



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA

Kevin E. O'Brien  
Clerk of Court

**PHOENIX DIVISION**

2929 N. Central Ave., 9<sup>th</sup> Fl.

**Mailing Address**

P.O. Box 34151

Phoenix, AZ 85067-4151

(602) 640-5800

**TUCSON DIVISION**

110 S. Church Ave., Ste. 8112

Tucson, AZ 85701

(520) 620-7500

**YUMA DIVISION**

325 W. 19th St., Ste. D

Yuma, AZ 85364

(520) 783-2288

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**NOTICE TO DEBTORS NOT REPRESENTED BY AN ATTORNEY**

While an individual person or a husband and wife may file a bankruptcy petition without being represented by an attorney, the clerk's office is unable to give legal advice concerning your case.

**FILING FEES**

Filing fees are as follows: Chapter 7 - \$175 (\$200 starting 12/29/1999); Chapter 11 - \$830; Chapter 12 - \$230; Chapter 13 - \$160 (\$185 starting 12/29/1999). The filing fee, by law, must be paid and CANNOT BE WAIVED. If you are unable to pay the full filing fee at the time you file your petition, you may file an application to pay the filing fee in installments. (This is available only to individuals. Corporations and partnerships must pay the filing fee in full.) You will receive an order of the court specifying the amounts of installments and when they are due. It is imperative that you make the installments as ordered. You may pay the installments in person or by mail. **Personal checks are not accepted.** Payment must be by cash, money order or cashier's check. **FAILURE TO PAY THE INSTALLMENTS AS ORDERED WILL RESULT IN YOUR CASE BEING AUTOMATICALLY DISMISSED.**

**MASTER MAILING LIST**

A master mailing list must be filed with the petition or not later than 10 days after the bankruptcy petition has been filed. Guidelines for filing the master mailing list are available from the clerk's office. It must contain the names and addresses (including zip codes) of all your creditors. **FAILURE TO FILE THE MASTER MAILING LIST WITHIN 10 DAYS OF THE FILING OF YOUR BANKRUPTCY PETITION SHALL RESULT IN YOUR CASE BEING AUTOMATICALLY DISMISSED.**

**SCHEDULES AND STATEMENT OF AFFAIRS**

In addition to the petition and master mailing list, there are additional documents which must be filed. These documents (with the exception of the List of 20 Largest Unsecured Creditors in a Chapter 11 case) are to be filed within 15 days of the filing of the bankruptcy petition and are listed below by Chapter. The forms for these documents ARE NOT available from the clerk's office. They may be purchased at a stationery store which sells legal forms.

**CHAPTER 7 LIQUIDATION** - Available to all persons. The debtor may be entitled to keep certain assets as exempt property. The rest of the debtor's estate will be administered for the benefit of the creditors by a trustee appointed for this purpose. The debtor may be relieved from further payment of unsecured debts if granted a discharge.

1. SUMMARY OF SCHEDULES
2. SCHEDULE A - REAL PROPERTY
3. SCHEDULE B - PERSONAL PROPERTY
4. SCHEDULE C - PROPERTY CLAIMED AS EXEMPT
5. SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS
6. SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
7. SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
8. SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES
9. SCHEDULE H - CODEBTORS
10. SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)
11. SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)
12. UNSWORN DECLARATION UNDER PENALTY OF PERJURY
13. DEBTOR'S STATEMENT OF INTENTION
14. STATEMENT OF AFFAIRS

**\*\*THE COURT REQUIRES YOUR ORIGINAL DOCUMENTS  
PLUS THREE COPIES\*\***

**CHAPTER 11 REORGANIZATION** - Available to all individuals, but primarily intended to allow an ongoing business to restructure its debts. Successful reorganization is dependant upon the debtor filing a plan, obtaining its acceptance by creditors, and approval by the court.

1. SUMMARY OF SCHEDULES
2. SCHEDULE A - REAL PROPERTY
3. SCHEDULE B - PERSONAL PROPERTY
4. SCHEDULE C - PROPERTY CLAIMED AS EXEMPT
5. SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS
6. SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
7. SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
8. SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES
9. SCHEDULE H - CODEBTORS
10. SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)
11. SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)
12. UNSWORN DECLARATION UNDER PENALTY OF PERJURY
13. LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS (**EXCEPTION:** MUST BE FILED WITHIN 5 DAYS)
14. STATEMENT OF AFFAIRS
15. DETAILED INVENTORY OF ALL PROPERTY

**\*\*THE COURT REQUIRES YOUR ORIGINAL DOCUMENTS  
PLUS SIX COPIES\*\***

**CHAPTER 12 FAMILY FARMER** - Available to an individual, individual and spouse, partnership, or corporation “engaged in a farming operation.” The debtor must have a regular annual income and debts of the farming operation must not exceed \$1,500,000. A Chapter 12 Discharge is generally granted after successful completion of a plan.

1. SUMMARY OF SCHEDULES
2. SCHEDULE A - REAL PROPERTY
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5. SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS
6. SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
7. SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
8. SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES
9. SCHEDULE H - CODEBTORS
10. SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)
11. SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)
12. UNSWORN DECLARATION UNDER PENALTY OF PERJURY
13. STATEMENT OF AFFAIRS
14. DETAILED INVENTORY OF ALL PROPERTY

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PLUS FOUR COPIES\*\***

**CHAPTER 13 ADJUSTMENT OF DEBTS** - A debt repayment program (plan) available to all individuals with regular income from any source which can pay all current expenses plus the monthly plan payment. However, only available if total secured debts do not exceed \$750,000 and total unsecured debts do not exceed \$250,000. Provides a discharge of most debts, no matter if they are paid in full or in part, while the debtor generally keeps all of his property. Normally protects the individual and most codebtors from any creditor interference. Provides relief from more types of debts than if filed under Chapter 7. The case may normally be dismissed or converted to another chapter at will, which may include an additional filing fee. A plan must be filed with a proposed budget and payments commenced within 30 days of filing. The plan usually cannot extend more than 36 months, and is subject to approval by the court.

1. SUMMARY OF SCHEDULES
2. SCHEDULE A - REAL PROPERTY
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4. SCHEDULE C - PROPERTY CLAIMED AS EXEMPT
5. SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS
6. SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
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8. SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES
9. SCHEDULE H - CODEBTORS
10. SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)
11. SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)
12. UNSWORN DECLARATION UNDER PENALTY OF PERJURY
13. STATEMENT OF AFFAIRS
14. CHAPTER 13 PLAN

**\*\*THE COURT REQUIRES YOUR ORIGINAL DOCUMENTS  
PLUS FOUR COPIES\*\***

***FAILURE TO FILE THESE REQUIRED DOCUMENTS WITHIN 15 DAYS OF THE FILING OF YOUR BANKRUPTCY PETITION SHALL RESULT IN YOUR CASE BEING AUTOMATICALLY DISMISSED. PLEASE STAPLE THESE PAPERS IN THE ORDER ABOVE. COPIES ALSO MUST BE STAPLED IN THE SAME ABOVE ORDER IN COLLATED SETS.***

### **MEETING OF CREDITORS**

Approximately three weeks after you have filed your bankruptcy petition, you will receive a copy of a notice for the meeting of creditors from the clerk's office. The meeting of creditors is an opportunity for the trustee and any creditors who appear to ask you questions regarding your financial affairs. **You must appear at this meeting. If a husband and wife file a joint petition, they both must appear.** If you have a problem with appearing at this meeting, contact your trustee. This meeting is set by the United States Trustee, not the bankruptcy court. Therefore, do not file requests to continue or change the date of the meeting with the court. ***FAILURE TO APPEAR AT THE MEETING OF CREDITORS SHALL RESULT IN YOUR CASE BEING AUTOMATICALLY DISMISSED.***

### **NOTICE TO YOUR CREDITORS**

Approximately three weeks after you file your petition, the clerk's office will send a notice for the meeting of creditors to all the creditors you have listed on your master mailing list notifying them you have filed bankruptcy. If you need to have any of your creditors receive notice sooner, you must give them notice of your bankruptcy filing yourself.

### **CHANGE OF ADDRESS**

Should your mailing address change after you file your bankruptcy petition, you must notify the clerk's office in writing. You also need to notify your trustee. Failure to do so may result in legal actions being taken against you without notice to you. When sending anything to the court, you need to include your name and the bankruptcy case number.

### **CASE NAME AND NUMBER**

When filing any papers with the court, you must include your name and bankruptcy case number. The case number must include the letters which indicate the judge to which your case is assigned.

### **REAFFIRMATION OF DEBTS**

If you desire to reaffirm any particular debt, you need to enter a written agreement with that creditor. There are no forms available from the clerk's office. If you have an application for reaffirming a debt in your bankruptcy packet, **DO NOT** file it with your petition. File it only after you and the creditor have both signed the agreement and attach the agreement to the application. You may want to contact the creditor and have them prepare the reaffirmation agreement. It must be filed with the court prior to the date in the Discharge of Debts section of the notice for the meeting of creditors.

Since you are not represented by an attorney, a hearing, of which you will receive written notice, may be set before the bankruptcy judge. You and your spouse both need to appear at that hearing so the judge may determine whether the reaffirmation agreement is in your best interest.

Please be advised that the court does not need to approve a reaffirmation agreement that applies to a debt which is a consumer debt secured by real property. This would apply to any mortgages on your home or other debts which are secured by your home.

You also have the right to rescind any reaffirmation agreement at any time prior to the entry of your discharge (see section below on when the discharge is entered) or within 60 days after the reaffirmation agreement is filed with the court, whichever occurs later. To rescind a reaffirmation agreement, you need to give written notice you are rescinding the agreement to that creditor by mailing the written notice to the creditor.

### **LIEN AVOIDANCE**

While many liens on property survive bankruptcy, certain liens may be avoided. The clerk's office cannot advise you as to which liens may be avoided. However, if you file a motion to avoid a lien, the following procedures apply.

You must file a written Motion to Avoid Lien. It must identify the lienholder. The motion must also include your name and bankruptcy case number including judge's initials. With the motion you must submit a Notice of Motion to Avoid Lien. The form for the notice may be obtained from the clerk's office, however, we **DO NOT** have any forms for the motion itself.

It is your responsibility to serve a copy of both the motion and the notice upon the lienholder. Service may be made by first class mail, postage prepaid. An affidavit of service must be filed after service has been made. If the lienholder fails to file a response, a certificate of service and of no objection may be filed with a form of order avoiding the lien. The clerk's office DOES NOT have forms for the certificate of service and of no objection, or the order avoiding lien. If a response is filed by the lienholder, a hearing will be set before the judge.

If your bankruptcy packet includes a form for the motion to avoid lien, it must be filed separately. DO NOT attach it to your petition.

### **STUDENT LOANS**

Student loans made, insured, or guaranteed by a governmental unit or made under any program funded by a governmental unit or a non-profit institution, are generally not discharged by your bankruptcy unless it would impose an undue hardship on you and your dependents.

In order to have a student loan discharged for undue hardship, you must file a complaint naming the student loan creditor as a defendant. The clerk's office does NOT have a form for this type of complaint. You also need to provide a summons. The clerk's office does have a form of summons available. The clerk's office will issue the summons and return it to you. Please provide a stamped, self-addressed envelope for this purpose.

It is your responsibility to serve the summons and a copy of the complaint upon the defendant. An affidavit of service must be filed after you have made service. Service may be made by first class mail, postage prepaid. If the defendant fails to file an answer, an affidavit, which must be notarized, and entry of default must be filed before a default judgment will be signed. You must also provide the form of judgment. If an answer is filed, the matter will be set for trial before the judge. Other than the summons, the clerk's office does not have any forms for this procedure.

If your bankruptcy packet includes the form of complaint to discharge a student loan, DO NOT attach it to your petition. It must be filed separately.

### **AMENDMENTS**

If you want to amend your bankruptcy petition to include any creditors that you forgot to list when you filed your original schedules, you must file an amendment. Amendments to Schedules D, E or F require a \$20 filing fee. The clerk's office does not have forms for the amendment. If you file an amendment, you must mail a copy of that amendment to the creditors you have listed on it and to the trustee assigned to your case. Please note on the amendment that you have mailed a copy to those creditors.

### **DISCHARGE**

Your discharge will not be entered until after the date in the Discharge of Debts section of your notice for the meeting of creditors has passed, which will be 60 days after the meeting of creditors. The discharge does not close your case. It will be closed when the trustee has completed the administration of your estate.

### **COMMUNICATIONS WITH THE COURT**

If you are having a problem with any of your creditors after the filing of your bankruptcy, it is NOT possible to communicate in person or by phone with the bankruptcy judge. If you need to seek any relief from the court, you must file a written motion specifying the relief you seek. The matter will then be set for hearing before the judge. The clerk's office cannot assist you with any problems you might have with any of your creditors. This office cannot act on your behalf in any dispute you might have with a creditor.

### **LEGAL ADVICE**

This notice has been prepared to help you understand the bankruptcy process and to advise you of the importance of the above steps in that process. However, **THE CLERK'S OFFICE MAY NOT GIVE YOU LEGAL ADVICE.** Therefore, if you have any legal questions concerning your bankruptcy case or your legal rights, you will need to consult with an attorney. The Maricopa County Bar Association has a Lawyer Referral Service. Call (602) 257-4434 for information about consulting with an attorney. In Tucson, call (520) 623-4625.

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