

**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.

THE "BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005" WAS PASSED BY CONGRESS ON APRIL 14, 2005 AND BECAME EFFECTIVE ON OCTOBER 17, 2005. THE CHAPTER 7 & CHAPTER 13 FILING REQUIREMENTS LISTED HEREIN HAVE BEEN REVISED TO REFLECT THE REQUIREMENTS OF THE ACT.

Revised 1/2012

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 21, 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 21 is available on the Court's website at: www.wvsb.uscourts.gov by clicking on the **Forms(National)** hyperlink.

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 are available in the Clerk's Office. The local rules, 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 tshirts 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: Corporations and Partnerships must be represented by an attorney when filing for bankruptcy.

Chapter 7 - "Liquidation"

Chapter 7 is the liquidation or selling off of 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:

- 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 of Truthfulness Concerning Debtors' Schedules
- Statistical Summary
- Statement of Financial Affairs
- Statement of Intention
- Statement of Current Monthly Income and Means Test Calculation - Form22A
- 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 after filing and before discharge is granted.

If all of the above documents are not filed when the case is filed, you will receive a Notice of Missing Documents informing you that all missing documents must be filed within fourteen (14) days. **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 through J, with Declaration of Truthfulness Concerning Debtor's Schedules
- Statement of Financial Affairs
- Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income - Form 22C
- 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 (click on **Forms(Local)**)*)

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

If all of the above documents are not filed when the case is filed, you will receive a Notice of Missing Documents informing you that all missing documents must be filed within fourteen (14) days. **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:

Helen Morris
Chapter 13 Trustee
P. O. Box 2207
Memphis, TN 38101-2207
304-744-6730

§ 341 Meeting of Creditors (All Chapters)

A Notice issued by the Court giving the location, 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 to determine the location, date and time of your § 341 Meeting. Your creditors will also be notified by the U. S. Bankruptcy Court Clerk's Office of the location, date and time scheduled for your §341 Meeting by mail or by a specified type of electronic transmission. A photo identification is required, along with verification of your social security number.

Acceptable Forms of Payment

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.

Filing Fees

You may pay the filing fee in installments. The number of installments may not exceed four (4) payments. ***An Application and Order 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(Official Bankruptcy Forms)** link.

The filing fees are as follows:

Chapter 7.....\$306.00
Chapter 11.....\$1,046.00
Chapter 12.....\$246.00
Chapter 13.....\$281.00

Credit Rating & Reports

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

Bankruptcy Clerk's offices are located at the addresses listed below and are open the hours indicated. The offices are closed on federal holidays.

Charleston main office - 300 Virginia Street East, Room 3200, Charleston, WV, 25301, 304-347-3003. Open Monday through Friday, from 8:30 a.m. to 5:00 p.m.

Beckley divisional office - 110 North Heber Street, Room 271, Beckley, WV, 25801, 304-253-7402. Open Monday through Friday, from 8:30 a.m. to 5:00 p.m.; closed for lunch from 1:00 p.m. to 2:00 p.m.

Huntington divisional office - 845 Fifth Avenue, Room 336, Huntington, WV, 25701, 304-525-0375. Open Tuesday, Thursday and Friday, from 8:30 a.m. to 5:00 p.m.; closed for lunch from 1:30 p.m. to 2:00 p.m.

Parkersburg divisional office - 5th & Juliana Streets, Room 5116, Parkersburg, WV, 26101, 304-420-6021. Open days on which Bankruptcy Court hearings and meetings of creditors are scheduled, from 9:00 a.m. to 4:00 p.m.; closed for lunch from 1:30 p.m. to 2:00 p.m.

Locations of Court Hearings

- Charleston - Bankruptcy Courtroom, 6th Floor, Robert C. Byrd U.S. Courthouse, 300 Virginia Street East**
- Beckley - Magistrate Courtroom, 2nd Floor, Robert C. Byrd U.S. Courthouse, 110 North Heber Street**
- Bluefield - Federal Courtroom, 2nd Floor, Elizabeth Kee Federal Building, 601 Federal Street**
- Huntington - First Floor Courtroom, Sidney L. Christie U.S. Courthouse, 845 5th Avenue**
- Parkersburg - Federal Courtroom, 5th Floor, Federal Courthouse, 5th & Juliana Streets**

Locations of § 341 Meetings of Creditors

- Charleston - U.S. Trustee's Office, 2nd Floor, Robert C. Byrd U.S. Courthouse, 300 Virginia Street East**
- Beckley - Jury Assembly Room, Room G07, Robert C. Byrd U.S. Courthouse, 110 North Heber Street**
- Bluefield - Witness Room, Room 2104, Elizabeth Kee Federal Building, 601 Federal Street**
- Huntington - First Floor Conference Room, Sidney L. Christie U.S. Courthouse, 845 5th Avenue**
- Parkersburg - Federal Courtroom, 5th Floor, Federal Courthouse, 5th & Juliana Streets**