

A Summary of Significant Amendments
to the Bankruptcy Code
Contained in BAPCPA 2005

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2. Bankruptcy Attorney as “Debt Relief Agency”
3. Stricter Eligibility for Chapter 7 Filing to Encourage Chapter 13.
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18. Time Between Chapter 7 Filings Increased to 8 Years.

This is a summary of the significant amendments to the Bankruptcy Code included in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). Many changes are not included in this material. For a complete list of amendments, review BAPCPA carefully. Prepared by Edward P. Jackson, 255 N. Liberty St, Jacksonville, FL 32202.

1. Mandatory Credit Counseling Before Filing

An individual must obtain a briefing from an accredited credit counseling agency within 180-day period preceding filing the petition. This counseling may be telephonic or on internet. Briefing must outline the opportunities for available credit counseling and assist in performing a related budget analysis.

The briefing may be waived if residing in district where U.S. trustee has determined that approved agencies are not reasonably able to provide counseling services.

U.S. Trustee must approve credit counseling agency.

Credit counseling may be waived for period of 30 days postpetition if debtor requested but was unable to obtain counseling within 5 days of the filing date. Additionally, the Court may, for cause, extend the deadline for an additional 15 days.

Credit counseling is not required for individuals who are incapacitated, disabled, or on active military duty in a war zone.

The debtor must file with the court a certificate of the credit counseling agency that provided the services describing the services provided, and a copy of the plan, if any, developed by the credit counseling agency.

11 U.S.C. § 111, 11 U.S.C. § 521(b)

2. Bankruptcy Attorney as “Debt Relief Agency”

Anyone who provides bankruptcy assistance to a consumer debtor for consideration is defined as a debt relief agency. Debt relief agencies must include a legend in all advertising in substantially the following form “We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.”

Debt relief agencies must provide a § 527(b) notice within 3 days of providing any assistance. Debt relief agencies may have to give the § 527(c) notice, but this probably only applies to bankruptcy petition preparers, not attorneys.

11 U.S.C. § 101(12A), 11 U.S.C. § 526, 11 U.S.C. § 527

3. Stricter Eligibility for Chapter 7 Filing to Encourage More Filings under Chapter 13.

An individual with mostly consumer debts may be forced into filing a Chapter 13 if income is too high. This is a two part test.

“Current Monthly Income” (CMI) is the average gross monthly income for the preceding six calendar months before filing. A filing on July 17 would use income from January 1 through June 30.

Income includes income from all sources, except Social Security and most payments received by victims of war crimes and terrorism. Unemployment compensation may also be excluded.

The Median Income Test is done on Parts I, II, and III of Bankruptcy Form 22A (B22A) - If CMI times 12 is less than Median Family Income for the debtor’s state, as determined by the Census Bureau, the debtor qualifies for Chapter 7. If the debtor

passes the Median Income Test, he would not need to complete the remainder of the form. Median income figures for Florida, as of August 30, 2005 were:

- Family of 1 - \$35,883
- Family of 2 - \$44,831
- Family of 3 - \$49,612
- Family of 4 - \$59,798

For families larger than four, \$6,300 is added for each additional individual. See http://www.usdoj.gov/ust/bapcpa/bci_data/median_income_table.htm for updates or the figures for other states.

The Means Test- If the debtor's income exceeds the median income for his state and family size (Median Income Test), then the debtor must complete the remainder of form B22A to determine his disposable net income (DNI). These forms use IRS Collection Standards amounts to determine most of the debtor's allowable expenses. These allowable expenses are posted at <http://www.usdoj.gov/ust/bapcpa/meanstesting.htm>. If DNI is less than \$100.00, the debtor can file a Chapter 7. If DNI exceeds \$166.66, the debtor probably cannot file a Chapter 7. If DNI is between these amounts, the debtor can file a Chapter 7 if DNI times 60 is less than 25% of non-priority unsecured debt.

If the debtor fails both tests, there is a presumption that the filing of a Chapter 7 is an abuse that should result in a dismissal, or, with the debtor's consent, a conversion to Chapter 11 or 13.

11 U.S.C. § 707(b)

4. Fewer Debts Discharged in Bankruptcy

Additional debts have been added to the list of debts not dischargeable in a Chapter 7.

Cash advances totaling more than \$750.00 on a credit card within 70 days of filing are presumed to be nondischargeable as fraudulent. Charges of luxury goods or services totaling more than \$500.00 on a credit card within 90 days of filing are presumed to be nondischargeable as fraudulent.

Drunk driving damages, currently nondischargeable, are expanded to include vessels and aircraft.

Student loans were not dischargeable under former law. This is expanded to include all education loans for which the interest is tax deductible.

Obligations to a former spouse in a divorce or separation agreement are not dischargeable. This may include orders to pay third party debts, such as credit cards.

Monies borrowed to pay nondischargeable federal taxes are not dischargeable under former law. This is expanded to include state taxes.

Pension plan loans are now nondischargeable.

11 U.S.C. § 523(a)

5. Notice to Creditors Must be to Address Designated by Creditor

If a creditor designates an address in a bill to the debtor within 90 days of filing, then this address must be used on all notices. This provision probably does not affect

dischargeability of a debt, but may provide a defense to a creditor who violates the automatic stay.

11 U.S.C. § 342(b)

6. State Exemptions Limited

If the debtor has not been domiciled in a state for 730 days (two years) he is not entitled to that state's exemptions in bankruptcy. The state the debtor was domiciled in the most in the period from 730 days ago to 910 days ago (the six month period just prior to 2 years ago) is the state whose exemptions he can use. If this state does not allow exemptions for non-residents, then the debtor is entitled to the 11 U.S.C. § 522 bankruptcy exemptions.

Homestead exemption is limited to \$125,000.00 (presumably per person) unless the debtor has owned the property for more than 1215 days (40 months). The debtor can sell a homestead and use the proceeds to buy another homestead in the same state and add the two ownership periods together. The \$125,000.00 homestead cap is also in place for debtors who owe debts for violations of securities laws, debts for civil remedies under § 1964 of Title 18, or debts for serious physical injury or death causes by a criminal act, intentional tort, or willful or reckless misconduct in the previous 5 years.

The IRA exemption is limited to \$1,000,000.00.

The protections for IRS qualified retirement plans are clarified.

11 U.S.C. § 522

7. Tax Returns and Proof of Income Required

In a Chapters 7 and 13, the last tax return which the debtor was required to file (or return transcript) must be provided to the trustee at least 7 days prior to the § 341 Meeting of Creditors.

If a creditor timely requests, the same document must also be provided to that creditor.

If any party in interest requests, any federal income tax return or amendment filed during case must also be filed with the court.

In a Chapter 13, the debtor must also annually file a statement of monthly income and expenses until the case is closed.

In a Chapter 13 all past due tax returns (state and federal) must be filed with the appropriate taxing authority at least one day before the § 341 meeting of creditors.

Copies of all pay stubs received in the 60 days prior to filing bankruptcy must be filed with the court.

Failure to file or provide these documents may result in dismissal of the bankruptcy.

11 U.S.C. § 521, 11 U.S.C. § 1308

8. Quicker Confirmation of Chapter 13 Plans

The Chapter 13 confirmation hearing must be held no sooner than 20 days, but

no later than 45 days after the case is filed. Because the deadline for creditors to file claims occurs after confirmation, in most cases the confirmed plan will need to be modified after the claims deadline.

11 U.S.C. § 1324(b)

9. Tighter Definition of Disposable Income under Chapter 13

A debtor filing a Chapter 13 uses “CMI” calculation instead of actual income, and expense allowances instead of actual expenses, in determining disposable income to fund a Chapter 13 plan. Expense allowances are the same as those used in the § 707(b)(2) Means Test, except that additional deductions are allowed for support income, qualified retirement contributions and qualified retirement loan repayments. The calculation for Chapter 13 disposable income is done on form B22C.

11 U.S.C. § 1325(b)(2), 11 U.S.C. § 1322(f)

10. Mandatory 5 year Chapter 13 Plan if Over Median Income

If “CMI” is over the median income for the same size household in the debtor’s state of domicile, then a Chapter 13 plan is based on a 60 month “commitment period”. The Debtor must pay an amount equal to Chapter 13 disposable income times 60 into the plan. A debtor whose “CMI” is below the median income for the same size household in the debtor’s state of domicile, has a “commitment period” of 36 months and need only pay an amount equal to Chapter 13 disposable income times 36 into the plan. Because child support and social security is extra income that is not counted in calculating Chapter 13 disposable income, it is possible to pay the plan in full in less time than the “commitment period”.

11 U.S.C. § 1325(b)(3)

11. Chapter 13 “Cram Down” of Secured Loans is Limited

In a Chapter 13, a purchase money security interest in a motor vehicle acquired for the personal use of the debtor within 910 days of filing must be surrendered or paid in full. For all other collateral this limit only applies if the debt was incurred within 1 year of filing. The interest rate can still be reduced to the federal rate plus 1% to 3%.

11.U.S.C. § 1325(a)(9)

12. Fewer "Automatic Stay" Protections for Filers

In a Chapter 13 filed within 1 year of the dismissal of a previous bankruptcy, except a §707(b) dismissal, the automatic stay is only for 30 days unless the court extends the stay. A third filing in one year creates no automatic stay, but the court can impose a stay.

The court can enter an in rem order preventing the automatic stay from applying to a parcel of real property for two years. This order must be recorded in the county land records. This provision can be used against serial filers or those who transfer property to other people to avoid the limitations on multiple filings.

There is no automatic stay to stop residential evictions after a judgment of possession is entered unless back rent is paid. There is no automatic stay for residential evictions if there is illegal use of controlled substance or if there is endangerment to the property.

If reaffirmation or redemption of secured claim is not “performed” within 45 days after the §341 meeting of creditors, the stay is lifted. “Performed”, as to redemption, probably means to file a motion to redeem. The code does not address the situation where a creditor does not propose a reaffirmation at all or proposes one more than thirty days after the § 341 meeting of creditors.

11 U.S.C. § 362(d)(4), 11 U.S.C. § 362(h), 11 U.S.C. § 362(k),
11 U.S.C. § 521(a)(2)(B)

13. Chapter 13 A.P. Payments Start Without a Motion

Unless the court orders otherwise the debtor must commence direct payments to the creditor of any personal property lease payments which come due post-petition and provide the trustee with proof of payment. Payments start no later than 30 days after bankruptcy filed.

Unless the court orders otherwise the debtor must commence direct adequate protection payments within 30 days after filing to all creditors who have an allowed secured claim on personal property and provide the trustee with proof of payment. Since creditor must file a claim to have an allowed secured claim, it will not always be possible to start the payments within 30 days of the date the bankruptcy is filed.

Of course, the debtor does not have to make payments on property which is being surrendered.

Proof of insurance must be provided to the lessor or secured creditor within 60 days after bankruptcy is filed.

11 U.S.C. § 1326(a)

14. New Protections for Unpaid Child Support and Alimony

Child support and alimony were moved from a § 507(a)(7) priority to a § 507(a)(1) priority debt.

Trustees are required to notify support obligees of their rights under bankruptcy and the debtor’s last known address and last known employer.

Filing bankruptcy may waive the protections of exempt property against alimony and child support collection, depending on how courts interpret 11 U.S.C. § 522(c)(1).

Debtors in Chapter 13 must stay current on post-petition support to confirm a Chapter 13 Plan, to avoid dismissal during the plan and to obtain a discharge at the end of the plan.

Automatic stay exceptions for support and divorce are clarified. Although this is not a change, the § 362(b) automatic stay exceptions now clearly say that the automatic stay does not prevent a dissolution of marriage, an order on custody or visitation, a domestic violence order, interception of a tax refund for support, reporting of overdue support to the credit bureau, or the suspension of a license (driver, professional or occupational) for failure to pay support.

11 U.S.C. § 362(b)(2), 11 U.S.C. § 507(a)(1), 11 U.S.C. § 522(c)(1),
11 U.S.C. § 704(a)(10), 11 U.S.C. § 1302(d), 11 U.S.C. § 1307(c)(11),
11 U.S.C. § 1325(a)(8), 11 U.S.C. § 1328(a)

15. Creditors Must Apply Payments as stated in Chapter 13 Plan

If a creditor willfully fails to apply Chapter 13 plan payments as provided in the plan, the creditor may be in violation of the discharge injunction and subject to damages. This does not apply if the case is dismissed or the plan is in default.

11 U.S.C. § 524(l)

16. More Disclosures Required in a Reaffirmation Agreement

Reaffirmation agreements must disclose the amount being reaffirmed, the APR, and provide a summary of the reaffirmation agreement. Because of additional disclosures and calculations of a debtor's ability to pay the reaffirmed debt, the new reaffirmation agreements are lengthy and complicated.

11 U.S.C. § 524(k)

17. Mandatory Financial Management Education after Filing

Debtors cannot receive a discharge in Chapter 13 or Chapter 7 until a U.S. Trustee approved financial management class is completed.

11 U.S.C. § 111, 11 U.S.C. § 727(a)(11), 11 U.S.C. § 1328(g)

18. Time Between Chapter 7 Filings Increased to 8 Years

Debtors cannot receive a discharge in a Chapter 7 if a previous Chapter 7 was filed less than 8 years prior to when a new Chapter 7 is filed. Former law was 6 years.

11 U.S.C. § 727(a)(8)

NOTICE REQUIRED BY 11 U.S.C. § 527(b)

IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. **THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST.** Ask to see the contract before you hire anyone.

The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a 'trustee' and by creditors.

If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.

I received a copy of this notice on _____, 2005

Sign Name

Sign Name

Print Name

Print Name

In re _____
Debtor(s)

Case Number: _____
(If known)

Check the box as directed in Parts I, III, and VI of this statement.

- Presumption arises**
 Presumption does not arise

STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION FOR USE IN CHAPTER 7

In addition to Schedules I and J, this statement must be completed by every individual Chapter 7 debtor, whether or not filing jointly, whose debts are primarily consumer debts. Joint debtors may complete one statement only.

Part I. EXCLUSION FOR DISABLED VETERANS

1	<p>If you are a disabled veteran described in the Veteran's Declaration in this Part I, (1) check the box at the beginning of the Veteran's Declaration, (2) check the "Presumption does not arise" box at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.</p> <p><input type="checkbox"/> Veteran's Declaration. By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. § 901(1)).</p>
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Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION

2	<p>Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 3-11.</p> <p>b. <input type="checkbox"/> Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under penalty of perjury: "My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code." Complete only Column A ("Debtor's Income") for Lines 3-11.</p> <p>c. <input type="checkbox"/> Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-11.</p> <p>d. <input type="checkbox"/> Married, filing jointly. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.</p> <p>All figures must reflect average monthly income for the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If you received different amounts of income during these six months, you must total the amounts received during the six months, divide this total by six, and enter the result on the appropriate line.</p>		Column A Debtor's Income	Column B Spouse's Income											
3	Gross wages, salary, tips, bonuses, overtime, commissions.	\$	\$												
4	<p>Income from the operation of a business, profession, or farm. Subtract Line b from Line a and enter the difference on Line 4. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part V.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 45%;">Gross receipts</td> <td style="width: 10%; text-align: center;">\$</td> <td style="width: 40%;"></td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary business expenses</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Business income</td> <td></td> <td style="text-align: center;">Subtract Line b from Line a</td> </tr> </table>	a.	Gross receipts	\$		b.	Ordinary and necessary business expenses	\$		c.	Business income		Subtract Line b from Line a	\$	\$
a.	Gross receipts	\$													
b.	Ordinary and necessary business expenses	\$													
c.	Business income		Subtract Line b from Line a												
5	<p>Rent and other real property income. Subtract Line b from Line a and enter the difference on Line 5. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part V.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 45%;">Gross receipts</td> <td style="width: 10%; text-align: center;">\$</td> <td style="width: 40%;"></td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary operating expenses</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Rental income</td> <td></td> <td style="text-align: center;">Subtract Line b from Line a</td> </tr> </table>	a.	Gross receipts	\$		b.	Ordinary and necessary operating expenses	\$		c.	Rental income		Subtract Line b from Line a	\$	\$
a.	Gross receipts	\$													
b.	Ordinary and necessary operating expenses	\$													
c.	Rental income		Subtract Line b from Line a												
6	Interest, dividends, and royalties.	\$	\$												
7	Pension and retirement income.	\$	\$												
8	Regular contributions to the household expenses of the debtor or the debtor's dependents, including child or spousal support. Do not include contributions from the debtor's spouse if Column B is completed.	\$	\$												

9	Unemployment compensation. Enter the amount in Column A and, if applicable, Column B. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:			
	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$
10	Income from all other sources. If necessary, list additional sources on a separate page. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. Specify source and amount.			
	a.		\$	
	b.		\$	
Total and enter on Line 10			\$	\$
11	Subtotal of Current Monthly Income for § 707(b)(7). Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 10 in Column B. Enter the total(s).		\$	\$
12	Total Current Monthly Income for § 707(b)(7). If Column B has been completed, add Line 11, Column A to Line 11, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 11, Column A.		\$	

Part III. APPLICATION OF § 707(b)(7) EXCLUSION

13	Annualized Current Monthly Income for § 707(b)(7). Multiply the amount from Line 12 by the number 12 and enter the result.		\$
14	Applicable median family income. Enter the median family income for the applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)		
	a. Enter debtor's state of residence: _____	b. Enter debtor's household size: _____	\$
15	Application of Section 707(b)(7). Check the applicable box and proceed as directed.		
	<input type="checkbox"/> The amount on Line 13 is less than or equal to the amount on Line 14. Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete Part VIII; do not complete Parts IV, V, VI, or VII. <input type="checkbox"/> The amount on Line 13 is more than the amount on Line 14. Complete the remaining parts of this statement.		

Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)

Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)

16	Enter the amount from Line 12.	\$
17	Marital adjustment. If you checked the box at Line 2.c, enter the amount of the income listed in Line 11, Column B that was NOT regularly contributed to the household expenses of the debtor or the debtor's dependents. If you did not check box at Line 2.c, enter zero.	\$
18	Current monthly income for § 707(b)(2). Subtract Line 17 from Line 16 and enter the result.	\$

Part V. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

19	National Standards: food, clothing, household supplies, personal care, and miscellaneous. Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	\$
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20	<p>Local Standards: housing and utilities. Enter the amount of the IRS Housing and Utilities Standards allowance for your county and family size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court), adjusted to deduct any portion of the allowance that includes payments on debts secured by your home, listed in Line 41. (Under revision)</p>	\$									
21	<p>Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation.</p> <p>Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>Enter the amount from IRS Transportation Standards, Operating Costs & Public Transportation Costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$									
22	<p>Local Standards: transportation ownership/lease expense; Vehicle 1. Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 41; subtract Line b from Line a and enter the result in Line 22. Do not enter an amount less than zero.</p> <table border="1"> <tr> <td>a.</td> <td>IRS Transportation Standards, Ownership Costs, First Car</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 41</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td>Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs, First Car	\$	b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 41	\$	c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs, First Car	\$									
b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 41	\$									
c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.									
23	<p>Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 22.</p> <p>Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 41; subtract Line b from Line a and enter the result in Line 23. Do not enter an amount less than zero.</p> <table border="1"> <tr> <td>a.</td> <td>IRS Transportation Standards, Ownership Costs, Second Car</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payments for debts secured by Vehicle 2, if any, as stated in Line 41</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td>Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs, Second Car	\$	b.	Average Monthly Payments for debts secured by Vehicle 2, if any, as stated in Line 41	\$	c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs, Second Car	\$									
b.	Average Monthly Payments for debts secured by Vehicle 2, if any, as stated in Line 41	\$									
c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.									
24	<p>Other Necessary Expenses: taxes. Enter the total average monthly expense that you actually incur for all federal, state, and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. Do not include real estate or sales taxes.</p>										
25	<p>Other Necessary Expenses: mandatory payroll deductions. Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</p>	\$									
26	<p>Other Necessary Expenses: life insurance. Enter average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life, or for any other form of insurance.</p>	\$									
27	<p>Other Necessary Expenses: court-ordered payments. Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. Do not include payments on past due support obligations included in Line 43.</p>	\$									
28	<p>Other Necessary Expenses: education for employment or for a physically or mentally challenged child. Enter the total monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.</p>	\$									
29	<p>Other Necessary Expenses: childcare. Enter the average monthly amount that you actually expend on childcare. Do not include payments made for children's education.</p>	\$									
30	<p>Other Necessary Expenses: health care. Enter the average monthly amount that you actually expend on health care expenses that are not reimbursed by insurance or paid by a health savings account. Do not include payments for health insurance listed in Line 33.</p>	\$									

31	Other Necessary Expenses: telecommunication services. Enter the average monthly expenses that you actually pay for cell phones, pagers, call waiting, caller identification, special long distance, or internet services necessary for the health and welfare of you or your dependents. Do not include any amount previously deducted.	\$
32	Total Expenses Allowed under IRS Standards. Enter the total of Lines 19 through 31	\$

Subpart B: Additional Expense Deductions under § 707(b)
Note: Do not include any expenses that you have listed in Lines 19-31

33	Health Insurance, Disability Insurance, and Health Savings Account Expenses. List the average monthly amounts that you actually expend in each of the following categories and enter the total.			\$
	a.	Health Insurance	\$	
	b.	Disability Insurance	\$	
	c.	Health Savings Account	\$	
		Total: Add Lines a, b and c		

34	Continued contributions to the care of household or family members. Enter the actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.	\$
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35	Protection against family violence. Enter any average monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law.	\$
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36	Home energy costs in excess of the allowance specified by the IRS Local Standards. Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.	\$
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37	Education expenses for dependent children less than 18. Enter the average monthly expenses that you actually incur, not to exceed \$125 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.	\$
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38	Additional food and clothing expense. Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.	\$
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39	Continued charitable contributions. Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2).	\$
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40	Total Additional Expense Deductions under § 707(b). Enter the total of Lines 33 through 39	\$
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Subpart C: Deductions for Debt Payment

41	Future payments on secured claims. For each of your debts that is secured by an interest in property that you own, list the name of creditor, identify the property securing the debt, and state the Average Monthly Payment. The Average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Do not include items you have previously deducted, such as insurance and taxes.			\$	
		Name of Creditor	Property Securing the Debt		60-month Average Payment
	a.				\$
	b.				\$
	c.				\$
		Total: Add Lines a, b and c			

42	Past due payments on secured claims. If any of the debts listed in Line 41 are in default, and the property securing the debt is necessary for your support or the support of your dependents, you may include in your deductions 1/60th of the amount that you must pay the creditor as a result of the default (the "cure amount") in order to maintain possession of the property. List any such amounts in the following chart and enter the total. If necessary, list additional entries on a separate page.			\$	
		Name of Creditor	Property Securing the Debt in Default		1/60th of the Cure Amount
	a.				\$
	b.				\$
	c.				\$
			Total: Add Lines a, b and c	\$	
43	Payments on priority claims. Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.			\$	
44	Chapter 13 administrative expenses. If you are eligible to file a case under Chapter 13, complete the following chart, multiply the amount in Line a by the amount in Line b, and enter the resulting administrative expense.			\$	
	a.	Projected average monthly Chapter 13 plan payment.	\$		
	b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x		
	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b		
45	Total Deductions for Debt Payment. Enter the total of Lines 41 through 44.			\$	
Subpart D: Total Deductions Allowed under § 707(b)(2)					
46	Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 32, 40, and 45.			\$	

Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION			
47	Enter the amount from Line 18 (Current monthly income for § 707(b)(2))		\$
48	Enter the amount from Line 46 (Total of all deductions allowed under § 707(b)(2))		\$
49	Monthly disposable income under § 707(b)(2). Subtract Line 48 from Line 47 and enter the result		\$
50	60-month disposable income under § 707(b)(2). Multiply the amount in Line 49 by the number 60 and enter the result.		\$
51	Initial presumption determination. Check the applicable box and proceed as directed.		
	<input type="checkbox"/> The amount on Line 50 is less than \$6,000 Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete the verification in Part VIII. Do not complete the remainder of Part VI.		
	<input type="checkbox"/> The amount set forth on Line 50 is more than \$10,000. Check the "Presumption arises" box at the top of page 1 of this statement, and complete the verification in Part VIII. Do not complete the remainder of Part VI.		
<input type="checkbox"/> The amount on Line 50 is at least \$6,000, but not more than \$10,000. Complete the remainder of Part VI (Lines 52 through 54).			
52	Enter the amount of your total non-priority unsecured debt		\$
53	Threshold debt payment amount. Multiply the amount in Line 52 by the number 0.25 and enter the result.		\$
54	Secondary presumption determination. Check the applicable box and proceed as directed.		
	<input type="checkbox"/> The amount on Line 50 is less than the amount on Line 53. Check the "Presumption does not arise" box at the top of page 1 of this statement, and complete the verification in Part VIII.		
<input type="checkbox"/> The amount on Line 50 is equal to or greater than the amount on Line 53. Check the "Presumption arises" box at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII.			

Part VII: ADDITIONAL EXPENSE CLAIMS

55	<p>Other Expenses. List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.</p>		
	Expense Description	Monthly Amount	
	a.	\$	
	b.	\$	
	c.	\$	
	Total: Add Lines a, b, and c		\$

Part VIII: VERIFICATION

56	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i></p>		
	Date: _____		Signature: _____ (Debtor)
	Date: _____		Signature: _____ (Joint Debtor, if any)

Check the box as directed in Part II, Line 14 of this statement.

- Disposable income determined under § 1325(b)(3)
 Disposable income not determined under § 1325(b)(3)

In re _____
 Debtor(s)

Case Number: _____
 (If known)

STATEMENT OF CURRENT MONTHLY INCOME AND DISPOSABLE INCOME CALCULATION

FOR USE IN CHAPTER 13

In addition to Schedules I and J, this statement must be completed by every individual Chapter 13 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

Part I. CALCULATION OF CURRENT MONTHLY INCOME						
1	Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed. a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 2-10. b. <input type="checkbox"/> Married, not filing jointly. Complete only Column A ("Debtor's Income") for Lines 2-10. (Under Revision) c. <input type="checkbox"/> Married, filing jointly. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.					
All figures must reflect average monthly income for the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If you received different amounts of income during these six months, you must total the amounts received during the six months, divide this total by six, and enter the result on the appropriate line.						
2	Gross wages, salary, tips, bonuses, overtime, commissions.			\$	\$	
3	Income from the operation of a business, profession, or farm. Subtract Line b from Line a and enter the difference on Line 3. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part III.					
	a.	Gross receipts	\$			
	b.	Ordinary and necessary business expenses	\$			
	c.	Business income	Subtract Line b from Line a	\$	\$	
4	Rent and other real property income. Subtract Line b from Line a and enter the difference on Line 4. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part III.					
	a.	Gross receipts	\$			
	b.	Ordinary and necessary operating expenses	\$			
	c.	Rental income	Subtract Line b from Line a	\$	\$	
5	Interest, dividends, and royalties.			\$	\$	
6	Pension and retirement income.			\$	\$	
7	Regular contributions to the household expenses of the debtor or the debtor's dependents, including child or spousal support. Do not include contributions from the debtor's spouse if Column B is completed.			\$	\$	
8	Unemployment compensation. Enter the amount in Column A and, if applicable, Column B. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:					
	Unemployment compensation claimed to be a benefit under the Social Security Act		Debtor \$ _____	Spouse \$ _____	\$	\$
9	Income from all other sources. Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism.					
	a.		\$			
	b.		\$	\$	\$	
10	Subtotal of current monthly income. Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 through 9 in Column B. Enter the total(s).			\$	\$	

11	Total current monthly income. If Column B has been completed, add Line 10, Column A to Line 10, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 10, Column A.	<div style="border: 2px solid black; padding: 5px; min-height: 30px;">\$</div>
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Part II. APPLICATION OF § 1325(b)(3)

12	Annualized current monthly income. Multiply the amount from Line 11 by the number 12 and enter the result.	\$
13	Applicable median family income. Enter the median family income for applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$
14	Application of § 1325(b)(3). Check the applicable box and proceed as directed. <input type="checkbox"/> The amount on Line 12 is less than or equal to the amount on Line 13. Check the box at the top of page 1 of this statement that states "Disposable income not determined under § 1325(b)(3)" and complete Part VI of this statement; do not complete Parts III, IV, or V. <input type="checkbox"/> The amount on Line 12 is more than the amount on Line 13. Check the box at the top of page 1 of this statement that states "Disposable income determined under § 1325(b)(3)" and complete the remaining parts of this statement.	

Complete Parts III, IV, and V of this statement only if required. (See Line 14.)

Part III. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

15	National Standards: food, clothing, household supplies, personal care, and miscellaneous. Enter the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	\$									
16	Local Standards: housing and utilities. Enter the amount of the IRS Housing and Utilities Standards allowance for your county and family size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court), adjusted to deduct any portion of the allowance that includes payments on debts secured by your home, listed in Line 37. (Under revision)	\$									
17	Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation. Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more. Enter the amount from IRS Transportation Standards, Operating Costs & Public Transportation Costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	\$									
18	Local Standards: transportation ownership/lease expense; Vehicle 1. Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 37; subtract Line b from Line a and enter the result in Line 18. Do not enter an amount less than zero.	\$									
<table border="1" style="width: 100%;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 60%;">IRS Transportation Standards, Ownership Costs, First Car</td> <td style="width: 35%; text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 37</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td style="text-align: center;">Subtract Line b from Line a.</td> </tr> </table>		a.	IRS Transportation Standards, Ownership Costs, First Car	\$	b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 37	\$	c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs, First Car	\$									
b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 37	\$									
c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.									

19	Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 18. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 37; subtract Line b from Line a and enter the result in Line 19. Do not enter an amount less than zero.			
	a.	IRS Transportation Standards, Ownership Costs, Second Car		\$
	b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 37		\$
	c.	Net ownership/lease expense for Vehicle 2		Subtract Line b from Line a.
			\$	
20	Other Necessary Expenses: taxes. Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. Do not include real estate or sales taxes.		\$	
21	Other Necessary Expenses: mandatory payroll deductions. Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as non-mandatory 401(k) contributions.		\$	
22	Other Necessary Expenses: life insurance. Enter average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life, or for any other form of insurance.		\$	
23	Other Necessary Expenses: court-ordered payments. Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. Do not include payments on past due support obligations included in Line 39.		\$	
24	Other Necessary Expenses: education for employment or for a physically or mentally challenged child. Enter the total monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.			
25	Other Necessary Expenses: childcare. Enter the average monthly amount that you actually expend on childcare. Do not include payments made for children's education.		\$	
26	Other Necessary Expenses: health care. Enter the average monthly amount that you actually expend on health care expenses that are not reimbursed by insurance or paid by a health savings account. Do not include payments for health insurance listed in Line 29.		\$	
27	Other Necessary Expenses: telecommunication services. Enter the average monthly expenses that you actually pay for cell phones, pagers, call waiting, caller identification, special long distance, or internet services necessary for the health and welfare of you or your dependents. Do not include any amount previously deducted.		\$	
28	Total Expenses Allowed under IRS Standards. Enter the total of Lines 15 through 27		\$	
Subpart B: Additional Expense Deductions under § 707(b) Note: Do not include any expenses that you have listed in Lines 15-27				
29	Health Insurance, Disability Insurance, and Health Savings Account Expenses. List the average monthly amounts that you actually expend in each of the following categories and enter the total.			
	a.	Health Insurance		\$
	b.	Disability Insurance		\$
	c.	Health Savings Account		\$
		Total: Add Lines a, b, and c	\$	
30	Continued contributions to the care of household or family members. Enter the actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. Do not include payments listed in Line 24.		\$	
31	Protection against family violence. Enter any average monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law.		\$	
32	Home energy costs in excess of the allowance specified by the IRS Local Standards. Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.		\$	

33	Education expenses for dependent children under 18. Enter the average monthly expenses that you actually incur, not to exceed \$125 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.	\$
34	Additional food and clothing expense. Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.	\$
35	Continued charitable contributions. Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2).	\$
36	Total Additional Expense Deductions under § 707(b). Enter the total of Lines 29 through 35.	\$

Subpart C: Deductions for Debt Payment

37	<p>Future payments on secured claims. For each of your debts that is secured by an interest in property that you own, list the name of creditor, identify the property securing the debt, and state the Average Monthly Payment. The Average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Do not include items you have previously deducted, such as insurance and real estate taxes.</p> <table border="1"> <thead> <tr> <th></th> <th>Name of Creditor</th> <th>Property Securing the Debt</th> <th>60-month Average Payment</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td colspan="3"></td> <td>Total: Add Lines a, b, and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt	60-month Average Payment	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b, and c	\$
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38	<p>Past due payments on secured claims. If any of the debts listed in Line 37 are in default, and the property securing the debt is necessary for your support or the support of your dependents, you may include in your deductions 1/60th of the amount that you must pay the creditor as a result of the default (the "cure amount") in order to maintain possession of the property. List any such amounts in the following chart and enter the total. If necessary, list additional entries on a separate page.</p> <table border="1"> <thead> <tr> <th></th> <th>Name of Creditor</th> <th>Property Securing the Debt in Default</th> <th>1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td colspan="3"></td> <td>Total: Add Lines a, b, and c</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b, and c	\$
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c.			\$																			
			Total: Add Lines a, b, and c																			
39	Payments on priority claims. Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.	\$																				
40	<p>Chapter 13 administrative expenses. Multiply the amount in Line a by the amount in Line b, and enter the resulting administrative expense.</p> <table border="1"> <tbody> <tr> <td>a.</td> <td>Projected average monthly Chapter 13 plan payment.</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</td> <td>x</td> </tr> <tr> <td>c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td>Total: Multiply Lines a and b</td> </tr> </tbody> </table>	a.	Projected average monthly Chapter 13 plan payment.	\$	b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$											
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c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b																				
41	Total Deductions for Debt Payment. Enter the total of Lines 37 through 40.	\$																				

Subpart D: Total Deductions Allowed under § 707(b)(2)

42	Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 28, 36, and 41.	\$
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Part IV. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)

43	Total current monthly income. Enter the amount from Line 11.	\$
44	Support income. Enter the monthly average of any child support payments, foster care payments, or disability payments for a dependent child, included in Line 7, that you received in accordance with applicable nonbankruptcy law, to the extent reasonably necessary to be expended for such child.	\$
45	Qualified retirement deductions. Enter the monthly average of (a) all contributions or wage deductions made to qualified retirement plans, as specified in § 541(b)(7) and (b) all repayments of loans from retirement plans, as specified in § 362(b)(19).	\$
46	Total of all deductions allowed under § 707(b)(2). Enter the amount from Line 42.	\$
47	Total adjustments to determine disposable income. Add the amounts on Lines 44, 45, and 46 and enter the result.	\$
48	Monthly Disposable Income Under § 1325(b)(2). Subtract Line 47 from Line 43 and enter the result.	\$

Part V: ADDITIONAL EXPENSE CLAIMS

49	<p>Other Expenses. List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 75%;">Expense Description</th> <th style="width: 20%;">Monthly Amount</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a.</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td colspan="2" style="text-align: right;">Total: Add Lines a, b, and c</td> <td style="text-align: center;">\$</td> </tr> </tbody> </table>		Expense Description	Monthly Amount	a.		\$	b.		\$	c.		\$	Total: Add Lines a, b, and c		\$
	Expense Description	Monthly Amount														
a.		\$														
b.		\$														
c.		\$														
Total: Add Lines a, b, and c		\$														

Part VI: VERIFICATION

50	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i></p> <p style="margin-left: 100px;">Date: _____</p> <p style="margin-left: 100px;">Date: _____</p> <p style="margin-left: 450px;">Signature: _____ (Debtor)</p> <p style="margin-left: 450px;">Signature: _____ (Joint Debtor, if any)</p>
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United States Trustee Program

Means Testing

Census Bureau Median Family Income By Family Size (in 2004 inflation-adjusted dollars)

The following link provides the median family income data published for the year 2004, reproduced in a format designed for ease of use in completing Bankruptcy Forms B22A and B22C. The 2004 median income data should be used for completing Bankruptcy Forms B22A and B22C until the data is adjusted in early 2006.

STATE	FAMILY SIZE			
	1 EARNER	2 PEOPLE	3 PEOPLE	4 PEOPLE *
ALABAMA	\$32,762	\$39,755	\$48,957	\$54,338
ALASKA	\$43,709	\$59,980	\$68,140	\$76,369
ARIZONA	\$35,648	\$46,429	\$51,348	\$58,187
ARKANSAS	\$28,949	\$37,178	\$41,231	\$49,790
CALIFORNIA	\$42,012	\$53,506	\$59,633	\$68,310
COLORADO	\$40,044	\$54,187	\$58,565	\$66,664
CONNECTICUT	\$52,530	\$61,374	\$76,506	\$88,276
DELAWARE	\$38,944	\$51,955	\$61,508	\$72,003
DISTRICT OF COLUMBIA	\$38,349	\$62,167	\$62,167	\$62,167
FLORIDA	\$35,883	\$44,831	\$49,612	\$59,798
GEORGIA	\$34,396	\$45,775	\$49,855	\$58,060
HAWAII	\$45,513	\$54,534	\$64,554	\$75,785
IDAHO	\$32,531	\$42,990	\$47,288	\$55,914
ILLINOIS	\$41,602	\$51,572	\$62,178	\$70,357
INDIANA	\$35,373	\$46,603	\$50,804	\$63,276
IOWA	\$35,321	\$46,518	\$54,099	\$61,951
KANSAS	\$36,556	\$48,610	\$54,537	\$59,498
KENTUCKY	\$32,172	\$37,932	\$46,383	\$55,001
LOUISIANA	\$30,646	\$38,017	\$45,732	\$51,402
MAINE	\$36,527	\$46,340	\$52,432	\$64,083
MARYLAND	\$46,624	\$58,556	\$70,043	\$85,554
MASSACHUSETTS	\$47,176	\$55,291	\$71,416	\$85,157
MICHIGAN	\$40,504	\$47,444	\$60,431	\$68,563
MINNESOTA	\$40,650	\$54,598	\$64,851	\$73,498
MISSISSIPPI	\$28,288	\$35,729	\$37,794	\$49,893
MISSOURI	\$35,493	\$44,631	\$49,925	\$62,265
MONTANA	\$30,603	\$41,984	\$44,732	\$50,666
NEBRASKA	\$35,868	\$45,541	\$54,248	\$59,979
NEVADA	\$37,243	\$50,387	\$51,645	\$52,750
NEW HAMPSHIRE	\$50,411	\$57,784	\$68,360	\$82,134
NEW JERSEY	\$52,493	\$58,547	\$75,470	\$88,401
NEW MEXICO	\$30,614	\$39,876	\$41,420	\$47,256
NEW YORK	\$39,463	\$48,492	\$57,430	\$67,564

NORTH CAROLINA	\$32,411	\$42,105	\$49,206	\$55,117
NORTH DAKOTA	\$32,769	\$45,821	\$53,580	\$58,298
OHIO	\$36,109	\$44,734	\$55,390	\$62,991
OKLAHOMA	\$31,375	\$41,058	\$47,703	\$49,881
OREGON	\$36,299	\$47,080	\$52,842	\$59,202
PENNSYLVANIA	\$38,931	\$44,361	\$58,986	\$66,569
RHODE ISLAND	\$40,463	\$51,334	\$57,967	\$69,029
SOUTH CAROLINA	\$32,378	\$43,263	\$48,557	\$59,694
SOUTH DAKOTA	\$32,083	\$42,014	\$51,678	\$59,479
TENNESSEE	\$33,031	\$41,468	\$49,017	\$55,907
TEXAS	\$33,280	\$46,454	\$48,755	\$56,246
UTAH	\$41,103	\$45,374	\$51,219	\$57,916
VERMONT	\$37,298	\$49,503	\$59,259	\$65,833
VIRGINIA	\$41,779	\$54,604	\$61,106	\$71,948
WASHINGTON	\$42,452	\$52,272	\$57,773	\$70,857
WEST VIRGINIA	\$32,599	\$35,183	\$45,629	\$51,795
WISCONSIN	\$37,873	\$48,281	\$58,135	\$67,869
WYOMING	\$38,518	\$50,957	\$52,181	\$62,014

* Add \$6,300 for each individual in excess of 4.

COMMONWEALTH OR U.S. TERRITORY	FAMILY SIZE			
	1 EARNER	2 PEOPLE	3 PEOPLE	4 PEOPLE *
GUAM	\$31,514	\$37,679	\$42,938	\$51,961
NORTHERN MARIANA ISLANDS	\$21,162	\$21,162	\$24,621	\$36,213
PUERTO RICO	\$17,513	\$17,513	\$19,263	\$22,738
VIRGIN ISLANDS	\$25,003	\$30,052	\$32,041	\$35,105

* Add \$6,300 for each individual in excess of 4.

Florida - Housing and Utilities Allowable Living Expenses

Collection Financial Standards

Financial Analysis - Local Standards: Housing and Utilities (effective 1/1/2005)

Maximum Monthly Allowance

County	Family of 2 or less	Family of 3	Family of 4 or more
Alachua County	950	1,118	1,286
Baker County	857	1,008	1,159
Bay County	890	1,047	1,204
Bradford County	763	897	1,032
Brevard County	933	1,097	1,262
Broward County	1,276	1,501	1,726
Calhoun County	672	790	909
Charlotte County	901	1,060	1,219
Citrus County	772	908	1,044
Clay County	1,005	1,183	1,360
Collier County	1,211	1,425	1,639
Columbia County	774	910	1,047
DeSoto County	727	856	984
Dixie County	673	791	910
Duval County	945	1,111	1,278
Escambia County	850	1,000	1,150
Flagler County	961	1,131	1,301
Franklin County	916	1,078	1,239
Gadsden County	827	973	1,119
Gilchrist County	765	901	1,036
Glades County	756	890	1,023
Gulf County	791	930	1,070
Hamilton County	669	787	905
Hardee County	668	786	904
Hendry County	794	934	1,075
Hernando County	834	981	1,128
Highlands County	734	863	993
Hillsborough County	1,047	1,232	1,416
Holmes County	605	711	818
Indian River County	915	1,077	1,238
Jackson County	735	864	994
Jefferson County	841	989	1,137
Lafayette County	695	817	940
Lake County	924	1,087	1,251
Lee County	996	1,172	1,347

Leon County	1,054	1,240	1,427
Levy County	704	828	953
Liberty County	750	882	1,014
Madison County	709	834	959
Manatee County	1,027	1,209	1,390
Marion County	790	929	1,068
Martin County	1,155	1,359	1,562
Miami-Dade County	1,238	1,457	1,675
Monroe County	1,431	1,683	1,936
Nassau County	1,042	1,226	1,410
Okaloosa County	936	1,102	1,267
Okeechobee County	738	869	999
Orange County	1,055	1,242	1,428
Osceola County	983	1,156	1,330
Palm Beach County	1,201	1,413	1,625
Pasco County	861	1,012	1,164
Pinellas County	995	1,170	1,346
Polk County	876	1,031	1,185
Putnam County	734	863	993
Santa Rosa County	949	1,117	1,285
Sarasota County	1,011	1,189	1,367
Seminole County	1,120	1,318	1,516
St. Johns County	1,237	1,455	1,673
St. Lucie County	877	1,032	1,186
Sumter County	792	932	1,072
Suwannee County	701	825	949
Taylor County	768	904	1,039
Union County	770	906	1,042
Volusia County	882	1,037	1,193
Wakulla County	881	1,036	1,191
Walton County	826	972	1,117
Washington County	746	878	1,009


Allowable Living Expenses for Transportation

Collection Financial Standards

Financial Analysis - Local Standards: Transportation *

Ownership Costs			
National			
	First Car	Second Car	
	\$475	\$338	
Operating Costs & Public Transportation Costs			
Region	No Car	One Car	Two Cars
Northeast Region	\$230	\$298	\$393
New York	\$302	\$384	\$479
Philadelphia	\$236	\$298	\$392
Boston	\$259	\$284	\$380
Pittsburgh	\$161	\$286	\$380
Midwest Region	\$194	\$251	\$345
Chicago	\$257	\$329	\$422
Detroit	\$312	\$376	\$469
Milwaukee	\$212	\$247	\$341
Minneapolis-St. Paul	\$276	\$303	\$397
Cleveland	\$198	\$293	\$387
Cincinnati	\$222	\$272	\$365
St. Louis	\$203	\$287	\$383
Kansas City	\$246	\$291	\$384
South Region	\$197	\$242	\$336
Washington, D.C.	\$289	\$313	\$407
Baltimore	\$225	\$240	\$334
Atlanta	\$283	\$258	\$351
Miami	\$284	\$344	\$439
Tampa	\$255	\$265	\$359
Dallas-Ft. Worth	\$309	\$332	\$425
Houston	\$281	\$367	\$462
West Region	\$246	\$305	\$399
Los Angeles	\$275	\$353	\$448
San Francisco	\$317	\$373	\$466
San Diego	\$311	\$318	\$415
Portland	\$189	\$246	\$339
Seattle	\$258	\$335	\$427

Honolulu	\$295	\$314	\$409
Anchorage	\$312	\$336	\$431
Phoenix	\$273	\$326	\$420
Denver	\$302	\$351	\$442

* Does not include personal property taxes. (effective January 1, 2005)

For Use with Allowable Transportation Expenses Table

The Operating Costs and Public Transportation Costs sections of the Transportation Standards are provided by Census Region and Metropolitan Statistical Area (MSA). The following table lists the states that comprise each Census Region. Once the taxpayer's Census Region has been ascertained, to determine if an MSA standard is applicable, use the definitions below to see if the taxpayer lives within an MSA (MSAs are defined by county and city, where applicable). If the taxpayer does not reside in an MSA, use the regional standard.

Northeast Census Region

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New York, New Jersey		
MSA	COUNTIES	
New York	<i>in NY:</i>	Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester
	<i>in NJ:</i>	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, Warren
	<i>in CT:</i>	Fairfield, Litchfield, Middlesex, New Haven
	<i>in PA:</i>	Pike
Philadelphia	<i>in PA:</i>	Bucks, Chester, Delaware, Montgomery, Philadelphia
	<i>in NJ:</i>	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Salem
	<i>in DE:</i>	New Castle
	<i>in MD:</i>	Cecil
Boston	<i>in MA:</i>	Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, Suffolk, Worcester
	<i>in NH:</i>	Hillsborough, Merrimack, Rockingham, Strafford
	<i>in CT:</i>	Windham
	<i>in ME:</i>	York
Pittsburgh	<i>in PA:</i>	Allegheny, Beaver, Butler, Fayette, Washington, Westmoreland

Midwest Census Region

North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Indiana, Ohio,
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Michigan, Wisconsin, Minnesota, Iowa		
MSA	COUNTIES (unless otherwise specified)	
Chicago	<i>in IL:</i>	Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will
	<i>in IN:</i>	Lake, Porter
	<i>in WI:</i>	Kenosha
Detroit	<i>in MI:</i>	Genesee, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, Wayne
Milwaukee	<i>in WI:</i>	Milwaukee, Ozaukee, Racine, Washington, Waukesha
Minneapolis-St. Paul	<i>in MN:</i>	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright
	<i>in WI:</i>	Pierce, St. Croix
Cleveland	<i>in OH:</i>	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, Summit
Cincinnati	<i>in OH:</i>	Brown, Butler, Clermont, Hamilton, Warren
	<i>in KY:</i>	Boone, Campbell, Gallatin, Grant, Kenton, Pendleton
	<i>in IN:</i>	Dearborn, Ohio
St. Louis	<i>in MO:</i>	Crawford, Franklin, Jefferson, Lincoln, St. Charles, St. Louis, Warren, St. Louis city
	<i>in IL:</i>	Clinton, Jersey, Madison, Monroe, St. Clair
Kansas City	<i>in MO:</i>	Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
	<i>in KS:</i>	Johnson, Leavenworth, Miami, Wyandotte

South Census Region

Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, West Virginia, Virginia, Maryland, District of Columbia, Delaware, North Carolina, South Carolina, Georgia, Florida, Alabama		
MSA	COUNTIES (unless otherwise specified)	
Washington, D.C.	<i>in DC:</i>	District of Columbia
	<i>in MD:</i>	Calvert, Charles, Frederick, Montgomery, Prince George's, Washington
	<i>in VA:</i>	Arlington, Clarke, Culpepper, Fairfax, Fauquier, King George, Loudoun, Prince William, Spotsylvania, Stafford, Warren, Alexandria city, Fairfax city, Falls Church city, Fredericksburg city, Manassas city, Manassas Park city
	<i>in WV:</i>	Berkeley, Jefferson
Baltimore	<i>in MD:</i>	Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's, Baltimore city

Atlanta	<i>in GA:</i>	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Pickens, Rockdale, Spalding, Walton
Miami	<i>in FL:</i>	Broward, Miami-Dade
Tampa	<i>in FL:</i>	Hernando, Hillsborough, Pasco, Pinellas
Dallas-Ft. Worth	<i>in TX:</i>	Collin, Dallas, Denton, Ellis, Henderson, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant
Houston	<i>in TX:</i>	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller

West Census Region:

New Mexico, Arizona, Colorado, Wyoming, Montana, Nevada, Utah, Washington, Oregon, Idaho, California, Alaska, Hawaii		
MSA	COUNTIES (unless otherwise specified)	
Los Angeles	<i>in CA:</i>	Los Angeles, Orange, Riverside, San Bernadino, Ventura
San Francisco	<i>in CA:</i>	Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma
San Diego	<i>in CA:</i>	San Diego
Portland	<i>in OR:</i>	Clackamas, Columbia, Marion, Multnomah, Polk, Washington, Yamhill
	<i>in WA:</i>	Clark
Seattle	<i>in WA:</i>	Island, King, Kitsap, Pierce, Snohomish, Thurston
Honolulu	<i>in HI:</i>	Honolulu
Anchorage	<i>in AK:</i>	Anchorage borough
Phoenix	<i>in AZ:</i>	Maricopa, Pinal
Denver	<i>in CO:</i>	Adams, Arapahoe, Boulder, Denver, Douglas, Jefferson, Weld



National Standards for Allowable Living Expenses

Collection Financial Standards for Food, Clothing and Other Items. Due to their unique geographic circumstances and higher cost of living, separate standards have been established for [Alaska](#) and [Hawaii](#).

One Person National Standards Based on Gross Monthly Income

Item	less than \$833	\$833 to \$1,249	\$1,250 to \$1,666	\$1,667 to \$2,499	\$2,500 to \$3,333	\$3,334 to \$4,166	\$4,167 to \$5,833	\$5,834 and over
Food	197	215	231	258	300	339	369	543
Housekeeping supplies	19	20	25	26	29	36	37	51
Apparel & services	60	61	70	75	100	124	134	207
Personal care products & services	19	24	26	27	40	42	43	44
Miscellaneous	108	108	108	108	108	108	108	108
Total	\$403	\$428	\$460	\$494	\$577	\$649	\$691	\$953

Two Persons National Standards Based on Gross Monthly Income

Item	less than \$833	\$833 to \$1,249	\$1,250 to \$1,666	\$1,667 to \$2,499	\$2,500 to \$3,333	\$3,334 to \$4,166	\$4,167 to \$5,833	\$5,834 and over
Food	336	337	338	424	439	487	559	691
Housekeeping supplies	36	37	38	48	52	53	107	108
Apparel & services	81	88	91	95	125	132	164	276
Personal care products & services	33	34	35	43	44	51	56	71
Miscellaneous	134	134	134	134	134	134	134	134
Total	\$620	\$630	\$636	\$744	\$794	\$857	\$1,020	\$1,280

Three Persons National Standards Based on Gross Monthly Income

Item	less than \$833	\$833 to \$1,249	\$1,250 to \$1,666	\$1,667 to \$2,499	\$2,500 to \$3,333	\$3,334 to \$4,166	\$4,167 to \$5,833	\$5,834 and over
Food	467	468	469	470	490	546	622	778

Housekeeping supplies	41	42	43	49	53	55	108	109
Apparel & services	132	144	157	158	159	188	204	303
Personal care products & services	34	36	37	44	45	52	61	79
Miscellaneous	161	161	161	161	161	161	161	161
Total	\$835	\$851	\$867	\$882	\$908	\$1,002	\$1,156	\$1,430

Four Persons National Standards Based on Gross Monthly Income

Item	less than \$833	\$833 to \$1,249	\$1,250 to \$1,666	\$1,667 to \$2,499	\$2,500 to \$3,333	\$3,334 to \$4,166	\$4,167 to \$5,833	\$5,834 and over
Food	468	525	526	527	528	640	722	868
Housekeeping supplies	42	43	44	50	54	61	109	110
Apparel & services	146	169	170	171	174	189	217	317
Personal care products & services	37	42	43	45	46	53	62	81
Miscellaneous	188	188	188	188	188	188	188	188
Total	\$881	\$967	\$971	\$981	\$990	\$1,131	\$1,298	\$1,564

More than Four Persons National Standards Based on Gross Monthly Income

Item	less than \$833	\$833 to \$1,249	\$1,250 to \$1,666	\$1,667 to \$2,499	\$2,500 to \$3,333	\$3,334 to \$4,166	\$4,167 to \$5,833	\$5,834 and over
For each additional person, add to four person total allowance:	\$134	\$145	\$155	\$166	\$177	\$188	\$199	\$209

effective January 1, 2005

Documents to be Provided to the Attorney by the Debtor(s) – Immediately

Client(s) Name: _____

Date: _____

- Most of my debts are related to problems: _____ regarding a business I now operate or did operate
[check one] _____ regarding taxes
_____ a lawsuit against me regarding an accident or injury
_____ mostly credit card or medical debt, car loans, or home loans

I expect my income to [go up / go down / stay about the same] in the next month or so. [circle one]

Documents Regarding Income [check when provided]

- _____ Paycheck stubs for both husband and wife for the last seven months, including the most recent paycheck stubs
- _____ Papers showing commissions or bonuses received during the last seven months
- _____ Papers regarding any unemployment benefits received during the last seven months
- _____ Papers regarding any child support or spousal support received during the last seven months
- _____ Papers regarding any Social Security payments received by any member of your household who is contributing to household expenses
- _____ Papers regarding any bank interest income or (stock) dividend income received during the last seven months
- _____ Papers regarding any retirement benefits received during the last seven months
- _____ Papers regarding any rental income from any house or land or other real property you own
- _____ A listing of money contributed to your living expenses by other members of your household, including your spouse if he/she is not filing the bankruptcy with you

Documents Regarding Deductions from Your Income [check when provided]

- _____ Papers regarding any retirement plan contributions you have made during the last seven months
- _____ Papers regarding any retirement loan currently owed
- _____ Papers regarding any insurance that is being paid from your paycheck
- _____ Papers showing any other deduction from your paycheck which is required or mandatory – not voluntary
- _____ From your payroll department at work, get copies of any wage garnishment orders or voluntary automatic deductions from your paycheck
- _____ Any court orders setting child support or spousal support amounts that you should be paying, including the order setting regular ongoing monthly amounts and also setting any monthly amounts for catching up on past-due support
- _____ Is any support you owe secured by a lien on your home or other security interest?
- _____ If you have your own business, a complete listing of all your monthly business expenses, including a year-to-date or recent monthly Profit & Loss Statement for your business, if possible

Documents Regarding Your Finances [check when provided]

- _____ Monthly statements for all your bank, credit union & other similar accounts for the last seven months
- _____ A recent credit report
- _____ Papers from any bankruptcy you filed during the last eight years
- _____ A list of all your addresses for the last three years
- _____ Tax returns (both state and federal) for the last four years or W-2s, 1099s, etc. for those years
- _____ Papers regarding any real property you now own or have owned within the last _____ years, including:
 - a. information about refinancing within the last _____ years and current mortgage billing statements
 - b. transfers of ownership within the last _____ years and deeds on all property owned
- _____ Papers regarding all other personal and real property you own (for example, vehicle registration papers, stock value statements, cash value life insurance policy documents, time-share unit documents, etc.)
- _____ Have you been convicted of a felony? If so, locate any documents stating the type of conviction.
- _____ If you did or may receive any money or property from a trust or probate estate, get documents regarding it
- _____ Education IRA or tuition program documentation
- _____ Bills, statements, receipts for any normal living expenses during the last six months: utility bills, food or clothing bills, insurance bills, etc.
- _____ All statements, bills, notices, letters received in the last three months – regarding all your debts: credit cards, medical bills, lawsuits, personal loans, car loans, furniture loans, jewelry loans, etc.
- _____ Contracts (with all the attachments) for all car loans purchased within the last four years; and for furniture and jewelry loans for items purchased within the last two years
- _____ Proof of insurance for any vehicle for which you still owe money

The new federal bankruptcy law requires that you produce this information, which is necessary before an attorney can advise you about filing bankruptcy.

Timing of Bankruptcy Data and Document Collection

When Must Have	When Should Have	Obtain From [or Provide to] Debtor the Following Data or Document	Purpose of Data or Document	Authority
Within 3 days of offering svcs		Provide debtor asset/liability disclosure requirements notice, general Debt Relief Agency notice	Satisfy Debt Relief Agency requirement	527(a)(2)
Within 5 days of initial svcs		Provide debtor an executed contract re attorneys fees	Satisfy Debt Relief Agency requirement	528(a)
Pre-Analysis		Documentation of filing, dismissal or discharge dates of bankruptcy cases filed within eight years	Determine discharge limitations in either Chapter 7 or 13	727, 1328(f)
Pre-Analysis		Orders for relief from stay re RP and hinder/delay in case filed w/in 2 yrs	Determine automatic stay Limitations	362(d)(4)
Pre-Analysis		Paycheck stubs and evidence of all income within 6 months	Establishment of Current Monthly Income (CMI)	521
	Pre-Analysis	Bank statements – 6 months	Support CMI analysis	-
	Pre-Analysis	Evidence of claimed living expenses within last 6 months	Support claim of living expenses	-
	Pre-Analysis	Evidence of residence for last 2.5 years (free credit report helps)	Establish exemptions applicable in case	522(b)(3)
	Pre-Analysis	Tax Information Authorization form(s): 8821, 4506, 4506-T, or 2848	Obtain client authorization necessary to obtain tax discharge or return information	-
Pre-Analysis		Documentation of all RP transactions up to 10 yrs if homestead claimed	Determine limitations on claim of homestead exemption	522(q), 522(o)
Pre-Analysis		All state court orders re child or spousal support paid or received	Need for Schedules I & J, CMI. Expenses, ongoing debtor duty	1328(a)
Pre-Analysis		All documentation of secured status of support arrears	Determine if claim satisfies Priority requirement as unsecured	507(a)(1)(A)
Pre-Analysis		Copies of all creditor notices received within 3 months	To help establish addresses to use for noticing	342(c)(2)
Pre-Analysis		Copies of all credit card billing statements for last 3 months	To identify any problematic cash advance or luxury goods/services	523(a)(2)
Pre-Analysis		Ch 13: purchase contracts & loan documents for motor vehicles purchased within 3.5 yrs	To review for possible cram down	1325(a)
	Pre-Analysis	Client gets credit counseling	Requirement of filing	109(h)
Prior to case filing	Pre-Analysis	Confirm + execute debtor declaration that 522(p) does not apply or limit homestead exemption	Debtor may be unavailable at end of case and failure to produce declaration may jeopardize the discharge	727(a)(12), 1328(h), 522(p) + (q)
Prior to case filing	Pre-Analysis	Credit counseling certificate	Required prior to filing bankruptcy	109(h)
Prior to case filing	Pre-Analysis	Education individual retirement acct or tuition program documentation	File with petition and schedules	521
Prior to case filing		Give court's 342(b) notice to client and get receipt signature	Comply with Sec. 342(b) requirement	342(b), 521(a)(1)(B)(iii)
10 days prior to 341	Pre-Analysis	Ch 7 – prior year's IRS return or tax transcript	Must be able to produce 7 days prior to 341	521
Prior to 341	Pre-Analysis	Ch 13 – prior 4 years' IRS, state, other income tax returns (filed)	Trustee may continue 341 up to 120 days	1308
Prior to plan confirmation		Ch 13 – Evidence supporting debtor paid all post-petition support	Not required, but must be prepared to produce quickly	1325(a)(8)
Prior to plan confirmation		Ch 13 – Filing all tax returns required by 1308	Not required, but must be prepared to produce quickly	1325(a)(9)
By 60 days of filing		Ch 13 – evidence of insurance on leased or personal property security	Required to be provided to secured creditor or lessor	1326
Prior to discharge		Evidence debtor completed debtor education course	Required in order to receive discharge	727(a)(11), 1328(g)
Prior to discharge		Ch 13: debtor certification of payment of pre- and post-petition support	Required in order to receive discharge	1328(a)

Documents the Client Should or Must Sign

Client(s): _____

Date: _____

<u>Check</u>	<u>When</u>	<u>Document</u>
___	First visit	Debt Relief Agency – Consultation Agreement [must sign] Should sign: Addendum to Consultation Agreement & Contract for Bankruptcy Services
___	First visit	Debt Relief Agency – Section 527(b) Statement [must sign]
___	First visit	Tax Information Authorization or Power of Attorney forms (8821, 4506-T, 4506, or 2848) and equivalent for state income tax agency [should sign]
___	First visit	General authorization to obtain financial information on behalf of client [should sign]
___	At petition signing	Debt Relief Agency – Contract for Bankruptcy Services [must sign]
___	At petition signing	Receipt of court's 342(b) notice [must sign]
___	At petition signing	If homestead over \$125,000 claimed, a declaration regarding Sec. 522(p) [should sign]
___	At petition signing	Coversheet for Credit Counseling Certificate or plan [must sign]