1/16

NEW CASES

The fee, an aplc to pay in installments or aplc to pay IFP is due if debtor is an individual. A company or Inc. must pay fee.

\$	335.00	Chapter 7 Voluntary/Involuntary (\$245 filing fee + \$15 trustee fee surcharge + \$75 adm fee)
\$	1,717.00	Chapter 9 (\$1167 + \$550 adm fee)
\$	1,717.00	Chapter 11 Voluntary/Involuntary (\$1167 + \$550 adm fee)
\$	1,550.00	Chapter 11 Railroad (\$1000 + \$550 adm fee)
\$	275.00	Chapter 12 (\$200 + \$75 adm fee)
\$	310.00	Chapter 13 (\$235 + \$75 adm fee)
\$	1,717.00	Chapter 15 Foreign Proceeding (\$1167 + \$550 adm fee)

MOTION TO REOPEN

Fee = the current filing fee for that chapter. Fee is not refundable if denied. Trustee may pay through estate.

No fee due if reopening is to file a dischargeability complaint other than 523(c) (but adv fee may be due) or when a creditor is violating terms of discharge Sec 524.

\$	260.00	+ Chapter 7 (\$245 filing fee + \$15 trustee surcharge, adm fee is not included)
\$	1,167.00	+ Chapter 9
\$	1,167.00	+ Chapter 11
\$	200.00	+ Chapter 12
\$	235.00	+ Chapter 13
\$	1,167.00	+ Chapter 15
		+ Also collect archive fee & amendment fee, if appropriate.

DECONSOLIDATION / Dividing a case filed by the debtor = the current filing fee for the original chapter

\$	335.00	+ Chapter 7 (\$245 filing fee + \$15 trustee surcharge + \$75 adm fee)
\$	1,717.00	+ Chapter 11 (\$1167+ \$550 adm fee)
\$	275.00	+ Chapter 12 (\$200 + \$75 adm fee)
\$	310.00	+ Chapter 13 (\$235 + \$75 adm fee)
		+ Also collect conversion fee, if appropriate.

CONVERSION

Fee due for motion not for actual conversion. Payable at the time of filing and is not refundable.

\$	922.00	Ch 7 to Ch 11 by the debtor (no fee due if filed by creditor)
\$	-	Ch 7 to Ch 12 or 13
\$	15.00	Ch 11 to Ch 7 (\$15 trustee surcharge)
\$	-	Ch 11 to Ch 12 or 13
\$	60.00	Ch 12 to Ch 7 (\$45 difference + \$15 trustee surcharge)
\$	25.00	Ch 13 to Ch 7 (\$10 difference + \$15 trustee surcharge) (if trustee movant-fee payable from estate)
\$	932.00	Ch 13 to Ch 11 by the debtor (no fee due if filed by creditor)
\$	-	Ch 13 to Ch 12

APPEAL

\$	298.00	Notice of Appeal / Cross Appeal of final judgment or interlocutory order (\$293 filing fee, \$5.00 appeal fee. Bankruptcy trustees and debtor(s)-in-possession fees are only payable from the estate and only to the extent there is an estate)
\$	5.00	Appeal or Cross Appeal filed with Motion for Leave to Appeal (collect \$293 filing fee if Motion for Leave to Appeal is approved)
\$	207.00	Direct Appeal / Direct Cross Appeal (additional fee upon notice from the circuit court)

OTHER FILING FEES

\$	350.00	Adversary / Complaint (no charge if plaintiff is debtor; child support creditor or a representative; OR trustee / debtor-in-possession fee is payable through the estate)
\$	30.00	Amendment to Schedules and Creditor Matrix (Fee is due to amend Schedule D, E, and/or F - adding, deleting, changing amount or classification of a debt on creditor sched or mtb. No fee due to change address of existing cred or to add/change cred attorney listed on the sched. No fee due for post-petition cred added within 14 days of conversion to ch 7 or a case that deconsolidates.)
\$	176.00	Motion to Sell Property of the Estate Free and Clear of Liens under 11 U.S.C. Section 363(f) (Fee cannot be deferred)
\$	176.00	Motion for Relief from Stay* * No fee due for Motion for Relief from Co-Debtor Stay * No fee due if a stipulation for relief is filed * No fee due if Child Support Form required by Sec 304(g) is filed * 3/00 Per Judge Mahoney, fee waived for Motion for Relief filed by debtor re: divorce action
\$	176.00	Motion to Compel Abandonment of Property (Trustee may abandon property of estate by notice or motion. No fee necessary)
\$	25.00	Motion to Redact a Case Record or Notice to Redact a Case Record (A case does not need to be open)
\$	176.00	Motion to Withdraw Reference of a case
\$	46.00	Register Judgment from another district (foreign subpoena) / Indexing Fee
\$	25.00	Transfer of Claim

MISC CHARGES

(Exemptions may be available to individual researchers for a defined research project intended for academic research)

\$	0.50	Copies per page
\$	0.10	Paper copies from Clerk's public access terminals (Effective 4/1/15, the copy fee for local, state, and federal gov't entities is also \$0.10 per page)
\$	30.00	Record Searches
\$	11.00	Certification fee
\$	21.00	Exemplification fee
\$	30.00	Audio Recording Reproduction of Proceedings
\$	64.00	Archive record retrieval fee for one box
\$	39.00	Archive record retrieval fee - each additional box
\$	19.90	Archive electronic record retrieval pull/refile fee (Judiciary Administrative Fee \$10 and Federal Records Center Flat Fee \$9.90) - 6/1/16
\$	0.65	Archive electronic per page fee - 6/1/16
\$	53.00	Insufficient Fund / Returned Check or ACH / Declined Credit Card
\$	46.00	Administrative fee (case under Title 11 or motion to divide joint case) (Filing any document not in a case)
\$	-	Registry Funds invested through Court Registry Investment System (CRIS), A fee of 12.5% shall be assessed from interest earnings
\$	-	Witness Fee - party must contact Dist Ct, the fee is the same, not payable to USBC

The United States (Executive Branch agencies) should not be charged fees under this schedule, with the exception of copy requests, recordings of proceedings and record searches when the information requested is available through remote electronic access.

Payment Methods

Cash

Effective May 1, 2012, the US Bankruptcy Court for the District of Nebraska will no longer accept cash.

Checks

The US Bankruptcy Court for the District of Nebraska will only accept checks from attorneys¹. Debtors-In-Possession (DIP) may pay using an official business check².

Credit Cards/ACH

The US Bankruptcy Court for the District of Nebraska now has the ability to accept payments by Credit/Debit Cards or Automatic Clearing House (ACH). The Court can accept all major credit cards. Both convenient methods of payment are processed by Pay.gov.

ACH is a direct debit method in which the payment comes directly out of a checking account. No card number is needed. You will only need to provide a bank routing and account number. This is a great hassle-free way of making a payment.

Money Order/Cashier's Check

The US Bankruptcy Court for the District of Nebraska accepts Money Orders and Cashier's Checks.

<i>Payee</i>	<i>Acceptable Methods of Payment</i>
Attorneys	Credit/Debit Card; Check
Debtors	Cashier's Check or Money Order
Debtors-In-Possession	Business Check; Cashier's Check; Money Order
Non-Debtors/Closed-Case Debtors	Credit/Debit Card; Cashier's Check; Money Order

¹ Checks will be accepted from attorneys filing on behalf of clients. Checks may not be accepted on behalf of their own filing. Checks may be refused and an additional payment method may be requested at any time.

² The official name of the DIP must be imprinted on the official check. Checks may be refused and an additional payment method may be requested at any time.

**U.S. BANKRUPTCY COURT
DISTRICT OF NEBRASKA**

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

DEBTOR'S ELECTRONIC NOTICING REQUEST (DeBN)

CHECK ONLY ONE BOX FOR THE APPLICABLE SECTION BELOW:

<input type="checkbox"/>	INITIAL REQUEST: (Check this box to begin receiving notices and orders from the U.S. Bankruptcy Court via email)
<p>Pursuant to Federal Rules of Bankruptcy Procedure 9036, I hereby request receipt of court notices and orders via email, instead of U.S. mail, from the Bankruptcy Noticing Center (BNC) through the U.S. Bankruptcy Court's Debtor Electronic Bankruptcy Noticing (DeBN) program.</p> <p>I understand that this request is limited to receipt of only notices and orders filed by the U.S. Bankruptcy Court. I will continue to receive documents filed by all other parties, such as the trustee and creditors, via U.S. mail or in person pursuant to court rules.</p> <p>I understand that I will receive electronic notice of any documents filed by the court in any current or future bankruptcy or adversary case from any bankruptcy court district in which I am listed with the same name and address, including cases where I am listed as a creditor.</p> <p>I understand that the first time the BNC receives an email bounce-back (undeliverable email), my DeBN account will be automatically disabled. I will then receive notices and orders via U.S. mail, and I must file an updated request form if I wish to reactivate my account.</p> <p>I understand that enrollment in DeBN is completely voluntarily, and I may file a request to deactivate my account at any time.</p> <p>I understand that if I already have an active electronic noticing account, that account will be deactivated by creating this DeBN account.</p>	

<input type="checkbox"/>	UPDATE TO ACCOUNT INFORMATION: (Check this box to make changes to your existing DeBN account)
<p>I request the following update(s) to my DeBN account:</p> <p><input type="checkbox"/> I have a new email address as indicated below.</p> <p><input type="checkbox"/> I filed a new bankruptcy case, and I have an existing DeBN account. Please review my account to ensure my name and address in my account match this new case.</p> <p><input type="checkbox"/> I request reactivation of my DeBN account so that I may receive court notices and orders via email, instead of U.S. mail.</p>	

<input type="checkbox"/>	REQUEST TO DEACTIVATE ELECTRONIC NOTICING: (Check this box to request deactivation of your DeBN account)
<p>I request deactivation of my DeBN account. I understand that by deactivating my account, I will begin receiving notices and orders filed by the U.S. Bankruptcy Court via U.S. mail, instead of email.</p> <p>I understand that I will continue to receive electronic notices until such time as the Court has deactivated my account.</p>	

I am a debtor in this bankruptcy case, or the debtor's authorized representative if the debtor is a business, and I have read the applicable section check-marked above and understand and agree to the terms and conditions set forth therein. I certify under perjury that the information I am submitting to register for electronic notice is true and correct. Neither the U.S. Bankruptcy Court nor the BNC bears any liability for errors resulting from the information I have submitted on this form.

NOTE: Joint debtors and debtors who already have a DeBN account must file separate request forms for an initial request, account updates and to request account deactivation.

Signature: _____ Date: _____

Printed Name (and title if not the debtor): _____

Email Address (type or print clearly): _____

Enter Email address again: _____

For more information about the DeBN program, visit the Court's website at: www.neb.uscourts.gov