

**THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
www.flmb.uscourts.gov**

GENERAL INFORMATION

All papers intended by debtors or creditors to have legal effect are to be submitted to the Clerk of the Bankruptcy Court. The mailing addresses of the three Divisions for the Middle District of Florida are as follows:

Tampa 801 N. Florida Avenue Suite 555 Tampa, Florida 33602 (813) 301-5162	Orlando 400 W. Washington St. Suite Orlando, Florida 32801 (407) 237-8000	Jacksonville 300 North Hogan Street Suite 3-150 Jacksonville, Florida 32202 (904) 301-6490
--	---	---

Note: Papers filed in cases assigned to the Fort Myers Division should be filed in the Tampa Division where the record is maintained.

Effective June 1, 2015, every unrepresented party, including debtor(s) wishing to file a voluntary bankruptcy petition and petitioning creditor(s) wishing to file an involuntary petition in any division of the United States Bankruptcy Court for the Middle District of Florida, must provide acceptable photo identification at the time of filing, and the required debtor(s) or petitioning creditor(s) signatures on the petition.

If you have a question about a pending case, call the Clerk's Office **not** Judges' Chambers. It is improper to attempt to communicate with the Judge concerning any case, except through formal Court procedures.

Only an individual (or married couple) may file a personal bankruptcy under any of the Bankruptcy chapters. A business that is not a corporation may be included in an individual bankruptcy petition. A separate petition is required for a corporation. The information provided gives a brief explanation of the differences between chapters of the Bankruptcy Code.

Effective October 17, 2005, 11 U.S.C. § 109(h) mandates that an individual filing a bankruptcy case must receive an approved credit counseling briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted the individual in performing a related budget analysis. This briefing must take place within the 180-day period preceding the date of the filing of the petition. An individual considering filing a bankruptcy petition should review 11 U.S.C. § 109(h)(2) – (4) for exceptions to this requirement. Failure to obtain the approved credit counseling briefing, and filing the Certificate of Counseling with the Court, could result in the individual's case being dismissed.

The credit counseling agencies are approved by the United States Trustee. The following link contains a list of agencies approved by the United States Trustee for the Middle District of Florida:

http://www.usdoj.gov/ust/eo/bapcpa/ccde/CC_Files/CC_Approved_Agencies_HTML/cc_florida/cc_florida.htm.

In addition, effective October 17, 2005, an individual filing a Chapter 7 or Chapter 13 case must complete, after the case is filed, an approved instructional course concerning personal financial management before a discharge can be entered. Failure to complete this course, and timely filing the Certificate of Completion of the Financial Management Course with the Courts, may result in the case being closed without the entry of a discharge. Should the case be closed without the entry of a discharge, the payment of a fee will then be required to reopen the case in order to grant the discharge. The agencies conducting instructional courses concerning personal financial management are approved by the United States Trustee. The following link contains a list of agencies approved by the United States Trustee for the Middle District of Florida:

http://www.usdoj.gov/ust/eo/bapcpa/ccde/DE_Files/DE_Approved_Agencies_HTML/de_florida/de_florida.htm.

General Warning to All Parties Proceeding Without an Attorney (Proceeding *Pro Se*): The staff of the Bankruptcy Court cannot give legal advice. Contact an attorney to protect your rights. Filing for bankruptcy may be done without an attorney. However, it is highly recommended that you retain the services of an attorney to guide you

through this complex process. The bankruptcy laws are very technical and you are required to complete and sign, under penalty of perjury various official forms. Your failure to complete these forms truthfully and timely may result in the dismissal of your case and may adversely affect any further bankruptcy filing.

Only an attorney can give you legal advice. The Bankruptcy Court Clerk's Office staff is prohibited by law from providing legal advice and cannot aid debtors in the completion of required forms. Many typing and transcribing companies advertise as Bankruptcy Petition Preparers and for a fee they will complete your bankruptcy forms with information you provide. Bankruptcy Petition Preparers are NOT attorneys and may NOT give legal advice. Their failure to timely and accurately complete your forms may result in the dismissal of your case and may adversely affect any further bankruptcy filing.

If you filed for bankruptcy in the past, the manner in which that case was disposed of may further complicate a new bankruptcy case. You may not be eligible to receive the protection of the automatic stay, the automatic stay may be limited or you may not be eligible to receive a discharge of debts. These are issues that warrant the advice of competent legal counsel.

Bankruptcy for a debtor has long-term financial and legal consequences. This court strongly encourages you to obtain the assistance of an attorney.

If you need help finding a bankruptcy attorney or you feel you cannot afford an attorney, please refer to The Florida Bar's website at: www.floridabar.org.

The filing fees for bankruptcy petitions can be found at: www.flmb.uscourts.gov/filingfees/

The prescribed filing fee, if paid by the debtor, must be in the form of exact cash, cashier's check, or money order. Please note the Clerk's Office cannot accept foreign currency and does not provide change.

If you wish counseling about handling your debts outside of bankruptcy, you may find Consumer Credit Counseling Service helpful. In Tampa, the telephone number is (813) 289-8923; in Orlando (407) 895-8886; in Jacksonville (904) 396-4846. Court personnel are not permitted to recommend attorneys or to comment on the competence of an attorney that you have retained or may be considering. The telephone number for Lawyer Referral Services in Tampa is (813) 221-7780; in Orlando (407) 422-4537; in Jacksonville (904) 399-5780 or (904) 356-8371.

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. 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.

You may review electronic cases at the Clerk's Office. Copies of documents may be purchased from the Clerk's Office at a cost of fifty cents per page with a five-page limit. You can also obtain copies through our contract photocopy service, Judicial Research and Retrieval Service, Inc. in Tampa at (813) 228-7200; in Orlando at (800) 529-6226 and in Jacksonville at (800) 529-6226.

Each Clerk's Office has a case information system for general case inquires for cases filed within that office called the Voice Case Information System (VCIS). This system is accessible with the use of a touch-tone phone and is available 24 hours daily, except when off-line for computer maintenance. The toll-free VCIS number for all three divisions (Tampa / Orlando / Jacksonville cases) 1-866-879-1286

Access to electronic court records through the Internet is available for a fee by registering with PACER. To obtain a password and establish an account, contact the PACER Service Center at 1-800-676-6856 or visit their web site at www.pacer.psc.uscourts.gov. You can find useful information with regard to the United States Bankruptcy Court, Middle District of Florida, and its Divisions on the Court's website at www.flmb.uscourts.gov.

The Court cannot supply the forms necessary for filing bankruptcy. These forms are available from office supply stores, legal stationary stores and can be accessed for printing from the Federal Judiciary's web site at

http://www.uscourts.gov/bkforms/bankruptcy_forms.html#official.

Please print on one side of the paper only. Paper size 8 ½ X 11. The original signed documents are to be filed with the Court.

PROPER SEQUENCE FOR FILING PETITIONS IN THE BANKRUPTCY COURT:

1. Voluntary Petition (B101)
2. Summary of Assets & Liabilities and Certain Statistical Information (B106Sum)
3. Schedule A/B – Property (B106A/B)
4. Schedule C – The Property You Claim as Exempt (B106C)
5. Schedule D – Creditors Who Hold Claims Secured By Property (B106D)
6. Schedule E/F – Creditors Who Have Unsecured Claims (B106E/F)
7. Schedule G – Executory Contracts and Unexpired Leases (B106G)
8. Schedule H – Your Codebtors (B106H)
9. Schedule I – Your Income (B106I)
10. Schedule J – You Expenses (B106J)
11. Declaration About An Individual Debtor’s Schedules (B106-Declaration)
12. Your Statement of Financial Affairs (B107)
13. Statement of Intention for Individuals Filing Under Chapter 7 (B108)
14. Statement of Current Monthly Income and Means Test Calculation (B122A for Ch. 7; B122C for Ch. 13)
15. Means Test Exemption Attachment (B-22A-1Supp for Ch. 7)
16. Means Test Calculation (B122A-2 for Ch. 7)
17. Mailing matrix, on paper, Complete Names and Addresses only
18. Your Statement About Your Social Security Numbers (B121)
19. Disk containing creditor information: For complete instructions refer to our website (www.flmb.uscourts.gov – **forms – Notices (matrix Filing instructions)**), Must be in Text format only. (Creditor.txt)

OTHER DOCUMENTS THAT MAY BE APPLICABLE AT THE TIME OF FILING A PETITION PACKAGE:

- * Application for Individuals to Pay the Filing Fee in Installments (B103A)
- * Application to Have the Chapter 7 Filing Fee Waived (B103B)
- * Case Management Summary (Chapter 11 only)
- * Chapter 13 Plan (The District Model Plan must be used)
- * <http://www.flmb.uscourts.gov/procedures/documents/chapter13plan.pdf>
- * Corporate Ownership Statement (Rule 7007.1)
- * Attorney’s Disclosure of Compensation (B2030)
- * Disclosure of Compensation of Petition Preparer (B2800)
- * Bankruptcy Petition Preparer’s Notice, Declaration and Signature (B119)
- * The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders (B104) (Chapter 11 only)
- * List of Equity Security Holders
- * Statement of Military Service (B2020)

Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

This notice is for you if:

- **You are an individual filing for bankruptcy, and**
- **Your debts are primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as “incurred by an individual primarily for a personal, family, or household purpose.”

The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under one of four different chapters of the Bankruptcy Code:

- Chapter 7 — Liquidation
- Chapter 11 — Reorganization
- Chapter 12 — Voluntary repayment plan for family farmers or fishermen
- Chapter 13 — Voluntary repayment plan for individuals with regular income

You should have an attorney review your decision to file for bankruptcy and the choice of chapter.

Chapter 7: Liquidation

	\$245	filing fee
	\$75	administrative fee
+	\$15	trustee surcharge
	\$335	total fee

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their non-exempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

- most taxes;
- most student loans;
- domestic support and property settlement obligations;

- most fines, penalties, forfeitures, and criminal restitution obligations; and
- certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

- fraud or theft;
- fraud or defalcation while acting in breach of fiduciary capacity;
- intentional injuries that you inflicted; and
- death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form—the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

Chapter 11: Reorganization

	\$1,167	filing fee
+	\$550	administrative fee
	\$1,717	total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

Read These Important Warnings

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Chapter 12: Repayment plan for family farmers or fishermen

	\$200	filing fee
+	\$75	administrative fee
	\$275	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

Chapter 13: Repayment plan for individuals with regular income

	\$235	filing fee
+	\$75	administrative fee
	\$310	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

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, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

Warning: File Your Forms on Time

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:

http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Bankruptcy crimes have serious consequences

- If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.
- All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

Make sure the court has your mailing address

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

Understand which services you could receive from credit counseling agencies

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from:

http://justice.gov/ust/eo/hapcpa/ccde/cc_approved.html.

In Alabama and North Carolina, go to:

<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.