

Contents

Bankruptcy	<u>1</u>
What Is A Bankruptcy?	<u>1</u>
How Often Can A Person File For Bankruptcy?	<u>1</u>
Who Can File For Bankruptcy?	<u>1</u>
What Are The Different Chapters In Bankruptcy?	<u>1</u>
What Chapter Is Right For Me?	<u>1</u>
What Is A Joint Petition?	<u>2</u>
Where Can I Get More Information Concerning Bankruptcy And Bankruptcy Procedure? Is There Any Place I Can Get Free Or Low Cost Legal Advice Before I File?	<u>2</u>
Where Do I Get A Copy Of The Federal Rules Of Bankruptcy Procedure?	<u>2</u>
What Is The Bankruptcy Code?	<u>2</u>
Where Do I Get A Copy Of The Local Rules?	<u>2</u>
What Services Can A Bankruptcy Petition Preparer Provide?	<u>2</u>
Are Bankruptcy Forms Available On The Internet?	<u>3</u>
Where Can I Obtain Forms To File Bankruptcy?	<u>3</u>
If I File Pro Se, Who Can Help Me Fill Out The Forms?	<u>3</u>
How Many Copies of the Bankruptcy Petition? Do I Need To File At Court?	<u>3</u>
Do I Need To Send A Copy Of The Petition To Anyone Else?	<u>3</u>
Where Do I File My Bankruptcy Case?	<u>4</u>
How do I File A Document With The Court?	<u>4</u>
Which Schedules Should Creditors Be Listed On?	<u>5</u>
How Do I Know How To Determine If A Debt Is Secured, Unsecured, Priority Or Administrative So That I Can Fill Out The Schedules Correctly?	<u>5</u>

How Much Are Fees To File Bankruptcy?	6
What Form Of Payment Is Accepted To File A Bankruptcy?	6
Can I Make Payments In Installments?	6
Do I Need An Attorney To File Bankruptcy?	6
During The Course Of The Bankruptcy Will I Be Able To Hire A Lawyer?	6
What Are The Consequences For Filing Bankruptcy?	6
What Happens After I File Bankruptcy?	7
If I File For Bankruptcy, Will It Stop My Eviction?	7
My Landlord Evicted Me And I Have Filed For Bankruptcy, What Can I do?	7
Does My Divorce Decree Protect Me If My Ex-spouse Has Filed For Bankruptcy And He/She Has Listed Me As A Co-signer On A Scheduled Debt?	8
How Do I Change Or Correct Information On The Petition, Schedules And Statements I Have Already Filed With The Clerk’s Office?	8
What Can I Do If A Creditor Is Continuing To Harass Me After I Have Filed For Bankruptcy?	9
What Debts Are Dischargeable?	9
What Is The Difference Between A Denial Of Discharge And A Debt Being Non-Dischargeable?	10
What Does It Mean If The Case Is Dismissed?	11
What Do I Do if My Case Is Dismissed?	11
Can I Get Step By Step Instructions On How To get my case dismissed? (Chapter 7 &13)	11
When Will I Get My Discharge?	12
What Is The Procedure For Converting A Case?	12
My Attorney Is Not Doing Anything, What Can I Do?	12
How Do I Get Admitted To Practice In The Bankruptcy Court?	13
341 Meeting	13

How Soon Will I Receive Notice Of Hearing?	13
What Is The Creditor’s Meeting? What Should I Expect Will Happen At It?	13
Why Did I Receive This Notice? I Have No Knowledge Of This Person or Company.	14
Trustee	14
Who Is The United States Trustee?	14
What Is A Bankruptcy Trustee?	14
What Is The Difference?	14
Who Do I Notify About A Possible Fraudulent Filing?	15
How Do I Find Out Who The Trustee Is In A Case?	15
What Should I Do If I Cannot Make My Chapter 13 Payment?	15
Clerks’ Office	16
What Does The Clerk’s Office Do?	16
Can The Clerk’s Office Give Legal Advice?	16
Why Is It Bankruptcy Employees Cannot Give Legal Advice?	16
Where Can I find Out Information On The Status Of My Case?	17
How Long Will It Take My Case To Be Closed?	17
How Can I Get On The List To Be Notified Of Sales, Auctions, etc.	17
Can VCIS Be Accessed On Weekends?	17
How Do I Get Certified Copies Of Documents?	17
How Long Does It Take To Receive A File From The Federal Records Center?	18
What Are The Federal Holidays?	18
Credit Report	18
How Many Years Will A Bankruptcy Show Up On My Credit Report? How Long Will It Take	

For Me To Get Credit After I File For Bankruptcy?	18
If I Did Not List A Particular Debt Because My Payments Are Current...Will The Debt Show Up On Credit Report?	18
How Do I Get The Bankruptcy Removed From My Credit Report?	19
Motions	19
What Is The Automatic Stay?	19
How Do I File For Relief From The Automatic Stay?	19
What Is A Motion?	19
How Do I Send A Motion? Can I Hand Deliver It? How Much Notice Do I Need To Give People And To Whom Do I Send The Motion To?	20
When Does The Judge Hear Motions?	21
Can A Pro Se Creditor File A Motion?	21
How Do I Get A Hearing Date?	21
How Do I Serve An Adversary Summons? Who Do I Serve With These Summonses?	21
What Is An Ex-Parte Matter?	21
How Do I Get A Letter From The Bankruptcy Court Stating That I Have Never Filed For Bankruptcy?	22
Notice of Appeal	22
What If I Don't Agree With An Order Entered In The Case?	22
Adversary	24
What Documents Do I Need To File An adversary?	24
Claim	24
If A Company Has Filed For Bankruptcy And Owes Us Money, What Do We Do?	24
What Is A Bar Date?	25

How Do I File A Claim? [25](#)

How Many Copies Of The Proof Of Claim Must I File? [25](#)

Do I Need To Attach Invoices, etc. To The Proof Of Claim? [26](#)

[Chambers](#) [26](#)

I Want To Talk To The Judge About This Company Who Ripped Me Off, Took My Money And
Now I Have Nothing. How Can I Go About This? [26](#)

Will The Judge Advise Us of Options During The Course Of The Bankruptcy? [26](#)

Bankruptcy

Q. What Is A Bankruptcy?

- A. < Bankruptcy is a way for people or businesses who owe more money than they can pay right now, (a “debtor”), to either work out a plan to repay the money over time, under Chapter 11, 12 or 13, or for most of the bills to be wiped out (“discharged”), as in a chapter 7 case.
- < While the debtor is either working out the plan or the trustee is gathering the available assets to sell, the Bankruptcy Code provides that creditors must stop all collection efforts against the debtor.
- < What chapter you choose to file under, what bills can be eliminated, how long payments can be stretched out, what possessions you can keep, and other details are controlled by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.
- < These are federal laws, which means they apply all over the United States. The Code and Rules are found in Title 11 of the United States Code. The various sections of the Bankruptcy Code are referred to throughout this booklet.

Q. How Often Can A Person File For Bankruptcy?

- A. < If the discharge is granted, the debtor is prohibited from being granted another discharge in chapter 7 and chapter 11 within 6 years.

Q. Who Can File For Bankruptcy?

- A. < Any person, partnership, corporation or business trust may file a bankruptcy.

Q. What Are The Different Chapters In Bankruptcy?

- A. < Voluntary cases can be filed under chapters 7, 9, 11, 12 and 13.

Q. What Chapter Is Right For Me?

- A. < The decision whether to file a bankruptcy and under what chapter is an extremely important decision and should be made only with competent legal advice from an experienced bankruptcy attorney.

Q. What Is A Joint Petition?

A. < A joint petition is the filing of a single petition by an individual and the individual's spouse.

Q. Where Can I Get More Information Concerning Bankruptcy And Bankruptcy Procedure? Is There Any Place I Can Get Free Or Low Cost Legal Advice Before I File?

A. < The easiest way to get low or no-cost bankruptcy advice is to make an appointment with a private attorney.

< Many will provide a free initial consultation during which you can have your questions regarding bankruptcy procedures and their application to your situation answered.

Q. Where Do I Get A Copy Of The Federal Rules Of Bankruptcy Procedure?

A. < There are several different publishing houses that publish the rules i.e., Norton Bankruptcy Code & Rule, West Group.

< Rules are also available for review at law libraries.

Q. What Is The Bankruptcy Code?

A. < The bankruptcy code is an informal name for title 11 of the United States Code (11USC section 101-1330), the federal bankruptcy law.

Q. Where Do I Get A Copy Of The Local Rules?

A. < Copies can be obtained at the public service counters in the Clerk's Office for a fee.

Q. What Services Can A Bankruptcy Petition Preparer Provide?

A. < Bankruptcy petition preparers are permitted to provide services limited to the typing of forms.

< The Bankruptcy Code requires a bankruptcy petition preparer, within 10 days after the date of the filing of the petition to file a declaration under penalty of perjury disclosing compensation received from or on behalf of the debtor and any unpaid fee charged to the debtor.

- < Additionally, the bankruptcy petition preparer is required to sign and print the preparer's name, address and social security number on all documents prepared for filing.

Q. Are Bankruptcy Forms Available On The Internet?

- A. < Yes, at www.ilnb.uscourts.gov

Q. Where Can I Obtain Forms To File Bankruptcy?

- A. < The forms for filing bankruptcy may be purchased at a Legal Stationery store and office supply stores.

Q. If I File Pro Se, Who Can Help Me Fill Out The Forms?

- A. < Bankruptcy petition preparers, para legals and typing services.
- < However, such services are prohibited by law from providing legal advice.
- < Only an attorney can provide legal advice.

Q. How Many Copies of the Bankruptcy Petition? Do I Need To File At Court?

- A. < An original and two copies for Chapter 7, Chapter 12, and Chapter 13. An original and five copies for a Chapter 9 and Chapter 11

Q. How Many Copies of an Adversary Complaint and summons? Do I Need to File At Court?

- A. < An original and one copy of the complaint, An original and three copies of the adversary summons per defendant, and An Adversary Proceeding Cover Sheet

Q. Do I Need To Send A Copy Of The Petition To Anyone Else?

- A. < It is your responsibility to proceed with what you think is necessary to notify the appropriate people.
- < The Clerk's Office will notify the creditors that are listed in the initial petition of the bankruptcy by means of a notice within 20-40 days, provided that you have listed complete street addresses, city, state and zip code of all creditors.

Q. Where Do I File My Bankruptcy Case?

- A. < The bankruptcy court is a federal court. The federal court system divides the United States into judicial districts. Every state has a least one federal judicial district. Many have more. In Illinois, for example there is the federal judicial district in Chicago , the Central district of Illinois and the southern district of Illinois . This is the Northern District of Illinois. Due to its size, the U. S. Bankruptcy Court for the Northern District of Illinois has been split into two divisions, each with a fully staffed Clerk’s Office.
- < Both divisional Clerk’s Offices are open from 9:00 a.m. until 4:30 p.m. on all days except Saturdays, Sundays and legal holidays. The addresses and public telephone numbers for each divisional office are indicated below. Unless otherwise indicated, all correspondence should be mailed to the street address of the appropriate divisional office.

Court Addresses	
<p>Eastern Division U.S. Bankruptcy Court Dirksen Federal Building 219 S. Dearborn Room 710 Chicago, Il 60604 (312) 435-5694</p>	<p>Western Division U.S. Bankruptcy Court 211 S Court St Room 110 Rockford, IL 61101 (815) 987-4350</p>

Q. How do I File A Document With The Court?

- A. < Complete the original and all copies of your bankruptcy papers, mail, use drop box service or deliver them to the appropriate divisional Clerk’s Office accompanied by the filing fee payment or a completed application to pay fees in installments.
- < The clerk’s Office will file stamp and return one copy to you. If your Bankruptcy papers are mailed, you must include a self-addressed, stamped envelope of sufficient size to obtain your receive stamped copy. When using the drop box service a received stamp is available.

- < Bankruptcy petitions, pleadings and other papers may be submitted for filing by Mail, Drop Box, or in person at the Clerk's Office public Service Counter. (Room 710 Chicago and Room 110 Rockford)
- < The Clerk's Office does not accept documents for filing by facsimile.

Q. Which Schedules Should Creditors Be Listed On?

- A. < Schedules D, E, and F

Q. How Do I Know How To Determine If A Debt Is Secured, Unsecured, Priority Or Administrative So That I Can Fill Out The Schedules Correctly?

- A. < **Secured Debt**
A secured debt is a debt that is backed by property. A creditor whose debt is "secured" has a right to take property to satisfy a "secured debt." For example, most homes are burdened by a "secured debt." This means that the lender has the right to take the home if the borrower fails to make payments on the loan. Most people who buy new cars give the lender a "security interest" in the car. This means that the debt is a "secured debt" and that the lender can take the car if the borrower fails to make payment on the car loan.
- < **Unsecured Debt**
A debt is unsecured if you have simply promised to pay someone a sum of money at a particular time, and you have not pledged any real or personal property to collateralize that debt.
- < **Priority Debt**
A priority debt is a debt entitled to priority in payment, ahead of most other debts, in a bankruptcy case. A listing of priority debts is given, in general terms, in 11 U.S.C. § 507 of the Bankruptcy Code. Examples of priority debts are some taxes, wage claims of employees, debts related to goods and services provided to a debtor's estate during the pendency of a bankruptcy case, and alimony, maintenance or support of a spouse, former spouse, or child. If you have questions deciding which of your debts are entitled to priority status, you should consult an attorney.
- < **Administrative Debt**
An administrative debt is also a priority debt, and is created when someone provides goods or services to your bankruptcy estate. The best example of an administrative debt is the fees generated by attorneys and other authorized professionals in representing the bankruptcy estate.

Q. How Much Are Fees To File Bankruptcy?

- A. < 28 U.S.C. 1930 prescribes filing fees for petitions under all chapters, and any additional fees. Current Fee information can be obtain on our Web Site at www.ilnb.uscourts.gov , at the Public Service counter or by dialing (312) 435-5694.

Q. What Form Of Payment Is Accepted To File A Bankruptcy?

- A. < The bankruptcy court does not accept personal checks from debtors. Payment can be made in the form of cash, money order, or attorney/law firm credit card or check.

Q. Can I Make Payments In Installments?

- A. < Yes, we have an installment application to fill out for such a purpose.

Q. Do I Need An Attorney To File Bankruptcy?

- A. < Debtors filing bankruptcy without legal representation will be held responsible to know the requirements of the Bankruptcy Code and Federal Rules of Bankruptcy Procedure and will be given no special consideration by the court.

< Please note that the Clerk's Office is prohibited by law from providing legal advice.

Q. During The Course Of The Bankruptcy Will I Be Able To Hire A Lawyer?

- A. < Yes

Q. What Are The Consequences For Filing Bankruptcy?

- A. < Depending on a debtor's financial situation and reasons for filing, the consequences of filing for bankruptcy protection may outweigh the benefits.

< Those considering bankruptcy should be aware of the following:

- a. Filing for bankruptcy protection is not free.
- b. Not all debts are dischargeable.
Example: Secured creditors retain some rights which may permit them to seize property, even after a discharge is granted. Some Spousal and child support obligations and most tax debts are not dischargeable.
- c. Within 15 days of the filing of a bankruptcy petition, schedules of the

debtor's assets and liabilities must be filed. Failure to timely file the appropriate Schedules will result in dismissal of the bankruptcy and the barring of the debtor from filing again for 180 days (six months).

- d. If a case is not dismissed and a discharge is entered by the court, the debtor is prohibited from being granted another discharge in chapter 7 and 11 within six years.
- e. Fraudulent information or acts by the debtor are grounds for denial of a discharge and may be punishable as a criminal offense.

Q. What Happens After I File Bankruptcy?

- A. < Upon filing the original petition with the Clerk's Office, the court's restraining order, called the automatic stay, immediately takes effect and prohibits all creditors from taking any collection action against the debtor or the debtor's property.
- < Although the stay is automatic, creditors need to be advised of the stay. The court issues a notice to all creditors advising them of the filing of the bankruptcy, the case number, the automatic stay, the name of the trustee assigned to the case (if filed under chapter 7, 12, or 13), the date set for the meeting of creditors, the deadline, if any, set for filing objections to the discharge of the debtor and/or the dischargeability of specific debts, and whether and where to file claims.
- < The exact information in the notice differs depending on the chapter under which the case is filed.

Q. If I File For Bankruptcy, Will It Stop My Eviction?

- A. < The Clerks 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 county sheriff's department or your legal advisor.

Q. My Landlord Evicted Me And I Have Filed For Bankruptcy, What Can I do?

- A. < The Clerks 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 county sheriff's department , an attorney or your legal advisor.

Q. Does My Divorce Decree Protect Me If My Ex-spouse Has Filed For Bankruptcy And He/She Has Listed Me As A Co-signer On A Scheduled Debt?

- A. < If you are a co-obligor with your ex-spouse on a debt, the creditor can require the entire payment of that debt from your share of the community property even though the divorce decree assigns the debt to your ex-spouse.
- < Depending on the terms of your divorce decree, you may be able to have certain support obligations under it determined to be non-dischargeable by the bankruptcy court or in state court.
- < You should seek legal advice for a thorough explanation of your rights and obligations in this area as soon as you find out that your ex-spouse has filed a bankruptcy.

Q. How Do I Change Or Correct Information On The Petition, Schedules And Statements I Have Already Filed With The Clerk's Office?

- A. < The information contained in your petition, schedules, and statement of affairs is submitted under penalty of perjury. Therefore, you must be certain that it is correct when you sign these documents.
- < If however, you later discover that something is inaccurate, the documents may be corrected by the filing of an amendment with the Clerk's Office
- < New schedules or statements must be filed showing the corrected information along with an amendment cover sheet
- < A fee must be paid to amend schedules of creditors or lists of creditors
- < Examples of amendments include: adding creditors, deleting creditors, changing the amount specified as being owed to a creditor, or changing a classification of a debt.
- < Any amendment to debtors' schedules should be clearly labeled as "Amended" and indicate what is being amended, i.e., adding a creditor. Only those creditors affected should be included.
- < Any new creditors must have a complete mailing address.

- < All amendments must be served upon the United States Trustee and bankruptcy case trustee, and certain amendments must be served upon creditors affected by the amendment.
- < A voluntary petition list, schedule or statement may be amended by the debtor at any time before the case is closed.
- < A fee is not charged when the amendment is to change the address of a listed creditor, this can be done by letter.
- < If the case is closed you must file a motion to reopen it and pay applicable filing fee.

Q. What Can I Do If A Creditor Is Continuing To Harass Me After I Have Filed For Bankruptcy?

- A.
- < If a creditor continues to attempt to collect a debt after the bankruptcy is filed in violation of the automatic stay, you should immediately notify the creditor in writing that you have filed bankruptcy, and provide them with either the case number and filing date, or a copy of the petition that shows it was filed
 - < If the creditor still continues to collect, the debtor may be entitled to take legal action against the creditor to obtain a specific order from the court prohibiting the creditor from taking further collection action and, if the creditor is willfully violating the automatic stay, the court can hold the creditor in contempt of court and punish the creditor by fine or incarceration.
 - < Any such legal action brought against the creditor will be complex and will normally require representation by a qualified bankruptcy attorney.

Q. What Debts Are Dischargeable?

- A.
- < All debts are dischargeable except for those listed in 11 U.S.C § 523. The non-dischargeable debts listed in § 523 include:
 - a. certain taxes and fines;
 - b. debts created through fraudulent conduct or providing false information for creditors;
 - c. debts not listed in your bankruptcy petition;

- d. alimony, child maintenance or support, and certain debts arising out of a divorce decree or separation agreement;
- e. debts from wilful and malicious injury to another;
- f. government guaranteed student loans due within seven (7) years before filing your bankruptcy;
- g. debts caused by the death or a personal injury related to the operation of a motor vehicle while you were intoxicated; and
- h. post bankruptcy condominium or cooperative owners' association fees.

This list includes many examples of non-dischargeable debts but you should review 11 U.S.C. § 523 for a complete list.

Q. What Is The Difference Between A Denial Of Discharge And A Debt Being Non-Dischargeable?

- A. < A discharge can be denied by the court either for one particular debt or for all debts.
- < For a discharge to be denied, either as to a particular debt or as to all debts, someone must file an adversary proceeding (lawsuit) with the court.
- < In a lawsuit to deny the discharge as to all debts, the person who brings the action must prove to the court that the debtor did one of the following: (1) transferred, concealed, removed, destroyed or mutilated property of the debtor, (within one year before the bankruptcy was filed) or after the bankruptcy was filed, or (2) concealed, destroyed, mutilated, falsified, or failed to keep and preserve books and records about the debtor's financial condition or business transactions, or (3) the debtor made a false statement while under oath, (in writing or orally), or (4) failed to turn over books and records, or (5) failed to explain the loss of assets, or (6) had received a previous bankruptcy discharge within six (6) years.
- < To deny the discharge as to one debt only, the creditor must prove that the debtor (1) got the money or thing by making false representations, false pretenses or actual fraud, or (2) used a materially false statement about his financial condition which the creditor relied on.

Q. What Does It Mean If The Case Is Dismissed?

- A. < A dismissal order ends the case.
- < Upon dismissal the “automatic Stay” ends and creditors may start to collect debts, unless a discharge is entered before the dismissal and is not revoked.
- < An order of dismissal itself will not free the debtor from any debt.
- < Often, a case is dismissed when the debtor fails to do something he or she must do (such as show up for the creditors’ meeting, answer the trustee’s questions honestly, produce books and records the trustee requests), or if it is in the best interests of the creditors.
- < Unless the debtor appeals the order or seeks reconsideration of the order within ten (10) days after entry of the order, the Clerk will automatically close the case.

Q. What Do I Do if My Case Is Dismissed?

- A. < Once your case is dismissed, the automatic stay ends and creditors may start to collect unless your case was dismissed after the discharge order was entered and not revoked. You may want to call your creditors and set up a plan to pay off your debts to them over an agreed period of time.

**Q. Can I Get Step By Step Instructions On How To get my case dismissed?
(Chapter 7 &13)**

- A. < In regards to a chapter 7 case the debtor can motion the court to have their bankruptcy proceeding dismissed and after due notice to all creditors the case can be dismissed.
- < The chapter 7 interim trustee can motion the court that the bankruptcy proceeding be dismissed for failure to appear at the first meeting of creditors and after due notice to all creditors the case can be dismissed.
- < In regards to a chapter 13 case the debtor can motion the court to have their bankruptcy proceeding dismissed and after due notice to all creditors the case can be dismissed.

- < The chapter 13 trustee can motion the court for the bankruptcy proceeding to be dismissed for failure to appear at the first meeting of creditors and confirmation of the plan, after due notice to all creditors the case can be dismissed.
- < The chapter 13 trustee can motion the court for the bankruptcy proceeding to be dismissed at any point and time the debtor fails to comply with the chapter 13 plan, after due notice to all creditors the case can be dismissed.

Q. When Will I Get My Discharge?

- A.
- < Creditors have sixty (60) days from the first date set for the meeting of creditors to object to the discharge of the debtor and/or the dischargeability of a specific debt.
 - < Once this period has expired without any objections to the debtor's discharge being filed, the court will issue the discharge order.
 - < The discharge order is noticed and sent out to all parties of interest within a two week period after the objection to the discharge of the debtor and/or the dischargeability of a specific debt has expired.

Q. What Is The Procedure For Converting A Case?

- A.
- < Conversion (by debtor) from a chapter 13 to a chapter 7 is permitted by filing a Notice of Conversion and paying the required additional filing fee (Local Bankruptcy Rule 1300)
 - < When a case under chapter 7 or chapter 13 converts to a case under chapter 11 at the request of the debtor a fee is collected. This conversion process is done by filing a notice of motion, proof of service and minute order to convert with the appropriate Judge.

Q. My Attorney Is Not Doing Anything, What Can I Do?

- A.
- < You can contact your attorney and ask him what the status of your case is. This will create a dialogue between you and your attorney which may lead to your case going forward.
 - < If this does not resolve the stalemate then inform your attorney that you will be forced to appear before the Judge to resolve this situation.

Q. How Do I Get Admitted To Practice In The Bankruptcy Court?

- < The Bankruptcy court does not have its own bar
- < To practice in the Bankruptcy court you need to be admitted to the District Court bar.
- < Contact Attorney Admissions at (312) 435-5771

341 Meeting**Q. How Soon Will I Receive Notice Of Hearing?**

- A. < You should receive a notice of a hearing concerning the first meeting of creditors no later than thirty (30) days after the date of the filing of your bankruptcy petition.

Q. What Is The Creditor's Meeting? What Should I Expect Will Happen At It?

- A. < A "meeting of creditors" is the single hearing all debtors should attend in any bankruptcy proceeding.
- < It is held outside the presence of the judge and usually occurs between twenty (20) and forty (40) days from the date the original petition is filed with the court.
- < In chapter 11 cases where the debtor is in possession and no trustee is assigned, a representative of the United States Trustee's office conducts the hearing.
- < The hearing permits the trustee or representative of the United States Trustee's Office to review the debtor's petition and schedules with the debtor face-to-face.
- < The debtor is required to answer questions under penalty of perjury concerning the debtor's acts, conduct, property, liabilities, financial condition and any matter that may affect administration of the estate or the debtor's right to discharge.

Q. Why Did I Receive This Notice? I Have No Knowledge Of This Person or Company.

- A. < You were named as a creditor in this case and probably listed on the debtor's schedules
- < If you wish to see the schedules in order to gain more insight as to why you were listed, you may view the complete file in our Files Department Chicago Room 713 and Rockford Room 110 or on our web site at www.ilnb.uscourts.gov
- < If you feel that you were notified in error you may contact the debtor's attorney.

Trustee**Q. Who Is The United States Trustee?**

- A. < Mr. Ira Bodenstein Eastern Division
< Ms. Sheree Dandurand Asst. Trustee Western Division

Q. What Is A Bankruptcy Trustee?

- A. < The trustee's job is to administer the bankruptcy estate, to make sure creditors get as much money as possible and to run the first meeting of creditors.
- < In Chapter 12 and 13 cases they are called "Standing Trustees."
- . < In all chapter 7, 12, 13 and in some chapter 11 cases, a case trustee is assigned.
- < In Chapter 7 cases they are called "Panel Trustees."

Q. What Is The Difference?

- A. < The United States Trustee's Office is part of the U. S. Department of Justice, and is separate from the court. The United States Trustee's Office is a watchdog agency, charged with monitoring all bankruptcies, appointing and supervising all trustees, and identifying fraud in bankruptcy cases.
- < The United States Trustee's Office cannot give you legal advice, but they can give you information about the status of a case, and you can contact them if you are having a problem with a trustee, or if you have evidence of any fraudulent activity.

Q. Who Do I Notify About A Possible Fraudulent Filing?

- A. < In order to expedite the handling of complaints of criminal violations in the Bankruptcy System, please contact:

United States Trustee Office
227 W. Monroe Street Suite 3350
Chicago, Illinois 60604
(312) 886-5785

- < Indicate you want to file a complaint

Q. How Do I Find Out Who The Trustee Is In A Case?

- A. < You may obtain the trustee's name by calling our Voice Case Information Service (VCIS) at 1-888-232-6814 (Chicago) 1-888-293-3698 (Rockford)
- < Accessing our user on-line bankruptcy information system PACER, or visiting the Clerk's Office in person
- < Accessing our web site at www.ilnb.uscourts.gov
- < You may also contact our Public Service Department at 312-435-5694 from 8:30 a.m. to 5:00 p.m. Monday through Friday (Chicago) and at 815 987-4350 from 8:15 a.m. to 5:00 p.m. Monday through Friday (Rockford).

Q. What Should I Do If I Cannot Make My Chapter 13 Payment?

- A. < If the debtor cannot make a chapter 13 payment on time according to the terms of the confirmed plan, the debtor should contact the trustee by phone and by letter advising the trustee of the problem and whether it is temporary or permanent
- < If it is a temporary problem and the payments can be made up, the debtor should advise the trustee of the time and manner in which the debtor will make up the payments
- < Significant changes in the debtor's circumstances may require that the plan be formally modified
- < If the problem is permanent and the debtor is no longer able to make payments to the plan, the trustee will request that the case be dismissed or converted to another chapter

- < The determinations of whether to modify, dismiss or convert a case requires the same kind of analysis needed for the initial decision whether to file bankruptcy and under what chapter therefore, the debtor should seek counsel from a qualified bankruptcy attorney before attempting to make such a decision. If the debtor delays making a voluntary decision and cannot make the plan payments, the court may dismiss the case.

Clerks' Office

Q. What Does The Clerk's Office Do?

- A. < The Clerk's Office staff provides clerical and administrative support to the court by filing and maintaining case-related papers, issuing process and writs, signing ministerial orders, collecting authorized fees, sending notices, entering judgments and orders and setting hearings.

Q. Can The Clerk's Office Give Legal Advice?

- A. < No

Q. Why Is It Bankruptcy Employees Cannot Give Legal Advice?

- A. < Because a bankruptcy case is a legal proceeding affecting the rights of debtors, creditors and other parties in interest.
- < Pursuant to 28 U.S.C. § 955, Clerk's Office staff is prohibited from giving information which may be characterized as legal advice. Canon 2f and 3 of the Judiciary's Code of Conduct also prohibits the providing of legal advice by the Clerk's Office and further instructs the staff to remain impartial.
- < Legal advice includes at a minimum (1) acting on a person's behalf in presenting a claim or defense to the court, and (2) advising a person on the merits of a claim or defense and the state of the law applicable to it.

Q. Where Can I find Out Information On The Status Of My Case?

- A. < You can obtain the status of your case by contacting your attorney and requesting this information.
- < If you would rather attain the status of your case on your own you can phone the Bankruptcy Clerks' Office Public Services Clerk or, come in person to the Clerks' office and request the information from one of the public service counters

Q. How Long Will It Take My Case To Be Closed?

- A. < In a typical chapter 7 no asset case the closing of the case takes place after the discharge order has been entered onto the docket.
- < In all other bankruptcy cases the closing of the case takes place after the entering onto the docket of the document that concludes the case.

Q. How Can I Get On The List To Be Notified Of Sales, Auctions, etc.

- A. < The bankruptcy court does not maintain a mailing list for sales and auctions.
- < We do have a book located in Room 710 (Chicago) and Room 110 (Rockford) which may provide information of sales and auctions.

Q. Can VCIS Be Accessed On Weekends?

- A. < Yes

Q. How Do I Get Certified Copies Of Documents?

- A. < You may obtain certified copies of documents by visiting the Clerk's Office in person or mailing a written request to the Clerk's Office. Include the case number and name, the title of the document you are requesting and the document number plus applicable fee per document certification.
- < All certifications are made by Clerk's Office employees. The Clerk's Office will not certify copies of documents brought to the courthouse by individuals, or copies that individuals make on the photocopy machine in the public area.

Q. How Long Does It Take To Receive A File From The Federal Records Center?

A. < Approximately two weeks.

Q. What Are The Federal Holidays?

A. < New Years's Day
Martin Luther King, Jr. Day
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

Credit Report**Q. How Many Years Will A Bankruptcy Show Up On My Credit Report? How Long Will It Take For Me To Get Credit After I File For Bankruptcy?**

A. < The bankruptcy petition, schedules and plan are a public document and are available to the general public at the Clerk's Office. Credit reporting agencies regularly collect information from the petitions filed and report the information on their credit reporting services

< Bankruptcies normally will remain on your credit report for up to ten (10) years and may be taken into consideration by any person reviewing a credit report for the purpose of extending credit in the future

< The decision whether to grant you credit in the future is strictly up to the creditor and varies from creditor to creditor depending on the type of credit requested.

Q. If I Did Not List A Particular Debt Because My Payments Are Current...Will The Debt Show Up On Credit Report?

A. < Yes, the debt will show up on your credit report as being "current."

Q. How Do I Get The Bankruptcy Removed From My Credit Report?

- A. < If after ten (10) years the bankruptcy continues to be reflected in your credit report contact the credit report company in writing requesting the process by which you can proceed to have it removed from your credit report.

Motions**Q. What Is The Automatic Stay?**

- A. < A prohibition against all debt collection efforts against the debtor or property of the estate.
- < The automatic stay arises immediately upon the filing of a bankruptcy petition without the need for court action.

Q. How Do I File For Relief From The Automatic Stay?

- A. < In order for a party to continue a proceeding against the debtor that has been stayed because of the filing of the bankruptcy and the automatic stay, he or she must file with the Bankruptcy court a Motion for Relief from the Automatic Stay, or a Stipulation for Relief from the Automatic Stay.
- < A motion for relief from the Automatic stay is commenced by the filing of a motion. Local Bankruptcy Rule 402-D and 402-G prescribes the procedures for filing a motion for relief from the automatic stay.
- < Each motion shall be supported by all documents which assert a valid perfected security interest and all documents which support an assertion of lack of adequate protection or of equity in that property.
- < An original and one copy of the motion for Relief from the Automatic Stay are required upon filing and applicable filing fee.

Q. What Is A Motion?

- A. < An application made to the court to obtain a rule or order directing some act to be done in favor of the applicant.

Q. How Do I Send A Motion? Can I Hand Deliver It? How Much Notice Do I Need To Give People And To Whom Do I Send The Motion To?

- A. < Eastern Division procedure - the original and one copy of each motion shall be delivered to the clerk by 4:30 p.m. on the second business day preceding the date of presentment.
- < Copies of all motions delivered to the clerk (room 710, 219 S. Dearborn Chicago) shall be accompanied by notice of motion, motion, proof of service and a minute order.
- < Any motion can be hand delivered or, delivered via the U.S. Mail.
- < Except in the case of an emergency, written notice of the intent to present a motion must be personally served at or before 4:00 o'clock p.m. of the second business day preceding the date of presentment.
- < Where service of such notice is by mail, the notice shall be mailed at least five business days before the date of presentment
- < Other than true emergency notions, no motions will be heard that have not been presented to the clerk in accordance with the above.
- < Western division procedure - the original and two copies of each motion, notice of hearing and proof of service shall be filed with the clerk as least five days before the hearing date.
- < Emergency motions may be scheduled only upon approval of the court and for cause shown, in accordance with local rule 306
- < Shortened notice-motions to schedule a hearing on shortened notice must contain a statement explaining the circumstances which justify special treatment.
- < All motions shall indicate on their face, the name of the judge to whom the case is assigned, the case number and the name of the debtor Local Rule 400-B.

Q. When Does The Judge Hear Motions?

- A. < Each judge has set times when they hear motions. Refer to the motion schedule for the judge that has been assigned to the case.
- < Motion schedules can be found at the Public Service counter or on our web site at www.ilnb.uscourts.gov .

Q. Can A Pro Se Creditor File A Motion?

- A < Yes

Q. How Do I Get A Hearing Date?

- A. < Contact the Judge's chambers to whom the Bankruptcy petition was assigned
- < Speak with the courtroom deputy
- < Courtroom deputy will give you the correct procedure on how to get a hearing date

Q. How Do I Serve An Adversary Summons? Who Do I Serve With These Summonses?

- A. < Service may be effected by any person who is not a party and who is a least 18 years of age;
- < Shall be dispatched through first-class mail or other reliable means;
- < Shall be accompanied by a copy of the complaint and shall identify the court in which it has been filed.
- < The parties named on the summons are the parties whom shall be served.

Q. What Is An Ex-Parte Matter?

- A. < Partly: on behalf of. An action by a party in which he has an interest and which may or may not be against an adverse party

Q. How Do I Get A Letter From The Bankruptcy Court Stating That I Have Never Filed For Bankruptcy?

- A. < The court offers a Certificate of Search by paying applicable fee, which is handled by the Operations Coordinators.
- < A Certificate of Search is a court certified document which lists the party of interest's name and social security number/employer identification number and specifies if there were or were not any records found on that particular person or entity.

Notice of Appeal**Q. What If I Don't Agree With An Order Entered In The Case?**

- A. < A Notice of Appeal may be filed after an Order, Judgment or decree has been entered in a case.
- < When an Appeal is filed, you must pay applicable filing fee.

Q. What Is The Deadline Date For Filing A Notice Of Appeal?

- A. < Within 10 days of the entered on docket (E.O.D.) Date of the order you are appealing

Q. How Many Copies Of The Notice Of Appeal Are Required?

- A. < One original NOA and three copies for the Court plus one copy for each person on the service list

Q. What Is The Deadline Date For Filing The Designation And Statement Of Issues?

- A. < Within 10days of the Notice of appeal filing date.

Q. How Many Copies Of The Designation & Statement of Issues Are Required?

- A. < One original and three copies

Q. Who Provides the Appeal Record And When Is The Record Due?

- A. < The party filing the appeal is responsible for filing one complete copy of the appeal record at the time the designation & statement of issues are filed, or soon thereafter.

Q. Who Prepares Copies Of The Items Needed For The Appeal Record?

A. < The party filing the appeal will make the copies or make a request for IKON to make copies.

Q. How Do I Obtain Transcripts?

A. < The Party completes the Transcript information Sheet from the Public Service Carousel and delivers to the court reporter assigned to the case judge.

Q. When Will the Appeal Record Go To The District Court?

A. < Within 40 days from the filing date of the Notice of Appeal.

Q. When Can I Get the District Court Case Number?

A. < After the appeal is filed with the District Court.

Q. Who Can I Contact For the Disposition On The Appeal?

A. < Check the bankruptcy docket first to see if a disposition order has been entered related to the Notice of Appeal. If not, advise the customer to contact the District Court at (312) 435-5671. You must give the District Court 's civil case number and District court's judge assigned to the NOA

Q. When Is A Motion For Leave To Appeal And Notice Of Appeal Required?

A. < From a interlocutory order only. Except on chapter 11 bankruptcy it is not required.

Q. What Is The Filing Deadline Date?

A. < Same as Notice of Appeal

Q. How Many Copies Required?

A. < Same as Notice of Appeal

Q. Should An Answer Be Filed By The Opposing Party To The Motion for Leave To Appeal?

< A Party may file an answer in opposition to the motion for leave to appeal within 10 days after the service of the motion

Q. What is the transmittal to District Court time frame?

- < The motion for leave to Appeal, Notice of Appeal, and a copy of the order appealed will be transmitted to District Court within 10 days of the filing date.

Adversary**Q. What Documents Do I Need To File An adversary?**

- A. < The following items are required to file an Adversary Complaint:
 - < Filing Fee
 - < Adversary Cover Sheet (form B104)
 - < An original and one copy of the Adversary Complaint
 - < An original and three copies of the Adversary Summons (per defendant)

Claim**Q. If A Company Has Filed For Bankruptcy And Owes Us Money, What Do We Do?**

- A. < If you have been listed as a creditor in a bankruptcy case, you may file a claim form.
 - < If you do not have a claim form, you may pick one up from any clerk's office location or send a letter with your name address, debtor's name, case number, the amount owed, type of claim (Administrative, priority, secured, unsecured), the date the debt was incurred and include any documentation of your claim for filing.
 - < Only the original claim needs to be filed. If you wish to have a confirmed copy returned to you please enclose an extra copy and self addressed stamped envelope.
 - < Request for information regarding when a claim will be paid should be directed to the trustee assigned to the case whose name and telephone number can be found on the 341 meeting notice

