

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

GENERAL INFORMATION

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

Tampa 801 N. Florida Avenue Suite 555 Tampa, Florida 33602 (813) 301-5162	Orlando 135 W. Central Boulevard Suite 950 Orlando, Florida 32801 (407) 648-6365	Jacksonville 300 North Hogan Street Suite 3-350 Jacksonville, Florida 32202 (904) 301-6490
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Note: Papers filed in cases assigned to the Fort Myers Division should be filed in the Tampa Division where the record is maintained.

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

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

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

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

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

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

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

General Warning to All Parties Proceeding Without an Attorney (Proceeding *Pro Se*): The staff of the Bankruptcy Court cannot give legal advice. Contact an attorney to protect your rights. Filing for bankruptcy may be done without an attorney. However, it is highly recommended that you retain the services of an attorney to guide you through this complex process. The bankruptcy laws are very technical and you are required to complete and sign, under penalty of perjury various official forms. Your failure to complete these forms truthfully and timely may result in the dismissal of your case and may adversely affect any further bankruptcy filing.

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

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

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

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

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

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

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

Credit Report: The Bankruptcy Court has no jurisdiction over credit reporting agencies. The Fair Credit Reporting Act, 6 U.S.C. § 605, is the law that controls credit-reporting agencies. You may contact the Federal Trade Commission, Bureau of Consumer Protection, Education Division, Washington, D.C. 20580; their phone number is (202) 326-2222. That agency can provide further information on re-establishing credit and addressing credit problems. You can also directly contact the credit bureau(s) reporting the information – e.g., Equifax, Experian, and TransUnion.

You may review electronic cases at the Clerk's Office. Copies of documents may be purchased from the Clerk's Office at a cost of fifty cents per page with a five-page limit. You can also obtain copies through our contract photocopy service, Judicial Research and Retrieval Service, Inc. in Tampa at (813) 228-7200; in Orlando at (407) 999-7717 and in Jacksonville at (800) 529-6226.

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

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

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

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

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

PROPER SEQUENCE FOR FILING PETITIONS IN THE BANKRUPTCY COURT:

1. Voluntary Petition (3 Pages) (form B1)
2. Exhibit "D" – Individual Debtor's Statement of Compliance with Credit Counseling (B 1D)
3. Summary of Schedules (Includes Statistical Summary of Certain Liabilities)(B 6 –Summary)
4. Schedule A - Real Property (B 6A)
5. Schedule B – Personal Property (B 6B)
6. Schedule C – Property Claimed as Exempt (B 6C)
7. Schedule D – Creditors Holding Secured Claims (B 6D)
8. Schedule E – Creditors Holding Unsecured Claims (B 6E)
9. Schedule F - Creditors Holding Unsecured Non-priority Claims (B 6F)
10. Schedule G – Executory Contracts and Unexpired Leases (B 6G)
11. Schedule H – Co-debtor(s) (B 6H)
12. Schedule I – Current Income of Individual Debtor(s) (B 6I)

13. Schedule J – Current Expenditures of Individual Debtor(s) (B 6J)
14. Declaration Under Penalty of Perjury Concerning Debtor’s Schedules (B 6 Declaration)
15. Statement of Financial Affairs – Questions 1-25 (B 7)
16. Chapter 7 Individual Debtor’s Statement of Intention (B 8)
17. Statement of Current Monthly Income and Means Test Calculation (B 22A for Ch7; B22C for Ch13)
18. Mailing matrix, on paper, Complete Names and Addresses only
19. Statement of Social Security Number(s) (B 21)
20. Disk containing creditor information: For complete instructions refer to our website (www.flmb.uscourts.gov – forms – Notices (matrix Filing instructions), Must be in Text format only. (Creditor.txt)

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

- * Application to Pay Filing Fee in Installments (B 3A)
- * Application for Waiver of Chapter 7 Filing Fee (B 3B)
- * Case Management Summary (Chapter 11 only)
- * Chapter 13 Plan (The Model Plan must be used in Tampa and is available on the Courts web site at www.flmb.uscourts.gov/procedures/documents/chapter13plan.pdf)
- * Corporate Ownership Statement (Rule 7007.1)
- * Disclosure of Compensation of Attorney for Debtor (form B 203)
- * Disclosure of Compensation of Petition Preparer (B 280)
- * Declaration and signature of Non-Attorney Bankruptcy Petition Preparer (B 19)
- * List of Creditors Holding 20 Largest Unsecured Claims (form B 4) (Chapter 11 only)
- * List of Equity Security Holders
- * Statement of Military Service (B 202)

UNITED STATES BANKRUPTCY COURT

NOTICE TO CONSUMER DEBTOR(S) UNDER §342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$46 administrative fee, \$15 trustee surcharge: Total fee \$306)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny

your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$46 administrative fee: Total fee \$281)

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts 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 must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$46 administrative fee: Total fee \$1046)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$46 administrative fee: Total fee \$246)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.