

UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF NORTH CAROLINA



**A GUIDE FOR THE**  
**SELF-REPRESENTED DEBTOR**  
**IN A BANKRUPTCY CASE**

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# INTRODUCTION

The United States Bankruptcy Court for the Middle District of North Carolina (the “Court”) welcomes those individuals who wish to assert their right to file bankruptcy without the services of an attorney. You may hear this process referred to as “pro se” (pronounced like “pro say”), which is a Latin adjective meaning “for self.” Pro se filers are individuals who represent themselves in cases without a lawyer in a court proceeding. This Guide is for individuals who are considering whether to file a consumer bankruptcy case without legal assistance.

An individual may file a petition under the following chapters of the Bankruptcy Code without legal assistance. Which chapter to pursue depends on your finances and your priorities. You cannot file for bankruptcy as a partnership, corporation, or other business entity without representation by a licensed attorney. Only individuals, including an individual conducting business as a sole proprietorship, may represent themselves.

## **Chapter 7**

Liquidation

Chapter 7 of the Bankruptcy Code provides for liquidation of your assets. Liquidation is the selling of your nonexempt property where the money received is paid to your creditors.

## **Chapter 13**

Payment Plan

Chapter 13 of the Bankruptcy Code allows you to restructure your debts through a payment plan, which usually lasts three to five years. The Chapter 13 Trustee receives all of the funds paid into your plan and pays your creditors from these funds.

A primary goal of a bankruptcy filing is to relieve individuals of unmanageable debt and, through allowed exemptions, to leave the individuals with sufficient financial means to support themselves and their dependents. Another goal is to offer an opportunity for debtors to reorganize through a repayment plan. The likelihood of success, particularly under chapter 13, is severely diminished without competent legal counsel.

## **DETERMINING WHETHER TO PROCEED WITHOUT AN ATTORNEY**

The bankruptcy laws are complex and always changing. The laws and rules may be difficult to understand and the decisions that must be made are not as simple as they may seem. For example, there is the decision of which chapter of bankruptcy to file under and which exemptions to claim. Further, the law does not allow all debts to be discharged, so the decision to file for bankruptcy at all is important. There also can be harsh consequences for repeat filings. An attorney can help avoid a dismissal due to procedural defects that might cause a repeat filing.

Many of these decisions can best be made by a competent and qualified attorney who understands the complexities involved. A competent bankruptcy attorney can hear all of the facts about your unique situation and can give you counsel you may rely on. Many attorneys offer free consultations. In chapter

13 cases, attorney fees are paid through the plan over time.

A review of cases in this District, the Middle District of North Carolina, shows a much higher likelihood of success when an individual is represented by an attorney as compared to when an individual proceeds without legal assistance.

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**Please know that while it is possible to represent yourself without the assistance of an attorney, it is extremely difficult to do so successfully. Hiring a competent attorney is highly recommended. Only attorneys, and no one else, can give you legal advice.**

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### OPTIONS FOR AFFORDABLE ASSISTANCE & LEGAL REFERRAL

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|---|---|--|
| <b>Middle District of NC Website for Individuals Filing Without an Attorney</b> | <a href="http://www.ncmb.uscourts.gov/pro-se-filing">http://www.ncmb.uscourts.gov/pro-se-filing</a>   |  |
| <b>NC Bar Association Legal Referral Service</b>                                | <a href="https://www.ncbar.org/members/lawyer-referral-service/">https://www.ncbar.org/members/lawyer-referral-service/</a>                   | 800-662-7660 or <a href="mailto:LRS@ncbar.org">LRS@ncbar.org</a>   |
| <b>Legal Aid of North Carolina</b>  | <a href="http://www.legalaidnc.org/">http://www.legalaidnc.org/</a>   | 866-219-LANC (5262)  |
| <b>Gate City Legal Services</b>   | <a href="https://www.gatecitylegalservices.com/">https://www.gatecitylegalservices.com/</a>   | 336-298-2238 or <a href="mailto:schedule@gatecitylegalservices.com">schedule@gatecitylegalservices.com</a> |
| <b>Land Loss Prevention Program</b>   | <a href="https://www.landloss.org/">https://www.landloss.org/</a>   | 800-672-5839, 919-682-5969, or <a href="mailto:lppinfo@landloss.org">lppinfo@landloss.org</a>              |
| <b>American Bar Association</b>   | <a href="https://www.americanbar.org/groups/legal_services/flh-home.html">https://www.americanbar.org/groups/legal_services/flh-home.html</a> |  |

### PROCEEDING WITHOUT AN ATTORNEY: SELF-REPRESENTATION

The Court understands that some individuals will move ahead alone. This Guide is for that person: the individual who has made the decision to proceed with a bankruptcy filing without any legal assistance. Because there are several important procedural steps in filing a bankruptcy petition and managing the case through discharge, and because neither the Court nor any employee of the Court can provide legal advice, this Guide is intended to assist the self-represented individual, known as a “debtor.”

The laws that govern bankruptcy, including limitations on whether you are eligible to file for bankruptcy, are published in title 11 of the United States Code. The Cornell Law School makes these laws available online here: <https://www.law.cornell.edu/uscode/text/11>. The procedures that you have to follow in a bankruptcy case are contained in the Federal Rules of Bankruptcy Procedure. Cornell Law also makes

these rules available online here: <https://www.law.cornell.edu/rules/frbp>.

The Judicial Conference of the United States created Official Forms for use in bankruptcy cases throughout the country. You must use these Official Forms if you choose to proceed with filing a petition for bankruptcy protection. The Court provides a local version of the most commonly used Official Forms at its website here: <http://www.ncmb.uscourts.gov/forms/all-forms>. National versions of the Official Forms are also available at the United States Courts' website here: <https://www.uscourts.gov/forms/bankruptcy-forms>. Each Form provides instructions, which you should read before you complete your paperwork. This Guide references several of the Official Forms required for your case but please know that there is not a form for everything you may need during your case.

You cannot rely on this Guide as legal authority. The information provided in this Guide does not substitute for the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or the Local Rules of this Court. In addition, the information in this Guide does not serve as a substitute for the advice of competent legal counsel. The Guide is necessarily limited and is intended only as an introduction to some basic aspects of bankruptcy law. It does not include all of the controlling law (such as the entire Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, this Court's Local Rules, and applicable court decisions from around the country).

***Good to know:** Some factors, including prior bankruptcy cases, may impact the effect of your filing for bankruptcy. Please consider these in determining whether to file bankruptcy, preferably with the advice of an attorney.*

In addition to this Guide, the website for the federal courts of the United States hosts several resources that may be helpful, including basic descriptions about the bankruptcy system and information about self-representation. These resources are available online here: <https://www.uscourts.gov/services-forms/bankruptcy>.

## **CLERK'S OFFICES FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

The Clerk's Office for this Court is where you will file your paperwork for your bankruptcy. The Clerk's Office also sets hearings in bankruptcy cases and provides notices to you and your creditors. In the Middle District of North Carolina, the Clerk's Office is staffed in two places: Winston-Salem and Greensboro.

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**Please carefully READ ALL PAPERWORK you receive from the Clerk's Office.**

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You may file in person or you may mail your paperwork to the Clerk's Office. Addresses for each office are available at the Court's website here: <http://www.ncmb.uscourts.gov/court-info/court-locations>. Your bankruptcy filing is not official until the documents have been filed in the Clerk's Office and assigned a case number. If you submit incomplete paperwork, your case may not be filed.

***Good to know:** Do not send letters, motions, or other papers to the judge. All filings must be with the Clerk's Office. You may not communicate with the judge outside of court, except through filings with the Clerk's Office. You must serve copies of your filings on all parties affected—and all parties who might be affected—by your filings as required by the Federal Rules of Bankruptcy Procedure.*

After you file your paperwork, the Clerk of Court will assign your case to a case administrator. If you have any questions about your case, you may contact the case administrator assigned to your case. Please refer to the Case Administrator Lookup webpage on the Court's website for contact information: <http://www.ncmb.uscourts.gov/case-administrator-lookup>.

***Good to know:** It is illegal for any court staff to give you legal advice, including case administrators.*

## WHAT YOU FILE BECOMES PUBLIC INFORMATION

By law, any information you submit in relation to your filing for bankruptcy is accessible to the general public through the Internet and the federal court system. While you must provide truthful and complete information in your bankruptcy schedules and related documents, please do not disclose highly personal and private information.

- **Only one Official Form requires you to provide your full social security number:** Official Form B 121, Statement of Social Security Number. This document will not be publically available. Provide your full social security number in this Form and only in this Form. In all other documentation, you should provide only the last four digits of your social security number when asked.
- **Do not disclose full account numbers** (including creditor account numbers, bank account numbers, brokerage accounts, retirement accounts, etc.) on any schedules, statements, or documents, or on any other filings. Use only the last four digits of the account number for reference.
- **Do not identify any minor children or dependents by their name.** List them only as “minor child” or “minor step child” or a similar descriptor with their age, e.g., “minor step child, 11” or use their initials, e.g., “J.A.”
- **Do not disclose the full date of birth of any individual.** Use only their year of birth or age.

## **BEFORE FILING FOR BANKRUPTCY PROTECTION: COMPLETE CREDIT COUNSELING**

The Bankruptcy Code requires a debtor to complete credit counseling **within 180 days before** filing a bankruptcy petition. In other words, you must explore other avenues of debt relief with an approved counselor before deciding whether bankruptcy is the best or only option. A list of approved credit counseling providers is available on the Court's website here:

<http://www.ncmb.uscourts.gov/content/approved-credit-counseling-providers>.

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**It is very important that you COMPLETE CREDIT COUNSELING BEFORE YOU FILE. If you file a bankruptcy petition and you have not taken a credit-counseling course from a court-approved credit-counseling provider within the last 180 days, it is likely that your case will be dismissed.**

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You may complete credit counseling in person, over the telephone, or online. If after the counseling session you determine that you need to seek bankruptcy protection, you must obtain a certificate from the counseling agency verifying that you attended the briefing and you must file this certificate with your bankruptcy petition. If a repayment plan was developed, then you must file the plan along with the credit counseling certificate. There is a fee associated with taking the credit-counseling course.

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**Please know that the Bankruptcy Code requires you to complete credit-counseling BEFORE filing your bankruptcy petition. Credit Counseling must be completed BEFORE filing your petition.**

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# TYPES OF BANKRUPTCY

The Bankruptcy Code is organized by chapters. All chapters offer an automatic stay and, if successfully completed, a discharge of your personal obligation to pay certain debts. Further, you may exempt some of your property under North Carolina law. Successfully exempting property means that you do not have to pay the value of what is exempted to your creditors.

## THE AUTOMATIC STAY

The “fresh start” provided by bankruptcy protection includes an automatic stay, which usually takes effect when you file your petition.

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**Please know that if you filed for bankruptcy before, your stay may be limited to 30 days or may not go into effect at all.**

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The stay prohibits creditors from taking any action to collect most pre-bankruptcy debts. Because of the stay, creditors are not allowed to initiate lawsuits or repossessions outside of the bankruptcy case, and creditors are not allowed to make threatening telephone calls or send collection letters. A creditor that violates the stay without the Court’s permission is violating the law. If a creditor sends you letters or otherwise contacts you about your debts after the automatic stay goes into effect, you should let the Court know by filing a motion telling the Court what has happened. Be sure to serve a copy of that motion on the creditor as provided under the Bankruptcy Rules.

Repeat filings typically reduce the benefit of successive filings. Thus, you should file and maintain a sound bankruptcy case the first time by complying with all the deadlines and requirements, including the pre-filing credit-counseling requirement. This is one of the reasons why having competent bankruptcy counsel is so important.

## DISCHARGE

Your goal in bankruptcy is to receive a discharge of your debts. The discharge is very important to your fresh start: the discharge discharges, or wipes away, any personal liability you would have had for most of your pre-bankruptcy debts. If you received a discharge in a previous case, you may not be eligible for another discharge at this time. Sections 727(a)(8) and 727(a)(9) of the Bankruptcy Code prohibit discharge for repeat filers under chapter 7 within certain years. You can review Section 727 at the Cornell Law website here: <https://www.law.cornell.edu/uscode/text/11/727>. Section 1328(f) similarly prohibits discharge for repeat filers under chapter 13 within certain years. You can review Section 1328 at the Cornell Law Website here: <https://www.law.cornell.edu/uscode/text/11/1328>.

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**Please remember: not all debts can be discharged.**

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The discharge in a bankruptcy case replaces the automatic stay and releases you from owing money after your bankruptcy case is completed. Debts that are discharged do not have to be paid and debt collectors are prohibited from trying to collect those debts from you. In a chapter 7 bankruptcy, discharge happens after the bankruptcy trustee has liquidated the property of the estate and your creditors have been paid from that pool of money. In a chapter 13 bankruptcy, discharge happens after you successfully complete your plan. Be sure to keep a copy of your discharge order for future reference.

***Good to know:** Even after your discharge, if a creditor has a lien on your property, the creditor still can enforce the lien against your property to collect on its debt.*

### **NONDISCHARGEABLE DEBTS**

Not all pre-bankruptcy debts are discharged. Obligations for alimony, child support, divorce settlements, most educational loans, fines and penalties, and judgments arising from death or personal injury while driving under the influence cannot be discharged. Also, debts that arise after you file your petition cannot be discharged. For example, if you file for bankruptcy in March, but you borrow \$2,000 with a credit card in May, you cannot discharge that \$2,000.

***Good to know:** Your discharge does not affect the personal liability of a co-maker, co-endorser, or co-guarantor of your debts. If a friend guaranteed a loan for you with a bank, the bank is free to collect the debt from your friend as the guarantor.*

### **EXEMPTIONS**

You are entitled to retain some property as “exempt” from creditors under North Carolina law. To do so, you must claim this property as exempt by completing Local Form 91C and referencing this Form in Schedule C in your petition. Local Form 91C is available under the “Case Opening” category of forms at the Court’s website here: <http://www.ncmb.uscourts.gov/forms/all-forms>. You can also access this and other forms at the Clerk’s Office. The full list of exemptions available to NC residents under Article 16 of the North Carolina statutes is available online here:

[https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_1C/GS\\_1C-1601.html](https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_1C/GS_1C-1601.html).

***Good to know:** You cannot exempt property from a lien on the property. However, you might be able to avoid a lien on property, which occurs by filing a motion to avoid the lien with the Court under Section 522(f). You can review Section 522 at the Cornell Law website here:*

<https://www.law.cornell.edu/uscode/text/11/522>.

To determine which chapter may best serve your needs and financial circumstances and to maximize your exemptions, carefully review the information below and consult with a competent bankruptcy attorney.

## **CHAPTER 7: LIQUIDATION**

The purpose of filing a petition under chapter 7 of the Bankruptcy Code is to surrender your nonexempt property to your creditors because you do not have the ability to pay your existing debts. Chapter 7 is designed to give honest individuals who find themselves in financial difficulty a fresh start. This means that when you complete a chapter 7 case, your eligible debts are wiped away or “discharged.”

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**Please remember: not all debts can be discharged.**

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Under chapter 7, a trustee takes possession of your nonexempt property and sells the property to pay your creditors. If the property is not valuable, the trustee will simply dispose of the property. Creditors are paid according to priorities established by the Bankruptcy Code.

To receive a discharge, you must complete an instructional course on financial management and file a certificate of completion with the Court. Navigate to the Participating in Your Bankruptcy Case section of this Guide or click on the following link for instructions on financial management: [Financial Management Certification](#).

## **REAFFIRMATION AGREEMENTS**

Reaffirming a debt is a serious financial decision. To “reaffirm” a debt with a creditor means to recommit to paying the debt owed to the creditor even though the debt may be dischargeable in your bankruptcy. The decision to reaffirm a debt is voluntary; you are not required to reaffirm a debt. If a reaffirmation agreement is filed in your case and you are not represented by an attorney, the reaffirmation agreement will be set for hearing.

You or your creditor may be interested in a reaffirmation agreement because your creditor continues to receive payment from you and you keep your property (often a car) against which the creditor has a lien. Usually the original contract between a debtor and a creditor allows the creditor to repossess the property securing the loan. In this situation, the creditor may agree to let you keep the property if you agree to continue making payments under a reaffirmation agreement. Once you and your creditor have signed a reaffirmation agreement, the creditor may not repossess the property securing the loan so long as you make the payments under the agreement, and the debt remaining on the loan will not be discharged by your bankruptcy case if the agreement is approved by the Court. If you later surrender the property and there is a deficiency remaining on the loan, the debt is not discharged and the creditor can seek collection

of the deficiency from you even though you filed bankruptcy and received a discharge.

For example, you decide to reaffirm the debt you owe on your car with your creditor and your agreement is approved by the Court. Then, after your bankruptcy, you can no longer afford the car payments and you want to sell it. You still owe, let's say, \$10,000 on your car loan, but you only sell your car for \$4,000. You would be responsible for paying your creditor the \$6,000 difference between what the car sold for and what you owe your creditor even though you filed for bankruptcy. If you couldn't pay that \$6,000, your creditor could get a court judgment against you for that amount. Be sure to carefully read and fully understand the terms of a reaffirmation agreement before signing.

**Access a video of a hearing on a motion to approve a filed reaffirmation agreement by clicking on this link:**

<https://www.nceb.uscourts.gov/sites/nceb/files/Pro%20Se%20Reaffirmation%20Hearing.mp4>.

## **COMMON QUESTIONS IN CHAPTER 7**

**I need my computer/tools/truck to do my job. Will these be sold as part of the bankruptcy?**

Not necessarily. North Carolina permits property exemptions for professional implements and tools of the trade of up to \$2000. This does not necessarily mean that you may only exempt \$2000 worth of tools—this means that your equity, or interest, in your tools may only be up to \$2000. For example, if you took out a \$4,000 loan to buy tools, and you have paid off \$2000 of that loan, your interest in your tools is only \$2000. You would therefore get to keep all of the tools, even though they are worth \$4000.

Vehicles have their own exemption for up to \$3,500. The full list of exemptions available to NC residents is under Article 16 of the North Carolina statutes, which may be accessed online here:

[https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_1C/GS\\_1C-1601.html](https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_1C/GS_1C-1601.html).

## **CHAPTER 13: REPAYMENT OF ALL OR PART OF YOUR DEBTS IF YOU HAVE REGULAR INCOME**

Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts, but can make payments in installments over a period of years. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts and if you have regular income.

### **PROPOSING A PLAN TO REPAY YOUR CREDITORS**

Under chapter 13, you must file a plan to repay your creditors all or part of the money that you owe them, using your future earnings for three to five years depending on your income. If you made more than the median (middle) income of a household of your size in your county in the last six months, you will have to make payments for 60 months (five years). If you made less than the median income of a household of your size in your county in the last six months, you will have to make a monthly payment for at least 36

months (three years).

Under chapter 13, unlike chapter 7, you may keep all of your property, both exempt and nonexempt property, as long as you continue to make the payments you proposed in your plan on time and the payments are enough to pay the creditors as required by the Bankruptcy Code. For your creditors that do not have a lien on your property (called unsecured creditors), nonexempt property is all the property that your creditors may lawfully reach based on the debts you owe them. The Court will determine whether or not to confirm your plan based on the requirements of the Bankruptcy Code. If you owe domestic support payments, the Court cannot confirm a plan unless you are current on any payments you owe since filing. You can read about this and other plan confirmation requirements at the Cornell Law website here: <https://www.law.cornell.edu/uscode/text/11/1325>.

After you make all of the payments under your plan, your debts are discharged except for the types of debts listed in Section 1328(a). These debts include long-term secured debts (like a home mortgage), certain kinds of taxes owed for less than three years, debts that the Court determines were obtained by you through fraud or willful and malicious injury, and alimony and support, among others. You can review Section 1328(a) at the Cornell Law website here: <https://www.law.cornell.edu/uscode/text/11/1328>.

To qualify for a discharge, you must certify that you have no outstanding domestic support obligations that are due at least 30 days prior to entry of your discharge. You must file this certification with the Court before your discharge will be considered. You also must complete an instructional course on financial management and file a certificate of completion with the Court. Navigate to the Participating in Your Bankruptcy Case section of this Guide or click on the following link for instructions on financial management: [Financial Management Certification](#).

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**Please remember to complete an educational course on financial management and FILE A CERTIFICATE OF COMPLETION or your case may be closed without entry of a discharge.**

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Additionally, you may not receive a discharge in your case if you received a discharge in a prior chapter 13 case within the last two years or a discharge in a chapter 7, 11, or 12 case within the last four years.

## COMMON QUESTIONS IN CHAPTER 13

### What happens if I fail to make my chapter 13 plan payments?

If you fail to make your chapter 13 plan payments, your case will likely be dismissed and you will not receive a discharge.

**What if I want to do a five-year plan instead of a three-year plan, even though I qualified for a three-year plan?**

You can choose how long you want your plan to be as long as you make payments for the minimum number of months the Bankruptcy Code requires. However, you may not spread your payments over more than five years.

**What happens if my case is dismissed?**

If your case is dismissed, then you remain liable for the full amount of your debts to your creditors. You do not receive back the money you paid to your creditors under the plan; that money goes toward paying off your debt.

# HOW TO FILE FOR BANKRUPTCY: YOUR PETITION, SCHEDULES, AND STATEMENTS

After you decide which chapter makes the most sense for you, you need to begin completing your documentation for the Court, including your petition, schedules, statements, and a mailing matrix. Schedules include lists of your assets, expenses, and types of income. Statements are assertions you make in writing and under oath about your financial situation. You also will need to pay a filing fee when you submit your petition.

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**Please know that your schedules must be TRUTHFUL AND COMPLETE since you have to sign them under penalty of perjury.**

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## FILING FEE

The fee schedule for each chapter is on the Court's website here: <http://www.ncmb.uscourts.gov/fees-schedule>. You may pay the fee with cash, a money order, or a cashier's check. Please make payments by check or money order payable to: Clerk, U.S. Bankruptcy Court. If you pay by cash, you must make the payment in its exact amount; the Clerk's Office is unable to make change.

If you cannot pay the fee in full at the time you file, you may apply to pay the filing fee in installments. The Application, which is Official Form 103A, is available at the Court's website here: <http://www.ncmb.uscourts.gov/forms/all-forms>. Navigate to "National Forms" on the left, which will direct you to the national U.S. Courts' website, and select "Application for Individuals to Pay the Filing Fee in Installments."

If you are filing under chapter 7 and cannot pay the filing fee at all, you may apply for your fee to be "waived" by the Court. The fee cannot be waived in a chapter 13 case. In order for the Court to approve a request to waive the fee, you must meet the requirements of the Application, which is Official Form 103B and is available at the Court's website here: <http://www.ncmb.uscourts.gov/forms/all-forms>. Navigate to "National Forms" on the left and then select "Application to Have the Chapter 7 Filing Fee Waived."

## CHECKLISTS

Below are links to a checklist of required actions and documentation for each chapter of bankruptcy described in this Guide. These checklists will help you determine which documents need to be filed so that your case will not be dismissed.

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**It is very important to ANSWER ALL QUESTIONS, COMPLETE ALL SECTIONS, and SIGN ALL SIGNATURE PAGES. The Court requires ORIGINAL SIGNATURES on all documents. If a question or section is not applicable to you, please indicate this by writing “N/A.”**

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**Checklists for filing under each chapter are available at the end of this Guide.** Below are links to each checklist.

[Checklist for Filing Under Chapter 7](#)

[Checklist for Filing Under Chapter 13](#)

**All Local Forms** are available at the Court’s website here: <http://www.ncmb.uscourts.gov/forms/all-forms>. You can access **all Official Forms** by navigating to “National Forms” on the left, which will direct you to the national U.S. Courts’ website.

## **EMERGENCY FILING**

If a petition must be filed in an emergency, you may rely on the accelerated filing checklist below. This checklist contains the documents that are required for the accelerated petition to be accepted for filing. Your remaining schedules and statements are due within fourteen days of the date that the petition was filed.

[Accelerated Checklist](#)

## **REMEMBER TO FILE A MATRIX OF YOUR CREDITORS’ NAMES & MAILING ADDRESSES**

You will notice that each checklist requires you to file a matrix of mailing addresses for your creditors.

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**A mailing matrix is required at the time you file your petition.**

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Navigate to the end of this guide or click on the following link for instructions on creating this matrix: [Creating a Creditor Matrix](#).

## **REMEMBER TO COMPLETE CREDIT COUNSELING BEFORE FILING**

This is especially important. Even for accelerated filings, do not file your petition without completing a

credit counseling session with an approved counselor.

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**You must complete a credit-counseling course with an approved provider within the 180 days PRIOR TO FILING your bankruptcy petition.**

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A list of approved credit counselors for this Court is available here:

<http://www.ncmb.uscourts.gov/content/approved-credit-counseling-providers>.

**DO NOT MISREPRESENT: PENALTY OF PERJURY FOR FALSE OR INCORRECT INFORMATION**

Please remember that when you sign any form submitted for your bankruptcy filing, you are declaring under penalty of perjury that the information provided is both true and correct.

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# PARTICIPATING IN YOUR BANKRUPTCY CASE

This section describes important documentation for you to review as well as events that require your attendance.

## MANDATORY MEETINGS, HEARINGS, AND DEADLINES

After you file your petition, the Clerk's Office will mail you and your creditors a Notice of Bankruptcy Case, Meeting of Creditors, & Deadlines. This Notice provides you and your creditors with the date, time, and location of your meeting with your creditors, known as the "341 meeting;" the name, address, and telephone number of the trustee assigned to your case; and certain deadlines set in the case. Be sure to read the Notice carefully.

### YOUR 341 MEETING

Under section 341 of the Bankruptcy Code, you must meet with all of your creditors at the Court's building. At the 341 meeting, you will be questioned under oath by a Court-appointed officer.

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**If you do not attend your 341 meeting, YOUR CASE MAY BE DISMISSED.**

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You must bring a government-issued picture identification and evidence of your social security number to the meeting. Dress respectfully for your 341 meeting.

To familiarize yourself with what to expect at the 341 creditors' meeting, please see the videos linked below.

**Video of a 341 creditors' meeting for a debtor under chapter 7, part 1:**

<https://www.nceb.uscourts.gov/sites/nceb/files/Pro%20Se%20Chapter%207%20341%20Meeting%20Part%201.mp4>

**Video of a 341 creditors' meeting for a debtor under chapter 7, part 2:**

<https://www.nceb.uscourts.gov/sites/nceb/files/Pro%20Se%20Chapter%207%20341%20Meeting%20Part%202.mp4>

**Video of a 341 creditors' meeting for a debtor under chapter 13:**

<https://www.nceb.uscourts.gov/sites/nceb/files/Pro%20Se%20Chapter%2013%20341%20Meeting.mp4>

## COURT HEARINGS

If you choose to represent yourself, you must attend every hearing scheduled before the Court in your

case unless you are notified by the Court or the Clerk's Office that you do not need to attend.

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**Please READ ALL NOTICES and ATTEND ALL HEARINGS.**

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Pay close attention to the time, date, and location of the hearing. Directions to each of the courtrooms in the Middle District of North Carolina are on the Court's website here:

<http://www.ncmb.uscourts.gov/court-info/court-locations>. Dress respectfully and arrive early. Always stand when addressing the judge. If you are sworn in as a witness, speak clearly into the microphone.

***Good to know:** All hearings are recorded and are available to the public. Do not share private information such as a social security number, bank account number, a child's name, or other private and personally identifiable information during the course of your hearing unless directed to do so by the Court. If the Court requires disclosure of such information on the record, the Court may seal that portion of the record to protect your privacy.*

To familiarize yourself with hearings before the Court, please see the videos linked below.

**Video of a hearing where the debtor moved to extend the automatic stay:**

<https://www.nceb.uscourts.gov/sites/nceb/files/Pro%20Se%20Motion%20to%20Extend%20Stay%20Hearing.mp4>

**Video of hearing where a creditor moved to lift the automatic stay:**

<https://www.nceb.uscourts.gov/sites/nceb/files/Pro%20Se%20Motion%20to%20Lift%20Stay%20Hearing.mp4>

**Video of a hearing about a reaffirmation agreement between the debtor and a creditor:**

<https://www.nceb.uscourts.gov/sites/nceb/files/Pro%20Se%20Reaffirmation%20Hearing.mp4>

**Video of hearing where the trustee moved to dismiss the debtor's case:**

<https://www.nceb.uscourts.gov/sites/nceb/files/Pro%20Se%20Motion%20to%20Dismiss%20Hearing.mp4>

**Video of a hearing where the court ordered the debtor to appear and show cause:**

<https://www.nceb.uscourts.gov/sites/nceb/files/Pro%20Se%20Show%20Cause%20Hearing.mp4>

## FINANCIAL MANAGEMENT CERTIFICATION

The Bankruptcy Code requires a debtor to complete an instructional course on personal financial management **before** the Court can grant a discharge. A list of approved debtor education providers is available on the Court's website here: <http://www.ncmb.uscourts.gov/content/approved-debtor-education-providers>.

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**You CANNOT RECEIVE YOUR DISCHARGE UNLESS you file a certificate of completion for an approved financial management course.**

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You will receive a certificate upon completion of the course, which you must file with the Court. You will not be eligible for your discharge until you have completed this course and filed a financial management certificate.

## **RESPOND TO DEFICIENCY NOTICES**

If you fail to file a document that is required, you will receive a deficiency notice. The deficiency notice will identify the document(s) you have failed to file. You should review the deficiency notice carefully and file the missing document. **There may be significant consequences if you do not quickly fix a deficiency, including denial of the relief requested or closing of the case without a discharge.**

## **HOW TO CHANGE OR AMEND A DOCUMENT**

In the legal system, when you change or revise a document after you have filed the document, you are “amending” the document. You have an ongoing obligation to ensure that the documents you file contain correct information. If you need to file amended documents, due to a mistake, a missing item, a change of circumstance, or some other reason, you must attach a verification page to the amended document indicating the information contained in the document is true and correct. If you are amending your schedules, please be sure to include an amended Summary of Your Assets & Liabilities & Certain Statistical Information. You must pay a \$32 amendment fee for adding creditor(s), deleting creditor(s), changing a claim amount, or changing the classification of a creditor.

You must give notice to the trustee of any amendments to your petition and schedules (including Exemption Form 91-C). You must also give notice to anyone affected by the amendment.

If you need to add creditors to your schedules or mailing matrix, the additional creditors must be notified of the amendment. You also will need to mail the additional creditors copies of any notices in the case that were issued before they were added. Afterwards, you must file a certificate of service with the Court showing that you mailed these copies to the additional creditors.

If you amend your exemptions, you must notify all creditors of the amendment and you must file a certificate of service with the Court showing that you notified the creditors.

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**IF YOU MOVE OR YOUR CONTACT INFORMATION CHANGES, IT IS VITAL THAT YOU FILE A CHANGE OF ADDRESS AMENDMENT WITH THE COURT.**

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If you do not keep your contact information current, and you do not receive important notices, your case may be dismissed.

### **NO PHONES OR WEAPONS ALLOWED IN THE COURT'S BUILDING**

You cannot enter the Court's building with a telephone or with any kind of weapon, including pocket knives and mace. If you arrive with these items, you will have to dispose of them before you will be allowed to enter the premises. This is true at all three of the Court's locations: Winston-Salem, Greensboro, and Durham. Please do not bring prohibited items, including your phone, to the Court.

## COMPLETING YOUR CASE

Your case will end in one of three ways: a successful completion of your bankruptcy case with a discharge; a closing of your case without a discharge; or a dismissal of your case.

### DISCHARGED DEBTS

Because the law is complicated, you should consult an attorney to determine the exact effect a discharge will have in your case. Some debts are not discharged. More information on a bankruptcy discharge is available at the U.S. Courts' website here: <https://www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics/discharge-bankruptcy-bankruptcy-basics>.

### DISMISSAL

Your case may be dismissed for a variety of reasons. Often debtors are dismissed from bankruptcy for failing to obtain prepetition credit counseling; failing to file required documentation such as their schedules; failing to appear at their **Section 341 creditors' meeting**; failing to appear at a **show cause hearing**; or failing to make plan payments in a case under chapter 13.

### CLOSING WITHOUT DISCHARGE

If you complete your case but you do not meet the requirements for receiving a discharge, your case will be closed without a discharge. This means that you will not receive the benefits of a discharge. For example, if you complete all of your payments under a plan in chapter 13 but you do not file a motion for entry of your discharge or a certificate demonstrating that you completed a financial management course, your case will be closed with a discharge. Please be sure to file all required documentation.

### KEEP YOUR CONTACT INFORMATION CURRENT

The Court may issue a show cause order or a deficiency notice if you have not completed the requirements for discharge in your case. However, if you have moved or changed your contact information, you may not receive the notice, which will result in dismissal or closure of the case without a discharge.

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**Please be sure to FILE AMENDMENTS TO YOUR SCHEDULES  
REFLECTING ANY CHANGE IN YOUR CONTACT INFORMATION  
while your case is pending.**

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# GLOSSARY

## A

**Adversary Proceeding:** An adversary proceeding is a lawsuit within your bankruptcy case. In other words, a plaintiff or plaintiffs file a complaint against one or more defendant(s) creating a lawsuit that is a distinct proceeding from your underlying bankruptcy case. In many situations an adversary proceeding is required if a plaintiff wants to obtain a particular type of relief. Bankruptcy Rule 7001 tells you which types of relief require an adversary proceeding, which is available at the Cornell Law website here: [https://www.law.cornell.edu/rules/frbp/rule\\_7001](https://www.law.cornell.edu/rules/frbp/rule_7001).

## B

**Bankruptcy Administrator:** This is a federal government employee that oversees the administration of bankruptcy estates and supervises bankruptcy trustees and other government employees administering bankruptcy cases. The Bankruptcy Administrator or “BA” is not the Court, but can request relief from the Court in your case and is entitled to be heard by the Court in all aspects of your case. The BA is an independent party whose job it is to ensure the integrity of the bankruptcy system.

## C

**Creditor:** A creditor is a person or entity that has a claim against the debtor.

## D

**Debtor:** A debtor is a person who files a voluntary bankruptcy case or is a person against whom an involuntary bankruptcy case is filed.

**Discharge:** A discharge is a release of a debtor from monetary obligations following judgment of the bankruptcy court.

**Domestic Support Obligations:** Domestic support obligations include child support payments, alimony, and spousal support.

## E

**Exemptions:** A debtor may claim exemptions in some of the debtor’s holdings and possessions. This is property that a creditor cannot use to satisfy a debt under either federal or state law.

## J

**Jurisdiction:** Jurisdiction refers to a court's power to decide a case or controversy.

## L

**Lien:** A lien describes a creditor's interest in an obligor's property to ensure that the obligation secured by the lien is paid. If the obligor defaults on its obligations to the secured creditor, the creditor may sell the property and use the proceeds of the sale to pay the debt.

## M

**Motion:** To ask a federal court to make a decision on an issue, a party "moves" the court for relief by filing a motion with the Clerk's Office.

## N

**Nonexempt Property:** Property that is nonexempt includes all of the property that creditors may lawfully claim for debts owed.

## P

**Perjury:** When a party makes an oath to tell the truth in a legal proceeding and then makes a false statement, that person commits perjury. Committing perjury is a serious crime.

**Personal Liability:** Personal liability describes a financial obligation that a party owes and that may be satisfied with the party's personal assets.

## S

**Schedule:** A debtor's schedules are those documents summarizing the debtor's financial situation, including the debtor's property, claims that creditors of the debtor hold, and the debtor's income and expenses.

**Show Cause Hearing:** A show cause hearing is a hearing held specifically for a debtor to explain, that is "show cause," why a court should or should not take an action that may affect the debtor's case, rights, or property interests. You must comply with a show cause order, or you may be held in contempt of court.

**Statements:** A debtor's statements are those documents where a debtor specifies the status of their financial affairs and whether they intend to make payments to keep their property or to surrender their property.

**Statutory Provisions:** Statutory provisions are parts of a law passed by a legislative body such as Congress at the federal level or the Legislature for North Carolina.

T

**Trustee:** A trustee is an individual appointed by the Bankruptcy Administrator or the Court to administer the bankruptcy estate during a bankruptcy case.

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## CHECKLIST: BEFORE YOU FILE

- Have you completed credit counseling from an approved counselor?

A list of approved credit counseling providers for this Court is available here:

<http://www.ncmb.uscourts.gov/content/approved-credit-counseling-providers>.

If **YES**, great.

If **NO**, do you qualify for a waiver of the credit-counseling requirement?

In order to qualify, you must meet all of the requirements for a waiver in Section 109(h), which is available at the Cornell Law website here: <https://www.law.cornell.edu/uscode/text/11/109>.

- Have you filed for bankruptcy before? If so, was one or more of those previous bankruptcies pending within this past year?

Section 362 of the Bankruptcy Code describes the effect of pending bankruptcies on a new filing.

Section 362 is available at the Cornell Law website here:

<https://www.law.cornell.edu/uscode/text/11/362>. If you filed for bankruptcy before AND if one or more of your previous filings was pending in the last year, be sure to review this section before you file because the automatic stay protecting your property may not go into effect or may only last for a limited period of time unless you immediately file a motion with the Court requesting an extension of the stay or imposition of the stay, as applicable.

A video is available at the link below portraying how to seek an extension of the automatic stay. First, you must file a motion asking the Court for an extension and explaining why you need the extension. Then you will attend a hearing as depicted in the video.

**Video of a hearing on a motion to extend the automatic stay:**

<https://www.nceb.uscourts.gov/sites/ncsb/files/Pro%20Se%20Motion%20to%20Extend%20Stay%20Hearing.mp4>.

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## CHECKLIST: CHAPTER 7

Before you file your petition, make sure you have completed each of the steps or documentation listed below in the order provided. **Each document requiring a signature must be signed and the original, “wet ink” documents must be filed with the Court.** The Clerk’s Office cannot provide legal advice and cannot assist in the preparation of your petition, your schedules, or any of your documentation.

- Complete credit counseling with an approved agency. Upon completion, you should receive a certificate evidencing that such counseling was completed within 180 days prior to filing for bankruptcy.
- Filing fee paid, or application submitted to pay in installments (Official Form 103A) or to have the filing fee waived (Official Form 103B).
- Voluntary Petition (Official Form 101). Be sure that all debtors sign the petition and that all parts are completed. All signatures must be original, “wet ink” signatures. If you are filing without the assistance of an attorney, you must include your telephone number in case you need to be contacted by the court. If you are filing with the assistance of an attorney, your attorney must sign the petition as well. If you paid or agreed to pay a nonattorney to help with your bankruptcy forms, make sure to attach the Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (Form 119). When you provide your social security number, only include the last four digits of your Social Security number on the petition. The forms listed below also must be completed and submitted with your Petition.
  - Schedule A/B: Property (Official Form 106A/B).
  - Schedule C: Property Claimed as Exempt: Property Exemptions: use Local Form 91C to claim property as exempt under North Carolina law.
  - Schedule D: Creditors Holding Secured Claims (Official Form 106D).
  - Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 106E/F).
  - Schedule G: Executory Contracts & Unexpired Leases (Official Form 106G).
  - Schedule H: Your Codebtors (Official Form 106H).
  - Schedule I: Your Income (Official Form 106I).
  - Schedule J: Your Expenses (Official Form 106J).
  - Schedule J-2: Expenses for Separate Household of Debtor 2 (Official Form 106J-2): complete if applicable.
  - Summary of Your Assets & Liabilities (Official Form 106Sum).
  - Declaration About an Individual Debtor’s Schedules (Official Form 106Dec): all debtors must sign their petition.
  - Statement of Financial Affairs (Official Form 107).
  - Statement of Intention (Official Form 108): if applicable based on the directions in the Form, indicate what you intend to do with property securing loans from your creditors.

- Disclosure of Compensation of Bankruptcy Petition Preparer (Form 2800): complete this Form if you were assisted by anyone other than an attorney in the preparation of your petition.
- Attach Creditor Matrix: you must complete a list of mailing addresses for all of your creditors. For directions on how to create this matrix of your creditors, please see the end of this Guide.
- Verification of Creditor Matrix.
- Chapter 7 Statement of Currently Monthly Income (Official Form 122A-1).
- Chapter 7 Means Test Calculation (Official Form 122A-2): complete if applicable.
- Statement of Social Security Number: in this statement, you must provide your full social security number for the court. This document will be held by the Court and will not be made public.

Please know that that the Clerk's Office will send you a deficiency notice for any items not included in your Petition. It is very important that you make every effort to correct such deficiencies within the time permitted.

## CHECKLIST: CHAPTER 13

Before you file your petition, make sure you have completed each of the steps or documentation listed below in the order provided. **Each document requiring a signature must be signed and the original, “wet ink” documents must be filed with the Court.** The Clerk’s Office cannot provide legal advice and cannot assist in the preparation of your petition, your schedules, or any of your documentation.

- Complete credit counseling with an approved agency. Upon completion, you should receive a certificate evidencing that such counseling was completed within 180 days prior to filing for bankruptcy.
- Filing fee paid or application submitted to pay in installments (Official Form 103A).
- Voluntary Petition (Official Form 101). Be sure that all debtors sign the petition and that all parts are completed. All signatures must be original, “wet ink” signatures. If you are filing without the assistance of an attorney, you must include your telephone number in case you need to be contacted by the court. If you are filing with the assistance of an attorney, your attorney must sign the petition as well. If you paid or agreed to pay a nonattorney to help with your bankruptcy forms, make sure to attach the Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (Form 119). When you provide your social security number, only include the last four digits of your Social Security number on the petition. The forms listed below also must be completed and submitted with your petition.
  - Schedule A/B: Property (Official Form 106A/B).
  - Schedule C: Property Claimed as Exempt: Property Exemptions: use Local Form 91C to claim property as exempt under North Carolina law.
  - Schedule D: Creditors Holding Secured Claims (Official Form 106D).
  - Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 106E/F).
  - Schedule G: Executory Contracts & Unexpired Leases (Official Form 106G).
  - Schedule H: Your Codebtors (Official Form 106H).
  - Schedule I: Your Income (Official Form 106I).
  - Schedule J: Your Expenses (Official Form 106J).
  - Schedule J-2: Expenses for Separate Household of Debtor 2 (Official Form 106J-2): complete if applicable.
  - Summary of Your Assets & Liabilities (Official Form 106Sum).
  - Declaration About an Individual Debtor’s Schedules (Official Form 106Dec).
  - Statement of Financial Affairs (Official Form 107).
  - Disclosure of Compensation of Bankruptcy Petition Preparer (Form 2800): complete this Form if you were assisted by anyone other than an attorney in the preparation of your petition.
  - Attach Creditor Matrix: you must complete a list of mailing addresses for all of your

creditors. For directions on how to create this matrix of your creditors, please see the end of this Guide.

- Verification of Creditor Matrix.
- Chapter 13 Statement of Currently Monthly Income & Calculation of Your Commitment Period (Official Form 122C-1).
- Chapter 13 Calculation of Your Disposable Income (Official Form 122C-2): complete if applicable.
- Statement of Social Security Number: in this statement, you must provide your full social security number for the court. This document will be held by the Court and will not be made public.
- Chapter 13 Notice to Creditors and Proposed Plan.

Please know that that the Clerk's Office will send you a deficiency notice for any items not included in your Petition. It is very important that you make every effort to correct such deficiencies within the time permitted.

# ACCELERATED CHECKLIST

If in an emergency, a petition may be filed on an accelerated basis. The following steps and forms are required in order for the accelerated petition to be acceptable for filing. **Each document requiring a signature must be signed and the original, “wet ink” documents must be filed with the Court.** The Clerk’s Office cannot provide legal advice and cannot assist in the preparation of your petition, your schedules, or any of your documentation.

- Complete credit counseling with an approved agency. Upon completion, you should receive a certificate evidencing that such counseling was completed within 180 days prior to filing for bankruptcy.
- Filing fee paid, or application submitted to pay in installments (Official Form 103A) or to have the filing fee waived (chapter 7 only, Official Form 103B).
- Voluntary Petition (Official Form 101). Be sure that all debtors sign the petition and that all parts are completed. All signatures must be original, “wet ink” signatures. If you are filing without the assistance of an attorney, you must include your telephone number in case you need to be contacted by the court. If you are filing with the assistance of an attorney, your attorney must sign the petition as well. If you paid or agreed to pay a nonattorney to help with your bankruptcy forms, make sure to attach the Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (Form 119). When you provide your social security number, only include the last four digits of your Social Security number on the petition. The forms listed below also must be completed and submitted with your petition.
  - Attach Creditor Matrix: you must complete a list of mailing addresses for all of your creditors. For directions on how to create this matrix of your creditors, please see the end of this Guide.
  - Verification of Creditor Matrix.
- Statement of Social Security Number: in this statement, you must provide your full social security number for the court. This document will be held by the Court and will not be made public.

Once you file your petition, the Clerk’s Office will mail you a deficiency notice. The purpose of this notice is to inform you that your schedules and statements are due within fourteen days of the date your Petition was filed. These schedules and statements are listed above under the checklists for each available chapter. Any time the Clerk’s Office sends you a deficiency notice, it is very important that you make every effort to correct the deficiencies described within the time permitted.

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# CREATING A CREDITOR MATRIX

Your creditor matrix is a typed list of the names and addresses of your creditors organized in a single column.

- Please prepare your matrix on plain white 8 ½ X 11 unruled or unblocked paper. The paper should be completely clean; do not use paper that contains extra information, such as found in a letterhead, or marks or stains. The only writing on the matrix should be the typed names and addresses of your creditors.
- Set the margins of your paper to be no smaller than 1 ½ inches from the edge of your paper.
- Select a font that is readable. Twelve (12) pitch Times New Roman and Courier New fonts create good print quality that allow the electronic system used by the Court to accurately read your creditor matrix.
- List your creditors in alphabetical order and please follow the guidelines below.
  - The maximum number of lines per address is four and the maximum number of characters per line is 35.
  - Type in upper and lower case as you would in a letter.
  - If applicable, the attention line should be the second line of the address.
  - Names should be first name <space> last name.
  - Be sure that you do not use any of these symbols in names or addresses:
    - Ampersand (&). Type the word “and” instead;
    - Percent (%). If used to signify “care of” in a creditor’s address, type “c/o” instead;
    - Lower case “L” to signify the numeral one (1); and
    - Upper or lower case letter “o” to signify the numeral zero (0).
  - States should be abbreviated using two capital letters without periods or other punctuation.
  - A comma must appear between the city and the state.
  - The last line of the matrix must be the city, state, and zip code.
  - The zip code must be typed on the last line of each address. If a creditor’s address only includes a five-digit zip code, please do not add any additional numbers. If a creditor’s address requires a longer zip code, please separate the two groups of digits in the zip code with a dash, not a space.
  - Leave at least one blank line between each address.
- Please make every effort to obtain a complete address for each creditor.
- Use good letter quality print for the matrix. LaserJet or InkJet printers provide better quality print than dot matrix printers.
- Please provide the original paper matrix. Photocopies, which are of lower quality, are not readable by the scanner.

## Creditor Matrix Example

123, Incorporated  
PO Box 123  
City, NC 00000

Mr. and Mrs. Carolina  
1111 Carolina Avenue  
City, NC 00000

Business Company  
1992 Inc. Street  
City, NC 00000

Finance Company  
PO Box 123456  
City, NC 00000

Mr. and Mrs. Landlord  
879 Rent Avenue  
City, NC 00000

M and M Business Company  
1212 Candy Lane  
City, NC 00000

Paper Business  
213 Pulp Mill  
Road City, NC 00000