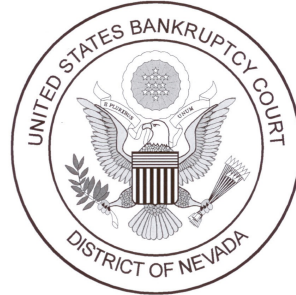


United States Bankruptcy Court  
District of Nevada



# INFORMATION FOR BANKRUPTCY FILERS NOT REPRESENTED BY AN ATTORNEY

Please be advised that the clerk's office is prohibited by 28 U.S.C. Section 955 from giving legal advice or assisting with the preparation of forms.

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Updated 1/15

## INTRODUCTION

Corporations and partnerships must have an attorney represent them in a bankruptcy case. Individuals, however, may represent themselves in bankruptcy court. While individuals can file a bankruptcy case without an attorney, or “pro se,” it is extremely difficult to do so successfully.

It is very important that a bankruptcy case be filed and handled correctly. The rules are very technical, and a misstep may affect a debtor’s rights. For example, a debtor whose case is dismissed for failure to file a required document, such as a credit counseling certificate, may lose the right to file another case or lose protections in a later case, including the benefit of the automatic stay. Bankruptcy has long term financial and legal consequences, and hiring a competent attorney is strongly recommended.

Debtors must list all property and debts in their bankruptcy schedules. If a debt is not listed, it is possible the debt will not be discharged. A list of the documents the debtor must file are set out on [Form B200](#), one of the Official Bankruptcy Forms created by the Administrative Office of the U.S. Courts. The judge can also deny the discharge of all debts if a debtor does something dishonest in connection with the bankruptcy case, such as destroying or hiding property, falsifying records, or lying. Individual bankruptcy cases are randomly audited to determine the accuracy, truthfulness, and completeness of the information that the debtor is required to provide.

Pro se litigants, whether debtor or creditor, are expected to follow the rules that govern procedures in the federal courts. Pro se litigants should be familiar with the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the court in which the case is filed. Local rules, forms, and other useful information can be found on the court’s website at: <http://www.nvb.uscourts.gov/>.

The information in this manual is not a substitute for the advice of competent legal counsel, and should not be cited or relied upon as legal authority. It is intended only as a guide to some basic aspects of bankruptcy law, and is necessarily limited and does not include all of the controlling law (principally the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the court’s Local Bankruptcy Rules, and court decisions).

For more information, please visit:

<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/FilingBankruptcyWithoutAttorney.aspx>.

## THINKING ABOUT FILING BANKRUPTCY?

### Where is the court located?

#### **Las Vegas**

300 Las Vegas Boulevard South  
Las Vegas, NV 89101  
(702) 527-7000

#### **Reno**

300 Booth Street  
Reno, NV 89509  
(775) 326-2100

### What is a bankruptcy petition?

A bankruptcy petition is a document filed by the debtor (in a voluntary case) or by creditors (in an involuntary case) which opens the bankruptcy case. There are official forms for bankruptcy petitions. See Appendix A: Bankruptcy Terminology for more information.

### Where can I obtain petition forms?

Petition forms may be downloaded at no charge from the “[Forms](#)” section of the court’s website, located at: <http://www.uscourts.gov>. A package of forms required for filing may also be purchased from any stationery store carrying legal forms.

### Do I need an attorney to file bankruptcy?

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 an attorney is highly recommended. If you are unable to afford an attorney, you may qualify for free legal representation. For information about other referral programs, you may contact the following:

#### **State Bar of Nevada**

(702) 382-2200  
<http://www.nvbar.org/>

#### **Washoe County Bar Association**

(775) 786-4494  
<http://www.wcbar.org/>

Pursuant to Local Rule 9010, any corporation, partnership or other business entity, except when acting as a bankruptcy trustee for a corporation or partnership, must be represented by an attorney.

**What forms of payment are accepted by the court?**

Payment from debtors may be in the form of a bank cashier's check or a money order. The Clerk's office does not accept cash. **Personal checks and credit cards will not be accepted from individual debtors or debtors in possession.**

**What are the filing requirements?**

[Filing fees and requirements](#) can be found on the court's website, and in this manual. For information on [Credit Counseling and Means Test](#), see the U.S. Trustee's website at: <http://www.justice.gov/ust/index.htm>.

**What if I have an emergency filing after hours?**

The court's normal operating hours are from 9:00 a.m. to 4:00 p.m., Monday through Friday, except federal holidays. In emergency situations, filings may be accepted at other times; however, a pre-approved appointment must be arranged. Contact the appropriate intake office during operating hours to arrange for an emergency filing:

**Las Vegas:** (702) 527-7122

**Reno:** (775) 326-2106

**Can you recommend an attorney?**

We may not refer you to any individual attorney and are not permitted to give you legal advice of any nature. We suggest you contact the following to inquire about legal assistance:

**American Bar Association**-The website provides a link to a "Consumer's Guide to Legal Help" for each state.

<http://www.abanet.org/legalservices/findlegalhelp/home.cfm>

**AttorneyGuide.com**-Attorneys from the Washoe County Bar (Reno) or Clark County Bar (Las Vegas).

<http://www.attorneyguide.com>

**Legal Aid Center of Southern Nevada**-legal information, counseling, and representation to eligible low income residents of Clark County, Nevada.

725 East Charleston Blvd.

Las Vegas, Nevada 89104

(702) 386-1070

(800) 522-1070

<http://www.lacsn.org>

**Nevada Law Directory**-Database of free legal assistance organizations in Nevada.  
<http://www.nvlawdirectory.org>

**State Bar of Nevada**-Statewide lawyer referral service.

In state: (800) 789-5747

Local & Out of State: (702) 382-0504

<http://www.nvbar.org/find-a-lawyer>

**Nevada Legal Services**-Offices in Carson City, Reno, and Las Vegas.

<http://nevadalawhelp.org/>

530 S. 6th St.

Las Vegas, NV 89101

(702) 386-0404

(866) 432-0404

204 Marsh Avenue, Suite 101

Reno, NV 89509

(775) 284-3491

2621 Northgate Lane, Suite 10

Carson City, NV 89706

(775) 883-0404

(800) 386-0404

**William S. Boyd School of Law**-Free legal education on bankruptcy, and other topics.

To register or for more information call: 702-386-1070, ext.155

<http://law.unlv.edu/free-legal-education.html>

**Washoe Legal Services**-Provides free assistance to qualifying residents of Washoe County, NV.

650 Tahoe Street

Reno, NV 89509

(775) 329-2727

[www.washoelegalservices.org](http://www.washoelegalservices.org)

## **GENERAL WARNING TO ALL PARTIES PROCEEDING WITHOUT AN ATTORNEY**

Individuals may appear “pro se” (that is, without an attorney) in the bankruptcy court. Bankruptcy can be a very difficult area in which to proceed pro se. You may wish to obtain the services of an attorney. Only an attorney is authorized to give you legal advice regarding a bankruptcy case or proceeding. The clerk’s office is prohibited from giving legal advice. For example, they cannot:

- Explain the meaning of a particular statutory provision or rule
- Give an interpretation of case law, rule, or statute
- Explain the result of taking or not taking action in a case
- Help you complete the forms, or advise you regarding what is legally required when a form elicits information from you
- Tell you whether jurisdiction is proper in a case
- Tell you whether a complaint properly presents a claim
- Provide advice on the best procedure to accomplish a particular goal
- Explain who should receive proper notice or service

The judge’s responsibility is to supervise and administer the entire case and to resolve disputes between the parties, and the judge must remain impartial (not lean in favor of one side). **You cannot engage in so called ex parte communications with the judge. This means you cannot contact the judge to have a conversation about the case.**

The individual who represents himself or herself is expected to follow all of the rules, and to know all of the applicable bankruptcy laws. This includes rules requiring written papers which must be filed, deadlines for filing pleadings, and requirements to serve the opposing side with your papers. You should wear proper clothing if you appear in court. Please no hats, shorts, thongs, or tank tops. You should be prepared to discuss the matter on the court’s calendar and be courteous to both the judge and the opposing party.

## CHAPTER INFORMATION

More information can be found at:

<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyBasics.aspx>

### **Chapter 7-Liquidation Under the Bankruptcy Code**

The chapter of the Bankruptcy Code providing for "liquidation" ( i.e., the sale of a debtor's nonexempt property and the distribution of the proceeds to creditors). Under chapter 7, a trustee takes possession of your property. You may claim certain property as exempt under governing law. The trustee then liquidates the property and uses the proceeds to pay your creditors according to the priorities of the Bankruptcy Code.

### **Chapter 9-Municipality Bankruptcy**

The chapter of the Bankruptcy Code providing for reorganization of municipalities (which includes cities and towns, as well as villages, counties, taxing districts, municipal utilities, and school districts).

### **Chapter 11-Reorganization Under the Bankruptcy Code**

A chapter 11 case provides you the opportunity to reorganize or readjust debts through a plan or contract with creditors. Creditors are allowed to vote on the plan and the plan must be approved by the Court. Individuals and most businesses can file a petition under chapter 11. However, chapter 11 provisions are complicated, and any decision for an individual to file a chapter 11 petition should be reviewed with an attorney.

### **Chapter 12-Family Farmer or Family Fisherman Bankruptcy**

Chapter 12 is designed for individuals who are farmers or fishermen but are temporarily unable to pay their debts and would like to repay them in installments over a period of time. Under chapter 12, you must file a plan with the court to repay your creditors all or part of the money you owe them using future earnings. This plan must be approved by the court before it can take effect.

### **Chapter 13-Individual Debt Adjustment**

A chapter 13 case provides you the opportunity to restructure your debts through a payment plan. The period allowed by the court to repay your debts may be three to five years, depending on various factors. The court must approve your plan before it can take effect. The chapter 13 trustee receives all funds you pay through the plan and pays creditors from these funds.

### **Chapter 15-Ancillary and Other Cross-Border Cases**

This new chapter encourages cooperation between the United States and foreign countries in connection with international insolvency cases.



## CHAPTER 7 FILING REQUIREMENTS (ORIGINAL PLUS 1 COPY)

Note: Credit counseling must be obtained prior to filing bankruptcy and EXHIBIT D TO OFFICIAL FORM 1 MUST BE FILED WITH THE BANKRUPTCY PETITION by each individual debtor. In order to be excepted from filing the certificate of credit counseling, a debtor must either (1) submit a certificate describing exigent circumstances that merit waiver of the requirement and also states the debtor requested credit counseling but was unable to obtain credit counseling during the 7 day period before filing OR (2) request, in writing, and provide notice that the debtor is unable to complete credit counseling because of incapacity, disability, or active military duty in a military combat zone. The forms listed in this section can be found on the court's website at: <http://www.nvb.uscourts.gov/>.

### DOCUMENTS REQUIRED WITH THE PETITION (Minimum Filing Requirements):

#### 1. Voluntary Petition and Schedules

- **Form B1:** Voluntary Petition Form-Signature of debtor(s) are required at the time of filing.
- **Exhibit D to Form B1-**Individual Debtor's Statement of Compliance with Credit Counseling Requirement (Exhibit D) must be filed WITH the petition. The Certificate of Credit Counseling must be filed with the petition. If applicable, a 109(h)(3) certification and motion or a 109(h)(4) request must be filed WITH the petition. (*only if debtor is an individual*)
- **Form B21:** Statement of Social Security Number (*only if debtor is an individual*)

**If filed by Non-Attorney Bankruptcy Petition Preparer,** the following documents are required in addition to those above:

- **Form B280:** Disclosure of Compensation of Bankruptcy Petition Preparer
- **Form B19:** Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer

#### 2. List of all creditors

**Pro Se:** you may file the creditor matrix in paper format.

See "Creditor Matrix Information" on page 15 of this manual.

### 3. Chapter 7 Filing Fee

The most up to date filing fees can be found on the court's website at: <http://www.nvb.uscourts.gov/filing/filing-fees/>.

**Pro Se:** Payment from debtors must be in the form of a bank cashier's check or a money order. The Clerk's office does not accept cash. **Personal checks and credit cards will not be accepted from individual debtors or debtors in possession.**

**A. If requesting waiver of fees:** *(only if debtor is an individual)*

The debtor may file an application requesting a waiver of the filing fee, also known as filing *In Forma Pauperis*. If the debtor can demonstrate that their income is less than 150% of the official poverty line, the courts may allow the filing fee to be waived. To do this, the debtor must file:

**Form B3B: Application for Waiver of Chapter 7 Filing Fee.**

The instructions on filing the Application for Waiver are included in Appendix B of this manual. The form and the poverty guidelines can also be found on the court's website at: <http://www.nvb.uscourts.gov/>.

**B. If paying in installments:** *(only if debtor is an individual)*

A debtor may request permission to pay the filing fee in installments, which must be approved by the court. To do this, the debtor must file:

**Form3A: Application to Pay Filing Fee in Installments**

The guidelines on filing the Application to Pay Filing Fee in Installments are included in Appendix C of this manual, and the form can be found on the court's website at: <http://www.nvb.uscourts.gov/>.

NOTE: The Application must be signed by both debtors, if it is a joint petition. See Title 28 U.S.C. Section 1930(a).

#### **DOCUMENTS DUE WITH THE PETITION OR WITHIN 14 DAYS OF FILING**

- Form B201: Notice to Individual Consumer Debtor Under 342(b) of the Bankruptcy Code
- Form B6: Summary of Schedules
- Form B6: Statistical Summary of Certain Liabilities
- Form B6A: Schedule A-Real Property
- Form B6B: Schedule B-Personal Property

- Form B6C: Schedule C-Property Claimed as Exempt
- Form B6D: Schedule D-Creditors Holding Secured Claims
- Form B6E: Schedule E-Creditors Holding Unsecured Priority Claims
- Form B6F: Schedule F-Creditors Holding Unsecured Nonpriority Claims
- Form B6G: Schedule G-Executory Contracts and Unexpired Leases
- Form B6H: Schedule H-Co-Debtors
- Form B6I: Schedule I-Current Income of Individual Debtor(s)
- Form B6J: Schedule J-Current Expenditures of Individual Debtor(s)
- Form B6: Declaration Concerning Debtor(s) Schedules
- Form B7: Statement of Financial Affairs
- Verification of Creditor Matrix
- Form B22A-1: Chapter 7 Statement of Your Current Monthly Income (*only if debtor is an individual*)
- B22A-1 Supp: Statement of Exemption from Presumption of Abuse under §707(b)(2) (if applicable)
- B22A-2 Chapter 7 Means Test Calculation (if applicable)

**DOCUMENTS DUE 7 DAYS BEFORE FIRST DATE SET FOR THE 341 MEETING OF CREDITORS**

- Provide to the TRUSTEE a copy of the Federal Income tax return or transcript for the most recent tax year ending before filing.

**DOCUMENTS DUE WITHIN 30 DAYS OR BY FIRST DATE SET FOR THE 341 MEETING OF CREDITORS**

- Form B8: Chapter 7 Individual Debtor's Statement of Intention (*only if debtor is an individual*)

**DOCUMENTS DUE BEFORE THE DISCHARGE IS GRANTED (MUST BE FILED WITHIN 60 DAYS AFTER THE 341 MEETING OF CREDITORS)**

- Form B23: Debtor's Certification of Completion of Instructional Course Concerning Financial Management (*only if debtor is an individual*)

## CHAPTER 13 FILING REQUIREMENTS (ORIGINAL PLUS ONE COPY)

Note: Credit counseling must be obtained prior to filing bankruptcy and EXHIBIT D TO OFFICIAL FORM 1 MUST BE FILED WITH THE BANKRUPTCY PETITION by each individual debtor. In order to be excepted from filing the certificate of credit counseling, a debtor must either (1) submit a certificate describing exigent circumstances that merit waiver of the requirement and also states the debtor requested credit counseling but was unable to obtain credit counseling during the 7 day period before filing OR (2) request, in writing, and provide notice that the debtor is unable to complete credit counseling because of incapacity, disability, or active military duty in a military combat zone. The forms listed in this section can be found on our website at: <http://www.nvb.uscourts.gov/>.

### DOCUMENTS REQUIRED WITH THE PETITION (Minimum Filing Requirements):

#### 1. Voluntary Petition and Schedules

- **Form B1:** Voluntary Petition Form-Signature of debtor(s) are required at the time of filing.
- **Exhibit D to Form B1-**Individual Debtor's Statement of Compliance with Credit Counseling Requirement (Exhibit D) must be filed WITH the petition. The Certificate of Credit Counseling must be filed with the petition. If applicable, a 109(h)(3) certification and motion or a 109(h)(4) request must be filed WITH the petition.
- **Form B21:** Statement of Social Security Number

**If filed by Non-Attorney Bankruptcy Petition Preparer,** the following documents are required in addition to those above:

- **Form B280:** Disclosure of Compensation of Bankruptcy Petition Preparer
- **Form B19:** Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer

#### 2. List of all creditors

**Pro Se:** you may file the creditor matrix in paper format.

See "Creditor Matrix Information: on page 15 of this manual.

### 3. Chapter 13 Filing Fee

The most up to date filing fees can be found on the court's website at:  
<http://www.nvb.uscourts.gov/filing/filing-fees/>.

**Pro Se:** Payment from debtors must be in the form of a bank cashier's check or a money order. The Clerk's office does not accept cash. **Personal checks and credit cards will not be accepted from individual debtors or debtors in possession.**

#### **A. If paying in installments:**

A debtor may request permission to pay the filing fee in installments, which must be approved by the court. To do this, the debtor must file:

#### **Form3A: Application to Pay Filing Fee in Installments**

The guidelines on filing the Application to Pay Filing Fee in Installments are included in Appendix C of this manual, and the form can be found on the court's website at:  
<http://www.nvb.uscourts.gov/>.

NOTE: The Application must be signed by both debtors, if it is a joint petition. See Title 28 U.S.C. Section 1930(a).

### **DOCUMENTS DUE WITH THE PETITION OR WITHIN 14 DAYS OF FILING**

- Form B201: Notice to Individual Consumer Debtor Under 342(b) of the Bankruptcy Code
- Form B6: Summary of Schedules
- Form B6: Statistical Summary of Certain Liabilities
- Form B6A: Schedule A-Real Property
- Form B6B: Schedule B-Personal Property
- Form B6C: Schedule C-Property Claimed as Exempt
- Form B6D: Schedule D-Creditors Holding Secured Claims
- Form B6E: Schedule E-Creditors Holding Unsecured Priority Claims
- Form B6F: Schedule F-Creditors Holding Unsecured Nonpriority Claims
- Form B6G: Schedule G-Executory Contracts and Unexpired Leases
- Form B6H: Schedule H-Co-Debtors
- Form B6I: Schedule I-Current Income of Individual Debtor(s)
- Form B6J: Schedule J-Current Expenditures of Individual Debtor(s)
- Form B6: Declaration Concerning Debtor(s) Schedules
- Form B7: Statement of Financial Affairs
- Verification of Creditor Matrix
- Form B22C-1: Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period

- B22C-2: Chapter 13 Calculation of Your Disposable Income (if applicable)
- Chapter 13 Plan

**DOCUMENTS DUE 7 DAYS BEFORE THE DATE FIRST SET FOR THE 341 MEETING OF CREDITORS**

- Provide to the TRUSTEE a copy of the Federal Income tax return or transcript for the most recent tax year ending before filing.

**DOCUMENTS DUE NO LATER THAN THE LAST PAYMENT MADE BY THE DEBTOR AS REQUIRED BY THE PLAN OR THE FILING OF A MOTION FOR ENTRY OF A DISCHARGE UNDER 11 USC SECTION 1328 (b)**

- Form B23: Debtor's Certification of Completion of Instruction Course Concerning Financial Management
- Local Form: Debtor's Certificate of Compliance

## CREDITOR MATRIX INFORMATION

A creditor matrix contains each creditor's name and mailing address. This information is used for noticing and claims information. In order to ensure that the matrix you file can be properly read by our scanners, we ask that you observe the following guidelines.

### Create a Creditor Matrix

Lists must be typed in the following standard typeface or print style: Courier, Helvetica, Arial, Times, and Times New Roman.

**Note:** Other typefaces may be compatible with our system, but these are the only typefaces that have been tested.

- Lists must be typed on a single page in a single column rather than in three columns:

U.S. Attorney  
333 Las Vegas Blvd. South  
Suite 5000  
Las Vegas, NV 89101

Internal Revenue Service  
Attn: Bankruptcy Unit  
Stop 5028  
110 City Parkway  
Las Vegas, NV 89106

- The name and address of each creditor cannot be more than 5 lines. If a record is more than 5 lines, the 6th line will be combined with line 5 and the 7th or 8th lines will be truncated and undeliverable.
- Each line may contain no more than 40 characters including blanks.
- Names and addresses should be left justified.
- Spaces in the first position of a line will cause an exception report for that creditor record.
- Special characters such as //, ~, ½, or ^ will cause problems. The # and & characters have not been reported to cause errors.
- Account numbers or “attention” lines should be placed on the second line of the name/address.
- City, state, and ZIP code must be on the last line.

- Nine digit ZIP codes must be typed with a hyphen separating the two groups of digits.
- All states must be two letter abbreviations.
- Each creditor must be separated by at least one blank line.
- Do not include page numbers, headers, footers, etc.
- Lists must be typed so that letters are no closer than ½ inch from any edge of the paper.
- DO NOT include the following people (who were formally required on creditor matrixes). They will be retrieved automatically by the computer for noticing:
  - Debtor
  - Joint Debtor
- Print a copy of your mailing matrix for the court.



## FREQUENTLY ASKED QUESTIONS

### **Where can I find a list of fees for filing documents?**

The current fees are listed on the court's website at:  
<http://www.nvb.uscourts.gov/filing/filing-fees/>.

### **Do I need to send a copy of the petition to anyone else?**

It is your responsibility to make the determination as to whom you should send a copy of the petition.

### **What is a 341(a) meeting?**

Debtors have a duty to appear, testify under oath, and to be questioned by creditors at the 341(a) meeting. This meeting is presided over by the trustee assigned to the case and is held approximately 40 days after the new petition is filed. Failure to appear may result in dismissal of the case. If a continuance or change in the hearing date, time, or location is sought, the trustee assigned to the case must be contacted. Such requests are not filed with the court.

### **What is a motion?**

A motion is a written formal statement in which the party who is requesting an action, the movant, sets forth his or her grounds for the action requested. The party against whom the action is requested is the respondent.

### **What is an adversary proceeding?**

An adversary proceeding is a lawsuit arising in or related to a bankruptcy case, filed by a party called a "plaintiff" against a party called a "defendant." Adversary proceedings are initiated by filing a document called a "complaint" with the court to resolve both federal and state law issues. Certain types of disputes cannot be handled by motion in the bankruptcy case, but instead require the commencement of an adversary proceeding. Federal Bankruptcy Rule 7001 lists certain types of actions that require an adversary proceeding. Adversary proceedings are governed for the most part by Part VII of the Federal Rules of Bankruptcy Procedure.

### **What is a reaffirmation agreement?**

An agreement by a debtor to continue paying a dischargeable debt (such as an auto loan) after bankruptcy, usually for the purpose of keeping collateral (i.e. the car) that would otherwise be subject to repossession.

### **How do I find out who the trustee is in a case?**

There are several methods to obtain this information:

- On chapter 7, 12 or 13 bankruptcy cases, this information can be found on the

Notice of Chapter \_\_ Bankruptcy Case, Meeting of Creditors, & Deadlines that is sent out when a case is commenced.

- Visiting or calling the clerk's office.
- Through the Voice Case Information System ([VCIS](#)). See page 23 for more information on VCIS.
- Through Public Access to Court Electronic Records ([PACER](#)). See page 23 for more information, or visit PACER's website at <http://www.pacer.gov/>.

### **How do I get a hearing date?**

Please check the court's website for hearing date information. You may also obtain dates at the intake counter when you bring your document in for filing.

### **How do I get certified copies of documents?**

#### **Visit to the Clerk's Office:**

A certification fee of \$11.00 per document is required plus a copy fee of \$.50 cents per page. Payment from debtors must be in the form of a bank cashier's check or a money order. The Clerk's office does not accept cash. **Personal checks and credit cards will not be accepted from individual debtors or debtors in possession.**

#### **Certified copies by mail:**

To obtain copies by mail, provide a written request which contains the case number, debtor's name, and precisely which documents are to be copied and certified along with a \$30.00 search fee per item, a \$11.00 certification fee per item to be certified, and \$.50 cents per page. Payment from debtors must be in the form of a bank cashier's check, or a money order. **Personal checks will not be accepted from individual debtors or debtors in possession.**

### **How do I get copies of documents?**

#### **Visit the Clerk's Office:**

The clerk's office will make up to 10 copies for a fee of \$.50 cents per page from paper files. Payment from debtors must be in the form of a bank cashier's check or a money order. The Clerk's office does not accept cash. **Personal checks and credit cards will not be accepted from individual debtors or debtors in possession.**

Copies of documents filed in electronic files (2002 cases and forward) can be printed from computer terminals in the Clerk's office for \$.10 per page.

#### **PACER (Public Access to Court Electronic Records):**

A web based system that allows anyone with internet access and a [PACER login](#) to access court records via the Internet. Beginning in 1989, dockets may include images of documents filed. These documents may be viewed, downloaded and printed from your

computer. To register for a PACER login and password, call 1-800-676-6856 or go online at <http://pacer.psc.uscourts.gov>.

**Copies by mail:**

To obtain copies by mail, provide a written request which contains the case number, debtor's name, and precisely which documents are to be copied along with a \$30.00 search fee, per item to be searched, and a self-addressed, stamped envelope. Payment from debtors must be in the form of a bank cashier's check, or a money order. **Personal checks will not be accepted from individual debtors or debtors in possession.** Upon receipt of request, the clerk will advise the requestor of the number of pages to be copied and the appropriate fee (\$.50 cents per page). Once the copy fees are received, copies will be made and mailed.

**What if the case I am interested in has been archived?**

To retrieve case information or copies of documents from the Federal Records Center, you must obtain the *Accession Number, Location Number and Box Number* from the clerk's office at which the bankruptcy case was filed. You may obtain this information in person, by phone, in ECF on the docket, or by writing to the bankruptcy clerk at the office where the petition was filed. A \$64.00 fee is required for retrieval of the file.

For written requests, there is a \$30.00 per document search fee in the form of either a bank cashier's check, or a money order. No personal checks will be accepted from debtors or debtors in possession. Please include the case name, case number, filing date, and the title of the specific documents requested. In addition, please include your name, address and daytime telephone number.

**How do I get a bankruptcy removed from my credit report?**

The Bankruptcy Court has no jurisdiction over credit reporting agencies. The Fair Credit Reporting Act, 6 U.S.C. § 605, is the law that controls credit reporting agencies. The law states that credit reporting agencies may not report a bankruptcy case on a person's credit report after ten years from the date the bankruptcy case is filed. Other bad credit information is removed after seven years. The larger credit reporting agencies belong to an organization called the Associated Credit Bureaus. The policy of the Associated Credit Bureaus is to remove chapter 11 and chapter 13 cases from the credit report after seven years to encourage debtors to file under these chapters.

You may contact the [Federal Trade Commission, Bureau of Consumer Protection](#), Education Division, Washington, D.C. 20580. The telephone number is (202) 326-2222. That office can provide further information on reestablishing credit and addressing credit problems. For information on credit practices, contact (202) 326-3224.

### **How do I obtain a copy of the recording of a court hearing?**

Digital Copies of digital audio recorded court hearings may be obtained on a compact disk with the data playable. Your computer must have a CD drive, a sound card, and Internet access. When you order a copy of a court record in CD format, you will be provided with directions on how to download Free Software from the Internet which will enable your computer to play the digital audio recording of the requested court hearing. Up to eight hours of a hearing held on one date can be provided on one CD. The cost of one CD is \$30.00, due at the time of order.

For additional information on how to order a CD digital audio recording or cassette tape recording, you may call the Electronic Court Recording Department at (702) 527-7159 in Las Vegas, and (775) 326-2103 in Reno. Forms are [available](#) on our website.

### **How do I obtain a transcript of a hearing?**

All hearings presided by the U.S. Bankruptcy Judges are recorded. A CD of the hearing and/or a transcript of the hearing can be obtained by contacting the Electronic Court Recording Department at (702) 527-7159 in Las Vegas, and (775) 326-2103 in Reno. The ordering forms are available on our website. Forms are [available](#) on our website.

### **How do I obtain information on a case?**

#### **1. Voice Case Information System (VCIS):**

VCIS allows callers to access case information, free of charge 24 hours a day, seven days a week, from any touch tone telephone. VCIS is available at both offices.

#### **Las Vegas**

1-866-222-8029

#### **Reno**

1-866-222-8029

#### **2. Computer/Internet Access ([PACER](#)):**

Electronic case summaries and docket information may be retrieved using a computer via the Public Access to Court Electronic Records system ([PACER](#)). For registration information, call (800) 676-6856. All registered agencies or individuals will be charged \$.10 per page with a maximum charge of \$2.40 per document (with no charge up to the first \$10.00 for each calendar year for a registered user). Transcripts of federal court proceedings are not subject to the 30 page fee limit. Scanned images of documents shown on docket entries in cases filed on or after January 1, 1998 are also available through this web site. However, there may be instances where not all docket entries will have attached images of documents.

#### **3. In person or by phone:**

For more detailed information, bankruptcy documents may be viewed in person or retrieved for copying from the clerk's office where the case was filed. Cases which have been closed six months or longer may be archived at the Federal Records Centers in

California. To determine if a case has been archived, or to obtain case information by phone, contact the appropriate clerk's office:

**Las Vegas:** (702) 527-7157

**Reno:** (775) 326-2100

#### **4. By mail:**

To obtain case information by mail, send a written request containing the case number, the case name, the information you request, your name, address, a telephone number where you can be reached and the best time to call, with a self-addressed stamped envelope. Written requests for information requiring a physical search of the court's record should be accompanied by the applicable search fee. Payment from debtors must be in the form of a bank cashier's check, or a money order. **Personal checks will not be accepted from individual debtors or debtors in possession.**

In order to view or retrieve bankruptcy documents, you must have the bankruptcy case number or debtor's name.

#### **If I file for bankruptcy, will it stop an eviction?**

The clerk's office is prohibited by federal statute from providing legal advice. If you have any questions on how a bankruptcy filing affects enforcement of an eviction proceeding, please contact your local constable's office, county sheriff's office, or your legal advisor.

#### **What does the case number tell me?**

A bankruptcy case number consists of the year of filing, the location where the case was filed (1 or 2 for Las Vegas, 3 for Reno cases filed prior to January 1, 2002, 5 for Reno cases filed since January 1, 2002) and four additional digits, and the initials of the judge assigned to the case.

#### **What is an ex parte matter?**

An ex parte matter is one which requires no notice to other parties. Ex Parte relief is usually granted only under emergency circumstances, or is limited to setting a hearing with limited notice or sooner than it would ordinarily be heard. To file an ex parte matter, the original and a copy of the motion must be filed with the clerk's office. Hiring an attorney is highly recommended.

#### **What is the automatic stay?**

A injunction that automatically stops lawsuits, foreclosures, garnishments, and all collection activity against the debtor the moment a bankruptcy petition is filed.

**What is the function of the U.S. Trustee?**

The Office of the U.S. Trustee is an Executive Branch agency that is part of the Department of Justice. Its responsibilities include monitoring the administration of bankruptcy cases and detecting bankruptcy fraud. It is also responsible for appointing interim trustees to administer chapter 7 cases from a previously appointed panel of private individuals, lending support to and overseeing the debtor in possession in chapter 11 cases, and appointing a standing trustee in chapter 12 and chapter 13 cases.

If you wish additional information regarding either the trustee program in general or individual trustees, you should review the U.S. Trustee's Website available at:

<http://www.justice.gov/ust/r17/index.htm>.

**Where do I get a copy of the Federal Rules of Bankruptcy Procedure?**

Copies of the [Federal Rules of Bankruptcy Procedure](#) (Bankruptcy Rules) are available for review in any legal library. You may also purchase a set from West Publishing Company at 1-800-328-9352 or Matthew Bender & Company at 1-800-223-1940. Bankruptcy Rules are not available for purchase from the court.

**Where do I get a copy of the Local Rules?**

Local Rules may be obtained at no charge from our website:

<http://www.nvb.uscourts.gov/rules-forms/rules/local-rules/>.

**Who do I notify about a possible fraudulent filing?**

In order to expedite the handling of complaints of criminal violations in the bankruptcy system, the United States Trustee requires that your complaint be submitted in a signed letter, bearing your return address and telephone number to:

**For cases filed in Las Vegas:**

Office of the United States Trustee  
Special Investigations Unit  
300 Las Vegas Blvd. South, Suite 4300  
Las Vegas, Nevada 89101

**For cases filed in Reno:**

Office of the United States Trustee  
Special Investigations Unit  
300 Booth Street, Suite 2129  
Reno, Nevada 89509

Upon receipt, your complaint will be reviewed promptly. If the information furnished establishes a reasonable belief that a criminal violation has occurred, the matter will be

referred to the United States Attorney. If the United States Attorney deems the matter to hold prosecutorial merit, it will be referred to the appropriate law enforcement agency for investigation. A clearly written statement containing copies of any available documentation will expedite this process.

Submit the following information:

- 1) The bankruptcy case name and file number, together with copies of any pertinent court filings.
- 2) A chronological summary of the matter.
- 3) A narrative of what occurred.
- 4) Names, addresses and telephone numbers (to the extent available) of the subjects and witnesses known to you.

Once a bankruptcy petition is filed, all information submitted regarding the debtor or entity becomes a matter of public record, no matter what the outcome of the case. This information, which is regularly checked by credit companies, may affect the debtor's or entity's credit rating.

#### **Where do I file?**

The Court has two offices located in the District of Nevada. The specific location for filing or reviewing bankruptcy petitions is determined by the county in which the debtor's address is located. Petitions where debtor's addresses are in Clark, Esmeralda, Lincoln and Nye Counties are filed in Las Vegas. Petitions where debtor's addresses are in Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine Counties are filed in Reno.

#### **What if I don't agree with an order entered in a case?**

A Notice of Appeal may be filed after an Order or Judgment has been entered in a case. In a Notice of Appeal, the party filing the appeal, the appellant, wishes to reverse the Order or Judgment granted in favor of the other party, the appellee. When an Appeal is filed in the District of Nevada, the matter is referred to the **Bankruptcy Appellate Panel (BAP)**, or **the United States District Court** if a statement of election under 28 U.S.C. § 158(c)(1) is filed. The filing fee for a Notice of Appeal is \$298.00.

Under 28 U.S.C. § 158, the circuit court may accept a direct appeal if the appropriate court or party certifies that direct appeal is necessary to resolve a matter of first impression, conflicting decisions, or public importance.

#### **I received a notice that I have a deficient pleading. What does that mean?**

Pleadings are considered deficient if they are:

1. Not in compliance with the Federal Rules of Bankruptcy Procedure and the [Local Rules](#).
2. Submitted to the wrong court.
3. Submitted with insufficient funds or paid in a method not accepted by the court.

**Where can I get more information about bankruptcy?**

The Administrative Office of the U.S. Courts maintains a website that is a good resource for learning about bankruptcy, and contains links to other websites that pro se debtors might find helpful. The website is located at: <http://www.uscourts.gov/FederalCourts/Bankruptcy.aspx>.



## APPENDIX A: BANKRUPTCY TERMINOLOGY

**Adversary Proceeding**-A lawsuit in or related to a bankruptcy case that is commenced by filing a complaint with the court. A nonexclusive list of adversary proceedings is set forth in Federal Rule of Bankruptcy Procedure 7001.

**Asset or No Asset Cases**-An asset case is one in which money is recovered to make a distribution to a class of unsecured creditors over and above the costs of administration and the debtor's exemptions. A no asset case is one in which there is no money to distribute to unsecured creditors.

**Automatic Stay**-An injunction that automatically stops lawsuits, foreclosures, garnishments, and collection activity against the debtor the moment a bankruptcy petition is filed.

**Bankruptcy Code**-The informal name for title 11 of the United States Code (11 U.S.C. Sections 101-1330), the federal bankruptcy law.

**Bankruptcy Estate**-All legal or equitable interests of the debtor in property at the time of the bankruptcy filing. The estate includes all property in which the debtor has an interest, even if it is owned or held by another person.

**Bankruptcy petition**-The document filed by the debtor (in a voluntary case) or by creditors (in an involuntary case) which opens the bankruptcy case. There are official forms for bankruptcy petitions.

**Claim**-A creditor's assertion of a right to payment from the debtor or the debtor's property.

**Confirmation**-Bankruptcy judges's approval of a plan of reorganization or liquidation in chapter 11, or payment plan in chapter 12 or 13.

**Creditor**-One to whom the debtor owes money or who claims to be owed money by the debtor.

**Creditor Matrix**-A separate list of all creditors and their representatives with their full addresses. The court uses this list to mail notices to all the debtor's creditors.

**Creditor's Meeting (also known as 341 Meeting)**-The meeting of creditors required by Section 341 of the Bankruptcy Code at which the debtor is questioned under oath by creditors, a trustee, examiner, or the U.S. trustee about his/her financial affairs.

**Defendant**-An individual (or business) against whom a lawsuit is filed.

**Discharge**-A release of the debtor from personal liability for certain dischargeable debts set forth in the Bankruptcy Code, and prevents the creditors owed those debts from taking any action against the debtor to collect the debts.

**Dismissal**-A dismissal is an order or judgment terminating a motion, adversary proceeding, or bankruptcy case.

**Exemptions, exempt property**-Certain property owned by an individual debtor that the Bankruptcy Code or applicable state law permits the debtor to keep from unsecured creditors. The availability and amount of property the debtor may exempt depends on the state that the debtor lives in.

**Joint Petition**-One bankruptcy petition filed by a husband and wife together.

**Motion**-A motion is a formal request made to a judge for an order or judgment. See Local Rule 9014 for more information.

**Motion to Lift Automatic Stay**-A request by a creditor to allow the creditor to take action against the debtor or the debtor's property that would otherwise be prohibited by the automatic stay.

**Plaintiff**-A person or business that file a formal complaint with the court.

**Proof of Claim**-A written statement and verifying documentation filed by a creditor that describes the reason the debtor owes the creditor money.

**Pro Se**- A person appearing without representation by an attorney for himself; on his own behalf.

**Reaffirmation Agreement**-An agreement by a chapter 7 debtor to continue paying a dischargeable debt (such as an auto loan) after the bankruptcy, usually for the purpose of keeping collateral (i.e. the car) that would otherwise be subject to repossession.

**Schedules**-Detailed lists filed by the debtor along with, or shortly after filing, the petition showing the debtor's assets, liabilities, and other financial information. There are official forms a debtor must use.

**Secured debt**-Debt backed by a mortgage, pledge of collateral, or other lien; debt for which the creditor has the right to pursue specific pledged property upon default. Examples include home mortgages, auto loans, and tax liens.

**Trustee**-The representative of the bankruptcy estate who exercises statutory powers,

principally for the benefit of unsecured creditors, under the general supervision of the court and direct supervision of the U.S. trustee or bankruptcy administrator. The trustee is appointed in all chapter 7, 12, and 13 cases and some chapter 11 cases. The trustee's responsibilities include reviewing the debtor's petition and schedules and bringing actions against creditors or the debtor to recover property of the bankruptcy estate, and makes distributions to creditors. Trustees in chapter 12 and 13 cases have similar duties to a chapter 7 trustee and the additional responsibilities of overseeing the debtor's plan, receiving payments from debtors, and disbursing plan payments to creditors.

**U.S. Trustee**-An officer of the Justice Department responsible for supervising the administration of bankruptcy cases, estates, and trustees; monitoring fee applications; and performing other statutory duties.

**Unscheduled Debt**-A debt that should have been listed by the debtor in the schedules filed with the court but was not. Depending on the circumstances, an unscheduled debt may or may not be discharged.

**Unsecured claim**-A claim or debt for which a creditor holds no special assurance of payment; a debt for which credit was extended based solely upon the creditor's assessment of the debtor's future ability to pay.

## **APPENDIX B:**

### **INSTRUCTIONS FOR APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE**

If you cannot afford to pay the fee either in full at the time of filing or in installments, then you may request a waiver of the filing fee by completing this application. A judge will decide whether you have to pay the fee. By law, the judge may waive the fee only if your income is less than 150 percent of the official poverty line applicable to your family size and you are unable to pay the fee in installments. The official poverty line table will be available from the Bankruptcy Clerk's office and on the Administrative Office's website, located at:

<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/PovertyGuidelines.aspx>.

#### **Requirement to have the Chapter 7 Filing Fee waived**

- The Application for Waiver of the Chapter 7 Filing Fee for Individuals who cannot pay the Filing Fee in Full or in Installments must be completed and filed at the time the bankruptcy petition is filed with the Bankruptcy Clerk's Office.
- Your application will be forwarded to the judge assigned to your case for approval or denial.
- In approximately 10 days from the filing of the application, a copy of the order will be mailed from the Bankruptcy Court to the address listed on your bankruptcy petition.

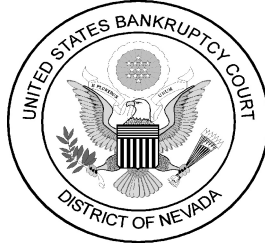
#### **Order GRANTING your Application for Waiver of the Chapter 7 filing fee**

- The petition filing fee will not be required to be paid to the court.
- You will be responsible for paying all other fees that may be required during your bankruptcy or submit a separate application for waiver of those fees.

#### **Order DENYING your Application for Waiver of the Chapter 7 filing fee**

- The filing fee is due for the filing of your petition.
- The filing fee can be paid in full within 48 hours of the order, or
- The filing fee can be paid in installments to the Bankruptcy Court.
  - The order will include the dates and the installment amounts that will be required to be paid to the Bankruptcy Clerk's Office.
  - The payment to the Bankruptcy Clerk's Office must be in the form of a money order, cashier's check for the exact amount. The Clerk's Office does not accept cash.
  - Failure to pay the full filing fee will result in the dismissal of your bankruptcy case.

**APPENDIX C:**



**GUIDELINES FOR APPLICATION TO PAY PETITION  
FILING FEE IN INSTALLMENTS**

**The filing fee for filing a petition is as follows:**

Chapter 7 - \$335.00  
Chapter 11 - \$1,717.00  
Chapter 13 - \$310.00

Local Rule 1006 requires a minimum payment to be made within 30 days after filing the petition. The number of installments shall not exceed four, and the final installment payment must be made within 120 days of filing the petition, or the case may be set for a dismissal hearing.

**The installments need to be paid as follows:**

**CHAPTER 7 - individual**

1st installment of \$80.00 due within 30 days upon filing of petition.  
2nd of \$80.00 within 60 days of filing the petition.  
3rd of \$80.00 within 90 days of filing the petition.  
4th of \$95.00 no later than 120 days of filing the petition.

**CHAPTER 11 - individual**

1st installment of \$400.00 due within 30 days upon filing of petition.  
2nd of \$400.00 within 60 days of filing the petition.  
3rd of \$400.00 within 90 days of filing the petition.  
4th of \$517.00 no later than 120 days of filing the petition

**CHAPTER 13 - individual**

1st installment of \$80.00 due within 30 days upon filing of petition.  
2nd of \$80.00 within 60 days of filing the petition.  
3rd of \$80.00 within 90 days of filing the petition.  
4th of \$70.00 no later than 120 days of filing the petition

**PAYMENT MUST BE IN THE FORM OF MONEY ORDER. CHECKS  
CANNOT BE ACCEPTED FROM A DEBTOR.**