

INFORMATION FOR PARTIES WHO HAVE NO ATTORNEYS

(PRO SE FILERS)

United States Bankruptcy Court Middle District of Georgia 433 Cherry Street
Macon, Georgia 31201 (478) 749-6800

www.gamb.uscourts.gov

Stop! Before continuing, if you are a debtor thinking of filing a bankruptcy case, first read the **NOTICE TO ALL DEBTORS BEFORE FILING A CASE**, Attachment A, below.

***Also note that Attachments B through F are included with other important information.**

The reference “Fed. R. Bankr. P.” followed by a number refers to the “Federal Rules of Bankruptcy Procedure” rule.

ATTACHMENT A

**NOTICE TO ALL DEBTORS
READ THIS BEFORE YOU FILE YOUR CASE!**

Did you (and your spouse, if preparing to file a joint petition) obtain a briefing (also called credit counseling) that outlined the opportunities for available credit counseling and assisted you in performing a related budget analysis within the last 180 days from a United States Trustee–approved nonprofit budget and credit counseling agency? See 11 U.S.C. § 109 (h)(1) (Section 109(h)(1) of the Bankruptcy Code (title 11, U.S. Code).

See Obtaining Credit Counseling below for information regarding obtaining such credit counseling.

WARNING REGARDING CONSEQUENCES OF NOT HAVING OBTAINED SUCH CREDIT COUNSELING: If you have not completed such credit counseling **before you file your petition** and you do not meet the requirements for an extension to complete the credit counseling after filing, your case may be dismissed.

Obtaining Credit Counseling. To locate an approved agency that can provide you pre-bankruptcy credit counseling, access this court’s website at:

www.gamb.uscourts.gov/USCourts/office-us-trustee

After obtaining pre-filing credit counseling, the counseling service will provide you with a certificate which will need to be filed in your case.

The Federal Trade Commission’s **Before You File for Personal Bankruptcy: Information About Credit Counseling and Debtor Education**

(found at <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre41.shtm>)

Note: *There are exemptions from this requirement available for persons who are mentally ill, disabled or on military duty in an active combat zone.* [See 11 U.S.C. §109 (h) (4)]

ATTACHMENT B

General Warning to All Parties Proceeding Without an Attorney (Proceeding Pro Se)

Individuals (but not corporations or partnerships) 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 (see Attachment E, Find an Attorney, Sometimes Available for Free). Only an attorney is authorized to give you legal advice regarding a bankruptcy case or proceeding:

The court has prohibited the clerk’s office and the chambers staff of the court’s judges from giving legal advice. For example, they cannot:

- Explain the meaning of a particular statutory provision 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 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
- Apply a rule or statute
- Explain who should receive proper notice or service

The judge in a case cannot give you legal advice or assist you in the case. The judge’s job 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 (meaning only you communicating with the judge):

- You cannot contact the judge to have a conversation about the case. See Fed. R. Bankr. P. 9003
- When you file a paper seeking some form of relief from a judge, you must serve any person who might be adversely affected were the relief granted or who might otherwise be interested in the matter.

See Fed. R. Bankr. P. 9014. (Copies of the Federal Rules of Bankruptcy Procedure, of Official Forms, of the Interim Bankruptcy Rules, and of the Local Bankruptcy Rules, may be examined at the Clerk's Office or online through this court's website, www.gamb.uscourts.gov.)

- Most of the required forms in a bankruptcy case are available for free. Our court's local forms and many of the required forms can be found on this court's website (www.gamb.uscourts.gov) under the forms tab.

Official court forms approved by the Judicial Conference of the United States for use in all Bankruptcy Courts can be found on this court's website under the Forms tab, then under the link [Official forms approved by the Judicial Conference of the United States for use in all Bankruptcy Courts](#).

If you file a Chapter 13 case, use our court's local form to file your Chapter 13 Plan. Our court's Chapter 13 Plan form is located on our website (www.gamb.uscourts.gov) under the Forms tab in the Local Forms section. DO NOT use Official Form B113 to file your Chapter 13 Plan.

You should print the forms out and use either a typewriter or hand write the required information. Most public libraries have typewriters available for public use.

- You may also contact the Clerk's Office for the Bankruptcy Court for the Middle District of Georgia and request a **Pro Se Bankruptcy Forms Packet**. You may visit the court in person to obtain the packet or you may call and request that a packet be mailed to you. You must, however, know which chapter you wish to file under so that the correct forms packet is sent/given to you.
- The information in this document, *Information for Parties Who Have No Attorney*, is not a substitute for the advice of competent legal counsel (again, see Attachment E, Find an Attorney, Sometimes Available for Free), and should not be cited or relied upon as legal authority. It is intended as only 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 interpreting those laws and rules).

ATTACHMENT C

Warning to Debtors Who are *Pro Se* (Without an Attorney) Regarding the Difficulties They May Encounter Once They File Bankruptcy Case

It is extremely difficult to successfully navigate a bankruptcy case given the complexity of the bankruptcy laws. The rules are very technical, and a misstep may affect a party's rights. **Bankruptcy for a debtor has long-term financial and legal consequences. The court strongly encourages debtors and all parties to attempt to obtain the assistance of an attorney** (see Attachment E, *Find an Attorney, Sometimes Available for Free*).

Filing Petition (and Other Documents Required to be Filed Utilizing an Official Form) on the Correct Official Form:

- The petition is the document you file to commence your bankruptcy case.
- It must be filed using the most recent version of the Official Form for a petition. Similarly, other documents required to be filed on an Official Form must use the most recent version of the Official Forms.

Requirements of Filing with the Petition a List of Creditors and a Statement of Social Security Number:

- Under Fed. R. Bankr. P. 1007(a)(1), you are required to file **with the petition** a list of creditors and any co-debtor (such as a guarantor or co-signer).
- You must also file **with the petition** a Statement of Social Security Number on Official Form 121.
- **Caution!** Failure to file the List of Creditors or the Statement of Social Security Number with the petition may result in the court dismissing the case within a few days after it started.

Required Filings Within 14 Days of Commencement of Case of Certain Documents on Official Forms, Payment Advices, and Record of Certain Educational IRAs:

- You are required to file within 14 days after you file your bankruptcy petition certain additional papers, some of them on Official Forms. See 11 U.S.C. § 521(a)(1)(B) and § 521(c) and Fed. R. Bankr. P. 1007(b) and (c). See also the checklists

(one for each chapter of the Bankruptcy Code under which a case may be filed) entitled Required Lists, Schedules, Statements, and Fees (Director's Procedural Form B2000).

- If you file under Chapter 7 of the Bankruptcy Code, you will have to file a complicated Statement of Current Monthly Income and Means Test Calculation (Chapter 7) (Form 122A-2) addressing the means test under 11 U.S.C. § 707 (b) (2).
- If you file under Chapter 13 of the Bankruptcy Code, you will have to file a similarly complicated Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Chapter 13) (Form 122C-1).

Note: *Under the terms of the HAVEN Act of 2019, an individual's current monthly income for purposes of the means test would **exclude** veterans' disability benefits and numerous other veterans' benefits.*

- In a Chapter 13 case, you must file a plan. **DO NOT use Official Form B113 to file your Chapter 13 Plan. Instead, use our court's local Chapter 13 Plan form which is located on our website (www.gamb.uscourts.gov) under the Forms tab in the Local Forms section.**
- **Warning!** Failure to file timely these required papers may result in dismissal of the case.

Tax Returns and (in Chapter 13) Periodic Statements of Income and Expenses:

The Bankruptcy Code now imposes various requirements on you regarding tax returns, and if you fail to comply with those requirements, your case may be dismissed:

- Not later than 7 days before the date first set for the meeting of creditors you must give the trustee a copy of the Federal income tax return that was required under the tax laws for the most recent tax year ending immediately before the commencement of the case and for which you filed a return. See 11 U.S.C. §521(e)(2)(A); and Fed. R. Bankr. P. 4002(b)(3) and (4).
- You are required to file timely with the tax authorities tax returns coming due after the commencement of the case. See 11 U.S.C. §521(j).
- In a Chapter 13 case, you must prior to the first date set for the meeting of creditors file with the appropriate tax authorities all tax returns required to be filed under non-bankruptcy law for all taxable periods ending during the 4-year period ending on the date of the filing of your petition. See 11 U.S.C. §1308.

Statement of Intention in Chapter 7 Case:

- In a Chapter 7 case you must file by the earlier of 30 days after you file your petition or the date of the meeting of creditors a statement of intention if you have any debts secured by property of your bankruptcy estate. See 11 U.S.C. § 521(a)(2).

Meeting of Creditors:

- You are required to attend a meeting of creditors and to be examined and testify truthfully under oath at that meeting in response to questions posed by the trustee (and by any creditors in attendance). See 11 U.S.C. § 343; Fed. R. Bankr. P. 2003(b)(1).
- The meeting of creditors' date, time, and location will be set by the clerk shortly after you file your petition. Within 14 days after you file your petition, you should receive a notice regarding the commencement of the case that sets forth the date, time, and location of the meeting. *If you do not receive that notice by then, you should promptly contact the Clerk's Office to learn when and where the meeting will be held.*

At the Meeting of Creditors:

Under the Fed. R. Bankr. P. 4002(b)(1), you must bring:

- a driver's license (or other picture identification issued by a governmental unit) or other personal identifying information that establishes your identity; and
- evidence of your Social Security Number(s), or a written statement that such documentation does not exist.

Under the Fed. R. Bankr. P. 4002(b)(2), you must bring and make available to the trustee:

- evidence of current income such as your most recent payment advice;
- unless the trustee or U.S. Trustee instructs otherwise, statements for each of your depository and investment accounts (including checking, savings, and money market accounts, mutual funds and brokerage accounts) for the time period that includes the date of the filing of the petition; and
- documentation of the monthly expenses claimed by you on the version of Official Form 122 applicable to the chapter in which you filed your case (Form 122A, 122B, or 122C).

- In a case other than one under Chapter 7, the trustee (or the United States Trustee) may require you to provide documentation regarding your being current on any domestic support obligation coming due post-petition, as required—for example, in a Chapter 13 case, by 11 U.S.C. § 1325(a)(8)—to obtain confirmation of a plan.

Restrictions on Your Obtaining a Discharge:

- You are required in a Chapter 7 or Chapter 13 case to take a financial management course *after* filing the petition and file a Debtor's Certification of Completion of Instructional Course Concerning Financial Management (Official Form 423).

Fees You Must Pay:

- You are required to pay with the petition a filing fee in the case unless (1) you apply for and are granted a waiver in a Chapter 7 case (see Application for Waiver, Official Form 103B) or (2) you apply for and are granted permission to pay the fee in installments (see Application to Pay Filing Fee in Installments, Official Form 103A). If you fail to obtain a waiver and fail to pay timely the filing fee, the court may dismiss your case.

ATTACHMENT D

Creditors (and Other Non-Debtor Parties) Proceeding Pro Se (Without an Attorney) Filing of Papers by Corporations and Partnerships

Creditors (and other non-debtor parties) should be aware of the following points regarding proceeding *pro se* (that is, without an attorney):

Filing of Papers by Corporations and Partnerships

Corporations and partnerships generally may not file papers in a bankruptcy case *pro se*, and, with certain exceptions listed below, will need to obtain representation by an attorney to file any papers, (See Attachment E, Find an Attorney, Sometimes Available for Free) however, any creditor (including a corporation or a partnership through a non-attorney representative such as a member, officer, or employee) may file *pro se* any documents that would not constitute the practice of law, including the following documents or an amended version of such documents:

- A Request to Receive All Notices under Fed. R. Bankr. P. 2002(g)
- A Proof of Claim (Official Form 410) (including an Amended Proof of Claim)
- A Withdrawal of a Proof of Claim
- Notice of Transfer of Claim Other Than for Security (Director's Procedural Form B2100A)
- An Application for Search of Bankruptcy Records (Director's Procedural Form B1320)
- A Request to Recover Unclaimed Funds
- A Reaffirmation Agreement and proposed Order regarding that Agreement (see Director's Procedure Form B2400A)
- A ballot for voting on the election of a trustee
- A ballot voting on a proposed plan in a Chapter 11 case (the plan proponent being responsible for mailing the ballot to the creditor to cast a vote)

Participation by Corporations and Partnerships at the Meeting of Creditors (the meeting at which the debtor must appear and submit to an examination under oath pursuant to 11 U.S.C. §343):

- Under 11 U.S.C. § 341(c), and notwithstanding any other statute, rule, or state constitution provision to the contrary, a creditor (including a corporation or partnership) holding a claim arising from a consumer debt (including a non-attorney representative of such creditor such as an employee) must be permitted to appear at and participate in the Meeting of Creditors in a case under Chapter 7 or 13 of the Bankruptcy Code.

Right of Creditor Who is an Individual to Appear and Participate in Case, and to File Papers.

A creditor who is an individual may pursue any matter *pro se*. Even though an individual may appear *pro se*, that individual should consider whether to engage an attorney. (See Attachment E, Find an Attorney, Sometimes Available for Free)

Although many creditors are able successfully to proceed *pro se* with respect to some of the more routine aspects of a bankruptcy case (such as filing a proof of claim), you may wish to consult with competent legal counsel before doing so (see Attachment E, Find an Attorney, Sometimes Available for Free) in order to make sure you are proceeding correctly (for example, that you have correctly completed any required form, particularly if you do not understand the form).

Corporations' and Partnerships' Inability to File Papers and Appear *Pro Se* in a Proceeding Brought By or Against It.

In a proceeding pursued by you or against you (such as a motion for relief from the automatic stay or an objection to your proof of claim), only individuals may appear *pro se*.

- A corporation or partnership may not appear *pro se* in a proceeding commenced by it in a case. For example, a corporation may not file a motion for relief from the automatic stay *pro se*.
- Nor may a corporation or partnership appear *pro se* to defend against a proceeding brought against it in a case, and this includes both filing papers in the proceeding without an attorney and representing itself without an attorney at any hearing. For example, it may not appear *pro se* to defend against an objection to its proof of claim (but it could file an amended proof of claim *pro se* to cure a defect that was the subject of the objection to the proof of claim, as such a filing is not considered a prohibited *pro se* appearance).

ATTACHMENT E

Find an Attorney (Sometimes Available for Free)

Only an attorney is qualified to give you legal advice. So-called “petition preparers” or “document preparers” are not authorized to give debtors or other parties legal advice: their role is strictly that of a typing service transcribing for a minimal fee the information a client provides, but they are not qualified to give advice regarding what papers are legally appropriate or what information legally is appropriate to include on the papers. The following are suggestions regarding finding an attorney.

(1) The court and the clerk’s office cannot advise you regarding who would be a good attorney for you to employ.

(2) The American Bar Association’s website address is:

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

This website is a possible starting point for finding an attorney, and it offers information regarding dealing with an attorney. It lists links for finding an attorney for each state.

(3) There are other programs that may provide free legal representation regarding bankruptcy:

The Georgia Legal Services Program may offer free representation regarding debt collection problems and bankruptcy. This program imposes income guidelines for who is eligible for free help. Their toll-free number is 1-833-457-7529 (or 1-833-GLSPLAW).

ATTACHMENT F

Informational Materials Regarding Bankruptcy: Guides to Basics of Bankruptcy Statutes, Forms, Rules, Checklists and Filing Fees

Individuals unfamiliar with the bankruptcy process, in addition to the other topics on this court's web page, may find the following materials useful:

The Federal Trade Commissioner's web page is <http://www.ftc.gov>

Guidance Regarding Bankruptcy - Filing for Bankruptcy Without an Attorney

- Bankruptcy Basics (available at www.gamb.uscourts.gov at Understanding Bankruptcy tab) which includes, for example:
 - The Bankruptcy Discharge
 - Descriptions of the Different Chapters Under Which a Debtor May File:
 - Chapter 7
 - Chapter 11
 - Chapter 12
 - Chapter 13
- Glossary of Bankruptcy Terminology
- Director's Form B2000 (checklists re filing requirements for different chapters) (copies available at Clerk's Office)
- All Bankruptcy Forms
- Federal Rules of Bankruptcy Procedure (**Understanding Bankruptcy tab, then Resources**)
- Local Rules (**Court Info** tab then **Local Rules and Clerk's Instructions**)