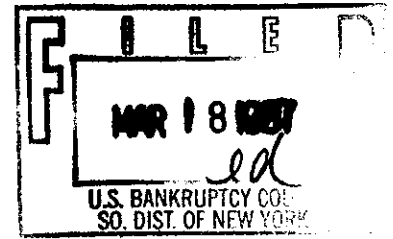


M-13

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK




-----x  
In the Matter :  
of :  
LOCAL CHAPTER 12 BANKRUPTCY :  
RULES :  
-----x

The Bankruptcy Judges having considered the report of the Advisory Committee on Bankruptcy Rules (the "Committee"), and it appearing that the Proposed Chapter 12 Bankruptcy Rules submitted by the Committee are acceptable to the Bankruptcy Judges of this District and that pursuant to Bankruptcy Rule 9029 they should be adopted as a supplement to the Local Bankruptcy Rules presently in effect in this District,

NOW, it is

ORDERED, that the annexed Chapter 12 Bankruptcy Rules be, and the same are hereby adopted as a supplement to the Local Bankruptcy Rules for the Southern District of New York, effective March 18, 1987.

DATED: New York, New York  
March 18, 1987

  
Burton R. Lifland  
Chief Bankruptcy Judge

**Rule 12-1. General Applicability of Bankruptcy Rules**

1. The Bankruptcy Rules and Forms, now in effect or as
2. later amended, as supplemented by these rules govern
3. procedure in cases under chapter 12 of title 11 of the United
4. States Code.

NOTE

Section 305(b) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986, Pub. L. No. 99-554, 100 Stat. 3088, provides that the Bankruptcy Rules in effect on the day of enactment shall apply to chapter 12 family farmer's debt adjustment cases "to the extent practicable and not inconsistent" with chapter 12. Amendments to the Bankruptcy Rules are currently under consideration by the Supreme Court. This rule provides that if the proposed amendments become effective, the rules as amended will apply to chapter 12 cases.

**Rule 12-2. Adaptations of Certain Bankruptcy Rules**

1. (1) The reference in Rule 1002(b)(1) to chapter 13
2. shall be read also as a reference to chapter 12.
3. (2) The reference in Rule 1007(a)(1) to a Chapter 13
4. Statement shall be read also as a reference to a Chapter 12
5. Statement, and the references in Rule 1007(c) and (h) to a
6. Chapter 13 case and a chapter 13 individual's debt
7. adjustment case shall be read also as references to a
8. chapter 12 case and a chapter 12 family farmer's debt

9. adjustment case.

10. (3) The reference in Rule 1008 to Chapter 13  
11. Statements shall be read also as a reference to Chapter 12  
12. Statements.

13. (4) The references in Rule 1009 to a Chapter 13  
14. Statement shall be read also as references to a Chapter 12  
15. Statement,

16. (5) The references in Rule 1016 to an individual's  
17. debt adjustment case under chapter 13 shall be read also as  
18. references to a family farmer's debt adjustment case under  
19. chapter 12.

20. (6) The reference in Rule 1017(a) to § 1307(b) of the  
21. Code shall be read also as a reference to § 1208(b) of the  
22. Code.

23. (7) The references in Rule 1019 to a chapter 13 case  
24. shall be read also as references to a chapter 12 case.

25. (8) The reference in Rule 2004(b) to an individual's  
26. debt adjustment case under chapter 13 shall be read also as  
27. a reference to a family farmer's debt adjustment case under  
28. chapter 12.

29. (9) The references in Rule 2009(c)(3) to chapter 13  
30. individual's debt adjustment cases and chapter 13 cases  
31. shall be read also as references to chapter 12 family  
32. farmer's debt adjustment cases and chapter 12 cases.

33. (10) The references in Rule 2015(b)(1) to chapter 13  
34. trustee and debtor and chapter 13 individual's debt  
35. adjustment case shall be read also as references to chapter  
36. 12 trustee and debtor and chapter 12 individual's debt  
37. adjustment case.

38. (11) The reference in Rule 2018(b) to a chapter 13  
39. case shall be read also as a reference to a chapter 12  
40. case.

41. (12) The reference in Rule 3002(c) to a chapter 13  
42. individual's debt adjustment case shall be read also as a  
43. reference to a chapter 12 family farmer's debt adjustment  
44. case.

45. (13) The references in the captions of Rule 3010 and  
46. Rule 3010(b) to Chapter 13 Individual's Debt Adjustment Cases  
47. and CHAPTER 13 CASES shall be read also as references to  
48. Chapter 12 Family Farmer's Debt Adjustment Cases and CHAPTER  
49. 12 CASES.

50. (14) The reference in the caption to Rule 3011 to  
51. Chapter 13 Individual's Debt Adjustment Cases shall be read  
52. also as a reference to Chapter 12 Family Farmer's Debt  
53. Adjustment Cases.

54. (15) The reference in Rule 3013 to § 1322(b)(1) of the  
55. Code shall be read also as a reference to § 1222(b)(1) of the  
56. Code.

57. (16) The reference in the caption of Rule 4007(c) to  
58. CHAPTER 11 REORGANIZATION CASES shall be read also as a  
59. reference to CHAPTER 12 FAMILY FARMER'S DEBT ADJUSTMENT CASES.

60. (17) The reference in Rule 6006(b) to a chapter 13  
61. individual's debt adjustment case shall be read also as a  
62. reference to a chapter 12 family farmer's debt adjustment  
63. case.

64. (18) The references in Rule 7001(5) and (8) to a  
65. chapter 13 plan shall be read also as references to a  
66. chapter 12 plan.

67. (19) The reference in Rule 7062 to § 1301 of the Code  
68. shall be read also as a reference to § 1201 of the Code.

69. (20) The reference in Rule 9011(a) to a Chapter 13  
70. Statement shall be read also as a reference to a Chapter 12  
71. Statement.

72. (21) The reference in Rule 9024 to § 1330 of the Code  
73. shall be read also as a reference to § 1230 of the Code.

74. (22) The reference in Rule X-1002(a)(1) to a Chapter 13  
75. Statement shall be read also as a reference to a Chapter 12  
76. Statement.

77. (23) The references in Rule X-1005(a)(3) to Chapter 13  
78. Individual's Debt Adjustment Cases and chapter 13 cases  
79. shall be read also as references to Chapter 12 Family  
80. Farmer's Debt Adjustment Cases and chapter 12 cases.

81. (24) The reference in Rule X-1007(b) to a chapter 13  
82. individual's debt adjustment case shall be read also as a  
83. reference to a a chapter 12 family farmer's debt adjustment  
84. case.

85. (25) Rule X-1008(a)(1) shall be read to include a  
86. reference to Rule 12-4.

#### NOTE

Many of the Bankruptcy Rules apply to cases under all chapters of the Code. Others apply only to specified chapters. Since the procedural aspects of chapters 12 and 13 are almost identical, the Bankruptcy Rules applicable to chapter 13 cases are appropriate for use in chapter 12 cases, and pursuant to § 305(b) of the 1986 Act, these rules are applicable to chapter 12 cases.

This rule provides that references in certain Bankruptcy Rules to chapter 13 or an aspect of a chapter 13 case shall be read to include a comparable reference to chapter 12 or an aspect of a chapter 12 case. Rule 1007(b) is omitted because Rule 12-3 covers the subject of filing schedules and statements.

Paragraph (16) makes Rule 4007(c), which fixes the time for filing a complaint under § 523(c) to determine the dischargeability of certain debts at 60 days from the first date set for the meeting of creditors, applicable in chapter 12 cases. Rule 4007(c) does not apply to chapter 13 cases because the § 523(c) debts are discharged pursuant to § 1328(a). Under § 1228(a) the chapter 12 discharge does not discharge the § 523(c) debts.

Rule 12-4 governs the filing and confirmation of a chapter 12 plan. Rule X-1008(a) requires that the United States trustee receive notice of and pleadings relating to important aspects of the case. Paragraph (25), in effect, expands Rule X-1008(a) to include the chapter 12 plan and confirmation matters.

**Rule 12-3 Schedules and Statements Required**

1. Unless the court orders otherwise, the debtor shall file
2. with the court a Chapter 12 Statement conforming to
3. Form No. 12-A or 12-B, whichever is appropriate, and a
4. statement of financial affairs prepared as prescribed by
5. Official Form No. 8. The budget included in the Chapter 12
6. Statement shall constitute the schedule of current income and
7. expenditures.

**NOTE**

This rule is derived from Bankruptcy Rule 1007(b). Under § 109(f) of the Code, a chapter 12 debtor must have regular annual income. A plan may be confirmed over an objection only if the plan commits the debtor's projected disposable income for three years to payments under the plan. § 1225(b)(1)(B). The Chapter 12 Statement (Form No. 12-A or 12-B) required by this rule contains essential information for determining eligibility for commencing a chapter 12 case and the amount of the debtor's disposable income.

The time for the filing of the Chapter 12 Statement is prescribed by Bankruptcy Rule 1007(c). Rule 12-2(2).

**Rule 12-4. Filing and Confirmation of Plan**

1. (a) TIME FOR FILING. The debtor may file a chapter 12  
2. plan with the petition. If a plan is not filed with the  
3. petition, it shall be filed within 90 days thereafter unless  
4. the court pursuant to § 1221 of the Code extends the time for  
5. filing the plan. If required by the court, the debtor shall  
6. furnish a sufficient number of copies of the plan, or any  
7. court approved summary of the plan, to enable the clerk to  
8. include a copy of the plan or summary with the notice of the  
9. hearing on confirmation of the plan.

10. (b) OBJECTIONS. Objections to confirmation of the  
11. plan shall be filed with the court and served on the debtor,  
12. the trustee, and on any other entity designated by the court,  
13. within a time fixed by the court. An objection to  
14. confirmation is governed by Bankruptcy Rule 9014.

15. (c) HEARING. After notice as provided in subdivision  
16. (d) of this rule, the court shall conduct and conclude a  
17. hearing within the time prescribed by § 1224 of the Code and  
18. rule on confirmation of the plan. If no objection is timely  
19. filed, the court may determine that the plan has been proposed  
20. in good faith and not by any means forbidden by law without  
21. receiving evidence on those issues.

22. (d) NOTICE. The clerk, or some other person as the  
23. court may direct, shall give the debtor, the trustee, all  
24. creditors, and all equity security holders notice by mail of  
25. the time fixed for filing objections to and the hearing to



26. consider confirmation of the plan. Unless the court fixes a  
27. shorter period, notice of the hearing shall be given not less  
28. than 15 days before the hearing. A copy of the plan or a  
29. court approved summary of the plan shall accompany the  
30. notice.

31. (e) ORDER OF CONFIRMATION. The order of confirmation  
32. shall conform to Official Form No. 31 and notice of entry  
33. thereof shall be mailed promptly by the clerk, or some other  
34. person as the court may direct, to the debtor, the trustee,  
35. all creditors, all equity security holders, and other parties  
36. in interest.

37. (f) RETAINED POWER. Notwithstanding the entry of  
38. the order of confirmation, the court may enter all orders  
39. necessary to administer the estate.

#### NOTE

Section 1221 of the Code requires that the plan be filed within 90 days of the order for relief. The date of the order for relief is the date of the filing of the chapter 12 petition. See § 301 of the Code. Involuntary petitions are not permitted under chapter 12. Section 1224 requires that the confirmation hearing be held after "expedited notice." The confirmation hearing must be concluded within 45 days after the plan is filed unless the court extends the period for cause. This rule is derived from Bankruptcy Rules 3015 and 3020 and supplements the statutory requirements.

Subdivision (a) is derived from Bankruptcy Rule 3015. An extension of the time for the filing of a plan may be granted pursuant to § 1221 if the court finds "an extension is substantially justified." A summary of the plan may not be distributed unless approved by the court.

Subdivision (b) is derived from Bankruptcy Rule 3020(b)(1). Notice of the time for filing objections shall be included in the notice given pursuant to subdivision (d) of this rule.

Subdivision (c) is derived from Bankruptcy Rule 3020(b)(2). Section 1224 requires that the confirmation hearing be concluded within 45 days unless the court grants an extension for cause.

Subdivision (d). Section 1224 requires that there be "expedited notice" of the confirmation hearing. This rule establishes 15 days as the notice period. The court may shorten this time on its own motion or on motion of a party in interest. The coordination of the hearing date and the date for filing objections is determined by the court. The notice should include both dates and be accompanied by a copy of the plan or a court approved summary of the plan.

Subdivisions (e) and (f) are derived from Bankruptcy Rule 3020(c) and (d).

Form No. 12-A--Chapter 12 Statement of Individual Debtor

[Caption as in Official Form No. 1]

Chapter 12 Statement  
of Individual Debtor

[Each applicable question shall be answered or the failure to answer explained. If the answer is "none" or "not applicable," so state. If additional space is needed for the answer to any question, a separate sheet, properly identified and made a part hereof, should be used and attached.]

The term "original petition," used in the following questions, shall mean the original petition filed under § 301 of the Code or, if the chapter 12 case was converted from another chapter of the Code, shall mean the petition by or against you which originated the first case.

Individual debtors must complete all questions. This form should be completed whether a married individual or a married individual and a spouse filed the petition. For convenience, the word "debtors" is used to refer to a married individual and spouse who have filed a chapter 12 petition. If such debtors' answers to any question are different, their respective answer shall be separately designated as the answer of the husband and the answer of the wife.]

1. Filing Status. (Check appropriate status.)
- Unmarried individual \_\_\_\_\_
- Married individual and spouse are debtors \_\_\_\_\_
- Married individual is the sole debtor \_\_\_\_\_

2. Name and residence.

a. Full name

Debtor or debtors.....

.....

Spouse who is not a debtor.....

.....

b. Residence of the debtor or debtors

(1) Mailing address of debtor or debtors.....

.....

City or town, state and zip code.

(2) Mailing address of spouse who is not a debtor

.....

City or town, state and zip code.

(3) Telephone number including area code

Debtor or debtors.....

.....

Spouse who is not a debtor.....

.....

3. Summary of debt.

Give amounts as of the date of the filing of the petition.

a. Noncontingent, liquidated debt.

- (1) Amount of noncontingent, liquidated debt from farming operations. \$.....
- (2) Amount of noncontingent, liquidated non-farm debt \$.....
- (3) Total noncontingent, liquidated debt \$.....

b. Contingent or unliquidated debt.

- (1) Amount of contingent or unliquidated debt from farming operations \$.....
- (2) Amount of contingent or unliquidated non-farm debt \$.....
- (3) Total contingent or unliquidated debt \$.....

c. Principal Residence.

Amount of non-farm debt that is secured by the principal residence of the debtor or debtors \$.....

4. Summary of income from last tax year.

a. Debtor or debtors' last tax year before the current tax year was calendar year 19\_\_.

b. Debtor or debtors' gross income for the last tax year before the current tax year \$.....

c. Amount of debtor or debtors' gross income  
for last tax year before the current tax year  
from farming operations \$.....

5. Nature of farming operations. (Place an "X" on the  
appropriate line to identify each type of farming operation in  
which the debtor or debtors are engaged and supply the other  
information requested below.)

a. Crops \_\_\_\_\_

Kind(s).....

Acres owned.....leased.....

b. Dairy operations \_\_\_\_\_

Acres owned.....leased.....

c. Ranching \_\_\_\_\_

Kind(s).....

Acres owned.....leased.....

d. Poultry \_\_\_\_\_

Kind(s).....

Acres owned.....leased.....

e. Livestock \_\_\_\_\_

Kind(s).....

Acres owned.....leased.....

f. Production of poultry products \_\_\_\_\_

Kind(s).....

g. Production of livestock products \_\_\_\_\_

Kind(s).....

6. Non-farming activities.

- a. If a debtor or debtors are self employed in other than farming operations, state the nature thereof  
.....  
.....
- b. If a debtor or debtors are employed by others in either farming operations or non-farming activity, state the nature thereof.....  
.....
- c. If a spouse who is not a debtor is either self employed in other than farming operations or employed by others in either farming operations or non-farming activity, state the nature thereof. ....
- d. Give the name, address, and telephone number of each present employer of the debtor or debtors.  
.....
- e. Give the name, address, and telephone number of each present employer of a spouse who is not a debtor.  
.....
- f. State how long the debtor or debtors have been employed by each present employer. ....
- g. How long has the spouse who is not a debtor been employed by each present employer? .....

7. Budget.

a. Current income.

(1) Estimated gross income from farming operations for the next twelve months. (Include all government program payments.) \$ ....

(2) Income from non-farming activities:

Give estimated average monthly income of debtor and spouse, consisting of:

	<u>Debtor</u>	<u>Spouse</u>
(A) Gross pay from employer (wages, salary, or commissions)	\$ ....	\$ ....
(B) Take-home pay from employer (Gross pay less all deductions)	\$ ....	\$ ....
(C) Regular income available from self employment not included in item 7a(1)	\$ ....	\$ ....
(D) Other income:		
Interest and dividends	\$ ....	\$ ....
From real estate or personal property	\$ ....	\$ ....
Social security	\$ ....	\$ ....
Pension or other retirement income	\$ ....	\$ ....
Other ( <u>specify</u> ) .....	\$ ....	\$ ....



(E) Alimony, maintenance, or support payments:

Payable to the debtor

for the debtor's use \$ .... \$ ....

Payable to the debtor

for support of another

(Attach additional sheet

listing the name, age,

and relationship to the

debtor of persons for

whose benefit payments

are made) \$ .... \$ ....

(F) Total estimated average monthly income from non-farming activities \$ .... \$ ....

If you anticipate receiving additional income on other than a monthly basis in the next year (such as an income tax refund) attach an additional sheet of paper and explain.

If you anticipate a substantial change in your income in the immediate future, attach an additional sheet of paper and explain.

(4) Total estimated income for next twelve months (twelve times total estimated average monthly income from non-farming activities (item

7a(2)(F)) with any adjustment for a  
substantial change in such income plus  
income from farming operations (item 7a(1)). \$ ....

b. Current expenses related to farming operations.

(1) Real Property expenses. (Include expenses  
of the home of the debtor if the home is  
located on the debtor's property used  
in farming operations.)  
 Give estimated current monthly expenditures  
 consisting of:

(A) Mortgage payment(s)	\$ ....
(B) Rental or lease payment(s)	\$ ....
(C) Real estate taxes	\$ ....
(D) Repairs & upkeep	\$ ....
Total real property expenses	\$ ....

(2) Other expenses.

Give estimated current monthly expenditures for  
 the debtor or debtors consisting of:

(A) Installment or lease payments on  
equipment

Specify .....	\$ ....
.....	\$ ....
.....	\$ ....
.....	\$ ....

Total Monthly installment or  
 lease payments on equipment \$ ....

(B) Maintenance of equipment		
Service contracts	\$	....
Other ( <u>specify</u> )		
.....	\$	....
.....	\$	....
Total maintenance of equipment		\$ ....
(C) Utilities:		
Electricity	\$	....
Fuel	\$	....
Water	\$	....
Telephone (business use)	\$	....
Total utilities		\$ ....
(D) Production expenses:		
Labor (gross)	\$	....
Seed	\$	....
Fertilizer	\$	....
Feed	\$	....
Pesticides	\$	....
Veterinary, etc.	\$	....
Other ( <u>specify</u> )		
.....	\$	....
.....	\$	....
.....	\$	....
Total production expenses		\$ ....

(E) Miscellaneous expenses

Give any expenses of farming operation not reflected above.

- (i) ..... \$ ....
- (ii) ..... \$ ....
- (iii) ..... \$ ....

Total miscellaneous expenses \$ ....

(3) Total estimated monthly expenses \$ ....

(4) Total current yearly expenses related to farming operations (twelve times total estimated monthly expenses (item 7c(3))) \$ ....

c. Current expenses not related to farming operations.

Give estimated average current monthly expenditures for the individual debtor or debtors, consisting of:

- (1) Home expenses. (Complete this item c(1) only if the home is located on property not used in farming operations)

- (A) Rent or home loan payment (including any assessment or maintenance fee) \$ ....
- (B) Real estate taxes \$ ....

(C) Utilities:

Electricity	\$ ....	
Gas	\$ ....	
Water	\$ ....	
Telephone (personal use)	\$ ....	
Other (specify)	\$ ....	
Total utilities		\$ ....

(D) Home maintenance (repairs and upkeep) \$ ....

(E) Total of all home expenses \$ ....

(2) Other expenses not related to farming activities.

(A) Taxes (not deducted from wages or included in home loan payment or included in real estate taxes) \$ ....

(B) Alimony, maintenance, or support payments (attach additional sheet listing name, age, and relationship of beneficiaries) \$ ....

(C) Insurance (not deducted from wages)

Life	\$ ....	
Health	\$ ....	
Auto	\$ ....	
Homeowner's or Renter's	\$ ....	
Other ( <u>specify</u> )		
.....	\$ ....	

Total insurance expenses \$ ....

(D) Installment payments:		
Auto		\$ ....
Other ( <u>specify</u> )		
.....		\$ ....
.....		\$ ....
Total installment payments		\$ ....
(E) Transportation ( <u>not including</u>		
<u>auto payments</u> )		\$ ....
(F) Education ( <u>including tuition and</u>		
<u>school books</u> )		\$ ....
(G) Food		\$ ....
(H) Clothing		\$ ....
(I) Medical, dental, and medicines		\$ ....
(J) Telephone		\$ ....
(K) Laundry and cleaning		\$ ....
(L) Newspapers, periodicals and books		\$ ....
(M) Recreation, clubs and entertainment		\$ ....
(N) Charitable contributions		\$ ....
(O) Other expenses ( <u>specify</u> )		
.....		\$ ....
.....		<u>\$ ....</u>
(P) Total of other expenses related to		
non-farming activities		\$ ....

If you anticipate a substantial change in your expenses in the immediate future, attach additional sheet of paper and explain.

(3) Total expenses for next twelve months related to the debtor's non-farming activities (twelve times the total estimated current monthly expenses (item 7c(1)(E) plus item 7c(2)(P) with an adjustment for any substantial change) \$ ....

d. Summary of budget information.

(A) Total income for next twelve months (item 7a(4)) \$ ....

(B) Total estimated expenses for next twelve months (item 7b(4) plus 7c(3)). (\$ ....)

Available income ((A) minus (B)) \$ ....

8. Dependents.

The debtor supports the following dependents (other than the debtor's spouse):

<u>Name</u>	<u>Age</u>	<u>Relationship to Debtor</u>
.....	...	.....
.....	...	.....
.....	...	.....
.....	...	.....

9. Payment of Attorney

a. How much have you agreed to pay or what property have you agreed to transfer to your attorney in connection with the case? \$ ....

b. How much have you paid or what have you transferred to the attorney? \$ ....

10. Tax refunds and government program payments. (To be answered by debtor or debtors and, unless spouses are separated, by a spouse who is not a debtor.)

To what tax refunds (income or other) and government program payments, if any, is either of you, or may either of you be, entitled? (Give particulars, including information as to any refunds payable jointly to you and any other person. All such refunds should also be listed in Item 18(b).)

.....  
.....

11. Financial accounts, certificates of deposit and safe deposit boxes. (To be answered by debtor or debtors and, unless spouses are separated, by a spouse who is not a debtor.)

a. Does either of you currently have any accounts or certificates of deposit or shares in banks, savings and loan, thrift, building and loan and homestead associations, credit unions, brokerage houses, pension funds and the



like? (If so, give name and address of each institution, number and nature of account, current balance, and name and address of every other person authorized to make withdrawals from the account. Such accounts should also be listed in Item 18(b).)

.....  
.....

b. Does either of you currently keep any safe deposit boxes or other depositories? (If so, give name and address of bank or other depository, name and address of every other person who has a right of access thereto, and a brief description of the contents thereof, which should also be listed in Item 18(b).)

.....  
.....

12. Prior Bankruptcy.

What cases under the Bankruptcy Act or Bankruptcy Code have previously been brought by or against you or either spouse filing a petition? (State the location of the bankruptcy court, the nature and number of each case, the date when it was filed, and whether a discharge was granted or denied, the case was dismissed, or a composition, arrangement, or plan was confirmed.)

.....  
.....

13. Foreclosures, executions, and attachments. (To be answered by debtor or debtors and, unless spouses are separated, by a spouse who is not a debtor.)

a. Is any of the property of either of you, including real estate, involved in a foreclosure proceeding, in or out of court? (If so, identify the property and the person foreclosing.)

.....  
.....

b. Has any property or income of either of you been attached, garnished, or seized under any legal or equitable process within the 90 days immediately preceding the filing of the original petition herein? (If so, describe the property seized, or person garnished, and who filed the law suit.)

.....  
.....

14. Repossessions and returns. (To be answered by debtor or debtors and, unless spouses are separated, by a spouse who is not a debtor.)

Has any property of either of you been returned to, repossessed, or seized by the seller or by any other party, including a landlord, during the 90 days immediately preceding the filing of the original petition herein? (If so, give

particulars, including the name and address of the party taking the property and its description and value.)

.....  
.....

15. Transfers of Property. (To be answered by debtor or debtors and, unless spouses are separated, by a spouse who is not a debtor.)

a. Has either of you made any gifts, other than ordinary and usual presents to family members and charitable donations, during the year immediately preceding the filing of the original petition herein? (If so, give names and addresses of donees and dates, description and value of gifts.)

.....  
.....

b. Has either of you made any other transfer, absolute or for the purpose of security, or any other disposition, of real or personal property during the year immediately preceding the filing of the original petition herein? (Give a description of the property, the date of the transfer or disposition, to whom transferred or how disposed of, and, if the transferee is a relative or insider, the relationship, the consideration, if any, received therefor, and the disposition of such consideration.)

.....  
.....

16. Debts. (To be answered by debtor or debtors and by a spouse who is not a debtor.)

a. Debts Having Priority.

---

(1)	(2)	(3)	(4)	(5)
<u>Nature of claim</u>	<u>Name of creditor and complete mailing address including zip code</u>	<u>Specify when claim was incurred and the consideration therefor: whether claim is subject to setoff, evidenced by a judgment, negotiable instrument, or other writing</u>	<u>Indicate if claim is contingent unliquidated, or disputed</u>	<u>Amount of claim</u>

---

1. Wages, salary, and commissions, including vacation, severance and sick leave pay owing to employees not exceeding \$2,000 to each, earned within 90 days before filing of petition or cessation of business (if earlier specify date). \$ ....

2. Contributions to employee benefit plans for services rendered within 180 days before filing of petition or cessation of business (if earlier specify date). \$ ....

3. Deposits by individuals, not exceeding \$900 for each purchase, lease, or rental of property or services for personal, family, or household use that were not delivered or provided. \$ ....

4. Taxes owing [itemize by type of tax and taxing authority]

(A) To the United States	\$ ....
(B) To any state	\$ ....
(C) To any other taxing authority	<u>\$ ....</u>
Total	\$ ....

b. Secured Debts. List all debts which are or may be secured by real or personal property. (Indicate in the next to last column, if debt payable in installments, the amount of each installment, the installment period (monthly, weekly, or otherwise) and number of installments in arrears, if any. Indicate in last column whether husband or wife solely liable, or whether you are jointly liable.)

Creditor's name, account number and complete mailing address including zip code	Consideration or basis for debt	Amount claimed by creditor	If disputed, amount ad- mitted by debtor	Description of collateral [include year and make of automobile]	Installment amount, per- iod, and number of installments in arrears	Husband or wife solely liable, or jointly liable
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Total secured debts						. . . . .

c. Unsecured Debts. List all other debts, liquidated and unliquidated, including taxes, attorney fees, and tort claims.

---

Creditor's name, account number and complete mailing address includ- ing zip code	Consideration or basis for debt	Amount claimed by creditor	If disputed, amount ad- mitted by debtor	Husband or wife solely liable, or jointly liable
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
			Total unsecured debts	.....

17. Codebtors. (To be answered by debtor or debtors and by a spouse who is not a debtor.)

a. Are any other persons liable, as cosigners, guarantors, or in any other manner, on any of the debts of either of you or is either of you so liable on the debts of others? (If so, give particulars, indicating which spouse is liable and including names of creditors, nature of debt, names and addresses of codebtors, and their relationship, if any, to you.)

.....  
.....  
.....

b. If so, have the codebtors made any payments on the debts? Give name of each codebtor and amount paid by codebtor.)

.....  
.....  
.....

c. Has either of you made any payments on the debts? (If so, specify total amount paid to each creditor, whether paid by husband or wife, and name of codebtor.)

.....  
.....  
.....



18. Property and Exemptions. (To be answered by debtor or debtors and a spouse who is not a debtor.)

a. Real Property. List all real property owned at date of filing of original petition herein. (Indicate in the next to last column whether an exemption is claimed and in last column whether owned solely by husband or wife, or jointly.)

Description and location of property	Name of any		Present market value (without deduction for mortgage or other security interest)	Amount of mortgage or other security interest on this property	Name of mortgagee or other secured creditor	Value claimed exempt (specify federal or state statute creating the exemption)	Owned solely by husband or by wife, or jointly
	co-owner	other than spouse					
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....

b. Personal Property. List all other property owned by debtor or debtors and spouse who is not a debtor at date of filing of original petition herein. (Indicate in the next to last column whether an exemption is claimed and in last column whether owned solely by husband or wife, or jointly.)

Description	Location of property if not at debtor's residence	Name of any co-owner other than spouse	Present market value (without mortgage or other security interest)	Amount of mortgage or other security interest on this property	Name of mortgagee or other secured creditor	Value claimed	
						exempt (specify federal or state statute creating the exemption)	Owned solely by husband or wife, or jointly
Autos [give year and make]							
Farming equipment [give type & make]							
Household goods							
Personal effects							
Cash or financial account							
Other [specify]							

Unsworn Declaration under Penalty of Perjury  
of Individual to Chapter 12 Statement

[To be signed by debtor or debtors]

I, ....., [an unmarried individual] [or  
a married individual] [if both husband and wife are debtors and  
I, ....., the spouse], declare under penalty of  
perjury that I have read the answers contained in the foregoing  
statement, consisting of ... sheets, and that they are true and  
complete to the best of my knowledge, information, and belief.

Executed on .....

.....  
Debtor

.....  
Debtor

NOTE

A Chapter 12 debtor must also prepare and file a statement of  
affairs as prescribed by Official Form No. 8. Rule 12.3.

**Form No. 12-B--Chapter 12 Statement  
of Partnership or Corporate Debtor**

[Caption as in Official Form No. 1]

Chapter 12 Statement  
of Partnership or Corporate Debtor

[Each applicable question shall be answered or the failure to answer explained. If the answer is "none" or "not applicable," so state. If additional space is needed for the answer to any question, a separate sheet, properly identified and made a part hereof, should be used and attached.]

The term "original petition," used in the following questions, shall mean the original petition filed under § 301 of the Code or, if the chapter 12 case was converted from another chapter of the Code, shall mean the petition by or against you which originated the first case.

The questions to be addressed to, and shall be answered on behalf of, the corporation or partnership, and the statement shall be certified by a duly authorized officer of the corporation or by a member of the partnership.]

1. Filing Status. (Place an "X" on the appropriate line.)
- Corporation \_\_\_\_\_
  - Partnership \_\_\_\_\_
  - Limited Partnership \_\_\_\_\_

2. Name, and other information.

- a. Full name.....
- b. Principal place of business of the debtor
  - (1) Mailing address.....  
 .....  
 City or town, state and zip code.
  - (2) Telephone number including area code  
 .....
  - (3) Date and the state of incorporation of the corporate debtor.....
  - (4) Date and the state law under which the partnership debtor was formed.....  
 .....
  - (5) Name of the family or name of the family and relatives that conduct farming operations and own more than 50% of the stock or equity of the corporate or partnership debtor.....  
 .....

3. Summary of debt.

Give amounts as of the date of the filing of the petition.

a. Noncontingent, liquidated debt.

- |  |         |         |
|--|---------|---------|
| (1) Amount of noncontingent, liquidated debt from farming operations | \$..... |         |
| (2) Amount of noncontingent, liquidated non-farm debt                | \$..... |         |
| (3) Total noncontingent, liquidated debt                             |         | \$..... |

b. Contingent or unliquidated debt.

- |   |         |         |
|---|---------|---------|
| (1) Amount of contingent or unliquidated debt from farming operations | \$..... |         |
| (2) Amount of contingent or unliquidated non-farm debt                | \$..... |         |
| (3) Total contingent or unliquidated debt                             |         | \$..... |

c. Principal Residence.

Amount of non-farm debt that is secured by a dwelling owned by the corporate or partnership debtor and used as a principal residence by a shareholder or partner of the debtor

	\$.....	
--	---------	--

4. Assets

- |  |  |         |
|--|--|---------|
| a. Total value of assets                         |  | \$..... |
| b. Value of assets related to farming operations |  | \$..... |

5. Summary of income from last tax year.

a. Debtor's last tax year before the current tax year was calendar year 19\_\_ [or fiscal year \_\_\_\_\_, 19\_\_ to \_\_\_\_\_, 19\_\_]

b. Debtor's gross income for the last tax year before the current tax year \$.....

c. Amount of debtor's gross income for last tax year before the current tax year from farming operations \$.....

6. Nature of farming operations. (Place an "X" on the appropriate line to identify each type of farming operation in which the debtor is engaged and supply the other information requested below.)

a. Crops \_\_\_\_\_

Kind(s).....

Acres owned.....leased.....

b. Dairy operations \_\_\_\_\_

Acres owned.....leased.....

c. Ranching \_\_\_\_\_

Kind(s).....

Acres owned.....leased.....

d. Poultry \_\_\_\_\_

Kind(s).....

- Acres owned.....leased.....
- e. Livestock \_\_\_\_\_
  - Kind(s).....
  - Acres owned.....leased.....
- f. Production of poultry products \_\_\_\_\_
  - Kind(s).....
- g. Production of livestock products \_\_\_\_\_
  - Kind(s).....

7. Non-farming activities.

If the debtor is engaged in business other than farming operations, state the nature thereof

.....

.....

8. Budget.

a. Current income.

- (1) Estimated gross income from farming operations for the next twelve months. (Include all government program payments.) \$ ....
- (2) Estimated gross income from non-farming activities for the next twelve months. \$ ....
- (3) Total income \$ ....

b. Current expenses related to farming operations.

- (1) Real Property expenses. (Include expenses of a home of a shareholder or partner of the debtor if the home is located on the debtor's property used in farming operations.)



Give estimated current monthly expenditures consisting of:

(A) Mortgage payment(s)	\$ ....
(B) Rental or lease payment(s)	\$ ....
(C) Real estate taxes	\$ ....
(D) Repairs & upkeep	\$ ....
Total real property expenses	\$ ....

(2) Other expenses.

Give estimated current average monthly expenditures consisting of:

(A) Installment or lease payments on equipment

Specify .....	\$ ....
.....	\$ ....
.....	\$ ....
.....	\$ ....

Total Monthly installment or lease payments on equipment	\$ ....
--	---------

(B) Maintenance of equipment

Service contracts	\$ ....
Other ( <u>specify</u> )	
.....	\$ ....
.....	\$ ....

Total maintenance of equipment	\$ ....
--------------------------------	---------

(C) Utilities

Electricity	\$ ....
Fuel	\$ ....

Water	\$ . . . .	
Telephone (business use)	\$ . . . .	
Total utilities		\$ . . . .
<b>(D) Production expenses:</b>		
Labor (gross)	\$ . . . .	
Seed	\$ . . . .	
Fertilizer	\$ . . . .	
Feed	\$ . . . .	
Pesticides	\$ . . . .	
Veterinary, etc.	\$ . . . .	
Other ( <u>specify</u> )		
.....	\$ . . . .	
.....	\$ . . . .	
.....	\$ . . . .	
Total production expenses		\$ . . . .
<b>(E) Miscellaneous expenses</b>		
Give any expenses of farming operation not reflected above		
(i) .....	\$ . . . .	
(ii) .....	\$ . . . .	
(iii) .....	\$ . . . .	
Total miscellaneous expenses		<u>\$ . . . .</u>
<b>(3) Total estimated monthly expenses</b>		<b>\$ . . . .</b>

(4) Total current expenses related  
to farming operations  
(twelve times total total estimated  
monthly expenses (item 8c(3)) \$ ....

c. Current expenses related to non-farming  
activities.

Estimated expenses of the debtor's non-farming  
activities for the next twelve months \$ ....

d. Summary of budget information.

(A) Debtor's total estimated income for next  
twelve months (item 8a(3)). \$ ....

(B) Debtor's total estimated expenses for  
next twelve months (item 8b(4) plus item 8c). (\$ ....)

Available Income ((A) minus (B)) \$ ....

9. Payment of Attorney

a. How much has the debtor agreed to pay or what  
property has the debtor agreed to transfer to  
its attorney in connection with the case? \$ ....

b. How much has the debtor paid or what has the  
debtor transferred to its attorney? \$ ....

10. Tax refunds and government program payments.

To what tax refunds (income or other) and government  
program payments, if any, is the debtor entitled? (Give

particulars, including information as to any refunds payable jointly to the debtor and any other person. All such refunds should also be listed in Item 18(b)).

.....  
.....

11. Financial accounts, certificates of deposit and safe deposit boxes.

a. Does the debtor currently have any accounts or certificates of deposit or shares in banks, savings and loan, thrift, building and loan and homestead associations, credit unions, brokerage houses, pension funds and the like? (If so, give name and address of each institution, number and nature of account, current balance, and name and address of every person authorized to make withdrawals from the account. Such accounts should also be listed in Item 18(b)).

.....  
.....

b. Does the debtor currently have any safe deposit boxes or other depositories? (If so, give name and address of bank or other depository, name and address of every person who

has a right of access thereto, and a brief description of the contents thereof, which should also be listed in Item 18(b)).

.....  
.....

12. Prior Bankruptcy.

What cases under the Bankruptcy Act or Bankruptcy Code have previously been brought by or against the debtor? (State the location of the bankruptcy court, the nature and number of each case, the date when it was filed, and whether a discharge was granted or denied, whether the case was dismissed, or whether an arrangement or plan was confirmed.)

.....  
.....

13. Foreclosures, executions, and attachments.

a. Is any of the property of debtor, including real estate, involved in a foreclosure proceeding, in or out of court? (If so, identify the property and the person foreclosing.)

.....  
.....

b. Has any property or income of debtor been attached, garnished, or seized under any legal or equitable process within the 90 days immediately preceding the filing of the original petition herein? (If so, describe the property seized, or person garnished, and who filed the law suit.)

.....  
.....

14. Repossessions and returns.

Has any property of debtor been returned to or been repossessed or seized by the seller or by any other party, including a landlord, during the 90 days immediately preceding the filing of the original petition herein? (If so, give particulars, including the name and address of the party obtaining the property and its description and value.)

.....  
.....

15. Transfers of Property.

a. Has the debtor made any gifts, during the year immediately preceding the filing of the original petition herein? (If so, give names and addresses of donees and dates, description and value of gifts.)

.....  
.....

b. Has the debtor made any other transfer, absolute or for the purpose of security, or any other disposition, of real

or personal property during the year immediately preceding the filing of the original petition herein? (Give a description of the property, the date of the transfer or disposition, to whom transferred or how disposed of, and, if the transferee is an insider, the relationship, the consideration, if any, received therefor, and the disposition of such consideration.)

.....

.....

16. Debts.

a. Debts Having Priority.

---

(1)	(2)	(3)	(4)	(5)
<u>Nature of claim</u>	<u>Name of creditor and complete mailing address including zip code</u>	<u>Specify when claim was incurred and the consideration therefor: whether claim is subject to setoff, evidenced by a judgment, negotiable instrument, or other writing</u>	<u>Indicate if claim is contingent, unliquidated, or disputed</u>	<u>Amount of claim</u>

---

1. Wages, salary, and commissions, including vacation, severance and sick leave pay owing to employees not exceeding \$2,000 to each earned within 90 days before filing of petition or cessation of business (if earlier specify date). \$ ....

2. Contributions to employee benefit plans for services rendered within 180 days before filing of petition or cessation of business (if earlier specify date). \$ ....

3. Deposits by individuals, not exceeding \$900 for each purchase, lease, or rental of property or services for personal, family, or household use that were not delivered or provided. \$ ....

4. Taxes owing [itemize by type of tax and taxing authority]

(A) To the United States	\$ ....
(B) To any state	\$ ....
(C) To any other taxing authority	<u>\$ ....</u>
Total	\$ ....



b. Secured Debts. List all debts which are or may be secured by real or personal property. (Indicate in the last column, if debt payable in installments, the amount of each installment, the installment period (monthly, weekly, or otherwise) and number of installments in arrears, if any).

Creditor's name, account number and complete mailing address including zip code	Consideration or basis for debt	Amount claimed by creditor	If disputed, amount ad- mitted by debtor	Description of collateral [include year and make of vehicles]	Installment amount, per- iod, and number of installments in arrears
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Total secured debts					.....

c. Unsecured Debts. List all other debts, liquidated and unliquidated, including taxes, attorney fees, and tort claims.

Creditor's name, account number and complete mailing address includ- ing zip code	Consideration or basis for debt	Amount claimed by creditor	If disputed, amount ad- mitted by debtor
. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .
Total unsecured debts .....			

17. Codebtors.

a. Are any other persons liable, as cosigners, guarantors, or in any other manner, on any of the debts of the debtor or is the debtor so liable on the debts of others? (If so, give particulars including names of creditors, nature of debt, names and addresses of codebtors, and their relationship, if any, to the debtor.)

.....  
.....  
.....

b. If so, have the codebtors made any payments on the debts? (Give name of each codebtor and amount paid by codebtor.)

.....  
.....  
.....

c. Has the debtor made any payments on the debts? (If so, specify total amount paid to each creditor and name of codebtor.)

.....  
.....  
.....

18. Property.

a. Real Property. List all real property owned at date of filing of original petition herein.

Description and location of property	Name of any co-owner	Present market value (without deduction for mortgage or other security interest)	Amount of mortgage or other security interest on this property	Name of mortgagee or other secured creditor
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

b. Personal Property. List all other property owned by debtor at date of filing of original petition herein.

Description	Location of property if not at debtor's farm	Name of any co-owner	Present market value (without deduction for mortgage or other security interest)	Amount of mortgage or other security interest on this property	Name of mortgagee or other secured creditor
Autos [give year and make]	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Farming equipment [give type and make]	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Other Equipment and office furnishings	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Cash or financial account	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Other [specify]	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .

Unsworn Declaration under Penalty of Perjury  
on Behalf of Corporation or Partnership  
to Chapter 12 Statement

I, ....., [the president or other officer or an authorized agent of the corporation] [or a member or an authorized agent of the partnership] named as debtor in this case, declare under penalty of perjury that I have read the answers contained in the foregoing statement, consisting of ... sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Executed on .....

Signature: .....

NOTE

A chapter 12 debtor must also prepare and file a statement of affairs as prescribed by Official Form No. 8. Rule 12.3.