

U.S. BANKRUPTCY COURT DISTRICT OF NEW HAMPSHIRE



Pro Se Debtor's Guide

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

Updated November 1, 2011

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U.S. BANKRUPTCY COURT DISTRICT OF NEW HAMPSHIRE CONTACT INFORMATION

MAILING ADDRESS

United States Bankruptcy Court
1000 Elm Street, Suite 1001
Manchester, NH 03101

COURT OFFICES

- 10th Floor – Clerk’s Office
- 11th Floor – Courtrooms
- 7th Floor – 341 Meetings of Creditors

CLERK’S PHONE NUMBERS

- Main Telephone: (603) 222-2600
- Main Fax: (603) 222-2697

CLERK’S OFFICE HOURS

- 8:30 a.m. – 4:30 p.m.
Open to the public for accepting petitions, documents and file review
- 4:30 p.m. – 5:00 p.m.
Telephone inquiries only (603) 222-2600*

*Emergency matters will be referred to the clerk for immediate review and special consideration.

CONSUMER PRO-SE DEBTOR GUIDE INTRODUCTION

Non-Attorney filers are commonly referred to as pro se filers. **Pro se:** *A Latin phrase meaning “for himself/herself” or “in one’s own behalf.”* This term denotes a person who represents himself/herself in Court.

This Guide has been assembled to answer some of the most commonly asked questions put to the Clerk's office staff by people filing bankruptcy without legal representation. This Guide is not intended to advise you of your legal rights or responsibilities under bankruptcy. Bankruptcy law is complicated. It is our recommendation to you if possible, to seek the advice of an attorney.

The excerpts from the Bankruptcy Court's Local Rules and Administrative Orders are provided to make you, as a pro-se debtor, aware of rules you should follow closely. We have also included information provided by the Office of the United States Trustee regarding the possible consequences of filing a bankruptcy petition under Chapter 7.

If you decide to use a bankruptcy document preparation service, be aware that a "bankruptcy petition preparer," as defined in 11 U.S.C. Section 110, is subject to strict regulations which include requirements that the preparer: sign any papers prepared on behalf of the debtor; include identification of the individuals who prepared the papers; and furnish the debtor with a copy of the documents prepared.

The Clerk's Office is prohibited by 28 U.S. C. Section 955 from giving legal advice or assisting with the preparation of forms. For additional information visit our website at www.nhb.uscourts.gov.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005 [BAPCPA 2005]

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) was enacted on April 20, 2005. Most new provisions became effective on October 17, 2005.

WHAT ARE SOME OF THE RECENT CHANGES IN THE BANKRUPTCY LAW?

Waiting Periods if Previous Filing

A debtor, who previously filed a bankruptcy and obtained a discharge, may not receive another discharge unless there has been sufficient time between the two cases. If this is important to you, check it further before filing the case.

Pre-Bankruptcy Counseling

Within 180 days prior to filing a case, a debtor must attend a briefing from a certified counseling agency concerning the availability of credit counseling. A debtor will receive a certificate of credit counseling to be filed with the Court after counseling has been completed. The counseling may be waived or deferred in some cases.

Financial Counseling after Filing

The debtor will not receive a discharge unless the debtor completes a course on personal financial management education and files a certification of completion of this counseling or exemption from the counseling. The certificate of counseling is due within 45 days following the first date set for the meeting of creditors. A list of certified financial counselors is posted on both the Court's website www.nhb.uscourts.gov and that of the Office of the United States Trustee. If the debtor fails to file a certificate of completion of or exemption from this counseling, the Court will close the bankruptcy case without issuing a discharge. If a case is closed without a discharge, the debtor may reopen the case when the financial management course is completed in order to file the certificate and receive a discharge. The reopening fee varies depending on the Chapter.

Means Test

Individual debtors who file a chapter 7, 11 or 13 petitions must file Official Form B22 which will give detailed information about their income for the purpose of determining whether a debtor's filing represents an abuse of the bankruptcy system. Some debtors may be prohibited from filing a chapter 7 case if their income would permit them to make payments to their creditors. This form is included in the forms needed to file a bankruptcy case which are posted on the Court's website www.nhb.uscourts.gov site and must be filed within 14 days of the filing of the petition.

Tax Return

Individual debtors must provide a copy of their most recent tax return to the trustee and to any creditor who requests a copy of the return. This must be provided to the parties at least 7 days prior to the date set for the meeting of creditors.

Filing of Wage Statements and Monthly Net Income Calculations

An individual debtor must send to the trustee copies of all payment advices or wage statements given to a debtor by any employer within 60 days before the date of filing of a case. These are not filed with the Court. The debtor must file with the Court a statement showing the average income earned per month during the 6 months prior to the filing date. This will be completed on a form available from the Court or from the Court website www.nhb.uscourts.gov. Both the wage statements and the average income calculation are due 15 days from the date of filing the petition. In chapter 7 cases the income statement and the means test are combined into a single form.

Waiver of Filing Fees

The Courts may now waive the filing fees for indigent debtors who file an Application for Waiver of Fees. The Application for Waiver of Fees is available from the Court and on our website and must be filed with the petition. If the fee waiver is denied, the debtor will be required to either pay the full fee immediately or will be required to pay the fee in installments over 120 days.

[LINKS TO INFORMATION ABOUT THE SIGNIFICANT CHANGES TO THE BANKRUPTCY CODE AND RULES, FORMS AND PROCEDURES:](#)

Recommended Bankruptcy Rules and Officials Forms:

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

Credit Counseling and Debtor Education Providers (US Trustee Program website):

www.usdoj.gov/ust/eo/bapcpa/ccde/index.htm

Means Testing Information (US Trustee Program website):

www.usdoj.gov/ust/eo/bapcpa/meanstesting.htm

Poverty Guidelines (Dept of Health and Human Services website):

<http://aspe.hhs.gov/poverty/index.shtml>

WHAT HAPPENS IN A BANKRUPTCY CASE?

TYPES OF BANKRUPTCY

Before you file bankruptcy: you can choose the kind or chapter of bankruptcy that best suits your needs:

Chapter 7

A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the state where you live.

Chapter 13

You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The Court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12

This is only for family farmers but is the similar to Chapter 13.

Chapter 11

This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the Court must approve a plan to repay your debts. There is no trustee unless the Judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property. If you have filed bankruptcy under one chapter, you may be able to change your case to another chapter. Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

WHAT IS A BANKRUPTCY DISCHARGE?

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a Court order which states that you do not have to pay most of the debts you owed before you filed your bankruptcy petition.

You can only receive a chapter 7 discharge once every eight years. It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged.

Some debts cannot be discharged. For example, you cannot discharge debts for the following:

- Child support
- Alimony
- Most student loans
- Court fines and criminal restitution
- Personal injury caused by drunk driving or while under the influence of drugs
- Money or property received by fraud and ascertained by the judge
- The judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, lie, or disobey a Court order.

**IF YOU WOULD LIKE MORE INFORMATION, OR IF YOU HAVE QUESTIONS
ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU,
YOU MAY NEED LEGAL ADVICE.**

NOTICE TO DEBTORS

The purpose of this notice is to acquaint you with the four **(4) chapters of the Federal Bankruptcy Code** under which you may file a bankruptcy petition. Therefore, you should seek the advice of an attorney to learn of your rights and responsibilities under the law should you decide to file a petition with the Court.

CHAPTER 7:**\$ 306.00 FILING FEE****Liquidation**

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts.
2. Under Chapter 7, a trustee takes possession of all your property. You may claim certain property as exempt under governing law. The trustee then liquidates all non-exempt property and uses the proceeds, if any, to pay your creditors according to priorities set forth in the Bankruptcy Code.

CHAPTER 12:**\$246.00 FILING FEE****Repayment of all or part of the debts of a farmer with regular income**

1. The Bankruptcy Code provides that only a farmer with regular income may file a petition under Chapter 12.
2. Under Chapter 12, you must file a plan with the Court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually, the period allowed by the Court to repay your debts is three (3) years, but not more than five (5) years. Your plan must be approved by the Court before it can take effect.

CHAPTER 13:**\$281.00 FILING FEE****Repayment of all or part of the debts of an individual with regular income**

1. Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time. You are only eligible for Chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under Chapter 13, you must file a plan with the Court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually, the period allowed by the Court to repay your debts is three (3) years, but not more than five (5) years. Your plan must be approved by the Court before it can take effect.

CHAPTER 11:**\$1,046.00 FILING FEE****Reorganization**

1. Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors.
2. Under Chapter 11, the provisions are quite complicated, and any decision for an individual to file a Chapter 11 petition should be reviewed with an attorney. It is extremely unlikely that a non-lawyer would be able to successfully administrate a Chapter 11 case, and such a case would almost certainly be dismissed or converted to a Chapter 7.

U.S. BANKRUPTCY COURT FEE SCHEDULE

Pursuant to 28 U.S.C. § 1930

Effective **11/01/2011**

NEW PETITION FEES:

New petition filing fees may be waived, if approved by a Judge. Check, money order, cash or credit card (Visa, MasterCard, American Express, Discover, Diners Club) may be used to pay the fee; if the debtor is pro se payment shall be in cash or money order only. No personal checks or credit cards of pro se debtors will be accepted.

Chapter 7 Voluntary or Involuntary	\$ 306.00
[\$245 filing fee + \$46 administrative fee + \$15 trustee surcharge fee]	
Chapter 9	1,046.00
[\$1,000 filing fee + \$46 administrative fee]	
Chapter 11 Voluntary or Involuntary..	1,046.00
[\$1,000 filing fee + \$46 administrative fee]	
Chapter 11 Railroad	1,046.00
[\$1,000 filing fee + \$46 administrative fee]	
Chapter 12	246.00
[\$200 filing fee + \$46 administrative fee]	
Chapter 13.....	281.00
[\$235 filing fee + \$46 administrative fee]	
Chapter 15	1,046.00
[\$1,000 filing fee + \$46 administrative fee]	

CASE REOPENING FEES:

The fee is collected upon the filing of the Motion. Exemptions include (1) reopening a case to permit a party to file a complaint to obtain a determination under Rule 4007(b), or (2) reopening a case when a creditor is violating the terms of the discharge under 11 U.S.C. § 524. The fee is required if the reopening is to amend schedules.

Chapter 7	\$ 260.00
Chapter 13	235.00
Chapter 11	1,000.00
Chapter 12	200.00
Chapter 15	1,000.00

CONVERSION FEE:

Converting a Chapter 9 or 11 to Chapter 7.....	15.00
Converting a Chapter 12 to Chapter 7	60.00
Converting a Chapter 13 to Chapter 7	25.00
Converting a Chapter 12 to Chapter 13	35.00
Converting a Chapter 7 to a Chapter 11, at the request of the Debtor	755.00
<i>Fee is the difference between the Ch. 7 filing fee (\$245) and the Ch. 11 filing fee (\$1,000).</i>	
Converting a Chapter 12 to a Chapter 11, at the request of the Debtor	800.00
<i>Fee is the difference between the Ch. 12 filing fee (\$200) and the Ch. 11 filing fee (\$1,000).</i>	

Converting a Chapter 13 to a Chapter 11, at the request of the Debtor765.00
Fee is the difference between the Ch. 13 filing fee (\$235) and the Ch. 11 filing fee (\$1,000).

BIFURCATED CASE FEE:

For “severing” or “splitting” a joint case into two separate cases, at the request of the debtor.

Chapter 7 306.00
 Chapter 13 281.00
 Chapter 11 1,046.00
 Chapter 12 246.00

OTHER FILING FEES:

Amendments to a Debtor's Schedule of Creditors, Lists of Creditors or Mailing Matrix..... \$ 30.00
No fee is required to change the address of a creditor or to add the name and address of an attorney for a listed creditor.

Complaint and Removals 293.00
Ch. 7 & 13 Debtors are exempt; Ch 11 & 12 Debtors in Possession are required to pay the fee. If filed by the Trustee, it may be charged to the estate or paid upon filing the complaint.

Motion to Withdraw the Reference of a Case..... 176.00
 Motion to Compel Abandonment of Property of the Estate 176.00
 Motion for Relief from the Automatic Stay..... 176.00
No fee is required for filing a motion to lift a co-debtor stay, a stipulated/assented motion for relief from stay or if the motion for relief is filed by a child support creditor and accompanied by the required § 304(g) form.

Notice of Appeal 298.00
Fee consists of \$5.00 for filing the appeal and \$250.00 for docketing the appeal.

Cross Appeal 298.00
Fee consists of \$5.00 for filing the appeal and \$250.00 for docketing the appeal.

Request for Authority to file a Direct Appeal or Cross Appeal to the First Circuit Court of Appeals 298.00
If authorized, an additional fee of \$157 becomes due.

MISCELLANEOUS FEES:

For every search of the records of the Bankruptcy Court (per name or item searched)..... 30.00
 Certification Fee (per item) 11.00
 Exemplification Fee (per item)..... 21.00
 Archive Retrieval Fee 53.00
 Filing or indexing a paper not in a pending case or proceeding,
 including registering a judgment from another district..... 46.00
 Returned Check 53.00
 CD/Tape reproduction of recordings of proceedings..... 30.00
 Photocopies (per page) 0.50
 For public users obtaining information through CM/ECF PACER (per page)..... 0.08
 For printing copies of any record/document accessed electronically at a public terminal in the
 Clerk’s Office (per page) 0.10

THE FAIR CREDIT REPORTING ACT

The Fair Credit Reporting Act, 6 U.S.C. Section 605, is the law that controls credit reporting agencies. The law states that credit reporting agencies may not report a bankruptcy case on a person's credit report after ten years from the date the bankruptcy case is filed. Other negative credit information is removed after seven years.

The larger credit reporting agencies belong to an organization called the Associated Credit Bureaus. The policy of the Associated Credit Bureau is to remove Chapter 11 and Chapter 13 cases from the credit report after seven years to encourage debtors to file under these chapters.

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

SHOULD I DECLARE BANKRUPTCY?

There is a 7-page descriptive bankruptcy pamphlet titled *Should I Declare Bankruptcy?* prepared by the New Hampshire Bar Association that describes what bankruptcy is, the different chapters available and possible alternatives to filing bankruptcy.

To obtain a copy of this pamphlet, please contact one of the following:

New Hampshire Bar Association
2 Pillsbury Street
Concord, NH 03301
(603) 224-6942

US Bankruptcy Court
1000 Elm Street, 10th Floor
Manchester, NH 03101
(603) 222-2600

PETITION FILING REQUIREMENTS

1. All petitions commencing a new case shall conform substantially to Official Bankruptcy Form Number 1 and shall be completed legibly in all respects.
2. All information requested or provided for in Official Bankruptcy Form Number 1 or by Bankruptcy Rule 1005 shall be completed by petitioner.
3. All petitions must be filed on 8 ½ X 11 inch paper and will be accepted for filing if the information requested in Official Bankruptcy Form 1 and Bankruptcy Rule 1005 and the following are included:
 - **Filing fees** – cash, money order or bank check; personal checks are not accepted
 - **Bankruptcy chapter number** under which the petition is filed
 - **Social security statement** and/or tax identification number, if applicable
 - **List of creditors in matrix format**
 - **Petitioner's signature** on original
 - **Certificate of Credit Counseling**
 - Chapter 11 cases, in addition to the list required by Bankruptcy Rule 1007(d), require a list of the **twenty largest unsecured creditors** (excluding insiders) prepared in the same format as the creditor matrix

FILING SCHEDULES AND STATEMENTS

The original petition requesting relief under Chapter 7, 9, 11, 12 or 13 of the Bankruptcy Code shall be filed. This rule applies to both voluntary and involuntary petitions.

One copy of the matrix required by LBR 1002-1 (b) (4) shall be filed with each original petition. The matrix pages shall not be pre-punched or stapled together.

SEQUENCE OF FILING OF SCHEDULES AND STATEMENTS

The original petition must have statements and schedules in the following sequence required by LBR 1007-1 (b) from top to bottom:

- Voluntary Petition
- Exhibit D
- Statement of Financial Affairs
- Schedules A through J
- Declaration Concerning Debtor's Schedules
- Form B22 (Statement of Monthly Income, commonly referred to as the Means Test Calculation)
- Chapter 7 Individual Debtor's Statement of Intention, if appropriate
- Notice to Individual Consumer Debtor, if appropriate
- Summary of Schedules
- Statistical Summary of Certain Liabilities
- Verified Statement with list of creditors in matrix format

The following documents shall be filed separately:

- Pre-Petition Certificate of Credit Counseling [counseling must be obtained within 180 days [prior to filing petition](#)]
- Statement of Social Security Number
- Chapter 13 Plan (Chapter 13 only)

The Debtor is required to bring a paper copy of the petition, schedules, statements and lists to the first meeting of creditors so that the trustee may use the paper copy to examine the debtor.

FORMAT FOR CREDITOR MATRIX

The debtor shall prepare and submit, at the time the petition is filed, a master address list in the matrix form specified herein which contains the names, addresses and ZIP codes of all creditors and parties in interest in alphabetical order, accompanied by a statement that the list has been verified by the debtor and is complete upon submission.

In order to insure that the list of creditors you file can be properly read by the optical scanner, we ask that you observe the following guidelines:

1. Lists should be typed in a single column (see example below), with no stray marks or page numbers.
2. Lists must be typed so that no letters are closer than 1 inch from any edge of the paper.
3. Each name/address must consist of no more than five (5) total lines, with at least one blank line between each of the name/address blocks.
4. Each line must be no more than forty-five (45) characters in length.
5. Do **not** include the following people on the list of creditors, they will be retrieved automatically by the computer for noticing:

DEBTOR
JOINT DEBTOR
U.S. TRUSTEE
6. Do **not** include account numbers.
7. Names and address lines should contain upper and lower case letters.
8. Attention lines must appear on the second line of the address block.
9. Do **NOT** staple pages together

SAMPLE MATRIX

ABC Corporation
ATTN: Customer Service
Street Address or PO Box
City, State Zip code

American Credit Union
123 Street Address
P.O. Box 1234
Any City, My State 03101-0123

THINGS TO AVOID ON CREDITOR MATRIX

Although the court is using sophisticated equipment and software to insure accuracy of creditor list reading, certain problems can still occur. By adhering to the guidelines, the court can better avoid delays or additional effort in mailing notices that can require you to resubmit your creditor list according to the acceptable format.

AVOID

1. Extra information on the matrix such as letterheads, dates, debtor names, page numbers, and handwritten remarks. [Use clean paper.]
2. Non-standard paper such as half-sized paper or colored paper. Use 8 ½ x 11 standard paper.
3. Poor quality type caused by submitting a photocopy or from the use of unusual fonts. [Ensure letters are legible using standard fonts – Times New Roman, Arial, etc.].
4. Stray marks should be avoided. Do not add lines, notes, images, icons, cross outs, stains or anything else to the creditor list.
5. Use of upper case (all capital letters) is to be avoided. [Type in upper and lower case as you would in a letter.]
6. **Do NOT type attention lines** or account numbers on the last line. If you must use an attention line, it should be the second line of the name/address. Do not put attention line at the end of the address. ZIP CODES MUST BE ON THE LAST LINE. Nine digit zip codes should be typed with a hyphen separating the two groups of digits. [The zip code must be located at the end of the address for the zip code to be identified.]

EXCERPTS FROM THE LOCAL RULES

RULE 5081-1 FEES - FORM OF PAYMENT

The filing fee or any other required payment shall be paid by cash, check, money order, credit card or such electronic means as may be adopted by the clerk. **Personal checks or credit cards of the debtor shall not be accepted.** Cash should not be sent through the mail. Checks or money orders must be made payable **only to** "Clerk, U.S. Bankruptcy Court."

**EXACT AMOUNT OF FEES ONLY
CHANGE IS NOT MADE AT THE COUNTER**

**BE AWARE THAT FILING FEES ARE EARNED WHEN PAID
REFUNDS ARE NOT MADE FOR ANY REASON**

RULE 1007-1(C) PAPER COPIES

The debtor must bring a paper copy of the petition, schedules, statements and lists to the first meeting of creditor so that the trustee may use the paper copy to examine the debtor.

RULE 4002-2 ADDRESS OF THE DEBTOR

The debtor shall notice the Court and any trustee appointed in the case **in writing**, whenever the debtor's **mailing address changes** while the case is pending. Failure to comply with this rule may result in dismissal of the case, granting of relief against the debtor based upon notice to the last address of record in the case, or such other sanctions as the Court may deem appropriate.

AMENDMENTS TO SCHEDULES

WHAT SHOULD BE INCLUDED WHEN AMENDING ANY SCHEDULES AND/OR STATEMENTS?

1. Clearly state which schedule/statement is being amended
2. State why or how it is being amended
3. Debtor(s) original signature on the amendment

WHAT ARE THE REQUIREMENTS WHEN AMENDING SCHEDULES D, E OR F?

1. Amendment to Schedule [with signature of debtor(s)]
2. Notice to Additional Creditor(s)
3. Certificate of Service
4. Matrix of Additional Creditor(s) only
5. Filing Fee of \$30.00
6. Amendment Cover Sheet – Local Bankruptcy Form 1009-1A
7. Updated Summary of Schedules and Statistical Summary of Liabilities

WHAT ARE THE REQUIREMENTS FOR THE NOTICE TO ADDITIONAL CREDITORS?

1. Name and address of Trustee
2. Date and time when Section 341 Meeting held or scheduled
3. Extension of appropriate deadlines:
 - 60 days for objections to discharge
 - 90 days to file a proof of claim
4. Notice can be a separate document or incorporated in the amendment – See Local Bankruptcy Form 1009-1B

WHAT ARE THE STEPS FOR SERVING CERTIFICATES OF SERVICE?

1. Did you remember to serve any creditor added by the amendment?
2. Did you remember to serve the U.S. Trustee and the trustee?
3. Did you remember to serve any other parties who require service?
4. Did you remember to date and sign the **Certificate of Service** before mailing to the U.S. Bankruptcy Court?

HOW DO I AMEND THE CREDITOR MATRIX FOR ADDITIONAL CREDITORS?

Follow all format guidelines as with the original creditor matrix

Only the additional (new) or amended creditor(s) should be listed in the matrix.

Example:

That Other Creditor Business
123 Busy Street
P.O. Box 111
Anywhere, NH 33333

TIPS FOR AMENDING YOUR SCHEDULES:

- The **debtor(s) must verify amendments** to any schedule or statement filed at the court.
- Debtor's signature is required and must be on the amendment(s), or the document(s) will be returned and will not be considered filed with the court.

**United States Bankruptcy Court
District of New Hampshire**

In re:

Debtor(s)

BK. No.:

Chapter

NOTICE OF DEFECTIVE AMENDMENT TO SCHEDULES

On _____, this Court received for filing an Amendment to the debtor(s) schedules and/or statements. The amendment does not comply with Local Bankruptcy Rule 1009-1 and is procedurally defective for the following reason(s):

- _____ *\$26 filing fee not received*
- _____ *Failure to file Amendment Cover Sheet, Local Bankruptcy Form 1009-1A*
- _____ *Failure to state schedule(s) being amended*
- _____ *Failure to state when § 341 meeting was held/will be held (see Local Bankruptcy Form 1009-1B attached)*
- _____ *Failure to state appointed interim trustee's name and address (see Local Bankruptcy Form 1009-1B attached)*
- _____ *Failure to state objection to discharge date or proof of claim deadline (see Local Bankruptcy Form 1009-1B attached)*
- _____ *Failure to extend objection to discharge deadline (60 days) or proof of claim deadline date (90 days) from the date of the amendment, for additional creditors (see Local Bankruptcy Form 1009-1B attached)*
- _____ *Failure to File Official Form 6, Summary of Schedules and Statistical Summary of Certain Liabilities*
- _____ *Failure to Include Complete Schedule I, J or Form B22*
- _____ *No matrix of additional creditors filed*
- _____ *No certificate of service filed in accordance with Local Bankruptcy Rule 7103*

Local Bankruptcy Rule 1009-1, Local Bankruptcy Forms 1009-1A and 1009-1B are attached for reference. The deficiencies listed above should be corrected within 10 calendar days of the date listed on this notice. A copy of this notice should be returned to the Court with the corrected documents.

DATE: _____

BY: _____

COMMONLY ASKED BANKRUPTCY FILING QUESTIONS

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Q: Where do I get the forms to file bankruptcy?

A: Any office supply store that sells blank legal forms and documents or they can be downloaded from our website at www.nhb.uscourts.gov. The Clerk's Office does not supply such forms.

Q: Why can't you give me advice on how to file bankruptcy or what chapter I should file?

A: We can give you information that will explain the differences between Chapter 7, 11, 12 and 13. Then you must make an informed decision. 28 U.S.C. Section 955 prohibits the staff of the Clerk's office from giving legal advice or assisting with the preparation of the forms. We are not attorneys.

Q: When am I under bankruptcy protection?

A: You are under bankruptcy protection once your petition is time-stamped by a member of the Clerk's Office staff or other official of the Court. A case number is assigned at this time.

Q: How does bankruptcy affect my credit rating?

A: Credit "rating" is a matter governed by state law, not federal bankruptcy law. Effects of filing may differ from creditor to creditor. See the information on Fair Credit Report Act contained in this booklet. Contact the credit bureau directly regarding any discrepancies on your credit report.

Q: Why do I have to pay a fee to file for bankruptcy?

A: Federal statute, 28 U.S.C. Section 1930, requires a fee to file a bankruptcy petition. However, Rule 1006 does allow for the payment of the filing fee in installments. See also the question on the following page regarding fee waivers.

Q: How can I pay in installments?

A: An application to pay a filing fee in installments can be filed with the bankruptcy petition and approved by the Court. This form can be found on our website at www.nhb.uscourts.gov.

The total number of payments or installments shall not exceed four

The first installment being paid upon the filing of the petition and the final installment must be paid within 120 days of the filing of the petition.

Q: How much do I have to pay for each installment?

A: Local Bankruptcy Rule 1006-1 explains that the minimum payment per installment is one-fourth (1/4) the total fee required with the filing of a petition. This would be \$ 76.50 for a Chapter 7 case and \$70.25 for a Chapter 13 case.

Q: If my case gets dismissed or I change my mind about filing, will my filing fee be refunded?

A: Filing fees are earned when paid and cannot be refunded.

Q: Can the filing fee be waived if I cannot afford to pay in installments?

A: You may file an application to proceed in forma pauperis, which means without paying the fee.

To proceed without paying the fee you must file an Application to Waive Filing Fee.

To qualify for in forma pauperis you must earn less than 150% of the poverty level.

The application and the poverty level information can be found on our website at www.nhb.uscourts.gov.

The Application to Waive the Filing Fee must be approved by a judge. If the application is denied, you must pay the filing fee in full or file an application to pay the filing fee in installments.

Q: How long does it take for my creditors to be notified that I have filed bankruptcy?

A: The creditors listed on your matrix are notified within 3-5 days of your filing.

Q: How do I add a creditor to my petition that has already been filed?

A: You may file an amendment to your schedules per Local Bankruptcy Rule 1009-1. This may or may not require a filing fee, depending upon the schedule being amended. The amendment should be in pleading form and clearly state what is being added or changed. See section regarding amendments to schedules.

Q: How long does it take to get a discharge?

A: Every case is different. It depends on the case, the creditors involved and the trustee. The case cannot be discharged until after the deadline for filing objections to the discharge has passed.

Q: Will all of my creditors be notified of my discharge?

A: All creditors who were listed in your schedules or added by amendment to your schedules will be notified.

Q: When I receive my discharge, is my case complete?

A: No, your case is not complete until you receive the order closing the case.

Q: Can a debtor receive a second discharge in a later Chapter 7 case?

A: The Court will deny a discharge in a later chapter 7 case if the debtor received a discharge under chapter 7 or chapter 11 in a case filed within eight years before the second petition is filed.

The Court will also deny a chapter 7 discharge if the debtor previously received a discharge in a chapter 12 or chapter 13 case filed within six years before the date of the filing of the second case unless the debtor paid all "allowed unsecured" claims in the earlier case in full, or the debtor made payments under the plan in the earlier case totaling at least 70 percent of the allowed unsecured claims and the debtor's plan was proposed in good faith and the payments represented the debtor's best effort.

A debtor is ineligible for discharge under chapter 13 if he or she received a prior discharge in a chapter 7, 11, or 12 case filed four years before the current case or in a chapter 13 case filed two years before the current case.

LIST OF NH LEGAL ASSISTANCE CENTERS

We cannot refer you to any individual attorney and we are not permitted to give advice of a legal nature. We suggest you call any one of the following:

LEGAL ADVICE & REFERRAL CENTER (LARC)

Office Hours: Monday – Thursday 9:00 a.m. – 4:30 p.m., Friday 9:00 a.m. – 1:00 p.m.

P.O. Box 4147

Concord, NH 03302

Telephone: (603) 229-0002

Toll-free Telephone: (800) 639-5290

NEW HAMPSHIRE LEGAL ASSISTANCE BRANCH OFFICES

Office Hours: Monday – Friday 8:30 a.m. – 5:00 p.m.

1361 Elm Street, Suite 307

Manchester, NH 03101

Telephone: (603) 668-2900

Toll-free Telephone: (800) 562-3174

58 Main Street

Littleton, NH 03561

Telephone: (603) 444-8000

Toll-free Telephone: (800) 548-1886

206 Moody Building, Tremont Square

Claremont, NH 03743

Telephone: (603) 542-8795

Toll-free Telephone: (800) 562-3994

154 High Street

Portsmouth, NH 03802

Telephone (603) 431-74111

Toll-free Telephone (800) 334-3135

FRANKLIN PIERCE LAW CENTER

Office Hours: 8:00 a.m. – 5:00 p.m.

2 White Street

Concord, NH 03301

Library, Reference Assistance and Civil Practice Clinic

Telephone: (603) 228-1541