

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

M E M O R A N D U M

TO: ATTORNEY FOR DEBTOR

FROM: OFFICE OF THE CLERK

RE: CONVERSION OF CHAPTER 13 TO CHAPTER 7

The following items **must** be filed in order to convert a case from Chapter 13 to Chapter 7:

1. Original Notice of Conversion, signed by the debtor(s). The signature of the attorney for the debtor is also required. *If the attorney filing the conversion is different than the original attorney of record, a Motion and Order to Substitute Counsel must accompany the Notice of Conversion.* The case number remains the same after conversion unless there is a deconsolidation. If there is a deconsolidation, a fee in the amount of the current filing fee is required. Currently, the deconsolidation fee is \$313.00.
2. filing fee of \$25.00 for conversion of case.
3. The Schedule of Additional Creditors, listing any indebtedness incurred between the date of filing of the Chapter 13 case and the date of conversion or any indebtedness not included under the Chapter 13. (If there are no additional creditors, please state "NONE" on the Schedule of Additional Creditors form.
4. If there are more than five (5) creditors are being added, a matrix containing **ONLY the additional creditors** with complete addresses is to be submitted. **Do not** submit a matrix for the entire list of creditors.

The Clerks Office is able to obtain a matrix of the creditors for the case which are in the Chapter 13 Trustee's records at the time of conversion. Therefore, only creditors not included under the Chapter 13 Plan should be listed on the matrix and Schedule of Additional Creditors.

AN ORIGINAL OF THE FOLLOWING ITEMS TO BE FILED WITH THE NOTICE OF CONVERSION OR WITHIN 15 DAYS THEREAFTER:

1. Attorney's Disclosure of Compensation Statement (form attached).
2. Statement of Intention. Form must be filed no later than thirty (30) days from conversion or by the Section 341 Creditors Meeting date, whichever is earlier (form attached).
3. Debtor's Property Exemption form (Form 91-C) Note: A separate form is required for each debtor - **ONLY REQUIRED IF NOT FILED WITH THE CHAPTER 13 PETITION.** Appropriate form is available on the Court's website.

attachments: Notice of Conversion
Memorandum Re: Schedule of Additional Creditors
Schedule of Additional Creditors
Disclosure of Compensation
Statement of Intention

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF:)
)
)
)
)
)
)
Debtor(s))

**NOTICE OF CONVERSION
FROM CHAPTER 13 TO CHAPTER 7**

TAKE NOTICE THAT pursuant to Section 1307(a) and Bankruptcy Rule 1017(f)(3), the undersigned debtor(s) hereby files this Notice of Conversion to Chapter 7 and provides the following information:

1. On _____, the above named debtor(s) filed a Petition under Chapter 13 of the Bankruptcy Code.

2. (Check appropriate boxes)
 - A. Debtor(s) Plan was confirmed Yes No
 - B. Debtor(s) was present at first Creditors Meeting Yes No
 - C. Debtor(s) owns real estate Yes No

3. Debtor(s) is represented by an attorney in this conversion Yes No

The Debtor(s) present mailing address is:

Respectfully submitted:

*Attorney's signature as well as petitioner(s) is required where attorney is handling conversion

Debtor

Debtor

Attorney of Record*

Date: _____

State Bar No.: _____

Attorney's Name & Address

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

M E M O R A N D U M

TO: Attorney for Debtor

FROM: Clerk, U. S. Bankruptcy Court

RE: Debtor's Schedule of Additional Creditors

If your client filed Chapter 13 and is now converting the case to Chapter 7, it is possible that debts were incurred that may need to be included under the Chapter 7. If debts were incurred, the names, addresses and amounts owed to these creditors must be filed with the Court in order for the debtor to be discharged of these debts.

Please complete the *Schedule of Additional Creditors* form, listing the creditors' complete names and addresses and the amounts owed for any indebtedness. This list should only include the debts incurred between the date the debtor's Chapter 13 case was filed and the date the case was converted to Chapter 7 liquidation *or* any debts not included in the records maintained by the Chapter 13 Trustee's office. This information should be typed or printed legibly.

If there are more than five creditors being added, please attach a matrix with the *Schedule of Additional Creditors*. The matrix submitted with a conversion should contain **ONLY the additional creditors** - not an entire matrix of all creditors.

The *Notice of Conversion and the Schedule of Additional Creditors* along with matrix, if needed, are to be completed and filed with the Court.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In re: _____)
 _____)
 _____) **Case No.:** _____)
Debtor(s) _____)

SCHEDULE OF ADDITIONAL CREDITORS

The following debts were incurred by the debtor(s) between the date of filing of the Chapter 13 case and the date of conversion or were not included in the list of creditors maintained by the Chapter 13 Office:

<u>NAME & ADDRESS OF CREDITOR</u>	<u>AMOUNT</u>	<u>INDEBTEDNESS SECURED BY</u>
(1) _____ _____	_____	_____
(2) _____ _____	_____	_____
(3) _____ _____	_____	_____
(4) _____ _____	_____	_____
(5) _____ _____	_____	_____
(6) _____ _____	_____	_____
(7) _____ _____	_____	_____

Date: _____

Signed: _____
Debtor

Signed: _____
Debtor

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In re:

Case No.: _____

**Disclosure of Compensation Paid or Promised to Attorney
for Debtor(s) for Conversion from Chapter 13 to Chapter 7**

Attorney's Name: (Please Print) _____

1. **Amount of compensation paid for services rendered or to be rendered for the conversion of this case to Chapter 7:**

\$ _____

2. **Amount of additional compensation promised, but not yet paid, for services rendered or to be rendered in connection with this conversion:**

\$ _____

3. **Source of compensation paid or promised:**

4. **Particulars for the sharing or agreement to share compensation.**

5. **Amount of compensation paid to debtor(s) attorney for representation in the Chapter 13 case: (if you were not the attorney who filed the original Chapter 13 petition for debtor(s), please so state.)**

\$ _____

6. **Total attorney's fee charged and paid for representation in Chapter 13 case and conversion to Chapter 7.**

\$ _____

Date: _____

**Attorney for Petitioner(s)
(Signature)**

United States Bankruptcy Court

District Of _____

In re _____,
Debtor

Case No. _____
Chapter 7

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

- I have filed a schedule of assets and liabilities which includes debts secured by property of the estate.
- I have filed a schedule of executory contracts and unexpired leases which includes personal property subject to an unexpired lease.
- I intend to do the following with respect to the property of the estate which secures those debts or is subject to a lease:

Description of Secured Property	Creditor's Name	Property will be Surrendered	Property is claimed as exempt	Property will be redeemed pursuant to 11 U.S.C. § 722	Debt will be reaffirmed pursuant to 11 U.S.C. § 524(c)

Description of Leased Property	Lessor's Name	Lease will be assumed pursuant to 11 U.S.C. § 362(h)(1)(A)

Date: _____

Signature of Debtor

DECLARATION OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security No. (Required under 11 U.S.C. § 110.)

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person or partner who signs this document.

Address

X _____
Signature of Bankruptcy Petition Preparer

Date

Names and Social Security Numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.