

Standard Checklist – Voluntary Individual Chapter 7

Pre-Filing

- Client intake
 - Contact information, including full legal name, home and mailing address, phone number, email address, and any other names used¹
 - Date of birth
 - Prior addresses within last three years
 - Social Security number (copy of Social Security card)
 - Previous bankruptcies (review any prior filings for consistency)
 - Names and current addresses of co-debtors
 - Names and current addresses of former spouses
 - Discuss bankruptcy chapters under which prospective client may file
 - Discuss credit counseling and debtor education requirements
 - Potential inheritances (11 U.S.C. §541(a)(5))
 - Anticipated tax refunds
 - Setoff or account freeze issues
 - Business interests
 - Business names and Employer Identification Numbers used
 - Domestic support obligations
 - Student loans
 - Avoidable property transfers (11 U.S.C. §§547, 548)
 - Pre-bankruptcy luxury good purchases or cash advances (11 U.S.C. §523(a)(2))
- Obtain documents
 - Lawsuits, judgments, garnishments and attachments
 - Foreclosures and repossessions
 - Income taxes
 - Notices from state, federal, or local taxing authorities
 - Federal income tax returns or tax transcripts of federal tax returns for the last four years
 - Domestic support
 - Support orders
 - Dissolution agreements or stipulations
 - Credit report
 - Credit card statements
 - Collection notices and other bills
 - Letters from lenders or collection agencies
 - Letters from attorneys

¹ Has client lived at current address for the last 730 days (24 months)? If not, apply correct state exemptions. (11 U.S.C. §522(b)(3)(A))

- Income (last six calendar months)
 - Paycheck stubs
 - Retirement or pension plan contributions
 - Retirement loan payback
 - Mandatory deductions
 - Voluntary deductions
 - Wage garnishments
 - Commission or bonuses
 - Unemployment benefits
 - Child or spousal benefits
 - Social security benefits
 - Retirement or pension
 - Bank interest
 - Stock dividend(s)
 - Lease or rental
 - Profit and loss statement from operation of business (year-to-date)
 - Distributions from an estate or trust
 - Anticipated increase of future income
- Expenses
 - Utility bills
 - Vehicle loan or lease statement(s)
 - Mortgage statements
 - Anticipated increase of future expenses
- Bank account statements (last six calendar months)
 - Checking account(s)
 - Savings account(s)
 - Other bank account(s)
- Retirement and other financial accounts
 - IRA
 - Education IRA or other tuition program (11 U.S.C. §521(c))
 - Medical savings plan(s)
 - Investment accounts
- Residential lease
 - Rental agreement
 - Eviction notices
 - Judgment for possession
- Real property
 - Deeds of property owned or transferred within last 10 years
 - Mortgage documents
 - Valuation (appraisal or broker's price opinion)

- Information regarding refinancing
- Property tax bill
- Insurance (declaration page(s))
- Vehicle(s)
 - Valuation(s)
 - Loan or lease documents
 - Registration(s)
 - Insurance (declaration page(s))
- Life Insurance
 - Term life insurance
 - Death benefit
 - Premium
 - Whole life insurance
 - Cash surrender value
 - Death benefit
 - Premiums
- Trust interests
- Business interests
- Client worksheets
 - Inventory of personal property, including household furnishings
 - Expenses
- Credit counseling certificate (11 U.S.C. §109(h))

3 Days after Initial Meeting

- Give prospective client debt relief agency disclosures (11 U.S.C. §§342(b)(1), 527(a)(2))

5 Days after Initial Meeting

- Give client written fee agreement (11 U.S.C. §528(a))

Generate Documents for Filing

- Check current balance of bank accounts and cash on hand
- Update property acquired since last meeting with client
- Review petition and related schedules with client and obtain signatures
- Scan declaration regarding electronic filing, if applicable
- Scan signature pages, if applicable

Initial Filing

- Voluntary Petition (Form 101) (11 U.S.C. §301; FRBP 1002))
- Statement of Social Security Number (Form 121) (FRBP 1007(c), 1007(f))
- Credit Counseling
 - Attach copy of certificate of credit counseling, including copy of debt repayment plan, if any, to the Voluntary Petition. Certificate may be filed within 14 days if debtor received credit counseling prepetition but did not receive certificate prior to filing. (11 U.S.C. §109(h)(1), 521(b); FRBP 1007(b)(3), (c))
 - Request for waiver of credit counseling due to disability. (11 U.S.C. §109(h)(4); FRBP 1007(b)(3)(D), 1007(c))

- Certification of “exigent” circumstances if credit counseling was not obtained prepetition. (11 U.S.C. §109(h)(3); FRBP 1007(b)(3)(C), 1007(c))
- List of creditors (11 U.S.C. §521(a)(1)(A); FRBP 1007(a)(1))
- Filing fee (FRBP 1006(a))
 - Application to Have the Chapter 7 Filing Fee Waived (Form 103B) (FRBP 1006(c))
- Declaration regarding electronic filing, if applicable
- Signature pages, if applicable
- Notice of case filing and docket number to client
 - Include reminder to financial management course

During Case

14 Days after Filing

- Schedules A/B – J (11 U.S.C. §521(a)(1)(B)(i), (ii) and (v); FRBP 1007(b)(1)(A), (B), (C) and 1007(c))
- Statement of Financial Affairs (Form 107) (11 U.S.C. §521(a)(1)(B)(iii); FRBP 1007(b)(1)(D), 1007(c))
- Certificate of credit counseling (if debtor received credit counseling prepetition but did not receive certificate before petition filed) (FRBP 1007(b)(3)(B); 1007(c))
- Chapter 7 Statement of Current Monthly Income and Means Test (primarily consumer debt only) (Form 122A-1Supp, 122A-1, -2) (11 U.S.C. §1325(b)(2), (3); FRBP 1007(b)(6), 1007(c))
- Disclosure of Attorney Compensation (Form 2030) (FRBP 2016(b))
- Copies of pay stubs for 60 days prior to filing (or statement saying that none exist) (11 U.S.C. §521(a)(1)(iv); FRBP 1007(b)(1)(E), 1007(c))
- Record of any interest the debtor has in an Educational IRA or similar account (11 U.S.C. §521(c); FRBP 1007(b)(1)(F), 1007(c))
- Statement disclosing reasonably anticipated increases in income or expense over next 12 months (11 U.S.C. §521(a)(1)(B)(vi))
- Summary of Assets and Liabilities and Statistical Summary (Form 106Sum) (28 U.S.C. §159)

7 Days before Meeting of Creditors

- Check local rules and trustee policies for section 341 documentation requirements
- Copy of most recently filed tax return to trustee (11 U.S.C. §521(e)(2); FRBP 4002(b)(3))
- Copy of most recently filed tax return to requesting creditor (11 U.S.C. §521(e)(2)(C); FRBP 4002(b)(4))

Meeting of Creditors

- Bank statements to trustee, if requested, bring to meeting (FRBP 4002(b)(2)(B))
- Current pay stub to trustee, if requested, bring to meeting (FRBP 4002(b)(2)(A))

Earlier of 30 Days after Filing or on or before First Date Set for Meeting of Creditors

- Debtor’s Statement of Intention (Form 108) (11 U.S.C. §521(a)(2)(A))

30 Days after First Date Set for Meeting of Creditors

- Debtor must perform intention specified on Form 108 (11 U.S.C. §521(a)(2)(B))

45 Days after First Meeting of Creditors

- Debtor must reaffirm or redeem property subject to a purchase money interest (11 U.S.C. §521(a)(6))

60 Days after First Date Set for Meeting of Creditors

- Statement regarding completion of Personal Financial Management Course (Form 423) (11 U.S.C. §727(a)(11); FRBP 1007(b)(7) and 1007(c))

Conversion

14 Days after Conversion to Chapter 7 from Chapter 13

- Schedule of Post-Petition Debts under Rule 1019 (FRBP 1019(5)(B)(i))

30 Days after Conversion to Chapter 7 or on or before First Date Set for Meeting of Creditors

- Debtor's Statement of Intention (Form 108) (FRBP 1019(1)(B))

If case is converted to Chapter 7 after confirmation of plan under Chapters 11, 12, or 13, also must file (no time limits given):

- Schedule of property acquired post-petition, pre-confirmation that is not listed in trustee's final report (FRBP 1019(5)(C)(i)) (does not apply to cases converted from Chapter 13, unless the case is converted in bad faith)
- Schedule of unpaid debts incurred post-confirmation and not listed in the trustee's final report. (FRBP 1019(5)(C)(ii))
- Schedule of executory contracts or unexpired leases entered into or assumed post-petition. (FRBP 1019(5)(C)(iii))