United States Bankruptcy Court

Southern District of West Virginia

www.wvsb.uscourts.gov

GUIDELINES & REQUIREMENTS

TO ASSIST **PRO SE** DEBTORS

The information contained in this brochure is intended to answer common questions from Pro Se Debtors and is not to be interpreted as legal advice. This information is subject to change without notice. For more detailed information, consult the Guide for Consumer Pro Se Debtors available on the Court's website or in the Clerk's Office.

Official Forms & Petition Preparation

The U.S. Bankruptcy Court Clerk's Office will supply the official forms required for filing bankruptcy upon request or you can download applicable forms and informational packets from the court's website at: www.wvsb.uscourts.gov. If someone other than an attorney assists you with the preparation of the bankruptcy forms, you must disclose the name of the preparer on the petition.

You will be required to present photo identification when entering the courthouse and must provide a daytime phone number on your petition. Photo identification is required at the Meeting of Creditors, along with verification of your social security number.

Protecting Your Social Security Number

Individuals filing bankruptcy will place only the last four digits of their Social Security Number on the bankruptcy petition. Individuals are required to submit, with the bankruptcy petition, a separate Statement of Social Security Number(s), Official Form B 121, in which their full Social Security Number is given. This Statement of Social Security Number(s) is not part of the public record and will not be available to the public. Official Form B 121 is available on the Court's website at: www.wvsb.uscourts.gov by clicking on the **Forms (National)** hyperlink. Any documents required to be filed that contain the Debtor's full Social Security Number should be redacted by the Debtor **prior** to filing (ie pay stubs), so that only the last 4 are disclosed.

Legal Advice & Resources

The U.S. Bankruptcy Court Clerk's Office is not permitted to prepare your petition, schedules, or other documents for you, nor is the Clerk's Office permitted to provide you with legal advice. Your local library has law books that may be of assistance to you. The Local Bankruptcy Rules for the Southern District of West Virginia and information on the various chapters in bankruptcy, instructions and forms are also available on the Court's website at: www.wvsb.uscourts.gov.

Appropriate Courtroom Attire & Conduct

All persons present in a courtroom where a trial, hearing, or other proceeding is in progress must dress and conduct themselves in a manner demonstrating respect for the court. Traditional business attire is considered appropriate. Jeans, shorts and t-shirts are **not** appropriate.

Retaining Your Records

It is advisable to keep copies of your petition, schedules, Order of Discharge, Order of Dismissal (if applicable), and your Final Decree. You may wish to obtain copies of other pertinent documents. You may obtain copies of documents from the Court for a fee of $.50 per page.

PLEASE NOTE: Non-Individuals must be represented by an attorney when filing for bankruptcy.

Chapter 7 – "Liquidation"

Chapter 7 is the liquidation or selling off your non-exempt property for payment to the creditors from the proceeds by a Chapter 7 Trustee who will be appointed when the case is filed.

Chapter 7 Filing Requirements

An original of the following is required when an individual files a Chapter 7 case and must contain original, handwritten/wet signatures where required:

- Voluntary Petition*
- Notice to Individual Consumer Debtor(s)*
- List of Creditors Names and Addresses (Mailing Matrix) with the Verification of Mailing Matrix*
- Certification of Completion of Credit Counseling*
- Fees – the filing fee in full at the time of filing **or** an Application to Pay Fee in Installments* (see section on **Filing Fees) or** Application to Proceed in Forma Pauperis (IFP)
- Statement of Social Security Number(s)* (*available only to court staff and trustees)*
- Schedules A through J, with Declaration Re Debtor's Schedules
- Summary and Statistical Summary
- Statement of Financial Affairs
- Statement of Intention
- Statement of Current Monthly Income and Means Test Calculation – Form B122A
- Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (*if applicable)*
- Personal records required:
  Pay Stubs
  Tax Returns

***These documents must be filed to initiate a Chapter 7 case.**

Note: Certification of completion of a Debtor Education/Financial Management course is required within 60 days after the first date set for the meeting of creditors under § 341 and must be filed prior to discharge.

If all of the above documents are not filed when the case is filed, you will receive a Notice of Missing Documents informing you which documents are missing and the timeframe in which those documents must be filed. **Failure to file the missing documents by the deadline may result in your case being dismissed and the loss of bankruptcy protection.**

Chapter 11 – "Reorganization"

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 petition should be reviewed with an attorney.

Chapter 12 – "Family Farmer or Fisherman"

Chapter 12 is designed to permit family farmers or family 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 a family-owned farm or commercial fishing operation.

Chapter 13 – "Wage Earner Plan"

Chapter 13 provides you the opportunity to restructure your debts through a payment plan which normally lasts three years. With court approval, a plan may last up to five years. A Chapter 13 Trustee will be appointed who will receive all funds you pay into the plan and pay creditors from those funds.

Chapter 13 Filing Requirements

An original of the following is required when an individual files a Chapter 13 case:

- Voluntary Petition*
- Notice to Individual Consumer Debtor(s)*
- List of Creditors' Names and Addresses (Mailing Matrix) with the Verification of Mailing Matrix*
- Certification of Completion of Credit Counseling*
- Fees – the filing fee in full at the time of filing **or** an Application to Pay Fee in Installments* (see section on **Filing Fees)**
- Statement of Social Security Number(s)* (*available only to court staff and trustees)*
- Schedules A/B, D, E/F, G, H, I, and J, with Declaration Re Debtor's Schedules
- Statement of Financial Affairs
- Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income – Form B 122C
- Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (*if applicable)*
- Personal records required:
  Pay Stubs
  Tax Returns
- Chapter 13 Plan (*you must use the form approved for use in the Southern District of West Virginia; available from the Clerk's Office upon request and on the Court's website at* www.wvsb.uscourts.gov (Forms/Local)

***These documents must be filed to initiate a Chapter 13 case.**

Note: Certification of completion of a Debtor Education/Financial Management course is required no later than the date the last payment is made under the plan or the date a motion for a discharge is filed under § 1141(d)(5)(B) or § 1328(b).

If all of the above documents are not filed when the case is filed, you will receive a Notice of Missing Documents informing you which documents are missing and the timeframe in which those documents must be filed. **Failure to file the missing documents by the deadline may result in your case being dismissed and the loss of bankruptcy protection.**

You must start to make Chapter 13 Plan Payments to the Chapter 13 Trustee within thirty (30) days after the case is filed. The Court will enter an order directing your employer to withhold the plan payments from your wages, unless you file a motion to be allowed to make direct payments to the Chapter 13 Trustee. Payments are to be made and mailed to:

Chapter 13 Trustee

P.O. Box 2207

Memphis, TN 38101-2207

304.744.6730

<u>§341 Meeting of Creditors (All Chapters)</u>

A Notice issued by the Court giving the date and time of the meeting of creditors (§ 341 Meeting") will be mailed to you after your bankruptcy petition is filed. Please read your notice carefully. Your creditors will also be notified by the U.S. Bankruptcy Court Clerk's office of the § 341 Meeting. **A Photo Identification is required, along with verification of your social security number**.

The Southern District of West Virginia has implemented virtual § 341 meetings of creditors ("341 meetings") for all chapter 7, 12, and 13 cases filed on or after September 1, 2023. These virtual 341 meetings will be held by video conference, which will be conducted through the Zoom platform, beginning on or after October 26, 2023.

The U.S. Trustee may approve alternative arrangements for 341 meetings when extenuating circumstances exist that preclude a debtor's attendance by video. In addition, in rare cases, the U.S. Trustee may determine that an in-person 341 meeting is necessary.

<u>Acceptable Forms of Payment</u>

The U.S. Bankruptcy Court accepts cash (in person only), money orders, cashier's and traveler's checks. Personal checks from a Chapter 7 debtor, two-party checks, and post-dated checks will not be accepted.

<u>Filing Fees</u>

You may pay the filing fee in installments. The number of installments may not exceed four (4) payments and must be paid within 120 days from the date you file your petition. ***An Application to Pay Filing Fee in Installments*** must be filed with the Petition, and approved by the Court. This form is available in the Clerk's Office and from the Court's website at www.wvsb.uscourts.gov by clicking on **Forms/National** link. For the current filing fees, please see the website under Court Info – Fees.

<u>Credit Rating & Reports</u>

The U.S. Bankruptcy Court Clerk's Office is not responsible for credit reports. Bankruptcy records are public records and the information contained in them can be retrieved by anyone. Any disputes you have with a credit agency must be resolved by you and that agency. A list of the Credit Reporting Agencies is located on the Court's website at www.wvsb.uscourts.gov by clicking on the **Credit Reporting Agencies** hyperlink. They are:

Experian, P.O. Box 2007, Allen TX 75013. 888-397-3242. www.experian.com

Equifax Profile Maintenance, P.O. Box 9558, Atlanta, GA 30374. 800-685-1111. www.equifax.com or www.annualcreditreport.com

Trans Union Corporation, 2 Baldwin Place, P.O. Box 2000, Chester, PA 19022. 800-888-4213. www.transunion.com

Locations of Bankruptcy Clerk's Offices

The main Bankruptcy Clerk's Office is in Charleston. 300 Virginia Street East, Room 3200, Charleston, WV 25301. 304.347.3003. Office hours are Monday through Friday, from 8:30 – 5:00 p.m.

***Note: All mailings should go to the Charleston Bankruptcy Clerk's Office at the above address.**

Beckley divisional office. 110 North Heber Street, Room 271, Beckley, WV 25801. 304.253.7402. See our website for days/hours office is open – Calendars – Divisional Offices. Calling before a visit is recommended.

Huntington divisional office. 845 Fifth Avenue, Room 336, Huntington, WV 25701. 304.525.0375. See our website for days/hours office is open – Calendars – Divisional Offices. Calling before a visit is recommended.

Locations of Court Hearings (when in person)

Charleston
Bankruptcy Courtroom, Room 6200, 6th Floor, Robert C. Byrd U.S. Courthouse, 300 Virginia Street East, Charleston, WV

Beckley
Magistrate Courtroom, 2nd Floor, Robert C. Byrd U.S. Courthouse, 110 North Heber Street, Beckley, WV

Bluefield
Federal Courtroom, 2nd Floor, Elizabeth A. Kee Federal Building, 601 Federal Street, Bluefield, WV

Huntington
First Floor Courtroom, Sidney L. Christie U.S. Courthouse, 845 Fifth Avenue, Huntington, WV

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