

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS**



Requirements for Commencing a New Bankruptcy Case

TABLE OF CONTENTS

I. BEFORE YOU FILE..... 2

NOTICE REQUIRED BY 11 U.S.C. § 342(B) FOR INDIVIDUALS FILING FOR BANKRUPTCY (FORM 2010) ERROR! BOOKMARK NOT DEFINED.

II. FILING A BANKRUPTCY CASE FOR INDIVIDUALS (CHAPTERS 7, 11, 12, AND 13) . 2

III. FILING A BANKRUPTCY CASE FOR NON-INDIVIDUALS (CHAPTERS 7 AND 11)... 7

IV. VOLUNTARY CHAPTER 15 CASE 9

V. INVOLUNTARY CHAPTER 7 OR 11 CASE – INDIVIDUAL/NON-INDIVIDUAL..... 9

VI. ADVERSARY CASE..... 10

I. Before You File

Before you file, review the **Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)**. A current version of the notice may be accessed at <https://www.uscourts.gov/forms/bankruptcy-forms/notice-required-11-usc-ss-342b-individuals-filing-bankruptcy>

II. Filing a Bankruptcy Case for Individuals (Chapters 7, 11, 12 and 13)

A. *Voluntary Petition for Individuals Filing for Bankruptcy (Official Form 101)*.

Clerk's Note: (Only for individuals without legal counsel utilizing the court's eSR program to submit a Chapter 7 or Chapter 13 bankruptcy petition)

Within 2 business days of submitting a petition package through eSR, individuals must present to the Court:

- a signed copy of the signature page of the petition,
- a photocopy of a government issued photo identification (e.g. driver's license),
- a signed copy of the Declaration Regarding Electronic Filing (Self-Represented Individual) form, and
- a signed copy of the Statement About Your Social Security Numbers (Official Form B-121).

If the required copies are not received by the court within 2 business days, the documents submitted will be rejected and the petition will not be filed.

Additionally, **within 14 days** of the commencement of the case, individuals must present to the Court:

- the signed original signature page of the petition,
- proof of government issued photo identification,
- the signed original of the Declaration Regarding Electronic Filing (Self-Represented Individual) form, and
- the signed original of the Statement About Your Social Security Numbers (Official Form B-121).

If the required original documents are not received by the court within 14 days, the case will be dismissed.

B. Filing Fee

Chapter 7 - \$338.00

Chapter 11 (non-railroad) – \$1,738.00

Chapter 11 (railroad) - \$1,571.00

Chapter 12 - \$278.00

Chapter 13 - \$313.00

Or

Application for Individuals to Pay the Filing Fee in Installments (Official Form 103A) with proposed order. Debtor(s) must be individual and must submit a signed Application for Court approval. Rule 1006(b), Fed.R.Bankr.P.

Or

Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B) with proposed order 11 USC §1930(f)(1). Use this form only if you are filing under chapter 7 and you meet the criteria to have the chapter 7 filing fee waived.

C. Declaration for Electronic Filing (Exhibit B-1 or B-2 to LBR Appendix 5005)

If case is filed electronically by attorney, must be executed by the debtor(s) and filed electronically within seven (7) days. LBR, Appendix 5005, Part II (Electronic Filing and Service of Documents) paragraph C. (Signatures) sub-section 3.

eSR: If petition package submitted electronically by *pro se* debtor using eSR, the Declaration Regarding Electronic Filing (Self-Represented Individual) form must be executed by the individual debtor(s) and a scanned copy submitted to the Court within two (2) business days for the case to commence. Original documents must be received by the Court within fourteen (14) days of commencement of the case to avoid dismissal.

Or

Statement About Your Social Security Numbers (Official Form 121)

If case is filed by *pro se* debtor(s) and received via the U.S. mail, must be executed by the individual debtor(s) and original submitted to the Court within seven (7) days in paper format.

eSR: If petition is submitted electronically by pro se debtor using eSR, must be executed by the individual debtor(s) and must submit a scanned copy to the Court within two (2) business days for the case to commence. Original documents must be received by the Court within fourteen (14) days of commencement of the case to avoid dismissal.

D. Notice to Individual Consumer Debtor(s) (Director’s Form 2010)

Clerk’s Note: For individual debtor(s) without attorney representation only. Individual debtor(s) without attorney representation must review form 2010 and certify that notice has been obtained and read by signing Part 7 of Official Form 101. See Part I above for Form 2010.

E. Certificate of Budget and Credit Counseling Course with any Debtor Repayment Plan developed with credit agency

Required at filing or within 14 days for all individual debtors; 11 USC §521

Or

Motion for Exemption from Credit Counseling with Certificate of Exigent Circumstances. See line 15 of the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

F. List of Creditors (Master Mailing List “Matrix”)

Names and addresses of all creditors of the debtor. Must be submitted with the petition. Rule 1007(a), Fed.R.Bankr.P. and LBR Appendix 1007-b-5.

For Individual Chapter 11 Cases Only: List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders (Official Form 104).

G. Initial Statement About an Eviction Judgment Against You (101A) and Statement About Payment of an Eviction Judgment Against You (101B).

Clerk’s Note: Use Form 101A if your landlord has an eviction judgment against you. If you complete Form 101A and you want to stay in your residence for the first 30 days after you file, you must indicate that on the form. Use Form 101B if you have completed Form 101A and you want to stay in your rented residence for more than 30 days after you file for bankruptcy.

H. Schedules (Official Forms 106-Summary, 106-Declaration, A/ B, C, D, E/ F, G, H, I, J, J-2)

- Summary - Summary of Your Assets and Liabilities and Certain Statistical Information (Individuals)

- Declaration - Declaration About an Individual Debtor's Schedules (Official Form 106-Declaration)
- Schedule A/B – Property (Official Form 106A/B)
- Schedule C – The Property You Claim as Exempt (Official Form 106C)
- Schedule D – Creditors Who Have Claims Secured by Your Property (Official Form 106D)
- Schedule E/F - Creditors Who Have Unsecured Claims (Official Form 106E/F)
- Schedule G - Executory Contracts and Unexpired Leases (Official Form 106G)
- Schedule H – Your Co-Debtors (Official Form 106H)
- Schedule I – Your Income (Official Form 106I)
- Schedule J– Your Expenses (Official Form 106J); and Schedule J-2- Expenses for Separate Household of Debtor 2 (Official Form 106J-2)

Must be submitted within 14 days. Rule 1007(b) & (c), Fed.R.Bankr.P.

I. Your Statement of Financial Affairs for Individuals Filing for Bankruptcy (Official Form 107). Must be submitted within 14 days. Rule 1007(b) & (c), Fed.R.Bankr.P.

J. Disclosure of Compensation of Attorney for Debtor.

Must be submitted within 14 days. 11 USC § 329 and Rule 2016(b), Fed.R.Bankr.P.

Or

Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer with Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Official Forms 119). Declaration must be submitted with the petition. 11 USC §110.

Clerk's Note: If filed electronically at the front counter, no additional copies are required. If filed by a pro se debtor using the U.S. Mail and a file stamped copy is to be returned to the debtor, an additional copy is required, plus a suitably sized, self-addressed envelope with sufficient postage affixed.

If you file under chapter 7, you must also file:

- ***Statement of Intention for Individuals Filing Under Chapter 7*** (Official Form 108). Required if the debtor is an individual and the schedule of assets and liabilities contains consumer debts secured by property of the estate. Must be submitted within 30 days of filing of the petition or by the date set for the Section 341 first meeting of creditors,

whichever is earlier. 11 USC § 521(2).

- ***Chapter 7 Statement of Your Current Monthly Income (Official Form 122A-1) and Means Test Calculation (Official Form 122A-2)***

Or

- **Motion for Exemption from Means Test 11 USC §707**

If you file under chapter 11, you must also file:

- ***Chapter 11 Statement of Your Current Monthly Income*** (Official Form 122-B)

If you file under chapter 11 and qualify as a small business debtor (see LR 1020 (a)), within 14 days after you file your bankruptcy forms to open your case, you must also file your most recent:

- Balance sheet
- Statement of operations
- Cash-flow statement
- Federal income tax return

Clerk's Note: If you do not have these documents, you must file a statement made under penalty of perjury that you have not prepared a balance sheet, statement of operations, or cash-flow statement or you have not filed a federal tax return. If you file under chapter 11, you must file additional documents beyond the scope of these instructions. You should consult your attorney.

If you file under chapter 12, you must also file:

- **Chapter 12 Plan** (within 90 days after you file your bankruptcy forms to open your case)

If you file under chapter 13, you must also file:

- ***Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period*** (Official Form 122C-1)
- ***Chapter 13 Calculation of Your Disposable Income*** (Official Form 122C-2)

- **Chapter 13 Plan**

III. Filing a Bankruptcy Case for Non-Individuals (Chapters 7 and 11)

A. Voluntary Petition for Non-Individuals Filing for Bankruptcy (Official Form 201).

With Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11 (Official Form 201A)

Clerk's Note: Must be attached to petition if debtor is required to file periodic reports (e.g. forms 10K and 10Q) with the Securities & Exchange Commission pursuant to Sections 13 or 15(d) of the Securities Act of 1934 and is requesting relief under chapter 11 of the Bankruptcy Code.

B. Filing Fee

Chapter 7 - \$338.00

Chapter 11 (non-railroad) – \$1,738.00

Chapter 11 (railroad) - \$1,571.00

Or

Application for Individuals to Pay the Filing Fee in Installments (Official Form 103A) with proposed order. Debtor(s) must be individual and must submit a signed Application for Court approval. Rule 1006(b), Fed.R.Bankr.P.

Or

Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B) with proposed order 11 USC §1930(f)(1). Use this form only if you are filing under chapter 7 and you meet the criteria to have the chapter 7 filing fee waived.

C. Declaration for Electronic Filing (Exhibit B-1 or B-2 to LBR Appendix 5005)

If case is filed electronically, must be executed by the debtor(s) and original submitted to the Court within seven (7) days in paper format. LBR, Appendix 5005, Part II (Electronic Filing and Service of Documents) paragraph C. (Signatures) sub-section 3.

Or

Statement About Your Social Security Numbers (Official Form 121)

If case is filed by pro se debtor(s) and received via the U.S. mail, must be executed by the

individual debtor(s) and original submitted to the Court within seven (7) days in paper format.

D. List of Creditors (Master Mailing List “Matrix”)

Names and addresses of all creditors of the debtor. Must be submitted with the petition. Rule 1007(a), Fed.R.Bankr.P. and LBR Appendix 1007-b-5.

E. Schedules (Official Forms 206-Summary, Declaration, A/ B, C, D, E/ F, G, H)

- Summary - Summary of Your Assets and Liabilities and Certain Statistical Information (Non-Individuals) (Official Form 206-Summary)
- Declaration - Declaration Under Penalty of Perjury for Non-Individual Debtors (Official Form 202)
- Schedule A/B – Property (Official Form 206A/B)
- Schedule D - Creditors Holding Secured Claims (Official Form 206D)
- Schedule E/F - Creditors Who Have Unsecured Claims (Official Form 206E/F)
- Schedule G - Executory Contracts and Unexpired Leases – Individuals (Official Form 206G)
- Schedule H – Your Co-Debtors (Official Form 206H)

Must be submitted within 14 days. Rule 1007(b) & (c), Fed.R.Bankr.P.

F. Statement of Financial Affairs (Official Form 207).

Must be submitted within 14 days. Rule 1007(b) & (c), Fed.R.Bankr.P.

G. Disclosure of Compensation of Attorney for Debtor.

Must be submitted within 14 days. 11 USC § 329 and Rule 2016(b), Fed.R.Bankr.P.

Or

Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer with Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Official Form 119).

Must be submitted with the petition. 11 USC §110.

Clerk’s Note: If filed electronically at the front counter, no additional copies are required. If filed by a pro se debtor using the U.S. Mail and a file stamped copy is to be returned to the debtor, an additional copy is required, plus a suitably sized, self-addressed envelope with sufficient postage affixed.

H. Statement of current income and current expenditures (use forms specific to the chapter being filed)

If you file under chapter 11 and qualify as a small business debtor, you must also file:

If you file under chapter 11 and qualify as a small business debtor (see Local Rule 1020(a)), within 14 days after you file your bankruptcy forms to open your case, you must also file your most recent:

- Balance sheet
- Statement of operations
- Cash-flow statement
- Federal income tax return

Clerk's Note: If you do not have these documents, you must file a statement made under penalty of perjury that you have not prepared a balance sheet, statement of operations, or cash-flow statement or you have not filed a federal tax return. If you file under chapter 11, you must file additional documents beyond the scope of these instructions. You should consult your attorney.

IV. Voluntary Chapter 15 Case

A. *Petition for Recognition of Foreign Proceeding* (Official Form 401).

B. *Filing Fee* of \$1,738.00

C. *Chapter 15 Service List*

V. Involuntary Chapter 7 or 11 Case – Individual/Non-Individual

A. *Involuntary Petition Against an Individual* (Official Form 105). 11 USC § 303.

Or

Involuntary Petition Against a Non-Individual (Official Form 205). 11 USC § 303.

B. *Declaration for Electronic Filing* (Exhibit B-1 or B-2 to LBR Appendix 5005)

If case is filed electronically, must be executed by the debtor and submitted to the Court within seven (7) days in paper format. LBR, Appendix 5005, Part II (Electronic Filing and Service of Documents) paragraph C. (Signatures) sub-section 3.

C. *Filing Fee*

For a Chapter 7 case, Filing Fee of \$338.00

Or

For a Chapter 11 non-railroad case, Filing Fee of \$1,738.00. For a Chapter 11 railroad case, Filing Fee of \$1,571.00

Fee may not be paid in installments Rule 1006(b), Fed.R.Bankr.P.

D. Completed Summons to Debtor in Involuntary Case (Procedural Form 2500E)

Clerk's Note: If filed electronically at the front counter, no additional copies are required. If filed by a pro se debtor using the U.S. Mail and a file stamped copy is to be returned to the debtor, an additional copy is required, plus a suitably sized, self-addressed envelope with sufficient postage affixed.

VI. Adversary Case

A. Filing fee of \$350.00 for complaint.