

## **AO 1002-1 Petition — General**

(a) *Filing.* A petition commencing a case under the Bankruptcy Code shall be filed in the clerk's office or by electronic means as established by the court.

(b) *Format.* A petition commencing a case shall conform substantially to the applicable Official Bankruptcy Form and shall be completed legibly in all respects. All information requested or provided for in the applicable Official Bankruptcy Form or by Bankruptcy Rule 1005 shall be completed by the petitioner. All petitions must be formatted to 8½" x 11" and will be accepted for filing if the information requested in the applicable Official Bankruptcy Form, Bankruptcy Rule 1005 and the following are included:

- (1) Filing fee.
- (2) List of creditors in matrix format.
- (3) In chapter 11 cases, in addition to the list required by Bankruptcy Rule 1007(d), a list of the twenty (20) largest unsecured creditors (excluding insiders) prepared in matrix format.

### *Cross-References:*

- 28 U.S.C. § 1930 (*Bankruptcy Fees*)
- LBR 1004-1 (*Petition — Partnership*)
- LBR 1004-2 (*Petition — Corporation*)
- LBR 1004-3 (*Petition — Trust, Limited Liability Company*)
- LBR 1006-1 (*Fees — Installment Payments*)
- LBR 1007-2 (*Mailing — List or Matrix*)
- LBR 2016-1 (*Hearings on Compensation and Employment of Professional Persons*)
- LBR 5005-4 (*Electronic Filing*)
- LBR 5080-1 (*Fees — General*)
- LBR 5081-1 (*Fees — Form of Payment*)
- AO 5005-4 (*Electronic Filing*)
- LBF 1007-2 (*Verification of Creditor Mailing List*)

## **AO 1007-1 Lists, Schedules and Statements**

*(a) Form.* All schedules and statements shall conform substantially to the Official Forms included in the Bankruptcy Rules and shall be completed legibly in all respects. If the appropriate entry is “none,” then that should be indicated. In each of Schedules D, E/F and H, creditors shall be listed in alphabetical order by name, with complete address including the ZIP code, except that secured creditors on Schedule D may be grouped according to the collateral involved if multiple liens on particular assets are involved. Where required by the form, include the last four digits of the account number. In individual cases, Schedules A/B through J must be filed. In all other cases, Schedules A/B and D through H must be filed.

*(b) Filing of Schedules and Statements.* Collate in the following sequence:

- (1)* Petition.
- (2)* Statement of Financial Affairs.
- (3)* Schedules A/B through J.
- (4)* Applicable version(s) of Official Forms 122A, B, or C, including the Means Test Calculation and Calculation of Your Disposable Income, if appropriate.
- (5)* Summary of Assets and Liabilities.
- (6)* Declaration About Schedules.
- (7)* Disclosure of Compensation of Attorney for Debtor Pursuant to Bankruptcy Rule 2016(b).
- (8)* Statement of Intention for Individuals Filing Under Chapter 7, if appropriate.
- (9)* List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders in Chapter 9 or 11 Cases, if appropriate.
- (10)* Any other documents required by paragraphs *(f)* through *(h)* of this rule.
- (11)* Verification of Creditor Mailing List with list of creditors in matrix format attached.

*(c) Paper Copies.* The debtor must 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.

*(d) Certificate of Credit Counseling.* An individual debtor under chapter 7, 11, 12 or 13, in addition to indicating on the petition that credit counseling has been obtained, shall file a separate certification from an approved credit counseling agency indicating that said credit counseling has been completed.

*(e) Statement About Social Security Number.* An individual debtor shall submit, at the time of filing the voluntary petition, a verified statement that sets out the debtor’s Social Security number. If the petition is not filed electronically, then the debtor shall submit the statement on Official Form 121. If the petition is filed electronically, then the debtor shall make the statement on *LBF 5005-4*, the Declaration Regarding Electronic Filing, which must be submitted to the court within seven (7) days. If the debtor does not have a Social Security number, then the debtor shall file Official Form 121 and so indicate.

(f) *Filing Copy of Debtor's Organization Documents.* Whenever a debtor is organized as a trust or as a limited liability company, the debtor shall file with its bankruptcy schedules a copy of its organizational documents together with all amendments, with a copy served upon any trustee and counsel to any official committee in the case.

(g) *Filing of Leases.* Whenever a lease of nonresidential real property constitutes an interest of a bankruptcy estate, the debtor shall file, along with the statement of executory contracts, a separate statement that such a lease exists, the name and address of the lessor and a copy of the lease instrument, with a copy served upon any trustee and counsel to any official committee in the case.

(h) *Filing of List of Inventories and Equipment.* Whenever inventory or business equipment is scheduled in a chapter 7 case, the debtor shall comply with the requirements of *LBR 4002-1(c)* and *(d)*.

(i) *Failure to Timely File Schedules.* If the debtor fails to file all schedules and statements required by Bankruptcy Rule 1007, and no extension of time has been requested or granted, then the court may issue an order to show cause or a notice why the case should not be dismissed for failure to timely file the required schedules and statements, unless the provisions of 11 U.S.C. § 521(i) apply, in which event the case may be dismissed in accordance with *LBR 1007-8*.

(j) *Motions to Extend Time to File Schedules.* The following procedures shall govern the filing of motions to extend the time to file schedules and statements:

(1) *Timeliness.* A motion for extension of time shall be filed before the expiration of the period originally prescribed by the Bankruptcy Rules or as extended by a previous order. A copy of the motion should be served by the debtor upon the United States Trustee, any trustee and all members of any official committee appointed by the United States Trustee.

(2) *Content of Motion.* All motions for extension of time shall state:

(A) The specific date requested.

(B) Whether previous applications for extensions of time on the matter have been requested, including the number and length of previous extensions.

(C) Whether the opposing party or parties in interest agree or object to the requested extension.

(3) *Proposed Order.* A proposed order shall accompany the motion.

(k) *Extension Granted for Filing Schedules.* Generally debtors are not granted an extension of the time for filing schedules and statements to a date after the first date scheduled for the § 341 meeting of creditors. If the debtor is granted an extension of the time for the filing of schedules and statements, and the time for filing occurs after the first date scheduled for the § 341 meeting of creditors, then the debtor shall appear at said meeting on the scheduled date, unless the debtor has previously reached an agreement with the case trustee not to appear, and obtain the agreement of the United States Trustee or the case trustee for a continued meeting to a date after the required papers are to be filed.

*Cross-References:*

- *AO 1002-1 (Petition — General)*
- *LBR 1007-2 (Mailing — List or Matrix)*
- *LBR 4002-1 (Debtor — Duties)*
- *LBR 5005-4 (Electronic Filing)*
- *AO 5005-4 (Electronic Filing)*
- *LBF 5005-4 (Declaration Regarding Electronic Filing)*

## **AO 1009-1 Amendments to Petitions, Lists, Schedules and Statements**

(a) *Generally.* No petition may be amended to add an additional entity as a debtor after the petition has been filed with the clerk.

(b) *Form.* An amendment must be filed as a separate document titled Notice of Amendment. The Notice of Amendment must contain the following:

- (1) A caption including the case name, case number, judge's initials and chapter.
- (2) A statement identifying the schedule, statement or other document being amended.
- (3) The purpose of the amendment, which shall specifically state the change being made to the document being amended.
- (4) The date of the amendment.
- (5) The debtor's signature (if electronically filed, a Declaration Regarding Electronic Filing in the form of *LBF 5005-4* must be forwarded to the clerk's office within seven (7) days of the filing of the amendment).

(c) *Additional Documents.* The Notice of Amendment must be accompanied by the following documents:

- (1) An amendment cover sheet in the form of *LBF 1009-1A*.
- (2) In case of an amendment to schedules or statements, a complete copy of the schedule or statement as amended. In the case of an amendment to any schedule of liabilities, each debt newly listed must also state when such debt was incurred and contain the last four digits of the account number. Additionally,
  - (A) In the case of an amendment to Schedule I, a complete copy of the schedule, as amended, as well as a complete copy of Schedule J that conforms to the amended Schedule I must be filed.
  - (B) In the case of an amendment to Schedule J, a complete copy of the schedule, as amended, as well as a complete copy of Schedule I must be filed.
- (3) The Summary of Assets and Liabilities in the case of an amendment to Schedules A/B, D, E/F, I, J, or Official Form 122A, B, or C.
- (4) A supplement to the list of creditors that shall include the names and the addresses of the creditors added, or whose names and addresses have been changed by the amendment, which supplement shall conform to the requirements of *LBR 1007-2*.
- (5) A certificate of service by the debtor or the debtor's attorney stating that notice has been given as required by Bankruptcy Rule 1009 and paragraph (f) of this rule.

(d) *Filing of Amendment.* When filing an amendment, the documents should be collated in the following sequence:

- (1) Amendment Cover Sheet on *LBF 1009-1A*.
- (2) Notice of Amendment.
- (3) List of Newly Added Creditors substantially in the form of *LBF 1007-2*, if applicable.
- (4) Complete copy of schedule or statement as amended.
- (5) Summary of Assets and Liabilities, if applicable.
- (6) Notice to Additional Creditors on *LBF 1009-1B*, if applicable
- (7) Certificate of service.

(e) *Filing Fee.* When filing an amendment, the debtor shall pay the required filing fee, if any.

(f) *Notice to Affected Parties.* Any amendments to the debtor's schedules must be served on all affected creditors, any trustee, counsel to any creditors' committee and the United States Trustee by the debtor or the debtor's attorney at the same time as they are filed with the clerk, and shall comply further with this rule regarding form and notice. Where the debtor adds creditors to the case by supplementing either the schedules or the list of creditors previously filed, the debtor shall serve upon each newly-listed creditor a copy of the following:

- (1) The Notice of Amendment.
- (2) The Notice of Bankruptcy Case (commonly referred to as the § 341 notice) or, if the meeting has been held, a notice extending deadlines which provides bar dates equivalent to that granted by the original § 341 notice (see *LBF 1009-1B*).
- (3) The order granting discharge, if any.
- (4) Any other filed document affecting the rights of said creditor.

*Cross-References:*

- 28 U.S.C. § 1930 (*Bankruptcy Fees*)
- *LBR 1007-2 (Mailing — List or Matrix)*
- *LBR 5005-4 (Electronic Filing)*
- *LBR 5080-1 (Fees — General)*
- *LBR 5081-1 (Fees — Form of Payment)*
- *AO 5005-4 (Electronic Filing)*
- *LBF 1009-1A (Amendment Cover Sheet)*
- *LBF 1009-1B (Notice to Creditors)*
- *LBF 5005-4 (Declaration Regarding Electronic Filing)*

## **AO 4008-1 Reaffirmation**

(a) *Form.* All reaffirmation agreements shall be filed using Director's Form 2400 issued by the Director of the Administrative Office of the United States Courts and be accompanied by Official Form 427, Reaffirmation Agreement Cover Sheet. The forms are available at [www.uscourts.gov/bkforms/index.html](http://www.uscourts.gov/bkforms/index.html) or on the court's web site at [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov). If a reaffirmation agreement filed with the court is not substantially in the form of Director's Form 2400 and accompanied by Official Form 427, it will not be effective and is subject to disapproval by the court.

(b) *Agreements Not Effective.* Reaffirmation agreements not complying with the provisions of this subparagraph are not effective and are subject to disapproval by the court without notice or a hearing:

- (1) A reaffirmation agreement must be executed prior to the date of the debtor's discharge.
- (2) A reaffirmation agreement must be accompanied by the best available evidence of the claim and, as appropriate, copies of the underlying contractual documents.

(c) *Hearing Not Required.* If the presumption of undue hardship has not arisen under 11 U.S.C. § 524(m), no hearing to review and approve a reaffirmation agreement will be scheduled by the court if either of the following applies:

- (1) The debtor was represented by an attorney during the course of negotiating the agreement.
- (2) The debt is a consumer debt secured by a mortgage or other lien on real property.

(d) *Hearing Required.* A hearing to review and approve a reaffirmation agreement may be scheduled by the court:

- (1) If the debtor was not represented by an attorney during the course of negotiating the agreement, the debt is not a consumer debt secured by a mortgage or other lien on real property and undue hardship cannot be determined from the reaffirmation agreement.
- (2) Whether or not the debtor was represented by an attorney during the course of negotiating the agreement, if the presumption of an undue hardship has arisen under 11 U.S.C. § 524(m) and the court is unable to find that the presumption is rebutted based upon the information submitted by the debtor.

(e) *Appearance by Debtor's Attorney at Hearing.* Unless the court orders otherwise, any attorney who represented the debtor in connection with the preparation or filing of the bankruptcy petition, statement of financial affairs or schedules, shall personally appear at any hearing conducted under subparagraph (d) above.

## **AO 7003-1 Cover Sheet**

When an adversary complaint is filed, the adversary proceeding cover sheet (Director's Form 1040) is to be filed as an attachment to the complaint. The adversary proceeding cover sheet shall include the complete names and addresses of each plaintiff and defendant and may be attached as a separate sheet.

## **AO 8002-1 Notice of Appeal**

*(a) Filing of Appeals.* Unless an election to the United States District Court is filed with the court, an appeal from a final order or judgment or decree of the court shall be taken to the United States Bankruptcy Appellate Panel for the First Circuit as provided by 28 U.S.C. § 158(a) and Part VIII of the Bankruptcy Rules and shall be made by filing a notice of appeal with the clerk of the bankruptcy court, substantially in the form of Official Form 417A, within the time allowed by Bankruptcy Rule 8002. Direct appeals to the First Circuit as provided by 28 U.S.C. § 158(d)(2) are governed by Bankruptcy Rule 8006 and other provisions in Part VIII of the Bankruptcy Rules.

*(b) Extending Time to Appeal.* As provided in Bankruptcy Rule 8002(d) and in accordance with LR 77.4(d)(1), the bankruptcy court shall hear motions to extend the time for filing a notice of appeal.

*Cross-Reference:*

- *LR 77.4 (Bankruptcy)*

## **AO 9012-1 Compliance with the Servicemembers Civil Relief Act**

In order to comply with § 521 of the Servicemembers Civil Relief Act (the “Act”) regarding the entry of default judgments and other applicable parts of the Act, 50 U.S.C. app. §§ 501, et seq., the court requires the following:

*(a) Default Judgments.* At the time of the filing of a motion for default judgment in an adversary proceeding pursuant to Bankruptcy Rule 7055, the plaintiff must file an affidavit with the court which states: (1) whether or not the defendant is in the military service, and indicating the necessary facts to support said affidavit; or (2) if the plaintiff is unable to determine whether or not the defendant is in the military service, a statement that the plaintiff is unable to so determine. See § 521(b)(1) of the Act. If a plaintiff moving for a default judgment does not submit the required affidavit, the motion will be denied. If the court is unable to ascertain the defendant’s military status from the presented affidavit, it may require the plaintiff to file a bond before entering any default judgment. Section 521(b)(4) of the Act states that the affidavit requirement “may be satisfied by a statement, declaration, verification or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.”

*(b) Motions for Relief from the Automatic Stay.* At the time of the filing of a motion for relief from stay under Bankruptcy Rule 4001, the movant must file an affidavit with the court which states: (1) whether or not the respondent is in the military service, and indicating the necessary facts to support said affidavit; or (2) if the movant is unable to determine whether or not the respondent is in the military service, a statement that the movant is unable to so determine. See § 521(b)(1) of the Act. The court will not enter any orders lifting the stay if the movant does not supply the required affidavit. If the court is unable to ascertain the respondent’s military status from the presented affidavit, it may require the movant to file a bond before entering any order lifting the stay.

*(c) Motions and Contested Matters.* At the time of the filing of any motion requesting a remedy which may be granted by the court for a party’s failure to respond, movant must also certify whether the respondent is a servicemember, as required by § 521(b)(1) of the Act.

*(d) Debtor’s Information.* In order to assist the court in its determination of a debtor’s status under the Act, a debtor should inform the court if he or she is a servicemember subject to the provisions of the Act at the time of the filing of the bankruptcy petition by submitting a separate writing in the form of Director’s Form 2020 issued by the Director of the Administrative Office of the United States Courts, a copy of which is available at [www.uscourts.gov/bkforms/index.html](http://www.uscourts.gov/bkforms/index.html) or on the court’s web site at [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov). If, at any time during the pendency of the bankruptcy proceedings, a debtor becomes entitled to the protections of the Act, he or she should inform the court of the change in military status within fourteen (14) days of the change in status. Failure by the debtor to inform the court of his or her military status does not in any way constitute a waiver of the debtor’s protections under the Act and does not alter the responsibility of a party to investigate the debtor’s servicemember status before filing any of the papers referred to in subparagraphs (a) through (c) of this administrative order.

*(e) Verification.* Information on verification of the military status of an individual is available from the clerk’s office or on the court’s web site at [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov).

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

\_\_\_\_\_  
Debtor

Bk. No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Chapter \_\_\_\_\_

**AMENDMENT COVER SHEET**

An amendment to the following petition, lists, schedules or statements is transmitted herewith:

- \_\_\_\_\_ Voluntary Petition
- \_\_\_\_\_ Statement About Your Social Security Number<sup>1</sup>
- \_\_\_\_\_ Statement of Financial Affairs
- \_\_\_\_\_ Schedule A/B – Property<sup>2</sup>
- \_\_\_\_\_ Schedule C – Property You Claim as Exempt
- \_\_\_\_\_ Schedule D – Creditors Who Have Claims Secured by Property<sup>2,3</sup>
- \_\_\_\_\_ Schedule E/F – Creditors Who Have Unsecured Claims<sup>2,3</sup>
- \_\_\_\_\_ Schedule G – Executory Contracts and Unexpired Leases
- \_\_\_\_\_ Schedule H – Co-Debtors
- \_\_\_\_\_ Schedule I – Your Income<sup>2,4</sup>
- \_\_\_\_\_ Schedule J – Your Expenses<sup>2,4</sup>
- \_\_\_\_\_ Form 122A-1 (Chapter 7 Statement of Your Current Monthly Income)<sup>2</sup>
- \_\_\_\_\_ Form 122A-1Supp (Statement of Exemption from Presumption of Abuse Under § 707(b)(2))
- \_\_\_\_\_ Form 122A-2 (Means Test Calculation)
- \_\_\_\_\_ Form 122B (Chapter 11 Statement of Your Current Monthly Income)<sup>2</sup>
- \_\_\_\_\_ Form 122C-1 (Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period)<sup>2</sup>
- \_\_\_\_\_ Form 122C-2 (Chapter 13 Calculation of Your Disposable Income)
- \_\_\_\_\_ Summary of Assets and Liabilities
- \_\_\_\_\_ List of Creditors<sup>3</sup>
- \_\_\_\_\_ Statement of Intention for Individuals Filing Under Chapter 7
- \_\_\_\_\_ List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders in Chapter 9 or 11 Cases
- \_\_\_\_\_ Disclosure of Compensation of Attorney for Debtor
- \_\_\_\_\_ Other [Please specify: \_\_\_\_\_]

In connection with the filing of this amendment, I acknowledge that I have read and understood the terms of *AO 1009-1*.

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney or *Pro se* Debtor Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Tel. No.

<sup>1</sup> Amendment of the debtor's Social Security number requires that an amended *LBF 5005-4* or Official Form 121 — Statement About Your Social Security Numbers be submitted to the clerk's office, in addition to the filing of the amendment. The amendment must comply with the final four digit Social Security number requirement of Bankruptcy Rule 1005, while the copy mailed to affected parties must list the complete Social Security number.

<sup>2</sup> Attach Summary of Assets and Liabilities.

<sup>3</sup> Fee submitted for Amendment to Schedules D, E/F or the List of Creditors. *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.*

<sup>4</sup> Any amendment to Schedule I requires an amendment to Schedule J. Schedule I must always be filed with any amendment to Schedule J.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

\_\_\_\_\_,  
Debtor

Bk. No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Chapter \_\_\_\_\_

**NOTICE TO ADDITIONAL CREDITORS**

On \_\_\_\_\_, the schedule of creditors filed by the above-named debtor was amended to include your name. A meeting of creditors was held/will be held pursuant to 11 U.S.C. § 341(a) on \_\_\_\_\_. At this meeting \_\_\_\_\_ of \_\_\_\_\_ was appointed as the trustee of this case. The bar date for filing objections to discharge or dischargeability pursuant to 11 U.S.C. §§ 523 and 727 is \_\_\_\_\_ (if applicable). The claims bar date is \_\_\_\_\_ (if applicable).

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney or *Pro se* Debtor Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address \_\_\_\_\_

\_\_\_\_\_  
Tel. No. \_\_\_\_\_

Deadline Instructions:

\_\_\_\_\_ The meeting of creditors has been held:  
Extend Objection to Discharge Deadline and/or the Proof of Claim Deadline **only** if that particular deadline was set on the Notice of Bankruptcy Case.  
Extend the Objection to Discharge Deadline sixty (60) days from the date of the amendment for the added creditor(s) (chapter 7, 12, 13 or 11 personal bankruptcy cases only).  
Extend the Proof of Claim Deadline ninety (90) days from the date of the amendment for the added creditor(s), **only** if the deadline was set in the notice.

\_\_\_\_\_ The meeting of creditors has not yet been held:  
Mail a copy of the Notice of Bankruptcy Case to added creditors with the amendment or enter those deadlines on this form.