

United States Bankruptcy Court
Eastern District of North Carolina

Helping You Help Yourself



Information Regarding Filing Bankruptcy

Updated November, 2020

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Introduction

This guide is **NOT** designed to assist you in determining whether it is advisable for you to file bankruptcy at this time. Certain factors, including prior bankruptcy cases, may have an impact on the effect of filing bankruptcy at this time. Those factors should be considered by you in determining whether to file bankruptcy, preferably with the advice of an attorney.

This guide is designed to assist you through the basics of preparing your bankruptcy case for filing, understanding what is expected of you during your bankruptcy case, and what you may expect after your case is closed.

Please review each section carefully prior to filing your case. Then refer to sections again as necessary during and after your case is closed.

In addition to this guide, it is also suggested that you review the [Bankruptcy Basics](#) section, along with corresponding videos, as well as the [Filing Without an Attorney](#) section found on the U.S. Courts website.

Filing Without the Assistance of an Attorney

*While it is possible to file a bankruptcy case “pro se,” that is, without the assistance of an attorney, it is extremely difficult to do so successfully. **HIRING A COMPETENT ATTORNEY IS HIGHLY RECOMMENDED. Only attorneys, AND NO ONE ELSE, can give you legal advice.***

Did you know?

- Although many debtors¹ believe that they cannot afford an attorney, many attorneys will work with a debtor to accommodate the debtor’s budget.
- Many attorneys also offer free consultations.
- In chapter 13 cases, a majority of the attorney fees can be paid over time through the debtor’s payment plan.
- A review of this court’s cases shows a higher likelihood of success in cases in which the debtor is represented by an attorney versus cases in which the debtor is pro se.
- Business debtors **must** have an attorney in any court proceeding.
- **Chapter 11 debtors must retain counsel licensed to practice in this court pursuant to Local Rule 2090-1.**

Legal Referral Agencies

North Carolina Bar Association Legal Referral Service *Legal Aid of North Carolina*
<http://www.ncbar.org> <http://www.legalaidnc.org>
919-828-4620

¹ A debtor is a person who files a voluntary bankruptcy case or against whom an involuntary bankruptcy case is filed.

American Bar Association

<http://www.americanbar.org>

Clerk's Office

As a pro se debtor², you will be filing your paperwork with the clerk's office at its Raleigh location. You may file in person or you may mail your paperwork to the clerk's office. If you mail your paperwork, your paperwork will be filed as of the date and time received by the clerk's office. Your bankruptcy filing is not official until the documents have been filed in the clerk's office and assigned a case number. You may also submit your petition using eSR, which is the Court's online tool for electronic submission of a bankruptcy package. This service is available to Chapter 7 and Chapter 13 individual filers.

After you file your paperwork, your case will be assigned to a case administrator based upon the last two digits of your case number (ex: 14-01056-5-SWH would be assigned to the case administrator handling case numbers ending in 56). If you have any questions regarding your case, you may contact the case administrator assigned to your case. Refer to the [Case Assignment](#) page on the Court's website for contact information.

Clerk's office staff, judges, and chambers' staff may not give legal advice. However, clerk's office staff may:

- Provide you with access to computers to retrieve the electronic docket sheet for each bankruptcy case and proceeding and to review papers filed in bankruptcy cases and adversary proceedings³.
- Provide you with limited access to certain websites having information pertinent to bankruptcy.
- Make copies, for a fee, of official forms.
- Provide you with a deficiency notice when forms are incomplete or missing.
- Provide a video(s) regarding the bankruptcy process, which can be viewed through this website or at our clerk's office.
- Provide this website page.
- Provide you with copies of bankruptcy forms at the front counter of the clerk's office.
- Reference a rule or statute.
- Explain who should receive proper notice or service.

Clerk's office staff *may not*:

- Explain the meaning of a particular statutory provision⁴ or rule.
- Give an interpretation of case law.
- Explain the result of taking or not taking action in a case.
- Help you complete forms, or advise you regarding what is legally required when a form elicits information from you.
- Tell you whether jurisdiction⁵ is proper in a case.

² An individual who files a voluntary bankruptcy case or against whom an involuntary bankruptcy case is filed without the representation of an attorney.

³ An Adversary Proceeding has the same meaning as a lawsuit in other courts.

⁴ Statutory Provisions are a provision of a law passed by a legislative body: e.g., Congress.

⁵ The jurisdiction is the court's power to decide a case.

- Tell you whether a complaint properly presents a claim.
- Provide advice on the best procedure to accomplish a particular goal.

Privacy Notice

All users of the United States Bankruptcy Court for the Eastern District of North Carolina please be advised that upon the filing of a petition for bankruptcy, all information contained therein and filed thereafter, is accessible to the general public through the Internet, as well as at the courthouse, according to 11 U.S.C. Section 107 “Public access to papers”:

- Except as provided in subsections (b) and (c) of this section and subject to section 112, a paper filed in a case under this title and the documents of a bankruptcy court are public records and open to examination by an entity at reasonable times without charge.
- On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court’s own motion, the bankruptcy court may- (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information; or (2) protect a person with respect to scandalous or defamatory matter contained in a paper filed in a case under this title.
- The bankruptcy court, for cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual or the individuals property:
 - Any means of identification (as defined in section 1028(d) of title 18) contained in a paper filed, or to be filed, in a case under this title.
 - Other information contained in a paper described in subparagraph (A).
- Upon ex parte application demonstrating cause, the court shall provide access to information protected pursuant to paragraph (1) to an entity acting pursuant to the police or regulatory power of a domestic governmental unit.
- The United States Trustee, Bankruptcy Administrator⁶, Trustee⁷, and any auditor serving under § 586(f) of title 28:
 - Shall have full access to all information contained in any paper filed or submitted in a case under this title; and
 - Shall not disclose information specifically protected by the court under this title.

Before You File

This section contains information that you should know before you file your bankruptcy case. If you fail to follow the suggestions provided in this section, your case may be dismissed.

The Bankruptcy Code requires that you complete credit counseling, or qualify for a waiver of the credit counseling requirement, *PRIOR TO* filing your bankruptcy petition. Credit Counseling should be taken *PRIOR TO* filing your petition; financial management should be taken *AFTER* filing your petition. There is a fee associated with taking the Credit Counseling course.



⁶ Oversees the administration of estates and supervises trustees and other estate fiduciaries in bankruptcy cases.

⁷ An individual appointed to administer the bankruptcy estate during a bankruptcy case

Questions to Ask

1. Do you qualify for a waiver of the credit counseling requirement?

Note: Please refer to [11 U.S.C. § 109\(h\)](#) of the Bankruptcy Code for information regarding qualifications.

If you meet the qualifications, complete the section of the voluntary petition accordingly. In addition, a motion for exemption/waiver is required.

2. If not, or if you are unsure if you qualify for a waiver, have you completed the credit counseling requirement? Refer to the link below to access the list of approved credit counseling agencies.



Bankruptcy Administrator Forms and Publications

3. Have you had one or more prior bankruptcy cases pending within the past year?

If so, then you should review [11 U.S.C. § 362](#) of the Bankruptcy Code carefully to determine what effect this may have on your new bankruptcy case.



Video of hearing on Motion to Extend Automatic Stay

Types of Bankruptcy

Although the clerk's office cannot advise you on which chapter of bankruptcy you should file, the following information about each chapter may assist you in making that determination:

Chapter 7: Liquidation



Bankruptcy Basics – Chapter 7

Purpose

Chapter 7 is designed for debtors in financial difficulty that do not have the ability to pay their existing debts. The purpose of filing a Chapter 7 of the Bankruptcy Code is designed to give honest individuals who find themselves in financial difficulty a “fresh start.”

Eligibility

If an individual makes a full disclosure of his/her financial affairs, submits to examination by the trustee and creditors⁸, has not committed fraudulent acts prior to or in connection with the bankruptcy, has not received a chapter 7 discharge within 8 years or a chapter 12 or chapter 13 discharge in a case commenced within 6 years (unless certain requirements are met) and is not “abusing” the bankruptcy process, then that individual is entitled to the “fresh start.”

⁸ A person or entity that has a claim against the debtor that arose at the time of or before the filing of the voluntary bankruptcy case.

Automatic Stay

There are several elements that make up the “fresh start” in a chapter 7 case. The first is the automatic stay which goes into effect immediately upon filing the petition. The stay prohibits creditors from taking any action to collect most pre-bankruptcy debts. This means no lawsuits or repossessions outside of the bankruptcy case, and no threatening telephone calls and collection letters; however, if you have filed more than one bankruptcy petition within the last year, the stay may be limited to 30 days or may not exist at all.

Property Rights

Under this chapter, a trustee takes possession of your property, sells or otherwise disposes and uses the money derived from any such sales to pay your creditors according to the priorities of the Bankruptcy Code.

Another aspect of the fresh start is the debtor’s right to retain exempt property. Exemptions⁹ provided by North Carolina state law, are recognized in federal bankruptcy cases, and chapter 7 debtors may keep exempt property. The chapter 7 trustee cannot sell property that the debtor claims as exempt. If you choose to claim exemptions under North Carolina law, the types and amount of property that can be exempted from bankruptcy are listed on Local Form 2, [Schedule C-Property Claimed as Exempt](#), which is available from the clerk or online. Exemptions are claimed, see [Local Rule 4003](#) on the Court’s website, by completing and filing this form with your bankruptcy petition.

Reaffirmation Agreements

Reaffirmation agreements are agreements entered into by the debtor and a creditor by which the debtor agrees to continue to make payments on an existing debt that might otherwise be dischargeable. Often, the original contract between the debtor and the creditor allows the creditor to repossess the property securing the loan if the debtor files for bankruptcy. If this is the case, the creditor will agree to waive this provision of the contract if the debtor agrees to continue making payments under the reaffirmation agreement. Once the reaffirmation agreement has been signed by both the debtor and the creditor, the creditor may not repossess the property securing the loan and the debt remaining on the loan may not be discharged by the bankruptcy. If you were to later surrender the collateral securing the loan and there was a deficiency remaining, the debt would not be discharged and the creditor could seek collection of the deficiency. Therefore, you should carefully read and fully understand the terms of the reaffirmation agreement prior to signing it.



[Reaffirmation Agreement Package](#)



[Reaffirmation Agreement Hearing Video](#)

Discharge

Probably the most important part of your fresh start is the discharge¹⁰, which eliminates your personal liability for most of your pre-bankruptcy debts.

⁹ A debtor’s holdings and possessions that, by law, a creditor cannot attach to satisfy a debt.

¹⁰ The release of a debtor from monetary obligations upon adjudication of bankruptcy.

The discharge injunction will go into effect when the discharge order is entered. It will replace the automatic stay and will be your permanent protection from creditor harassment. The discharge injunction does not prevent creditors from repossessing their collateral if your secured loans are in default. You are protected, however, from any actions by a creditor to collect a discharged debt. If a creditor tries to collect a discharged debt from you, that creditor may have violated the discharge injunction and could be held in contempt.

Any agreement you sign after entry of the discharge order agreeing to repay a discharged debt is void and unenforceable. Agreements that you signed prior to the entry of the order of discharge agreeing to be personally liable for a pre-petition debt may be enforceable if the requirements of the Bankruptcy Code are met.

You may want to pay a debt that has been discharged and you may do so. Keep in mind, however, that any payment you make is strictly voluntary on your part – you have no obligation to pay a discharged debt, and if a creditor should put pressure on you to collect a discharged debt, that creditor may be in violation of the discharge injunction.

Please keep a copy of your discharge order for future reference.

Non-Dischargeable Debts

Not all pre-bankruptcy debts are discharged in chapter 7 cases. Obligations for alimony, child support, divorce settlements, educational loans, fines and penalties, and judgments arising from death or personal injury while driving under the influence of alcohol, drugs or another substance are not affected by your chapter 7 discharge. Educational loans excepted from discharge, nevertheless may be discharged if you can show that paying the debt will create an “undue hardship” for you and your dependents.

If you fail to list a creditor and that creditor had no knowledge of your bankruptcy, your obligation to that creditor may not be discharged. Debts that arose after the filing of your petition are not affected by the discharge.

Your chapter 7 discharge does not affect the liability of any co-maker, endorser or guarantor for your debts. If a friend guaranteed a loan for you with a bank, the bank is free to collect the debt from the guarantor.

Liens

A chapter 7 discharge will not affect the validity of most liens. If you borrowed money to purchase an automobile and the automobile is collateral for repayment of the loan, the lien on the automobile will survive your bankruptcy. The bankruptcy law permits debtors to avoid judicial liens (judgments) and nonpossessory, non-purchase money liens on certain types of property (including household goods but generally not including automobiles), to the extent that the lien impairs an exemption. If you own property that would be exempt except for a judicial lien or a nonpossessory, non-purchase money lien, you may be able to avoid the lien to the extent of the exemption. Procedurally, a motion or adversary proceeding must be filed with the court requesting that such a lien be avoided – if not avoided, the lien remains enforceable.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income



Bankruptcy Basics – Chapter 13

Purpose

Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time.

Eligibility

You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code. Under chapter 13, you must file a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings for three to five years.

Property Rights

Under Chapter 13, unlike Chapter 7, you may keep all your property, both exempt and non-exempt¹¹, as long as you continue to make payments under the plan.

Automatic Stay

An automatic stay goes into effect immediately upon filing the petition and prohibits creditors from taking any action to collect most pre-bankruptcy debts. This means no lawsuits or repossessions outside of the bankruptcy case, no telephone calls, and no collection letters. However, if you have filed more than one bankruptcy petition within the last year, the stay may be limited to 30 days or may not exist at all.

Discharge

After you have made all payments provided for in your plan, your debts are discharged except alimony and support payments, certain kinds of taxes owed for less than three years, and long term secured obligations. You must be current on all post-petition domestic support obligations in order to have a plan confirmed by the court.

In order to obtain a discharge, you must certify that there are no outstanding post-petition domestic support obligations due at least 30 days prior to entry of the discharge. Additionally, you may not receive a discharge if you have received a discharge in a chapter 13 case within the 2-year period preceding the filing of the petition, or if you received a discharge in a chapter 7, 11, or 12 case within the prior 4 years.

Please keep a copy of your discharge order for future reference.

Chapter 11: Reorganization



Bankruptcy Basics – Chapter 11

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision for an individual to file a chapter 11 case

¹¹ Non-exempt property is all the property that creditors may lawfully reach.

should be reviewed with an attorney. Pursuant to Local Rule 2090-1, chapter 11 debtors **must** retain counsel licensed to practice in this court.

Chapter 12: Family Farmer or Fisherman Reorganizations



Bankruptcy Basics – Chapter 12

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

Information for Filing

At this point, you should know which chapter of bankruptcy you wish to file. Below are links to checklists for each chapter of bankruptcy. These checklists will guide you in determining which schedules and statements need to be filed with your petition so that your case will not be dismissed.

You will also find a link to a complete sample petition for chapter 7 and chapter 13 to assist you.

You will find links to forms on each checklist. You may print the forms and complete them yourself, or you may find copies of the forms and petition checklists in each clerk's office location. If you choose to file electronically using eSR, paper forms will not be necessary.

Please review the checklist for your chapter carefully.

Do not leave anything blank on the schedules – if a question or section is not applicable to you, please put "None."



Official Bankruptcy Forms



Chapter 7 Checklist



Chapter 13 Checklist



Chapter 12 Checklist

The Accelerated Filing checklist should be used when a petition must be filed in an emergency situation. This checklist contains the documents that are necessary in order for the accelerated petition to be accepted for filing. The remaining schedules and statements are due within fourteen (14) days of the date the petition was filed.



Accelerated Filing Checklist

You will notice that each checklist requires filing of a mailing matrix. Click on the following link to learn how to create a creditor mailing matrix. The mailing matrix will be created automatically should you choose to file electronically using eSR.



Create a Creditor Mailing Matrix

Discrimination

The bankruptcy law prohibits governmental units from discriminating against you because of your bankruptcy petition. A city, county, state or federal government may not deny you a license, permit, charter or franchise because of your bankruptcy.

You also have the protection from discrimination in employment by either a governmental unit or private employer. If you are fired, don't get promoted, or are denied a raise because of your bankruptcy, your employer may have violated the anti-discrimination provision in the Bankruptcy Code and the employer may be liable to you for damages. Similarly, if you apply for new employment, the prospective employer is prohibited from denying you employment based solely on your bankruptcy filing.

Penalty of Perjury

It is important to remember that when you sign any form submitted for filing, you are declaring under penalty of perjury that the information provided is both true and correct.

During Your Case

This section introduces you to situations that may arise during your bankruptcy case.

Important Things for You to Know

Memorandum to Debtor(s) and Order & Notice to Debtor(s)

You will receive a Memorandum to Debtor(s) from the court giving you general information about your case, including important dates. This memorandum will also list the name and telephone number of the deputy clerk assigned to your case. If you file a chapter 13, the Order & Notice to Debtor(s) will give you important information pertinent to filing a chapter 13 case, including the name of the trustee assigned to your case and directions regarding plan payments. If you file a chapter 7, the Order & Notice to Debtor(s) will give you important information pertinent to filing a chapter 7 case, including a deadline

for filing a certification that you have completed an instructional course concerning personal financial management, as well as instructions on submitting tax returns and pay stubs to the Bankruptcy Administrator.

Debtor Electronic Bankruptcy Noticing

The Debtor Electronic Bankruptcy Noticing (DeBN) is a Bankruptcy Noticing Center (BNC) program that allows debtors to receive orders and notices sent by the Court via email rather than by U.S. Mail. Only the Court can serve notices on the debtor electronically. Service requirements for other parties in a bankruptcy case do not change with DeBN. You are required to file a form to either opt in or opt out of electronic noticing in your bankruptcy case. The form must be accompanied by a copy of a government issued ID (ie driver's license, passport). See the following link for more information.



Debtor Electronic Bankruptcy Noticing

Deficiency Notices

If you fail to file a document that is required by the court or if you file a document that is not acceptable by the court, you will receive a deficiency notice. The deficiency notice will identify the document(s) you have failed to file and/or will provide you with guidance as to what is unacceptable about a document you have filed. You should review the deficiency notice carefully and seek to correct the error in filing immediately.

Amendments to Documents

If you file amended documents in your case, you should attach a verification page to the amended document indicating the information contained in the document is true and correct. If the schedules are being amended, also attach an amended summary of schedules. Click the link below to view a sample verification form and Summary of Schedules.



Declaration About Debtor's Schedules



Summary of Schedules

Your Attendance is Required

At Your 341 Meeting

You must attend the Section 341 meeting of creditors. It is normally held within 40 to 60 days of the date you file your bankruptcy petition. You will receive a notice from the court indicating the date, time and location of this meeting. If you do not attend, an order may be entered by the court directing you to appear and show cause as to why your discharge should not be denied or your case dismissed. You will also receive a memorandum from the court containing basic information, as well as an order and notice from the court with detailed instructions as previously stated.

At the 341 meeting of creditors, you will be examined under oath by the court-appointed officer presiding over the meeting. You must bring a government-issued picture identification and evidence of your social security number to the meeting. You are expected to dress appropriately- shorts, tank tops, etc., are not considered appropriate attire.



[Chapter 7 341 Meeting Part 1](#)



[Chapter 7 341 Meeting Part 2](#)



[Chapter 13 341 Meeting](#)

At Court Hearings

You must attend any hearing scheduled before the court unless counsel is obtained. Examples of these hearings include hearings on motions to extend or impose the automatic stay, motions for relief from the automatic stay, reaffirmation agreements, motions to dismiss, and orders to appear and show cause, among others. If you fail to appear at a hearing, you risk having action taken against you or your property, including dismissal of your case.

When you receive a notice of hearing from the court, read it carefully. Pay close attention to the time, date, and location of the hearing. Directions to court locations are on the court website. Arrive on time dressed appropriately; shorts, tank tops, and halter tops are not suitable attire. Always stand when addressing the judge. If you are sworn in as a witness, speak clearly into the microphone. Young children can disrupt court proceedings and should not be brought to court unless absolutely necessary. If you cannot attend a hearing, please notify the court as soon as possible.

Please be aware that court hearings are recorded and are available to the public. Therefore, you should refrain from sharing any personal information such as social security numbers, account numbers, children's names, etc. during the course of your hearing.

If you have a hearing scheduled on one of these matters, you may click the link below to view a mock hearings to familiarize yourself with the procedure that will be followed in court:



[Pro Se Videos](#)

Debtor Education/Financial Management Certificate

All individual debtors, except those filing chapter 12, are required to attend an online financial management course, or debtor education class, after filing a petition. You will receive a certificate upon completion of the course, which must be filed with the court. You cannot receive your discharge until the court receives the financial management certificate.

Chapter 13 debtors are provided the opportunity to attend a debtor education class, free of charge, prior to their 341 meeting of creditors.

After Your Case

This section will help you understand what will happen at the end of, and after, your case.

There are several ways in which your case may end, all of which are discussed below:

Discharge



Bankruptcy Basics – Discharge in Bankruptcy

The most preferable way for your case to end is by receiving a discharge. A discharge is received upon the satisfactory completion of your case. A discharge results in the following:

Collection of Discharge Debts Prohibited

The discharge prohibits any attempt to collect discharged debt from the debtor. A creditor who violates this order can be required to pay damages and attorney's fees to the debtor. However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts that are Discharged

The discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed or converted, if applicable. Debts that are Not Discharged:

Some of the common types of debts which are not discharged are:

- Debts for most taxes;
- Debts incurred to pay non-dischargeable taxes;
- Debts that are domestic support obligations
- Debts for most student loans;
- Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;

Some debts which are not properly listed by the debtor;

- Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and
- Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

This information is only a general summary of bankruptcy discharge. There are exceptions to these rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

Dismissal

Your case could be dismissed for a variety of reasons, including but not limited to failure to file required documents, failure to appear for a show cause hearing, failure to file a certificate of completion of credit counseling, or failure to make plan payments in a chapter 13 bankruptcy case. Regardless of the reason, if your bankruptcy case is dismissed (not completed), you will not receive the benefits of a discharge.

The dismissal of your case may or may not affect your ability to file a bankruptcy case in the future. Also, in the event you are allowed to file another bankruptcy case, the protections offered to you by the Bankruptcy Code may or may not be adversely affected.

Closing without Discharge

In certain cases in which the case was completed but the debtor failed to meet all the necessary requirements for receiving a discharge, the debtor's case will be closed without a discharge. This means that the debtor will not receive the benefits of the discharge.

Glossary

A

Adversary Proceeding: has the same meaning as a lawsuit in other courts. This means that one or more "plaintiff(s)" file a "complaint" against one or more "defendant(s)." In many situations an adversary proceeding is required if a plaintiff wants to obtain a particular type of relief. Consult Federal Rules of Bankruptcy Procedure Rule 7001 to determine if a particular type of relief requires an adversary proceeding.

B

Bankruptcy Administrator: oversees the administration of estates and supervises trustees and other estate fiduciaries in bankruptcy cases.

C

Creditor: a person or entity that has a claim against the debtor that arose at the time of or before the filing of the voluntary bankruptcy case.

D

Debtor – a person who files a voluntary bankruptcy case or against whom an involuntary bankruptcy case is filed.

Debtor Electronic Bankruptcy Noticing (DeBN) – a Bankruptcy Noticing Center (BNC) program that allows debtors to receive Court orders and notices sent by the Court via email rather than by U.S. Mail.

Discharge: the release of a debtor from monetary obligations upon adjudication of bankruptcy. See the [U.S. Courts webpage](#) for more information.

E

Exemptions: a debtor's holdings and possessions that, by law, a creditor cannot attach to satisfy a debt. Please see the [North Carolina Bankruptcy Law](#) website for more information.

J

Jurisdiction: a court's power to decide a case

N

Non-exempt Property: all the property that creditors may lawfully reach

S

Statutory Provisions: a provision of a law passed by a legislative body: e.g., Congress

T

Trustee: a person appointed to administer the bankruptcy estate during a bankruptcy case.

Petition Checklist for Chapter 7

Filing requirements for new chapter 7 cases in the following order:

- _____ Filing Fee in full, Application to Pay Filing Fee in Installments or Application for Waiver of Filing Fee
- _____ Voluntary Petition - Official Form 101 or 201 - (all pages) with signature of Debtor/Joint Debtor(s), and if applicable, debtor's attorney (if you are filing without assistance of an attorney, you must include your telephone number in case you need to be contacted by the court)
- _____ Part 5 (of Official Form 101) - Individual Debtor's Credit Counseling Briefing
- _____ Certificate of the Credit Counseling Agency showing that you have completed the required counseling
- _____ Request Regarding Debtor Electronic Notice - to indicate whether or not you wish to receive notices from the court electronically (A copy of a valid ID needs to be attached.)
- _____ Social Security number - only include the last 4 digits of the Social Security number on the petition
- _____ Schedule A/B - (106A/B) - Real and Personal Property (listing of all your property)
- _____ Schedule C - (B6C) - Claim for Exemptions (local form if you are claiming exemptions authorized under North Carolina law, or Federal Form 106C -Property Claimed as Exempt)
- _____ Schedule D - (Official Form 106D) - Creditors Holding Secured Claims (list all creditors that have collateral for their debt)
- _____ Schedule E/F - (Official Form 106E/F) - Creditors Who Have Priority and Non-Priority Unsecured Claims – Priority: An unsecured claim that is entitled to be paid ahead of other unsecured claims that are not entitled to priority status. Priority refers to the order in which these unsecured claims are to be paid. Non-Priority: A claim or debt for which a creditor holds no special assurance of payment, such as a mortgage or lien; a debt for which credit was extended based solely upon the creditor's assessment of the debtor's future ability to pay.
- _____ Schedules G & H - (106G & 106H) - (if applicable)
- _____ Schedule I - (Official Form 106I) - Current Income of Individual Debtor(s)
- _____ Schedule J - (Official Form 106J) - Current Expenditures of Individual Debtor(s)
- _____ Schedule J-2 – (Official Form 106J2) – Expenses for Separate Household of Debtor 2 (if applicable)
- _____ Summary of Assets & Liabilities (106Sum) and Declaration About Debtor's Schedules (106Dec)
- _____ Statement of Financial Affairs
- _____ Statement of Intention (if applicable)

_____ Mailing Matrix

_____ Certification of Mailing Matrix (a certificate signed by Debtor/Joint Debtor(s) that states you have listed all creditors shown in your petition and their addresses are true and accurate to the best of your knowledge)

_____ Statement of Social Security Number (statement requiring the full social security number for the court but retained by the court as a non-public document)

_____ Disclosure of Compensation of Bankruptcy Petition Preparer – (Form 2800) (if you were assisted by anyone other than an attorney in the preparation of your petition)

_____ Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (11 U.S.C. § 110) (Form 119) (if you were assisted by anyone other than an attorney in the preparation of your petition)

_____ Statement of Current Monthly Income and Means Test Calculation (Form 122A-1) (if debts are primarily consumer debts)*

_____ Debtor Electronic Bankruptcy Noticing Request form with a copy of government issued ID.

**Information with regard to means testing and calculations may be found [here](#).*

A deficiency notice is sent for any items which are omitted from the petition. Please make every effort to correct the deficiencies within the time allowed.

Petition Checklist for Chapter 13

Filing requirements for new chapter 13 cases in the following order:

_____ Filing Fee in full or Application to Pay Filing Fee in Installments

_____ Voluntary Petition - Official Form 101 or 201 - (all pages) with signature of Debtor/Joint Debtor(s), and if applicable, debtor's attorney (if you are filing without assistance of an attorney, you must include your telephone number in case you need to be contacted by the court)

_____ Part 5 (of Official Form 101) - Individual Debtor's Credit Counseling Briefing

_____ Certificate of the Credit Counseling Agency showing that you have completed the required counseling

_____ Request Regarding Debtor Electronic Notice - to indicate whether or not you wish to receive notices from the court electronically (A copy of a valid ID needs to be attached.)

_____ Social Security number - only include the last 4 digits of the Social Security number on the petition

_____ Chapter 13 Plan – A copy of the plan must be served on all creditors upon filing, and a certificate of service filed with the court

_____ Schedule A/B - (106A/B) - Real and Personal Property (listing of all your property)

_____ Schedule C - (B6C) - Claim for Exemptions (local form if you are claiming exemptions authorized under North Carolina law, or Federal Form 106C -Property Claimed as Exempt)

_____ Schedule D - (Official Form 106D) - Creditors Holding Secured Claims (list all creditors that have collateral for their debt)

_____ Schedule E/F - (Official Form 106E/F) - Creditors Who Have Priority and Non-Priority Unsecured Claims – Priority: An unsecured claim that is entitled to be paid ahead of other unsecured claims that are not entitled to priority status. Priority refers to the order in which these unsecured claims are to be paid. Non-Priority: A claim or debt for which a creditor holds no special assurance of payment, such as a mortgage or lien; a debt for which credit was extended based solely upon the creditor's assessment of the debtor's future ability to pay.

_____ Schedules G & H (106G & 106H) - (if applicable)

_____ Schedule I - (Official Form 106I) - Current Income of Individual Debtor(s)

_____ Schedule J - (Official Form 106J) - Current Expenditures of Individual Debtor(s)

_____ Schedule J-2 – (Official Form 106J2) – Expenses for Separate Household of Debtor 2 (if applicable)

_____ Summary of Assets & Liabilities (106Sum) and Declaration About Debtor's Schedules (106Dec)

_____ Statement of Financial Affairs

_____ Mailing Matrix

_____ Certification of Mailing Matrix (a certificate signed by Debtor/Joint Debtor(s) that states you have listed all creditors shown in your petition and their addresses are true and accurate to the best of your knowledge)

_____ Statement of Social Security Number (statement requiring the full social security number for the court but retained by the court as a non-public document)

_____ Disclosure of Compensation of Bankruptcy Petition Preparer – (Form 2800) (if you were assisted by anyone other than an attorney in the preparation of your petition)

_____ Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (11 U.S.C. § 110) (Form 119) (if you were assisted by anyone other than an attorney in the preparation of your petition)

_____ Statement of Current Monthly Income and Means Test Calculation (Form 122C-1)*

_____ Debtor Electronic Bankruptcy Noticing Request form with a copy of government issued ID.

**Information with regard to means testing and calculations may be found [here](#).*

A deficiency notice is sent for any items which are omitted from the petition. Please make every effort to correct the deficiencies within the time allowed.

Petition Checklist for Chapter 12

Filing requirements for new chapter 12 cases in the following order:

_____ Filing Fee in full or Application to Pay Filing Fee in Installments

_____ Voluntary Petition - Official Form 101 or 201 - (all pages) with signature of Debtor/Joint Debtor(s), and if applicable, debtor's attorney (if you are filing without assistance of an attorney, you must include your telephone number in case you need to be contacted by the court)

_____ Part 5 (of Official Form 101) - Individual Debtor's Credit Counseling Briefing

_____ Certificate of the Credit Counseling Agency showing that you have completed the required counseling

_____ Request Regarding Debtor Electronic Notice - to indicate whether or not you wish to receive notices from the court electronically (A copy of a valid ID needs to be attached.)

_____ Social Security number - only include the last 4 digits of the Social Security number on the petition

_____ Schedule A/B - (106A/B) - Real and Personal Property (listing of all your property)

_____ Schedule C - (B6C) - Claim for Exemptions (local form if you are claiming exemptions authorized under North Carolina law, or Federal Form 106C -Property Claimed as Exempt)

_____ Schedule D - (Official Form 106D) - Creditors Holding Secured Claims (list all creditors that have collateral for their debt)

_____ Schedule E/F - (Official Form 106E/F) - Creditors Who Have Priority and Non-Priority Unsecured Claims – Priority: An unsecured claim that is entitled to be paid ahead of other unsecured claims that are not entitled to priority status. Priority refers to the order in which these unsecured claims are to be paid. Non-Priority: A claim or debt for which a creditor holds no special assurance of payment, such as a mortgage or lien; a debt for which credit was extended based solely upon the creditor's assessment of the debtor's future ability to pay.

_____ Schedules G & H (106G & 106H) - (if applicable)

_____ Schedule I - (Official Form 106I) - Current Income of Individual Debtor(s)

_____ Schedule J - (Official Form 106J) - Current Expenditures of Individual Debtor(s)

_____ Schedule J-2 – (Official Form 106J2) – Expenses for Separate Household of Debtor 2 (if applicable)

_____ Summary of Assets & Liabilities (106Sum) and Declaration About Debtor's Schedules (106Dec)

_____ Statement of Financial Affairs

_____ Mailing Matrix

_____ Certification of Mailing Matrix (a certificate signed by Debtor/Joint Debtor(s) that states you have listed all creditors shown in your petition and their addresses are true and accurate to the best of your knowledge)

_____ Statement of Social Security Number (statement requiring the full social security number for the court but retained by the court as a non-public document)

_____ Disclosure of Compensation of Bankruptcy Petition Preparer – (Form 2800) (if you were assisted by anyone other than an attorney in the preparation of your petition)

_____ Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (11 U.S.C. § 110) (Form 119) (if you were assisted by anyone other than an attorney in the preparation of your petition)

_____ Debtor Electronic Bankruptcy Noticing Request form with a copy of government issued ID.

A deficiency notice is sent for any items which are omitted from the petition. Please make every effort to correct the deficiencies within the time allowed.

Petition Checklist for Accelerated Filing

When a petition must be filed in an emergency situation, a petition may be filed on an accelerated basis. The following are necessary in order for the accelerated petition to be acceptable for filing:

_____ Voluntary Petition - Official Form 101 or 201 - (all pages) with signature of Debtor/Joint Debtor(s), and if applicable, debtor's attorney (if you are filing without assistance of an attorney, you must include your telephone number in case you need to be contacted by the court)

_____ Part 5 (of Official Form 101) - Individual Debtor's Credit Counseling Briefing

_____ Appropriate filing fee, or Application to Pay Filing Fee in Installments (The filing fee may be waived only in the case of chapter 7 individual)

_____ Mailing Matrix containing the names and addresses of all of your creditors

_____ Certification of Mailing Matrix

_____ Statement of Social Security Number - Statement requiring social security number for the court but is filed as a non-public document

_____ Certificate of the Credit Counseling Agency showing that you have completed the required counseling

Once the petition is filed, you will be mailed a Deficiency Notice. The purpose of this notice is to let parties know that the schedules and statements are due within fifteen (14) days of the date the petition was filed. Certain documents must be filed or the case will be automatically dismissed on the 46th day following the date the petition is filed. Failure to submit other documents could result in a hearing being set requiring you to appear before the court and show cause why your case should not be dismissed.

How to Create a Matrix

(Typed List of Your Creditors)

All bankruptcy petitions submitted for filing must be accompanied by a mailing matrix. If using eSR to submit petition, the mailing matrix will be created automatically.

Creating the Matrix

- The mailing matrix should be prepared on plain white 8 ½ X 11 un-ruled or unblocked paper and shall not contain any extra marks such as letterhead, dates, debtor name, stains or handwritten marks on the front of the matrix. The debtor's name and social security number must be shown on the back of the mailing matrix.
- The only writing on the mailing matrix should be the typed names and address of the creditors. The certification of mailing matrix must be attached as a separate page from the matrix.
- Use good letter quality print to print the matrix. LaserJet or InkJet printers provide better quality print than dot matrix printers.
- **DO NOT** use unreadable typefaces or print styles such as proportionally-spaced fonts or exotic fonts (such as Olde English or script) or bold print. Twelve (12) pitch Times New Roman and Courier New fonts create good print quality that allows the Optical Character Reader (OCR) to accurately read the matrix.
- Provide the original mailing matrix. Poor quality photocopies are not readable by the scanner.
- List creditors in alphabetical order.
- **DO NOT** include the debtor or joint debtor on the mailing matrix. The name and address of these parties are added when the case is opened on the computer by the court staff.
- Names should be first name <space> last name.
- Creditor names and address must be typed so that letters are no closer than 1 ½ inches from any edge of the paper.
- Each line of the address may have a maximum of 35 characters.
- The maximum number of lines per address is 4.
- Please make every effort to obtain a complete address for each creditor.
- Leave one blank line between each address.
- Never use the following symbols in names and/or addresses on the creditor matrix:
 - Ampersand (&). Type the word "and" instead
 - Percent (%). If used to signify "care of" in a creditor's address, type "c/o" instead.
 - **DO NOT** type a lower case "L" to signify the numeral one (1).
 - **DO NOT** type the upper or lower case letter "o" to signify the numeral zero (0).
- Avoid misaligned lists caused by removing the paper from the typewriter before completing the list, or inserting the paper into the typewriter crooked.
- Type in upper and lower case as you would on a letter.
- States should be abbreviated using two capital letters without periods or other punctuation.
- A comma must appear between the city and the state.
- The last line of the matrix must be the city, state, zip code.

- *DO NOT* type the attention line on the last line of the address. The attention line should be the second line of the address.
- *DO NOT* include account numbers in the address.
- The ZIP Code must be typed on the last line of each address. If only a five digit ZIP Code is used, *DO NOT* add 0000s to make it nine digits. Separate the two groups of digits in the zip code with a dash, not a space.

Address examples

123, Incorporated
PO Box 123
City, NC 00000

Finance Company
PO Box 123456
City, NC 00000

Mr. and Mrs. Landlord
879 Rent Avenue
City, NC 00000

Mr. and Mrs. Carolina
1111 Carolina Avenue
City, NC 00000

Business Company
1992 Inc. Street
City, NC 00000

M and M Business Company
1212 Candy Lane
City, NC 00000

Paper Business
213 Pulp Mill Road
City, NC 00000