

U.S. BANKRUPTCY COURT DISTRICT OF NEW HAMPSHIRE



Pro Se Debtor's Guide

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

Updated December 1, 2017

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

MAILING ADDRESS

United States Bankruptcy Court
Warren B. Rudman U.S. Courthouse
55 Pleasant Street, Room 200
Concord, NH 03301-3941

COURT OFFICES

- 2nd Floor – Clerk’s Office
- 1st Floor – Courtroom

CLERK’S OFFICE PHONE NUMBERS

- Main Telephone: (603) 222-2600

CLERK’S OFFICE HOURS

- 8:30 a.m. – 4:30 p.m.
Open to the public for accepting petitions, documents and file review
- 8:30 a.m. – 4:30 p.m.
Telephone inquiries (603) 222-2600
A Drop Box is located outside the south entrance of the Cleveland Building for filings after office hours

MEETING OF CREDITORS

- 1000 Elm Street, 7th Floor, Manchester, NH

COURT WEBSITE

www.nhb.uscourts.gov

CONSUMER PRO SE DEBTOR GUIDE INTRODUCTION

Non-attorney filers are commonly referred to as “pro se” filers. Pro se is a Latin phrase meaning “for himself/herself” or “in one’s own behalf.” This term denotes a person who represents himself or 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 to seek the advice of an attorney if possible.

The excerpts from the Bankruptcy Court’s Local Rules are provided to make you, as a pro se debtor, aware of rules you should follow closely. We have also included information 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. § 110, is subject to strict regulations which include requirements that the preparer: (1) sign any papers prepared on behalf of the debtor; (2) include identification of the individuals who prepared the papers; and (3) furnish the debtor with a copy of the documents prepared.

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

WHAT HAPPENS IN A BANKRUPTCY CASE?

TYPES OF BANKRUPTCY

Before you file bankruptcy, you must choose the type or chapter of bankruptcy that best suits your needs.

CHAPTER 7

Chapter 7 is known as liquidation. This chapter is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. A trustee will be appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors according to the priorities set forth in the Bankruptcy Code. You may claim certain property as exempt under governing law which may allow you to keep some personal items and possibly real estate.

The fee to file a chapter 7 bankruptcy petition is \$335.00.

CHAPTER 13

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. Under 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. 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 years, but not more than five years. Your plan must be approved by the Court before it can take effect. In a chapter 13 case, 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.

The fee to file a chapter 13 bankruptcy petition is \$310.00.

CHAPTER 12

Chapter 12 is only for family farmers or family fishermen who have regular income. It is similar to chapter 13 in that a plan of repayment must be approved by the Court. 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 years, but not more than five years. Your plan must be approved by the Court before it can take effect. As in chapter 13, a trustee is appointed in a chapter 12 case and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

The fee to file a chapter 12 bankruptcy petition is \$275.00.

CHAPTER 11

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. 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.

The provisions of chapter 11 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.

The fee to file a chapter 11 bankruptcy petition is \$1,717.00.

CONVERSION

If you file bankruptcy under one chapter, you may be able later to change or convert your case to another chapter.

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 as 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.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to obtain credit in the future.

SHOULD I DECLARE BANKRUPTCY?

There is a six-page bankruptcy pamphlet prepared by the New Hampshire Bar Association that describes what bankruptcy is, the different chapters available, and what bankruptcy can and cannot do for a debtor.

An electronic version can be accessed on the New Hampshire Bar Association's website at WWW.NHBAR.ORG/FOR-THE-PUBLIC/BANKRUPTCYPAMPHLET.ASP

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

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 contact 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.

15 Green Street
Concord, NH 03301
Toll-free Telephone: (800) 639-5290

Website: www.nhlegalaid.org/about/legal-advice-and-referral-center

NEW HAMPSHIRE LEGAL ASSISTANCE BRANCH OFFICES

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

1131 Main Street
Berlin, NH 03570
Telephone: (603) 752-1102

Toll-free Telephone: (800) 698-8969

24 Opera House Square, Suite 206
Claremont, NH 03743
Telephone: (603) 542-8795

Toll-free Telephone: (800) 562-3994

117 North State Street
Concord, NH 03301
Telephone: (603) 223-9750

Toll-free Telephone: (800) 921-1115

1850 Elm Street, Suite 7
Manchester, NH 03104
Telephone: (603) 668-2900

Toll-free Telephone: (800) 562-3174

154 High Street
Portsmouth, NH 03801
Telephone: (603) 431-7411

Toll-free Telephone (800) 334-3135

Website: www.nhla.org

UNIVERSITY OF NEW HAMPSHIRE SCHOOL OF LAW

Office Hours: 8:30 a.m. – 5:00 p.m.

2 White Street

Concord, NH 03301

Library, Reference Assistance, and Consumer & Commercial Law Clinic

Telephone: (603) 228-1541

Website: <http://in.law.unh.edu/academics/clinics/consumer-commercial-law>

THE PRO BONO PROGRAM OF THE NEW HAMPSHIRE BAR ASSOCIATION

2 Pillsbury Street, Suite 300

Concord, NH 03301

Telephone: (603) 224-5387 or 224-6942

Websites: www.nhbar.org/for-the-public/LegalServices.asp
www.nhlegalaid.org/about/pro-bono

KEY PROVISIONS OF THE BANKRUPTCY LAWS

If you decide to file bankruptcy, below are some key provisions of the bankruptcy laws with which you will need to be familiar.

WAITING PERIODS IF PREVIOUS FILING

A debtor, who previously filed 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 into it further before filing the case.

PRE-BANKRUPTCY COUNSELING

Within 180 days prior to filing a case, a debtor must attend a briefing from an approved counseling agency. A debtor will receive a certificate of credit counseling after counseling has been completed. This certificate must be filed with the Court when you file your case. The counseling may be waived or deferred under very limited circumstances. You can find a list of approved counselors directly at www.justice.gov/ust/eo/bapcpa/ccde/index.htm or through a link on the Court's website at www.nhb.uscourts.gov.

EDUCATIONAL COURSE ON PERSONAL FINANCIAL MANAGEMENT AFTER FILING

The debtor will not receive a discharge unless the debtor completes an educational course on personal financial management and files a debtor education certificate or exemption from the course. The debtor education certificate is due within 60 days following the first date set for the meeting of creditors in a chapter 7 case and generally no later than the date when the last payment is made by the debtor in a chapter 11 or 13 case. You can find a list of approved debtor education providers directly at www.justice.gov/ust/eo/bapcpa/ccde/index.htm or through a link from the Court's website at www.nhb.uscourts.gov. If the debtor fails to file a debtor education certificate, 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 debtor's bankruptcy case chapter.

MEANS TEST

Individual debtors who file a chapter 7, 11, or 13 petition must file Official Form 122A, B or C which requires the debtor to give detailed information about the debtor's income for the purpose of determining whether the 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. A link to this form can be found on the Court's website at www.nhb.uscourts.gov. The means test form must be filed within 14 days of the filing of the petition. Additional means testing information can be found at www.justice.gov/ust/eo/bapcpa/meanstesting.htm.

TAX RETURNS

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. If debtors fail to provide a copy of their tax returns, the debtor's case may be dismissed unless the debtor can demonstrate that the failure to do so was due to circumstances beyond the debtor's control.

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 the 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 on the Court's website at www.nhb.uscourts.gov. Both the wage statements and the average income calculation are due 14 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

Courts may waive the filing fees for certain indigent chapter 7 debtors who file an Application to Have the Chapter 7 Filing Fee Waived on Official Form 103B. To qualify, debtors must earn less than 150% of the poverty level for their family size. For information on the Poverty Guidelines visit the Department of Health & Human Services' website at <http://aspe.hhs.gov/poverty/index.shtml>. The Application to Have the Chapter 7 Filing Fee Waived is available from a link on the Court's website at www.nhb.uscourts.gov and must be filed with the petition. If the fee waiver is denied, the debtor will be required to either pay the full filing fee immediately or will be required to pay the fee in installments over a period no longer than 120 days from the date the debtor's bankruptcy petition is filed.

FAILURE TO COMPLY WITH DUTIES UNDER THE BANKRUPTCY CODE MAY RESULT IN DISMISSAL

Debtors should be aware of their duties under the Bankruptcy Code to file certain documents. If individual chapter 7 or chapter 13 debtors do not file certain information within 45 days after filing their petition, their case will be automatically dismissed.

EXCERPTS FROM THE LOCAL BANKRUPTCY 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

RULE 1007-1(C): LISTS, SCHEDULES AND STATEMENTS (PAPER COPIES)

The debtor must bring a paper copy of the signed petition, schedules, statements and lists to the 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, any trustee appointed in the case and the debtor’s attorney of record, **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.

FILING BANKRUPTCY

In order to file bankruptcy, debtors must fill out a number of forms and file them at the Clerk's Office. These documents include the bankruptcy petition, the statement of financial affairs, bankruptcy schedules, and other statements and forms. The Court has the forms available at .10 cents per page. Copies of the forms may be obtained for no fee through a link on the Court's website at www.nhb.uscourts.gov or directly from the United States Courts' website at www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx.

PETITION FILING REQUIREMENTS

1. A petition commencing a case under chapter 7, 11, 12, or 13 of the Bankruptcy Code must be filed with the Clerk's Office. A petition commencing a new case shall conform substantially to Official Bankruptcy Form 101 and shall be completed legibly in all respects.
2. All information requested or provided for by Official Bankruptcy Form 101 or by Bankruptcy Rule 1005 shall be completed by the 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 Form 101, 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**
 - In chapter 11 cases, in addition to the list required by Bankruptcy Rule 1007(d), a list of the **twenty largest unsecured creditors** (excluding insiders) prepared in the same format as list of creditors
4. One copy of the creditor list in matrix form required by Local Bankruptcy Rule 1002-1(b)(2) shall be filed with each original petition. The creditor list pages shall not be stapled together.

FILING SCHEDULES AND STATEMENTS

SEQUENCE OF FILING OF SCHEDULES AND STATEMENTS

The original petition must be accompanied by statements and schedules. According to Local Bankruptcy Rule 1007-1(b), these documents must be filed with the Court in the following sequence from top to bottom:

- Petition
- Statement of Financial Affairs
- Schedules A/B through J
- Applicable version(s) of Official Forms 122A, B or C, including the Means Test Calculation and Calculation of your Disposable Income, If appropriate
- Summary of Assets and Liabilities
- Declaration about Schedules
- Statement of Intention for Individuals Filing Under Chapter 7, if appropriate
- Verification of Creditor Mailing List with list of creditors in matrix format attached

The following documents shall be filed separately:

- Prepetition Certificate of Credit Counseling (counseling must be obtained within 180 days prior to filing petition)
- Statement About Your Social Security Number
- Initial Statement About an Eviction Judgment Against You (if applicable)
- Chapter 13 Plan (chapter 13 only)

Note: Debtors are required to bring a paper copy of the petition, schedules, statements and lists to the meeting of creditors so that the trustee may use the paper copy to examine the debtor.

FORMAT FOR CREDITOR LIST

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. The statement shall be in the form of Local Bankruptcy Form 1007-2. In order to ensure 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 as 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 LIST

Although the Court is using sophisticated equipment and software to ensure accuracy in reading the creditor list, 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 8½ 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.

AMENDMENTS TO SCHEDULES AND STATEMENTS

Sometimes schedules and statements need to be amended after they are filed. Local Bankruptcy Rule 1009-1 sets forth the requirements. Below are some of the basic requirements that you need to follow if you need to amend your schedules or statements. There is a filing fee when certain schedules are amended.

WHAT ARE THE REQUIREMENTS WHEN AMENDING SCHEDULES ?

(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
- (6) \$31.00 filing fee

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

- (1) Amendment Cover Sheet– use Local Bankruptcy Form 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 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) and a Notice to Added Creditors in the form of *LBF 1009-1B* extending deadlines granted by the original § 341 notice.
- (3) The order granting discharge, if any.
- (4) Any other filed document affecting the rights of said creditor.

WHAT ARE THE REQUIREMENTS FOR THE NOTICE TO ADDITIONAL CREDITORS?

1. Date the case was filed
2. Date the schedules are being amended
3. Listing or extending appropriate deadlines:
 - objections to discharge
 - proof of claim
 - objection to exemptions
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 case 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 Court?

HOW DO I AMEND THE CREDITOR LIST WHEN ADDING CREDITORS AS PART OF AN AMENDMENT TO SCHEDULES?

Follow all format guidelines as with the original creditor list.

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); if not signed, the document(s) **will be returned** and will not be considered filed with the Court.

COMMONLY ASKED BANKRUPTCY FILING QUESTIONS

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

A: The forms can be downloaded from a link on the Court's website at www.nhb.uscourts.gov or directly from www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx. The Clerk's Office has the forms available for a fee.

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. § 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 the Fair Credit Reporting Act contained in this Guide. 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 law, 28 U.S.C. § 1930, requires a fee to file a bankruptcy petition. However, Rule 1006 does allow for the payment of the filing fee in installments and the Court may waive the fee (Official Form 103B) in certain limited circumstances. See additional information on the following page regarding fee waivers.

Q: How can I pay in installments?

A: An application to pay a filing fee in installments (Official Form 103A) can be filed with the bankruptcy petition and approved by the Court. This form can be found on the Court's website at www.nhb.uscourts.gov. The first installment must be paid within fourteen (14) days of the filing of the petition. The first installment must be no less than ¼ of the total filing fee due. Unless otherwise ordered by the court, the balance of the total fee shall be paid in no more than three additional installments payable every thirty

days thereafter until paid in full. The filing fee must be paid in full within 120 days of the filing of the petition.

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

A: Administrative Order 1006-1 explains that the minimum payment for the first installment is one-fourth (1/4) the total fee required with the filing of a petition. This would be \$83.75 for a chapter 7 case and \$77.50 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 Have the Chapter 7 Filing Fee Waived on Official Form 103B, and you must earn less than 150% of the poverty level for your family size. The Application to Have the Chapter 7 Filing Fee Waived 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. The application and the poverty level information can be found on the Court's website at www.nhb.uscourts.gov.

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

A: The creditors listed on your creditor list 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 the section in this Guide 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.

THE FAIR CREDIT REPORTING ACT

The Fair Credit Reporting Act, 6 U.S.C. § 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. The Court has no influence over these reporting policies.

You may want to contact the Federal Trade Commission, Bureau of Consumer Protection, Division of Consumer and Business Education, Washington, D.C. 20580, or telephone them at (877) FTC-HELP and request a copy of the publication *How to Dispute Credit Report Errors*. Copies can be found online at www.consumer.ftc.gov/articles/0151-disputing-errors-credit-reports.

CONCLUSION

If you still have questions after reading this Pro Se Debtor's Guide, we recommend you seek legal advice. A list of organizations that may be able to assist you can be found on pages 9 and 10 of this Guide.

APPENDIX

In addition to paying fees for filing a bankruptcy petition, parties must pay fees to file certain other documents with the Court. Below is a schedule of these fees. Consult this list to see if your filing will require the payment of a fee.

U.S. BANKRUPTCY COURT FEE SCHEDULE

Pursuant to 28 U.S.C. § 1930

Effective 12/1/2016

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	\$ 335.00
[\$245 filing fee + \$75 administrative fee + \$15 trustee surcharge fee]	
Chapter 9	1,717.00
[\$1,167 filing fee + \$550 administrative fee]	
Chapter 11 Voluntary or Involuntary	1,717.00
[\$1,167 filing fee + \$550 administrative fee]	
Chapter 11 Railroad	1,550.00
[\$1,000 filing fee + \$550 administrative fee]	
Chapter 12	275.00
[\$200 filing fee + \$75 administrative fee]	
Chapter 13	310.00
[\$235 filing fee + \$75 administrative fee]	
Chapter 15	1,717.00
[\$1,167 filing fee + \$550 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); (2) reopening a case when a creditor is violating the terms of the discharge under 11 U.S.C. § 524 or (3) to redact a record already filed in a case, if redaction is the only reason for reopening. The fee is required if the reopening is to amend schedules.

Chapter 7	\$ 260.00
Chapter 9	1,167.00
Chapter 13	235.00
Chapter 11	1,167.00
Chapter 12	200.00
Chapter 15	1,167.00

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	922.00
<i>Fee is the difference between the Ch. 7 filing fee (\$245) and the Ch. 11 filing fee (\$1,167).</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 Debtor	932.00
<i>Fee is the difference between the Ch. 13 filing fee (\$235) and the Ch. 11 filing fee (\$1,167).</i>	

BIFURCATED CASE FEE:

For Asevering@or Asplitting@ a joint case into two separate cases, at the request of the debtor.

Chapter 7	335.00
Chapter 13	310.00
Chapter 11	1,717.00
Chapter 12	275.00

OTHER FILING FEES:

Amendments to a Debtor's Schedule of Creditors, Lists of Creditors or Mailing Matrix.....	\$ 31.00
<i>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.</i>	
Complaint and Removals	350.00
<i>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.</i>	
Motion to Withdraw the Reference of a Case.....	181.00
Motion to Compel Abandonment of Property of the Estate	181.00
Motion for Relief from the Automatic Stay.....	181.00
<i>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.</i>	
Motion to Sell Property of the Estate Free and Clear of Liens under 11 U.S.C. § 363(f)	181.00
Notice of Appeal	298.00
<i>Fee consists of \$5.00 for filing the appeal and \$293.00 for docketing the appeal.</i>	
Cross Appeal	298.00
<i>Fee consists of \$5.00 for filing the appeal and \$293.00 for docketing the appeal.</i>	
Request for Authority to file a Direct Appeal or Cross Appeal to the First Circuit Court of Appeals	298.00
<i>If authorized, an additional fee of \$207 becomes due.</i>	
Transfer of Claim.....	25.00
Motion to Redact a Record, per affected case	25.00

MISCELLANEOUS FEES:

For every search of the records of the Bankruptcy Court (per name or item searched).....	31.00
Certification Fee (per item)	11.00
Exemplification Fee (per item).....	22.00
Retrieval of File from Archives first requested box	46.00
Each additional box requested	39.00
Filing or indexing a paper not in a pending case or proceeding, including registering a judgment from another district.....	47.00
Returned Check	53.00
CD/Tape reproduction of recordings of proceedings.....	31.00
Photocopies (per page)	0.50
For public users obtaining information through CM/ECF PACER (per page).....	0.10
For printing copies of any record/document accessed electronically at a public terminal in the Clerk's Office (per page).....	0.10