

Practical Bankruptcy Law Insights

CHIEF JUDGE TRACEY N. WISE

U.S. BANKRUPTCY COURT, EASTERN DISTRICT OF KENTUCKY

JUNE 2019

Introduction



Bankruptcy Case Types

▶ **Individual Bankruptcy Cases**

- ▶ Chapter 7 – individual “liquidation”
- ▶ Chapter 11 – individual reorganization
- ▶ Chapter 13 – individual wage-earner repayment bankruptcy if unsecured debts total less than \$394,725 and secured debts total less than \$1,184,200 [§ 109(e)]

▶ **Business Bankruptcy Cases**

- ▶ Chapter 7 – business liquidation
- ▶ Chapter 11 – business reorganization
- ▶ Chapter 12 – “family farmer” or “family fisherman” reorganization [§ 109(f)]
- ▶ Chapter 15 – cross-border insolvency

Goals of Debtors and Creditors in Individual Bankruptcy Cases

| Chapter | Debtor | Creditor |
|---------|---|--|
| 7 | <ul style="list-style-type: none"> • Catch my breath • Obtain a fresh start • Discharge – legally released from all debts • Reaffirm home and car loans • Liquidate high-equity assets to pay creditors | <ul style="list-style-type: none"> • Minimize losses • Obtain reaffirmation agreements • Review schedules for high-equity assets that could be liquidated • Monitor case for potential distributions |
| 11 | <ul style="list-style-type: none"> • Catch my breath • Obtain a fresh start • Renegotiate secured loan terms • Pay tax claims over time • Liquidate unnecessary assets • Confirm a payment plan I can afford | <ul style="list-style-type: none"> • Minimize losses • Ensure that proposed plan fairly treats my debt in accordance with the Code • Ensure that Debtor complies with plan throughout its term |
| 13 | <ul style="list-style-type: none"> • Catch my breath • Obtain a fresh start • Save my home or other high-equity assets • Cram down secured debts • Pay tax claims over time • Confirm a payment plan I can afford | <ul style="list-style-type: none"> • Minimize losses • Ensure that proposed plan fairly treats my claim in accordance with the Code • Ensure that Debtor complies with plan throughout its term |

Goals of Debtors and Creditors in Business Bankruptcy Cases

| Chapter | Debtor | Creditor |
|---------|---|--|
| 7 | <ul style="list-style-type: none"> • Cease business operations and turn over assets to Chapter 7 Trustee • Trustee will liquidate assets in an orderly manner | <ul style="list-style-type: none"> • Minimize losses • Monitor liquidation process to ensure that my claim is treated as the Bankruptcy Code requires |
| 11/12 | <ul style="list-style-type: none"> • Continue operating my business while I develop a plan to reorganize it • Renegotiate secured loan terms • Pay tax claims over time • Stretch out trade debt payments • Re-evaluate contracts and leases • Liquidate unnecessary assets | <ul style="list-style-type: none"> • Minimize losses • Ensure that proposed plan fairly treats my claim in accordance with the Code • Ensure that Debtor complies with § 365 requirements for contracts and leases • Monitor Debtor's compliance with plan throughout its term |

The Structure

- ▶ **United States Bankruptcy Code:** 11 U.S.C. §§ 101, et seq.
 - ▶ Chapters 1, 3, and 5 are generally applicable to all bankruptcy cases
 - ▶ Chapters 7, 9, 11, 12, 13, and 15 apply only to cases filed under those chapters
- ▶ **Federal Rules of Bankruptcy Procedure**
- ▶ **Official Bankruptcy Forms:** Approved by the Judicial Conference of the United States and must be used under Fed. R. Bankr. P. 9009.
- ▶ **Director's Bankruptcy Forms:** Issued under Fed. R. Bankr. P. 9009 by the Director of the Administrative Office of the U.S. Courts. The use of Director's Forms may be required by local court rules or general orders, but the Forms otherwise exist for the convenience of the parties.
- ▶ **Local Rules, Orders, and Forms**

What To Do When Your Client Receives a Bankruptcy Filing Notice

- ▶ Upon receiving a notice of bankruptcy filing, your first three steps should be:
 - ▶ (1) Analyze the notice and calendar applicable dates and deadlines
 - ▶ (2) Consider actions that must be stopped to avoid a stay violation
 - ▶ (3) Ensure that you are admitted to practice in Bankruptcy Court and are authorized to file pleadings via the CM/ECF system

What To Do When Your Client Receives a Bankruptcy Filing Notice:

Reviewing the Notice in an Individual Chapter 7 Case

Information to identify the case:

Debtor 1
 First Name _____ Middle Name _____ Last Name _____
 Last 4 digits of Social Security number or ITIN _____
 EIN _____

Debtor 2
 (Spouse, if filing) First Name _____ Middle Name _____ Last Name _____
 Last 4 digits of Social Security number or ITIN _____
 EIN _____

United States Bankruptcy Court for the: _____ District of _____ (State) _____
 Case number: _____

[Date case filed for chapter 7 _____ MM / DD / YYYY OR
 [Date case filed in chapter _____ MM / DD / YYYY
 Date case converted to chapter 7 _____ MM / DD / YYYY

Petition Date

Official Form 309A (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline 12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records) at www.pacer.gov.

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

| About Debtor 1: | About Debtor 2: |
|---|---|
| 1. Debtor's full name | |
| 2. All other names used in the last 8 years | |
| 3. Address | If Debtor 2 lives at a different address: |
| 4. Debtor's attorney Name and address | Contact phone _____ Email _____ |
| 5. Bankruptcy trustee Name and address | Contact phone _____ Email _____ |

For more information, see page 2 ▶

Debtor Name _____ Case number (if known) _____

6. **Bankruptcy clerk's office**
 Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov.
 Hours open _____
 Contact phone _____

7. **Meeting of creditors**
 Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.
 Date _____ at _____ Time _____ Location: _____
 The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

8. **Presumption of abuse**
 If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.
 [The presumption of abuse does not arise.]
 [The presumption of abuse arises.]
 [Insufficient information has been filed to permit the clerk to determine whether the presumption of abuse arises. If more complete information is filed and shows that the presumption has arisen, the clerk will notify creditors.]

9. **Deadlines**
 The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.
File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:
 You must file a complaint: if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).
 You must file a motion if you assert that the discharge should be denied under § 727(a)(8) or (9).
 Filing deadline: _____
 Deadline to object to exemptions: _____ Filing deadline: 30 days after the conclusion of the meeting of creditors
 The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

10. **Proof of claim**
 Please do not file a proof of claim unless you receive a notice to do so.
 No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.

11. **Creditors with a foreign address**
 If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

12. **Exempt property**
 The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.

Meeting of Creditors

Challenging abuse

Challenging discharge or dischargeability

Objecting to exemptions

Filing a proof of claim

What To Do When Your Client Receives a Bankruptcy Filing Notice: Reviewing the Notice in a Chapter 13 Case

Information to identify the case:

Debtor 1: _____
 First Name Middle Name Last Name
 Last 4 digits of Social Security number or ITIN _____
 EIN _____

Debtor 2 (Spouse, if filing): _____
 First Name Middle Name Last Name
 Last 4 digits of Social Security number or ITIN _____
 EIN _____

United States Bankruptcy Court for the: _____ District of _____
 (State)

Case number: _____
 (Date case filed for chapter 13 MM / DD / YYYY OR
 (Date case filed in chapter MM / DD / YYYY
 (Date case converted to chapter 13 MM / DD / YYYY

Petition Date

Official Form 309f

Notice of Chapter 13 Bankruptcy Case

12/17

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

| About Debtor 1: | About Debtor 2: |
|---|---|
| 1. Debtor's full name | |
| 2. All other names used in the last 8 years | |
| 3. Address | If Debtor 2 lives at a different address: |
| 4. Debtor's attorney Name and address | Contact phone _____ Email _____ |
| 5. Bankruptcy trustee Name and address | Contact phone _____ Email _____ |
| 6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov . | Hours open _____ Contact phone _____ |

For more information, see page 2 ▶

Official Form 309f

Notice of Chapter 13 Bankruptcy Case

page 1

Debtor _____ Case number (if known) _____

7. **Meeting of creditors**
 Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.
 Date _____ at _____ Time _____ Location: _____
 The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

8. **Deadlines**
 The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

Deadline to file a complaint to challenge dischargeability of certain debts:
 You must file: _____
 a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f), or
 a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).
Deadline for all creditors to file a proof of claim (except governmental units): _____
Deadline for governmental units to file a proof of claim: _____

Deadlines for filing proof of claim:
 A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.
 Secured creditors retain rights in their collateral regardless of whether they file a proof of claim.
 Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

Deadline to object to exemptions: _____
 The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.
Filing deadline: 30 days after the conclusion of the meeting of creditors

9. **Filing of plan**
 [The debtor has filed a plan, which is attached. The hearing on confirmation will be held on: _____ at _____
 Date Location: _____
 Time] _____
 Or [The debtor has filed a plan. The plan and notice of confirmation hearing will be sent separately.]
 Or [The debtor has not filed a plan as of this date. A copy of the plan and a notice of the hearing on confirmation will be sent separately.]

10. **Creditors with a foreign address**
 If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

11. **Filing a chapter 13 bankruptcy case**
 Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan [is included with this notice] or [will be sent to you later], and [the confirmation hearing will be held on the date shown in line 9 of this notice] or [the court will send you a notice of the confirmation hearing]. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

12. **Exempt property**
 The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.

13. **Discharge of debts**
 Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion by the deadline.

Meeting of Creditors

Challenging discharge or dischargeability

Filing a proof of claim

Objecting to exemptions

Plan confirmation hearing

Official Form 309f

Notice of Chapter 13 Bankruptcy Case

page 2

What To Do When Your Client Receives a Bankruptcy Filing Notice:

Reviewing the Notice in a Business Chapter 11 Case

Information to identify the case:

Debtor _____ EIN _____

United States Bankruptcy Court for the _____ District of _____
(State)

Case number: _____

(Date case filed for chapter 11) MM / DD / YYYY OR
(Date case filed in chapter) MM / DD / YYYY
(Date case converted to chapter 11) MM / DD / YYYY

Petition Date

Official Form 309F (For Corporations or Partnerships)

Notice of Chapter 11 Bankruptcy Case

12/17

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records) at www.pacer.gov.

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

| | |
|---|---|
| 1. Debtor's full name | |
| 2. All other names used in the last 8 years | |
| 3. Address | |
| 4. Debtor's attorney Name and address | Contact phone _____ Email _____ |
| 5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov . | Hours open _____ Contact phone _____ |
| 6. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so. | Date _____ at _____ Time _____ Location: _____ |

Meeting of Creditors

For more information, see page 2

Debtor _____ Case Number (if known) _____

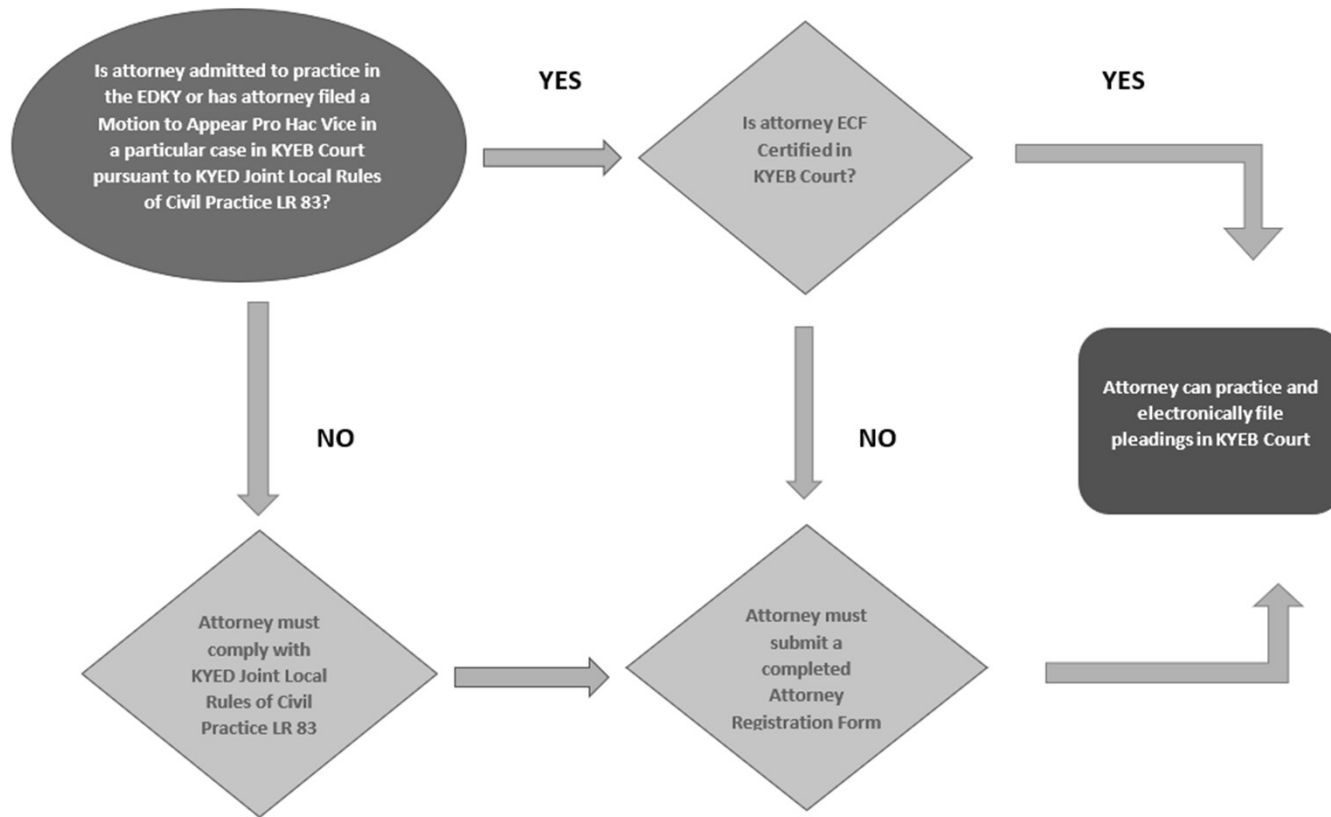
| | |
|---|--|
| 7. Proof of claim deadline | Deadline for filing proof of claim: _____ [Not yet set. If a deadline is set, the court will send you another notice.] or [date, if set by the court]] |
| A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. | |
| Your claim will be allowed in the amount scheduled unless: | |
| <input type="checkbox"/> your claim is designated as <i>disputed, contingent, or unliquidated</i> ; <input type="checkbox"/> you file a proof of claim in a different amount; or <input type="checkbox"/> you receive another notice. | |
| If your claim is not scheduled or if your claim is designated as <i>disputed, contingent, or unliquidated</i> , you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled. | |
| You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov . | |
| Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial. | |
| 8. Exception to discharge deadline | If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below. |
| The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline. | Deadline for filing the complaint: _____ |
| 9. Creditors with a foreign address | If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case. |
| 10. Filing a Chapter 11 bankruptcy case | Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business. |
| 11. Discharge of debts | Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline. |

Filing a proof of claim

Filing a nondischargeability action

What To Do When Your Client Receives a Bankruptcy Filing Notice:

Admission to Practice and Authority to File Pleadings



NOTE: Attorneys must successfully complete KYEB ECF training or have been certified for electronic filing on the ECF System by another federal court to be eligible to receive an ECF login for the KYEB Court.

What To Do When Your Client Receives a Bankruptcy Filing Notice:

Analyzing the Impact of the Automatic Stay

- ▶ The automatic stay is set forth in 11 U.S.C. § 362(a).
- ▶ The Petition Date is a line in the sand after which creditors must stop all collection efforts.
- ▶ There are statutory exceptions to the stay in 11 U.S.C. § 362(b). Some non-statutory exceptions have been developed through case law. The most common exceptions are:
 - ▶ § 362(b)(2) – acts relating to domestic support obligations
 - ▶ § 362(b)(9) – certain acts by taxing authorities
 - ▶ § 362(b)(10) – any act by a lessor of debtor whose nonresidential real property lease terminated by its own terms prior to the bankruptcy filing to obtain possession of the property
 - ▶ § 362(b)(18) – creation or perfection of certain statutory liens for real property taxes
- ▶ If you are unsure whether the automatic stay applies, it is safest to ask the Bankruptcy Court for relief from stay before acting.
- ▶ Individuals injured by “willful violations” of the stay have a statutory right under 11 U.S.C. § 362(k) to recover actual damages and, where appropriate, punitive damages. See, e.g., *In re Witham*, 579 B.R. 787 (Bankr. E.D. Ky. 2017).

When Worlds Collide: Filing a Proof of Claim

Fill in this information to identify the case:

Debtor 1 _____
 Debtor 2 (Issue, if any) _____
 United States Bankruptcy Court for the: _____ District of _____
 Case number _____

**Official Form 410
Proof of Claim** 04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 300) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim) _____
 Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?
 No
 Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

| Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) |
|--|---|
| Name _____ | Name _____ |
| Number _____ Street _____ | Number _____ Street _____ |
| City _____ State _____ ZIP Code _____ | City _____ State _____ ZIP Code _____ |
| Contact phone _____ | Contact phone _____ |
| Contact email _____ | Contact email _____ |
| Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____ | |

4. Does this claim amend one already filed?
 No
 Yes. Claim number on court claims registry (if known) _____ Filed on MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?
 No
 Yes. Who made the earlier filing? _____

Official Form 410 Proof of Claim page 1

Obligation to redact

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?
 No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ _____ Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim?
 Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
 Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured?
 No
 Yes. The claim is secured by a lien on property.

Nature of property:
 Real estate. If the claim is secured by the debtor's principal residence, file a Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim.
 Motor vehicle
 Other. Describe: _____

Basis for perfection:
 Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____
 Amount of the claim that is secured: \$ _____
 Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____%
 Fixed
 Variable

10. Is this claim based on a lease?
 No
 Yes. Amount necessary to cure any default as of the date of the petition: \$ _____

11. Is this claim subject to a right of setoff?
 No
 Yes. Identify the property: _____

Official Form 410 Proof of Claim page 2

When Worlds Collide:

The Intersection of Family Law and Bankruptcy Law

- ▶ Domestic Support Obligations: Under 11 U.S.C. § 101 (14A), a “domestic support obligation” is a debt that accrues before, on, or after the date of the order for relief . . . that is—
 - ▶ **(A)** owed to or recoverable by—
 - ▶ **(i)** a spouse, former spouse, or child of the debtor or such child’s parent, legal guardian, or responsible relative; or
 - ▶ **(ii)** a governmental unit;
 - ▶ **(B)** in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child’s parent, without regard to whether such debt is expressly so designated;
 - ▶ **(C)** established or subject to establishment before, on, or after the date of the order for relief . . . by reason of applicable provisions of—
 - ▶ **(i)** a separation agreement, divorce decree, or property settlement agreement;
 - ▶ **(ii)** an order of a court of record; or
 - ▶ **(iii)** a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and
 - ▶ **(D)** not assigned to a nongovernmental entity, unless [voluntarily assigned for collection].
- ▶ Automatic Stay Exceptions: § 362(b)(2)
 - ▶ Except specific actions relating to “domestic support obligations” and certain other domestic relations matters from stay
- ▶ Priority: § 507(a)(1)
 - ▶ Grants first priority status to certain allowed unsecured claims for “domestic support obligations”
- ▶ Dischargeability: § 523(a)
 - ▶ § 523(a)(6): renders debts for “domestic support obligations” nondischargeable
 - ▶ § 523(a)(15): renders certain debts incurred “in the course of a divorce or separation or in connection with a separation agreement, divorce decree, or other order of a court . . .” nondischargeable (except in chapter 13 under § 1328(a))

When Worlds Collide:

The Intersection of Family Law and Bankruptcy Law

- ▶ *Wohleber v. Skurko (In re Wohleber)*, 596 B.R. 554 (B.A.P. 6th Cir. 2019)
- ▶ *Trimble v. Trimble*, 511 S.W.3d 392 (Ky. Ct. App. 2016)
- ▶ *Howard v. Howard*, 336 S.W.3d 433 (Ky. 2011)

When Worlds Collide:

Lien Avoidance Actions under 11 U.S.C. § 522(f)

Local Form 4003-2(a)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
DIVISION

IN RE

CASE NO.

DEBTOR(S)

ORDER AVOIDING JUDICIAL LIEN

This matter is before the Court on the Debtor's Motion to Avoid Lien pursuant to 11 U.S.C. § 522(f)(1)(A) (the "Motion"). The Debtor represents that the following judicial lien or liens impair one or more exemptions to which the Debtor would have been entitled under 11 U.S.C. § 522(b) (listed in order of highest priority to lowest priority):

| Name of Lienholder | Collateral | Location | Book/Page | Amount Owed |
|--------------------|------------|----------|-----------|-------------|
| | | | | |
| | | | | |
| | | | | |
| TOTAL: | | | | |

(Add lines if necessary.)

The Debtor states the lien held by [LIENHOLDER] impairs the Debtor's exemption in the Real Property as follow (insert additional claims as needed):

| | |
|--|---|
| A. Amount of lien to be avoided: | |
| B. Amount of all other liens: | |
| C. Value of claimed exemption: | |
| Statutory basis for exemption: | |
| D. Total of adding lines A, B, and C: | |
| E. Value of debtor(s)' interest in property: | |
| F. Subtract line E from line D: | |
| G. Extent of Impairment (choose one of the following): | Line F is equal to or greater than line A, so the entire lien is avoided. Line F is less than line A, so a portion of the lien is avoided. |

The Court having reviewed the record and being otherwise sufficiently advised, it is ORDERED:

- The Motion is GRANTED;
- [IF LIEN IS FULLY AVOIDED] The lien or liens are AVOIDED and no longer have any force or effect pursuant to the terms of 11 U.S.C. § 522(f)(1)(A);

OR

[IF LIEN IS PARTIALLY AVOIDED] The lien or liens are PARTIALLY AVOIDED and is now a lien against the Real Property only in the amount of [REMAINING AMOUNT] pursuant to the terms of 11 U.S.C. § 522(f)(1)(A);

- Unless the Debtor's bankruptcy case is dismissed, the avoided portion of the Lienholder's judicial lien will not survive the bankruptcy case or affix to or remain enforceable against Debtor's interest in the Real Property; and
- The Lienholder shall release a fully avoided lien or liens, or partially release a partially avoided lien or liens, within 30 days of the entry of this Order. If the Lienholder fails to act within 30 days, the Debtor is authorized to present this Order to the applicable recording office and the designated recording officer shall note the release in the applicable lien records.

When Worlds Collide:

Real Estate Issues


- ▶ Statement of Intention in Chapter 7: 11 U.S.C. § 521(a)(2)
 - ▶ Debtor must state whether s/he intends to surrender, reaffirm, or redeem collateral securing a debt
- ▶ Cramdown of Secured Debts in Chapter 13
 - ▶ Example: If Debtor owns a vehicle worth \$10,000, but the balance of the loan secured by that vehicle is \$15,000, Debtor can “cram down” his loan to \$10,000 through his chapter 13 plan, except in the case of “910 Claims.” (also applies to real estate in limited circumstances)
 - ▶ Statutory Authority: 11 U.S.C. § 1325(a)(5)(B) allows plan confirmation without a secured creditor's consent if the plan provides that the creditor will receive property valued at not less than the amount of its allowed secured claim, which is determined under § 506(a).
- ▶ Collateral Use and Sale under 11 U.S.C. § 363
 - ▶ § 363(b) – Use/sale of property outside the ordinary course of business only after notice and hearing
 - ▶ § 363(c) – Use/sale of property in the ordinary course of business without prior notice or hearing
 - ▶ § 363(f) – If specified conditions are met, property may be sold free and clear of all liens and interests
- ▶ Unexpired Leases and Certain Contracts under 11 U.S.C. § 365
 - ▶ Assumption, rejection, or assignment of unexpired leases and executory contracts

U.S. Bankruptcy Court (E.D. Ky.) Local Rules

The screenshot shows a web browser window with the address bar displaying <https://www.kyeb.uscourts.gov/court-info/local-rules-and-orders>. The page header features the United States Bankruptcy Court Eastern District of Kentucky logo and the names of the Chief Judge and Clerk of Court. A navigation menu includes links for Bankruptcy Info, Case Info, Court Info, Electronic Filing, Judges' Info, Local Requirements, Federal Requirements, Public Info & Records, and Site Index. The main content area is titled "Local Rules and General Orders" and provides links to various court documents, including Administrative Procedures Manual, Electronic Device Policy, Local Forms, Chapter 13 Form Plan and Lien Avoidance Practice Aids, and specific General Orders (16-1, 17-1, 15-1). A search bar is located in the top right corner. An arrow points to the "Local Requirements" link in the navigation menu.

Local Rules and General Orders | x +

← → ↻ 🔒 <https://www.kyeb.uscourts.gov/court-info/local-rules-and-orders>

 **UNITED STATES BANKRUPTCY COURT**
Eastern District of Kentucky
Honorable Tracey N. Wise, Chief Judge
Nathan W. Lee, Clerk of Court

🔍 Search

Bankruptcy Info | Case Info | Court Info | Electronic Filing | Judges' Info | **Local Requirements** | Federal Requirements | Public Info & Records | Site Index

Administrative Procedures Manual

Electronic Device Policy

Local Forms

Local Rules and General Orders

Chapter 13 Form Plan and Lien Avoidance Practice Aids

Home » Local Requirements

Local Rules and General Orders

To view the Local Rules effective December 1, 2017, [click here](#).

To view a redline version of the Local Rules Effective December 1, 2017, [click here](#).

To view General Order 16-1 [click here](#).

To view General Order 17-1, [click here](#).

To view General Order 15-1 [click here](#).

To view the archived rules and forms, [click here](#).


Home | Contact Us | Employment | Glossary of Legal Terms | FAQs

Privacy Policy | BrowseAloud

U.S. Bankruptcy Court (E.D. Ky.) Local Forms

Local Forms | Eastern District of Ky. x +

← → ↻ https://www.kyeb.uscourts.gov/local-forms

 **UNITED STATES BANKRUPTCY COURT**
Eastern District of Kentucky
Honorable Tracey N. Wise, Chief Judge
Nathan W. Lee, Clerk of Court

Search

Bankruptcy Info | Case Info | Court Info | Electronic Filing | Judges' Info | **Local Requirements** | Federal Requirements | Public Info & Records | Site Index

Home » Local Requirements

Local Forms

Fillable PDF versions of each of our forms can be accessed by clicking on the links below. Please note these local forms may not be compatible with all browsers (Internet Explorer, Firefox, Chrome, etc.). If you have difficulty opening one of these forms, please try using a different browser to access the form.

- Local Form 1009-1(a) Amendment to Schedules *Revised 12-1-2017*
- Local Form 2016-2(a)(i) Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys *Revised 12-1-2017*
- Local Form 2016-2(a)(ii) Certification Regarding Chapter 13 Rights and Responsibilities *Revised 12-1-2017*
- Local Form 3015-1(a) Chapter 13 Plan *Revised 12-1-2017*

For examples and practice aids, click here.

- Local Form 3015-3(c) Order Confirming Chapter 13 Plan Dated _____ *Revised 12-1-2017*
- Local Form 3015-4(b) Order for Adequate Protection Payments and Opportunity to Object *New 12-1-2017*
- Local Form 3070-1(a) Order Directing Employer to Make Wage Deductions for Remittance to Chapter 13 Trustee

U.S. Bankruptcy Court (E.D. Ky.) Opinion Index

Statutory citations x +
Not secure | www2.kyeb.uscourts.gov/opin/CaseIndex/cites.htm

opin/judges-info/opinions/

UNITED STATES BANKRUPTCY COURT
Eastern District of Kentucky
Honorable Tracey N. Wise, Chief Judge
Nathan W. Lee, Clerk of Court

Bankruptcy Info | Case Info | Court Info | Electronic Filing | **Judges' Info** | Local Requirements | Federal Requirements | Public Info & Resources

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Opinions

The US Bankruptcy Court for the Eastern District of Kentucky offers a public database of opinions. To access this database, click [here](#).

NOTE: The search feature below is for a future opinion database under construction. For now, you will need to click on the above link to find opinions.

Year: Judge:

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UNITED STATES BANKRUPTCY COURT
Eastern District of Kentucky

Statutory index for selected decisions of the **US Bankruptcy Court, E.D. Ky.** Updated 04/24/2019
Below is a *partial* listing of statutes and rules addressed in opinions issued by the US Bankruptcy Court for decisions rendered after January 1, 2010. This is a finding aid, not a complete listing of decisions rendered. For additional decisions, [search our public website by judge](#) or [by all judges](#) or [browse all posted opinions](#).

11 USC
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11 USC 101
09-52014 Micek 05/21/12 (Wise) (subsec. 14A)
10-53019 Creekside Memorandum 05/30/2012 (Wise)
12-50510 Meadows 05/22/2012 (Wise)
12-21191 Fitch Memo and Order re Wife POC 01/25/2013 (Wise)
14-20552 Ripberger 10/28/14 (Wise)
14-10201 Licking River Opinion and Order Granting Trustee Applications 09/22/15 (Wise)
16-01035 Spradlin v. Monday Coal (In re Licking River) Memorandum Opinion 04/13/17 (Wise) (subsecs. (2) and (31))
16-01034 Spradlin v. Wrigley's 7-711 (In re Licking River) Memorandum Opinion 06/21/17 (Wise) (subsecs. (2) and (31))
16-01040 Spradlin v. Whitt (In re Licking River) 06/30/17 (Wise) (subsec. (49))
17-20178 In re Penick 08/28/17 (Wise) (subsecs. 18 (A) and 21)
16-21536 In re Melcher 09/08/17 (Wise) (subsec. 53(A))

11 USC 103

11 USC 105
10-05041 Mattox v. Wells Fargo 08/17/11 (Wise)
10-5085 Lucky 03/21/11 (Scott)
13-2005 Biery v. Beneficial Kentucky, Inc. and HSBC Mortgage Services, Inc. 08/29/13 (Wise)
13-05012 Mallard v. Wynn-Singer 03/12/14 (Wise)
13-21211 In re Mackinder-Manous 02/24/15 (Wise)
10-23338 Biery Memo and Order re Class Certification 12/11/15 (Wise)
16-01040 Spradlin v. Whitt (In re Licking River) 06/30/17 (Wise)

11 USC 107
09-10343 Appalachian Fuels 12/08/10 (Scott)
17-20527 In re Thomas Memorandum Opinion and Order 3/1/18 (Wise)

11 USC 108
13-05034 MERV Properties v. Friedlander et al Memorandum Dismissing Claims Multiple 05/04/15 (Wise)

U.S. Bankruptcy Court (E.D. Ky.) Hearing Dates

The screenshot shows the website for the United States Bankruptcy Court, Eastern District of Kentucky. The page is titled "Lexington Chapter 7 and 12 Hearings - Judge Wise". The navigation menu includes "Bankruptcy Info", "Case Info", "Court Info", "Electronic Filing", "Judges' Info", "Local Requirements", "Federal Requirements", "Public Info & Records", and "Site Index". The "Judges' Info" menu is expanded, showing a list of judges and their respective hearing locations. The "Lexington Chapter 7 and 12 Hearings - Judge Wise" link is selected. The main content area displays the following information:

Home » Judges' Info » Calendar

Lexington Chapter 7 and 12 Hearings - Judge Wise

Judge Wise

Motions for **Lexington chapter 7 and 12** cases: Second Thursday of every month (subject to change).

All matters begin at **9:30 a.m.**, U.S. Bankruptcy Court, Community Trust Building, 100 East Vine Street, 3rd Floor Courtroom, Lexington, KY 40507

| |
|---------------------|
| April 11 |
| May 9 |
| June 6 (11:00 a.m.) |
| July 18 |

- ▶ Hearings are most matters are set by the filing attorney based on the Court's published calendar. Trials, evidentiary hearings, and summary judgment hearings are set by the Court. See KYEB LBR 5070-1.

Clerk of Court's CM/ECF Filing Tips

- ▶ Obtain a CM/ECF login/password *before* you need to file a document to avoid last-minute issues. Fed. R. Bankr. P. 5005(a)(2) requires parties represented by counsel to file electronically.

The screenshot shows the website for the United States Bankruptcy Court, Eastern District of Kentucky. The header includes the court's name, the Chief Judge (Honorable Tracey N. Wise), and the Clerk of Court (Nathan W. Lee). A navigation menu contains links for Bankruptcy Info, Case Info, Court Info, Electronic Filing, Judges' Info, Local Requirements, Federal Requirements, Public Info & Records, and Site Index. The main content area is titled "Registration Forms" and includes a search bar, a breadcrumb trail (Home > Electronic Filing), and a list of links for ECF Help, including Filing and Technical Help, Hardware and Software Information, Most Common Errors, Required Skills for ECF, Training Information, ECF Live Database, ECF Training, FAQs, and Privacy Policy. The "Registration Forms" link is highlighted. Below the links, there is a section for "Attorney Registration Form" and "Limited Filer Registration Form" with explanatory text. The footer contains links for Home, Contact Us, Employment, Glossary of Legal Terms, and FAQs, as well as Privacy Policy and BrowseAloud.

Clerk of Court's CM/ECF Filing Tips

- ▶ The Clerk's office regularly conducts CM/ECF training for attorneys and their support staff – free of charge.

The screenshot shows a web browser window with the URL <https://www.kyeb.uscourts.gov/sign-training>. The page header features the United States Bankruptcy Court Eastern District of Kentucky logo and the names of the Chief Judge and Clerk of Court. A navigation menu includes links for Bankruptcy Info, Case Info, Court Info, Electronic Filing, Judges' Info, Local Requirements, Federal Requirements, Public Info & Records, and Site Index. The main content area is titled 'Sign Up for Training' and provides information about live training classes. A sidebar on the left contains a list of links under 'ECF Help', with 'Training Information' highlighted. The main text describes two types of training: Attorney / Staff training and Creditor Only training, including details about the location, schedule, and dress code.

UNITED STATES BANKRUPTCY COURT
Eastern District of Kentucky
Honorable Tracey N. Wise, Chief Judge
Nathan W. Lee, Clerk of Court

Bankruptcy Info Case Info Court Info Electronic Filing Judges' Info Local Requirements Federal Requirements Public Info & Records Site Index

ECF Help
Filing and Technical Help
Hardware and Software Information
Most Common Errors
Required Skills for ECF
Training Information
ECF Live Database
ECF Training
FAQs
Privacy Policy
Registration Forms

Home » Electronic Filing » ECF Help

Sign Up for Training

There are two types of live training classes offered in our Lexington training room in the **Community Trust Bank Building, Suite 330, 100 East Vine St., Lexington KY 40507**:

- Attorney / Staff training
- Creditor Only training

The Attorney / Staff training covers both debtor attorney and creditor attorney topics, including filing motions, proposed orders, objections, proofs of claim, adversary complaints and answers, amendments, and petitions and paying fees and running reports. This class runs from 10:00 a.m. until approximately 3:30 p.m. with a one hour lunch break.

The Creditor Only training teaches individuals who will not be using an attorney how to electronically file the limited number of documents that are allowed, including proofs of claim and reaffirmation agreements. This class runs from 10:00 until approximately 11:30 a.m.

The dress for class is business casual and you are welcome to bring food and/or beverages. There is public paid parking next door to our building at the bus terminal. There is also public paid parking diagonally across the street at the Public Library. Do **NOT** park in the lot behind the building or the bank will have you towed.

Upcoming Training Dates at the US Bankruptcy Court, EDKy (NOTE: You may also attend training at the US District Court.)

To sign up for each training, please click the *sign up* link below to send an e-mail to our training coordinators. (NOTE: Please send a separate e-mail for each person you are registering.)

Clerk of Court's CM/ECF Filing Tips

- ▶ Regularly review the Administrative Procedures Manual for the most up-to-date CM/ECF filing guidelines.

ADMINISTRATIVE PROCEDURES MANUAL
Effective November 2016

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yebo.uscourts.gov/administrative-procedures-manual

UNITED STATES BANKRUPTCY COURT
Eastern District of Kentucky
Honorable Tracey N. Wise, Chief Judge
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Administrative Procedures Manual

Click [here](#) for the Administrative Procedures Manual (APM)

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Clerk of Court's CM/ECF Filing Tips

- ▶ Call the Case Administrator assigned to your case or contact the Helpdesk before you file if you have questions about filing.

scourts.gov/ecf-help

UNITED STATES BANKRUPTCY COURT
Eastern District of Kentucky
Honorable Tracey N. Wise, Chief Judge
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ECF Help

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Filing and Technical Help
Hardware and Software Information
Most Common Errors
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ECF Help

The ECF filing help desk number is 859-233-2608 ext. 7177.
The ECF technical help desk number is 859-233-2608 ext. 7127.

Online resources:

- For filing and technical help, click [here](#) or on the menu to the left of your screen.
- For information about training that the court offers, click [here](#) or on the menu to the left of your screen.
- For hardware and software information, click [here](#) or on the menu to the left of your screen.
- For information about most common errors, click [here](#) or on the menu to the left of your screen.
- For a list of required skills for ECF, click [here](#) or on the menu to the left of your screen.
- For answers to FAQs, click [here](#).

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case-administrator-assignments

UNITED STATES BANKRUPTCY COURT
Eastern District of Kentucky
Honorable Tracey N. Wise, Chief Judge
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Bankruptcy Info Case Info Court Info **Electronic Filing** Judges' Info Local Requirements Federal Requirements Public Info & Records Site Index

Case Administrator Assignments

Home » Case Info

Case Administrator assignments are based on the last two digits of the **bankruptcy case number**.

Please note that adversary proceeding assignments are based on the last two digits of the related bankruptcy case. For information regarding an adversary proceeding, please contact the Case Administrator **for the related bankruptcy case**. For more information, please call the clerk's office at 859-233-2608.

Case Administrator / Assigned Last Two Digits / Extension #

| |
|-----------------------|
| Alisa 00-10 - x7142 |
| Ashlee 11-21 - x7117 |
| Beverly 22-32 - x7137 |
| Nancy 33-44 - x7132 |
| Lisa 45-55 - x7157 |
| Glenda 56-66 - x7124 |
| Tracey 67-77 - x7174 |
| Kay 78-88 - x7129 |
| Sonya 89-99 - x7120 |

Team Supervisor: Kim - ext. 7166


Clerk of Court's CM/ECF Filing Tips

- ▶ In the CM/ECF system, use the "Search" feature located on the blue menu bar to identify menus and events available in ECF to file documents.

Kentucky Eastern Live Database x +

https://ecf.kyeb.circ6.dcn/cgi-bin/login.pl

CM/ECF Bankruptcy Adversary Query Reports Utilities Search Logout



**United States Bankruptcy Court
Eastern District of Kentucky
Official Court Electronic Document Filing System**

This message is contained in the file OperationNotice.htm.
CM/ECF Version 5.2
You may use this file to alert users to current CM/ECF operational issues.

This facility is for Official Court Business only. Activity to and from this site is logged. Document filings on this system are subject to Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011. Evidence of unauthorized or criminal activity will be forwarded to the appropriate law enforcement officials under 18USC 152 and 3571.

Welcome to the United States Bankruptcy Court for the Eastern District of Kentucky Electronic Document Filing System. This service is for attorneys and firms participating in the electronic filing system.

[Information about viewing PDF files](#)

Last login: 04-23-2019 15:46

17May2017

Community Outreach Programs: Credit Abuse Resistance Education (CARE)

CARE in Kentucky » Credit Abuse x +
https://careinky.org

CARE
Credit Abuse Resistance Education

Home Attorneys Teachers About

Educating Kentucky Teens Since 2008

CARE in Kentucky

Credit Abuse Resistance Education

Celebrating 11 years in Kentucky schools, CARE is a national credit abuse resistance education program that provides attorney volunteers for high school classrooms to speak with teens about credit responsibility.

Attorneys
Learn how to get involved in the state-wide credit education program.

Teachers
Request a Presentation and Find free credit education lessons and activities.

KBF
Sponsored by the Kentucky Bar Foundation
Learn about the CARE in Kentucky program and the hard work each

Download Press kit
Learn more program info & more (zip)

Community Outreach Programs: ElderCare

The screenshot shows a web browser window with the URL <https://www.kyeb.uscourts.gov/eldercare-financial-educational-materials>. The page header features the United States Bankruptcy Court Eastern District of Kentucky logo and name, along with the names of the Chief Judge and Clerk of Court. A navigation menu includes links for Bankruptcy Info, Case Info, Court Info, Electronic Filing, Judges' Info, Local Requirements, Federal Requirements, Public Info & Records, and Site Index. The main content area is titled "ElderCare Financial Educational Materials" and includes a breadcrumb trail: Home » Court Info » Services Available. The page content is as follows:

Contact Us

Court Holidays

Courtroom Addresses & Directions

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- COVINGTON
- FRANKFORT
- LEXINGTON
- LONDON
- PIKEVILLE
- 341 MEETING LOCATIONS

Divisions

- Eastern District of Kentucky Maps

Home » Court Info » Services Available

ElderCare Financial Educational Materials

To: Presenters and Sponsors

Re: ElderCare—Financial Literacy for Seniors

The ElderCare program, sponsored by the National Conference of Bankruptcy Judges, is designed to teach financial literacy to seniors. The materials are organized into four financial literacy discussion/teaching modules for seniors which have been posted below.

Each of the four modules includes a Presenter Guide and Participant materials. The categories are as follows:

1. **Your Money** (Identity Theft, Lottery, Utility & Home Improvement Scams)
2. **Your Home & Estate** (Foreclosure scams, predatory lending, reverse mortgages, living trusts)
3. **Your Credit** (Credit counseling, Debt management, Debt settlement/consolidation and credit repair services,
4. **Lifestyle Skills/Budgeting Basics**

Community Outreach Programs:

Chapter 7 Pro Bono Representation

The screenshot shows a web browser window with the URL <https://lablaw.org/volunteer>. The page features a dark navigation bar with the following menu items: Home, About Us, Looking for Help, Resources, How You Can Help (highlighted), and Stay Connected. Below the navigation bar, there are social media sharing icons for Facebook, Twitter, and LinkedIn. The main heading is "VOLUNTEER LAWYER PROGRAM". The text below reads: "There is no legal standard, civil or criminal, that states that a person's ability to hire an attorney determines the outcome of their case, but far too often this is the reality. At Legal Aid of the Bluegrass, it is our mission to ensure that this is not the case. We do so by representing vulnerable populations in civil legal matters, but as there is no constitutional right to counsel and the demand for our services far exceeds the capacity that our funding allows for. There are approximately 10,000 low-income individuals per Legal Aid attorney in our service area and therefore we rely heavily on the private bar for assistance in this undertaking. There are many outstanding private attorneys that donate their time and talents freely but more are required to meet the need. The individuals that we assist cannot afford to retain private counsel and would otherwise proceed without counsel or would be denied access to the court system altogether." Below this text is a call to action: "To volunteer for our Pro Bono Program please complete our Attorney Information Sheet HERE." To the right of the text is the Legal Aid of the Bluegrass logo, which consists of a stylized horse head icon above the text "LEGAL AID OF THE BLUEGRASS". Below the logo are social media icons for Facebook, Twitter, Google+, and LinkedIn. At the bottom right, there is a "Tweets by @_LABG" section featuring a tweet from Legal Aid of the Bluegrass (@_LABG) that says: "Talk about a #livinglegacy! Read about John Rosenberg and his work in Eastern Kentucky. kentucky.com/news/state/ken...". Below the tweet is a small image showing a group of people.

Appendix

Information to identify the case:

| | | | | |
|---|-------------------|-------------|-----------|---|
| Debtor 1 | _____ | _____ | _____ | Last 4 digits of Social Security number or ITIN _____ |
| | First Name | Middle Name | Last Name | EIN _____ - _____ |
| Debtor 2 (Spouse, if filing) | _____ | _____ | _____ | Last 4 digits of Social Security number or ITIN _____ |
| | First Name | Middle Name | Last Name | EIN _____ - _____ |
| United States Bankruptcy Court for the: _____ | District of _____ | | | [Date case filed for chapter 7 _____ |
| | (State) | | | MM / DD / YYYY OR |
| Case number: _____ | | | | [Date case filed in chapter _____ |
| | | | | MM / DD / YYYY |
| | | | | Date case converted to chapter 7 _____ |
| | | | | MM / DD / YYYY |

Official Form 309A (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline 12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

| | About Debtor 1: | About Debtor 2: |
|---|-----------------|---|
| 1. Debtor's full name | | |
| 2. All other names used in the last 8 years | | |
| 3. Address | | If Debtor 2 lives at a different address: |
| 4. Debtor's attorney Name and address | | Contact phone _____ Email _____ |
| 5. Bankruptcy trustee Name and address | | Contact phone _____ Email _____ |

| | |
|--|---|
| <p>6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov.</p> | <p>Hours open _____ Contact phone _____</p> |
| <p>7. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.</p> | <p>_____ at _____ Date Time Location: The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p> |
| <p>8. Presumption of abuse If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.</p> | <p>[The presumption of abuse does not arise.] [The presumption of abuse arises.] [Insufficient information has been filed to permit the clerk to determine whether the presumption of abuse arises. If more complete information is filed and shows that the presumption has arisen, the clerk will notify creditors.]</p> |
| <p>9. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.</p> | <p>File by the deadline to object to discharge or to challenge whether certain debts are dischargeable: You must file a complaint: if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6). You must file a motion if you assert that the discharge should be denied under § 727(a)(8) or (9).</p> <hr/> <p>Deadline to object to exemptions: The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.</p> |
| <p>10. Proof of claim Please do not file a proof of claim unless you receive a notice to do so.</p> | <p>Filing deadline: _____</p> <p>Filing deadline: 30 days after the <i>conclusion</i> of the meeting of creditors</p> |
| <p>11. Creditors with a foreign address</p> | <p>No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.</p> <p>If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p> |
| <p>12. Exempt property</p> | <p>The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.</p> |

Information to identify the case:

Debtor 1 _____
First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN _____
 EIN _____

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN _____
 EIN _____

United States Bankruptcy Court for the: _____ District of _____
(State)

[Date case filed for chapter 13 _____
MM / DD / YYYY OR

Case number: _____

[Date case filed in chapter _____
MM / DD / YYYY

Date case converted to chapter 13 _____
MM / DD / YYYY]

Official Form 309I

Notice of Chapter 13 Bankruptcy Case

12/17

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

| About Debtor 1: | About Debtor 2: |
|---|---|
| 1. Debtor's full name | |
| 2. All other names used in the last 8 years | |
| 3. Address | If Debtor 2 lives at a different address: |
| 4. Debtor's attorney Name and address | Contact phone _____ Email _____ |
| 5. Bankruptcy trustee Name and address | Contact phone _____ Email _____ |
| 6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov . | Hours open _____ Contact phone _____ |

7. Meeting of creditors

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.
Creditors may attend, but are not required to do so.

_____ at _____
Date Time

Location: _____

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

8. Deadlines

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

Deadline to file a complaint to challenge dischargeability of certain debts:

Filing deadline: _____

You must file:

- a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f), or
- a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).

Deadline for all creditors to file a proof of claim (except governmental units):

Filing deadline: _____

Deadline for governmental units to file a proof of claim:

Filing deadline: _____

Deadlines for filing proof of claim:

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim.

Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

Deadline to object to exemptions:

Filing deadline: 30 days after the conclusion of the meeting of creditors

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

9. Filing of plan

[The debtor has filed a plan, which is attached. The hearing on confirmation will be held on: _____ at _____
Date Time]

Or [The debtor has filed a plan. The plan and notice of confirmation hearing will be sent separately.]

Or [The debtor has not filed a plan as of this date. A copy of the plan and a notice of the hearing on confirmation will be sent separately.]

10. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

11. Filing a chapter 13 bankruptcy case

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan [is included with this notice] or [will be sent to you later], and [the confirmation hearing will be held on the date shown in line 9 of this notice] or [the court will send you a notice of the confirmation hearing]. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

12. Exempt property

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.

13. Discharge of debts

Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion by the deadline.

Information to identify the case:

| | |
|--|---|
| Debtor _____ Name | EIN _____ |
| United States Bankruptcy Court for the: _____ District of _____ (State) | [Date case filed for chapter 11 _____ MM / DD / YYYY OR [Date case filed in chapter _____ MM / DD / YYYY Date case converted to chapter 11 _____ MM / DD / YYYY] |
| Case number: _____ | |

Official Form 309F (For Corporations or Partnerships)**Notice of Chapter 11 Bankruptcy Case**

12/17

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name

2. All other names used in the last 8 years

3. Address

4. Debtor's attorney

Name and address

Contact phone _____

Email _____

5. Bankruptcy clerk's office

Documents in this case may be filed at this address.

You may inspect all records filed in this case at this office or online at www.pacer.gov.

Hours open _____

Contact phone _____

6. Meeting of creditors

The debtor's representative must attend the meeting to be questioned under oath.

Creditors may attend, but are not required to do so.

_____ at _____
Date Time

Location:

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

7. Proof of claim deadline**Deadline for filing proof of claim:**

[Not yet set. If a deadline is set, the court will send you another notice.] or

[date, if set by the court]]

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed, contingent, or unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed, contingent, or unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

8. Exception to discharge deadline

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.

Deadline for filing the complaint: _____**9. Creditors with a foreign address**

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. Filing a Chapter 11 bankruptcy case

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.

11. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

Fill in this information to identify the case:

Debtor 1 _____
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court for the: _____ District of _____
Case number _____

Official Form 410 Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim)
Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?

No
 Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?

Where should payments to the creditor be sent? (if different)

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Name

Name

Number Street

Number Street

City State ZIP Code

City State ZIP Code

Contact phone

Contact phone

Contact email

Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

No
 Yes. Claim number on court claims registry (if known) _____

Filed on _____
MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

No
 Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. **Do you have any number you use to identify the debtor?** No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ _

7. **How much is the claim?** \$_____. **Does this amount include interest or other charges?**
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. **What is the basis of the claim?** Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

9. **Is all or part of the claim secured?** No
 Yes. The claim is secured by a lien on property.

Nature of property:

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe: _____

Basis for perfection: _____

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____

Amount of the claim that is secured: \$ _____

Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____ %

Fixed

Variable

10. **Is this claim based on a lease?** No
 Yes. **Amount necessary to cure any default as of the date of the petition.** \$ _____

11. **Is this claim subject to a right of setoff?** No
 Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check one:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

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

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____