
If you are considering filing bankruptcy without an attorney - Information for Filing a Chapter 7 or 13 Individual or Joint Petition

First, read the information sheets, listed below. You are responsible for knowing the information included in these information sheets.

- **Warning concerning Budget and Credit Counseling Requirement**
- **Important Notice to Individual Debtors - Duty to Provide Documentation**
- The Process; The Discharge in Bankruptcy
- Chapter 7 – Liquidation; Chapter 13 – Wage Earner
- Glossary of bankruptcy terms
- **Form B201**, *Notice to Individual Consumer Debtor Under §342(b) of the Bankruptcy Code*. On your bankruptcy petition form, in your signature block, you will be required to certify that you have read this form. **You do not need to file Form B201 with the court.**

Second, BEFORE YOU FILE, obtain budget and credit counseling, required by Section 109(h) of the Bankruptcy Code, Title 11, United States Code. If husband and wife are filing a petition together, each must complete credit counseling and submit a certificate. See the list of approved budget and credit counseling agencies at the website link shown below or obtain a list from the Court.

http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc_approved.htm

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Third, complete the **PETITION, Form 1** (3 pages)

■ Tips for completing page 1 of Petition

- Enter only the last four digits of your social security number (for example: xxx-xx-1234)
- For “**Type of Debtor**,” check “*individual*.” You must be an individual to file without representation by an attorney. Corporations and partnerships must be represented by an attorney in Bankruptcy Court.
- Do not complete the box entitled “**Nature of Business**.”
- For “**Chapter of Bankruptcy Code under which the petition is filed**,” check either Chapter 7 or Chapter 13.
- For “**Nature of Debts**,” check “*Business*” **only** if debts are **primarily** business debts.
- Do not complete the box entitled “**Chapter 11 Debtors**.”
- For “**Filing Fee**,” read the instructions regarding filing fee below before checking a box in this block.
- For “**Statistical/Administrative Information**,” complete this block of information to the best of your ability.

■ Tips for completing page 2 of Petition

- Enter full names of debtors in block at top right-hand corner of page 2.
- Enter location (state or federal district), case number and date filed of **bankruptcy cases you have filed within last 8 years**.
- Enter name of debtor, case number, date filed, federal district, relationship to you, and judge of any **pending bankruptcy cases filed by any spouse, partner or affiliate**.
- Skip Exhibit A and Exhibit B.
- Answer Exhibit C. If applicable, complete and attach Exhibit C, Form 16B, to petition.
- Answer Exhibit D. In Exhibit D, you are making statements about the credit counseling requirement and how you obeyed it. See the **WARNING** document and instructions for completing Exhibit D, below.

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Tips for completing page 2 of Petition, continued

- Check the first box in the block entitled “**Information Regarding the Debtor,**” to identify eligibility to file your petition in the District of New Mexico Bankruptcy Court.

- For the block entitled “**Statement by a Debtor Who Resides as a Tenant of Residential Property,**” do not check any of the blocks unless your landlord has a judgment against you for possession of your residence.
 - If your landlord has a judgment against you for possession of your residence, check the first box, and enter the name and address of your landlord on the lines provided.

 - If you know that state law would allow you to cure the entire monetary default that gave rise to the judgment for possession **and** you are able to submit the amount of rent that would become due during the 30-day period after the petition is filed, **check both of the remaining boxes, AND**

 - Submit WITH THE PETITION (separate from the petition filing fee) a money order or certified check payable to the landlord for the amount of rent that would become due during the 30-day period from the date the petition is filed. Submit the payment along with NM Form 506, Deposit of Rent.

- **Tips for completing page 3 of Petition**
 - Enter full names of debtor(s) in block at top right-hand corner of page 3

 - Read and sign in the “**Signature(s) of Debtor(s) (Individual/Joint)**” block. You must include your telephone number and the date signed. If both husband and wife are filing the petition, both must sign the petition.

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■ Complete Exhibit D

- If you have completed credit counseling and you have a certificate, check box #1 and attach certificate to Exhibit D.
- If you have completed credit counseling but you do not have the certificate, check box #2 on Exhibit D. Contact your counseling provider to obtain a copy of the certificate. **If you check box #2 on Exhibit D, you must file the certificate within 15 days of filing the petition.** To file the certificate with the court, complete NM Form 503, and attach the certificate (and debt repayment plan, if any) to the form.
- If the circumstances described in box #3 on Exhibit D apply to you, check box #3, complete NM Form 504 and submit it with your petition. The Court may hold a hearing on your motion. **If you check box #3 on Exhibit D, you must file the certificate of completion within 30 days of filing the petition.**
- If you qualify for an exemption from the budget and credit counseling requirement as described in box #4 on Exhibit D, check box #4, complete NM Form 505 and submit it with your petition. The Court will hold a hearing on your motion.

■ Complete the following Schedules and Statements

- **Schedules A – J, Summary and Statistical Summary, Form 6**
 - **Tips for completing Schedule A, Real Property, and Schedule B, Personal Property.** Real property is real estate. Personal property is everything else, such as cash, cars, clothes, books, furniture, dishes, computers, televisions, software, stocks, bonds, pets, etc. Follow the instructions on each schedule.
 - **Tips for completing Schedule C, Property Claimed as Exempt.** See the court's document entitled "Exemptions." If you are going to claim exemptions under the federal statute, check the box on Schedule C for 11 U.S.C § 522(b)(2). If you are going to claim exemptions under state law, check the box on Schedule C for 11 U.S.C. § 522(b)(3). **Note:** to claim exemptions under New Mexico state law, you must have been domiciled in New Mexico for the 730 days immediately preceding the date you file the petition.
 - **Tips for completing Schedules D – G.** Read the instructions and complete each schedule being careful to enter accurate and complete information. You must submit every schedule whether the schedule applies to your situation or not. If you have nothing to report on a schedule, make a notation on the schedule or check the block, if any, indicating that you have nothing to report.

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- **Tip for completing Schedule H, Co-debtors.** New Mexico is a community property state. Be sure to list any non-filing spouse or former spouse (during 8 prior years) as a co-debtor.
- **Tip for completing Schedule I, Current Monthly Income of Individual Debtor(s)** – for Line 17, **specifically state** whether or not you expect an increase in income in the 12 months from the date the petition is filed.
- **Tip for completing Schedule J, Current Expenditure of Individual Debtor(s)** – for Line 19, be sure to **specifically state** whether or not you expect an increase in expenditures in the 12 months from the date the petition is filed.
- **VERY IMPORTANT - You must sign the declaration concerning schedules.** By signing the declaration, you are verifying that the information in the schedules is true and correct to the best of your knowledge.
- **Statement of Financial Affairs, Form 7** – carefully complete the statement which requires you to disclose financial, legal, marital information, and which you must sign to verify that the information you have provided in the statement is true and correct to the best of your knowledge.
- **Statement of Intention, Form 8** – Completion and submission of this form is only required in a chapter 7 case. You must sign this form to verify that the information you have provided in the statement is true and correct to the best of your knowledge.
- **Statement of Social Security Number** – The Clerk’s Office is required by law to obtain your full nine-digit social security number. You must also bring photo identification and proof of social security number with you to the meeting of creditors which will be held within 30 to 60 days from the date the petition is filed.
- **Statement of Current Monthly Income and Means Test Calculation, Form B22A** (if filing a Chapter 7 petition)

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- **Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income, Form B22C** (if filing a Chapter 13 petition)

NOTE: You will need the median income data for completing the Statement of Current Monthly Income for either Chapter 7 or Chapter 13. See the "Means Testing" information sheet provided by the Office of the United States Trustee available with these instructions or on the UST's website at <http://www.usdoj.gov/ust/eo/bapcpa/meanstesting.htm>

- **Disclosure of Marital Status** – completion and submission of this form is required pursuant to New Mexico Local Bankruptcy Rule 1002-1, NM Form 400. (This form is required if you are single or you have a non-filing spouse). **If you have a non-filing spouse**, you must send a "Notice of Non-Filing Spouse Information" to all of your creditors (see Sample Form 15) **within 2 to 5 days of the date of filing your petition** and file a "Certificate of Compliance" (see Form 13) with the Court.
- **Certificate of Disclosure of Community Information** – if you have a non-filing spouse, completion and submission of this form is required pursuant to New Mexico Local Bankruptcy Rules 1007-1, NM Form 401.
- **A mailing list of names and addresses of creditors, co-debtors, non-filing spouse, landlords, parties to contracts (all parties listed on schedules D, E, F, G, and H and any other parties in interest)** typed in a single column as an ascii DOS text file and submitted on a CD or floppy disk. This list of names and addresses is required in addition to the information you provide in on your schedules.
- **Minimum needed to file bankruptcy.** If you have to file a bankruptcy petition as soon as possible, and you are not able to complete all of the documents listed above at the time of filing, you must submit the following:
 - Petition, Form 1, and Statement of Social Security Number
 - Exhibit D
 - Disclosure of Marital Status (required if you are single or you have a non-filing spouse)
 - Mailing list of creditors, co-debtors, non-filing spouse, landlords, parties to contracts and other parties in interest.
 - Filing fee (see more about the filing fee below)

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- **Due Date for all other required documents.** All schedules and other statements are **due within 15 days of filing the petition**. In a chapter 13 case, the chapter 13 plan is due within 15 days of filing the petition.
- **FAILURE TO TIMELY FILE REQUIRED DOCUMENTS WILL RESULT IN DISMISSAL OF YOUR CASE.**
- **Filing Fee - options**
 - Pay the filing fee in cash, money order, or cashiers check
 - The Clerk's Office does not accept debtor's personal check or credit card.
 - Fee to file a Chapter 7 petition = \$299.00
 - Fee to file a Chapter 13 petition = \$274.00
 - Pay the filing fee in installments
 - Submit NM form 508, "**Application to Pay Filing Fee in Installments**," and
 - Submit NM form 509, "**Order Approving Payment of Filing Fees in Installments**" for the judge's consideration
 - In a chapter 7 case, submit "**Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments**," NM Form 510. Read the form and carefully complete all of the questions. The judge may conduct a hearing on your application for a waiver of the Chapter 7 filing fee. If your application is denied, you may be given the option to pay the fee in installments.
- **Requirement to submit pay stubs and federal income tax return.**
 - Pursuant to court order, you shall provide to your case trustee copies of all payment advices or other evidence of payments you received from any employer within 60 days before the date of the filing of the petition [11 U. S. C. § 521 (a)(1) (B)(iv)]. Copies of payment advices must be delivered to your case trustee not later than 7 days before the date first set for your meeting of creditors.
 - Pursuant to 11 U. S. C. § 521(e)(2)(A)(ii), you shall provide to your case trustee a copy of or a transcript of your most recent federal income tax return. The copy or transcript must be delivered to your case trustee not later than 7 days before the first date set your meeting of creditors.

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- Use IRS Form 4506-T to order a transcript of your federal income tax return for free. The “Return Transcript,” choice 6a, on form 4506-T, has the quickest response time. The “Account Transcript,” choice 6b, provides more details but will take longer to receive.
- Read the IMPORTANT Notice to Individual Debtors Regarding Individual Debtor’s Duty to Provide Documentation for explanation of other documentation that may be required.
- **After you file your petition, the Clerk’s Office can provide you with the name and address of your case trustee.** It is your responsibility to obtain the name and address of your case trustee and to send copies of the payment advices and the most recent tax return to your case trustee no later than 7 days before the meeting of creditors.
- **FAILURE TO PROVIDE THE TRUSTEE WITH COPIES OF THE PAYMENT ADVICES AND THE FEDERAL INCOME TAX RETURN MAY RESULT IN DISMISSAL OF YOUR CASE.**
- **Take the time to proof all of your documents and make one extra copy of each document you file with the court to keep for your own records.** Remember this: you can amend your schedules any time before the case is closed. However, if you need to add creditors, change the amount of a scheduled debt or its classification (secured, unsecured, etc.), the Clerk’s Office is required to charge a \$26.00 filing fee.
- **If you are filing the petition in person, deliver your petition to**

Clerk of Court, United States Bankruptcy Court
Dennis Chavez Federal Building and United States Courthouse
500 Gold Avenue SW – 10th Floor
Albuquerque New Mexico 87102
505-348-2500

The Clerk’s Office is located on the southwest corner of 5th Street and Gold Avenue in downtown Albuquerque.

Bring your extra copy with you when you file your petition so the Clerk’s Office can file stamp your copy.

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- **If you are sending the petition via U.S. Mail, mail it to**

Clerk of Court
United States Bankruptcy Court
District of New Mexico
P. O. Box 546
Albuquerque NM 87103-0546

If you mail your petition, please include a copy of the documents AND a large, self-addressed and postage-stamped envelope for the Clerk's Office to return your file-stamped copies to you. If you later require copies of court documents, the Clerk's Office is required to charge 50¢ PER PAGE to make a copy of a document.

- **In order to receive a discharge in bankruptcy, you must**

- **Complete an instructional course in Personal Financial Management AFTER filing your petition.** This is in addition to the budget and credit counseling you are required to obtain BEFORE you file your petition. You must complete the Personal Financial Management course within 45 days after the first date set for the meeting of creditors in a chapter 7 case and no later than the last payment made by the debtor as required by the plan or the filing of a motion for entry of discharge under § 1328 (b) in a chapter 13 case.

As evidence of completion of the instructional course, you must file NM Form 512, "**Debtor's Certification of Completion of Postpetition Instructional Course in Personal Financial Management,**" with the certificate of completion attached with the court. See the list of approved personal financial management instructional course providers at http://www.usdoj.gov/ust/eo/bapcpa/ccde/de_approved.htm or obtain a list from the Clerk's Office.

- **You must attend a meeting of creditors and cooperate with your case trustee.** FAILURE TO ATTEND THE MEETING OR TO COOPERATE WITH THE TRUSTEE ARE GROUNDS FOR DISMISSAL OF YOUR CASE.

The Clerk's Office will send a notice of the meeting of creditors to you and to all of your creditors (all names on the mailing list you provide with your petition). Read the notice carefully. It contains the date, time and place of the meeting. The meeting of creditors is held between 30 and 60 days of the filing of the petition. You must bring photo identification (e.g., driver's license) and proof of your social security number to the meeting.

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Finally, a few more things.....

- **It is your responsibility** to check the notice of the meeting of creditors to make sure the information on the notice regarding your name, address and 9-digit social security number is correct. If any of the information is incorrect, contact the Clerk's Office toll free at 866-291-6805.
- **Only you and your creditors** (those whom you listed on your mailing list) will receive a notice with all 9 digits of your social security number. The notice maintained on the case docket report in the Clerk's Office case database will only show the last four digits of your social security number.
- **If you file a chapter 13 petition**, you are responsible for filing a Chapter 13 plan to repay creditors. The plan must be filed with the court within 15 days of the date of the filing of the petition. The Clerk's Office does not provide sample chapter 13 plans. Contact the Office of the Chapter 13 Trustee in Albuquerque at 505-243-1335 or via the Internet (<http://www.13network.com/alghome.htm>) for information about the chapter 13 plan format. **You are also responsible** for mailing a copy of your chapter 13 plan along with a notice of deadline to object to the plan and the notice of the hearing on confirmation of the plan to all creditors and parties of record in your case. Call the Clerk's Office for assistance when preparing the notice of the hearing on confirmation of the plan. The notice of meeting of creditors will provide the date and time of the hearing to consider confirmation of your plan.
- **The case trustee may not give you legal advice.** Please do not ask the trustee for assistance regarding your case. **IF YOU NEED LEGAL ASSISTANCE, consult a bankruptcy attorney.**
- **Legal Advice & Resources**
 - **STAFF OF THE CLERK'S OFFICE OF THE UNITED STATES BANKRUPTCY COURT ARE NOT PERMITTED TO ASSIST YOU WITH PREPARING YOUR PETITION, SCHEDULES, OR OTHER DOCUMENTS. NOR ARE THEY PERMITTED TO PROVIDE YOU WITH LEGAL ADVICE.**
 - Your local library has law books that may be of assistance to you. Links to the Local Rules for United States Bankruptcy Court for the District of New Mexico and to Title 11 of the United States Code (bankruptcy law) and to the Federal Rules of Bankruptcy Procedure are available on the court website at <http://www.nmcourt.fed.us/usbc>. The court's website will also provide you with general information, directions to meeting and court hearing locations, forms, and court contact information.

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Checklist:

Be sure to read:

- **WARNING** regarding requirement to obtain budget and credit counseling BEFORE you file your petition.
- IMPORTANT NOTICE TO INDIVIDUAL DEBTORS – Duty to Provide Documentation
- Bankruptcy Basics: The Process - The Discharge in Bankruptcy - Chapter 7, Liquidation under the Bankruptcy Code - Chapter 13, Individual Debt Adjustment – Glossary of bankruptcy terms
- Form B201, Notice to Individual Consumer Debtor Under § 342(b) of the Bankruptcy Code.
- Exemptions and Means Testing information

Be sure to obtain:

- _____ Credit counseling from an approved credit counseling agency and certificate of completion
- _____ A copy of your most recent Federal Income tax return
- _____ Copies of your pay stubs for employment within the 60-day period prior to filing your petition
- _____ Copies of checking, savings, and investment account statements at the time of filing the petition.
- _____ Documentation you use to complete form B22A or B22C.
- _____ A picture ID issued by a governmental unit, or other personal identifying information
- _____ Evidence of your social security number or written statement that documentation does not exist.

Complete the following forms:

- _____ Petition, Form 1 with Exhibit D (and (if necessary, Exhibit C)
- _____ Schedules A – J, Summary and Statistical Summary, and Declaration, Forms 6
- _____ Statement of Financial Affairs, Form 7
- _____ Statement of Intention, Form 8
- _____ Statement of Current Monthly Income (Form B22A for Chapter 7 or Form B22C for Chapter 13)
- _____ Statement of Social Security Number
- _____ Credit Counseling forms: NM Form 503 or NM Form 504 or NM Form 505.
- _____ **If applicable**, NM Form 506, Deposit of Rent **and the money order payable to landlord for 30-days rent**
- _____ **If applicable**, Disclosure of Marital Status/Certificate of Community Info, NM Forms 400 and 401
- _____ **If applicable**, sample Form 15 (notice to creditors) and Form 13, (certificate of compliance)

Regarding the fee:

- _____ Obtain money order payable to the United States Bankruptcy Court for the full amount of the filing fee, **or** complete NM Forms 508 and 509, Application and Order on Payment of Filing Fee in Installments, **or** IF A CHAPTER 7 case, NM Form 510, Application for Waiver of the Chapter 7 Filing Fee

As soon as you receive your Notice of Meeting of Creditors (about 5 days after you file your petition):

- _____ **Mail copies of your pay stubs and your Federal income tax return to your case trustee** so that these documents are received by the trustee not later than seven (7) days before the creditor meeting.
- _____ Mark your calendar for the date of the Meeting of Creditors. **ATTEND THE MEETING.**
- _____ Gather documents to take with you to the Meeting of Creditors: picture ID, evidence of SSN, copies of checking, savings, and investment account statements, and documentation you used to complete Form B22A or C.
- _____ Contact an approved provider of a course in Personal Financial Management which you are required to complete as soon as possible **AFTER** you file your petition.
- _____ Complete the Personal Financial Management Course.
- _____ File with the court, NM Form 512, Debtor's Certification of Completion of Postpetition Instructional Course in Personal Financial Management along with the certificate of completion.

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Attachments:

Resources to read:

- **WARNING** re requirement to obtain budget and credit counseling BEFORE filing
- IMPORTANT NOTICE TO INDIVIDUAL DEBTORS – DUTY TO PROVIDE DOCUMENTATION (payment advices, tax return, other documents)
- Bankruptcy Basics (information provided by the Administrative Office of the United States Courts): The Process - The Discharge in Bankruptcy - Chapter 7, Liquidation under the Bankruptcy Code - Chapter 13, Individual Debt Adjustment, and Glossary
- Form B201, Notice to Individual Consumer Debtor Under § 342(b) of the Bankruptcy Code.
- Exemptions information
- Means Testing information
- IRS Form 4506-T with instructions (3 pages)
- List of approved credit counseling agencies
- List of approved providers of Personal Financial Management Instruction courses

Forms to complete:

- Petition, Form 1
- Exhibit C, Form B1
- Exhibit D
- Schedules A – J, Summary and Statistical Summary, and Declaration, Forms 6
- Statement of Financial Affairs, Form 7
- Statement of Current Monthly Income and Means Test Calculation, Form B22A (if filing Chapter 7)
- Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income, Form B22C (if filing Chapter 13)
- Statement of Intention, Form 8
- Statement of Social Security Number
- NM Form 503, NM Form 504, or NM Form 505 (forms regarding credit counseling)
- NM Form 506, Deposit of Rent
- NM Form 400 and 401, Disclosure of Marital Status, Certificate of Disclosure of Community Information
- Sample Form 15 – Notice of Non-Filing Spouse Information
- Form 13, Certificate of Compliance with Local Rule 1007-5(b) regarding notice of non-filing spouse information
- NM Form 508, Application to Pay Filing Fee in Installments and NM Form 509, Order Allowing Payment of Filing Fee in Installments
- NM Form 510, Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments.
- NM Form 512, Debtor's Certification of Completion of Postpetition Instructional Course in Personal Financial Management – POST-PETITION FILING