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This *Practical Guide* has been prepared to help you conduct business and interact with the United States Bankruptcy Court for the Northern District of Indiana. The information in this handbook is based on the United States Code, the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the local rules and general orders of this court. We have tried to ensure that all procedural information in this *Guide* is accurate as of the date of publication. In case of any conflict between the information in this publication and the provisions of the statutes, rules or orders that govern this court, you should follow the requirements of the statute, rule or order. The information in this *Guide* does not supersede or replace the statutes, rules or orders. All fees mentioned in this *Guide* are subject to change. For the most current version of our local rules, general orders and this publication, visit our web page at: <http://www.innb.uscourts.gov>.

I. General Court Information

A. Northern District of Indiana

The Northern District of Indiana includes the 32 counties in the northern third of the state. 28 U.S.C. § 94. The three geographic divisions within the Northern District of Indiana include Hammond, South Bend and Fort Wayne. Bankruptcy Court locations for the Hammond Division are in Gary and Lafayette. The divisions and the counties within each division of the bankruptcy court for this district are as follows:

**County
& City
Search**

Hammond at Gary	Hammond at Lafayette	South Bend	Fort Wayne
◦ Lake	◦ Benton	◦ Cass	◦ Adams
◦ Porter	◦ Carroll	◦ Elkhart	◦ Allen
	◦ Jasper	◦ Fulton	◦ Blackford
	◦ Newton	◦ Kosciusko	◦ DeKalb
	◦ Tippecanoe	◦ La Porte	◦ Grant
	◦ Warren	◦ Marshall	◦ Huntington
	◦ White	◦ Miami	◦ Jay
		◦ Pulaski	◦ LaGrange
		◦ St. Joseph	◦ Noble
		◦ Starke	◦ Steuben
		◦ Wabash	◦ Wells
			◦ Whitley

B. Bankruptcy Court Office Locations

The clerk of the bankruptcy court maintains full service offices in three locations, Fort Wayne, South Bend and Gary. Limited service is also available in

Lafayette. This limited service includes initial case and adversary proceeding filings. The court maintains the official court files for all records from the Hammond Division at Lafayette at the Fort Wayne office. A duplicate file for cases and proceedings filed after January 1, 1998, is kept in Lafayette. Offices locations and telephone numbers are listed below:

Fort Wayne	1188 E. Ross Adair Federal Building & United States Courthouse, 1300 South Harrison Street, P.O. Box 2547, Fort Wayne, Indiana 46801-2547	(260) 420-5100 fax: (260) 422-1668
South Bend	Robert K. Rodibaugh United States Bankruptcy Courthouse, 401 South Michigan Street, P.O. Box 7003, South Bend, Indiana 46634-7003	(574) 968-2100 fax: (574) 968-2205
Lafayette	203 Charles A. Halleck Federal Building, 230 North Fourth Street, P.O. Box 890, Lafayette, Indiana 47902-0890	(765) 420-6300 fax: (765) 420-6314
Gary	221 Federal Building, 610 Connecticut Street, Gary, Indiana 46402-2595	(219) 881-3335 fax: (219) 881-3307

The court maintains files and dockets for open bankruptcy cases and adversary proceedings at the divisional office where the judge assigned to the matter resides.

C. Bankruptcy Court Office Hours

1. Normal Business Hours

Public office hours are from 9:00 A.M. through 4:00 P.M. Monday through Friday. The district has one time zone during the summer months (the first Sunday of April through the last Sunday of October). During the rest of the year the district has two time zones. The counties that change time are: Lake, Porter, La Porte, Newton, and Jasper. All times listed are the local time in each office.

**Federal
Holidays**

2. After Hours Filings

The normal business day for the clerk's office includes the hours from 9:00 A.M. through 4:00 P.M., Monday through Friday. Filings outside these times are considered after hours filings. If you have an after hours filing, or a late filing expected by the court, contact the clerk's office during normal business hours to make arrangements for receipt and filing of your documents. Where necessary, the pleading or other paper will be hand-carried to the judge by clerk's office staff.

D. Case Numbering System

The court assigns all bankruptcy cases and adversary proceedings unique numbers. By referring to the cause number you may learn the year in which the matter was filed and the division where the case is pending.

The individualized case number assigned to each case is different for each division within the Northern District of Indiana. The court begins assigning bankruptcy case and adversary proceeding numbers with “1” each January in all divisions.

Fort Wayne Division

Bankruptcy case numbers begin at 10001, adversary proceeding numbers begin at 1001;

South Bend Division

Bankruptcy case numbers begin at 30001, adversary proceeding numbers begin at 3001;

Hammond Division at Lafayette

Bankruptcy case numbers begin at 40001, adversary proceeding numbers begin at 4001;

Hammond Division at Gary

Bankruptcy case numbers begin at 60001, adversary proceeding numbers begin at 6001.

For example, the case number of the first bankruptcy case filed in the Fort Wayne Division in 1998 was 98-10001. The case number for the seventh case in 1996 from the Hammond Division at Gary was 96-60007. The third adversary proceeding filed in the South Bend Division in 1995 carried the number 95-3003.

E. Trustees

1. United States Trustee

The Office of the United States Trustee is the component agency of the United States Department of Justice that supervises the administration of chapter 7, 11, 12 and 13 bankruptcy cases and the trustees assigned to those cases pursuant to 28 U.S.C. § 586(a)(3). The United States Trustee program is responsible for monitoring the progress of bankruptcy cases and preventing fraud, dishonesty, and overreaching in the bankruptcy arena.

The United States Trustee program divides the country into twenty-one administrative regions, each of which a United States Trustee administers. Region 10 consists of the Northern and Southern Districts of Indiana and the Central and Southern Districts of Illinois. The Office of the United States Trustee for the Northern District of Indiana is located in South Bend. This office services all divisions of the bankruptcy court for the Northern District of Indiana. The office address and telephone number for the United States Trustee are as follows:

Office of the United States Trustee
Alexander L. Edgar, Assistant United States Trustee
555 One Michiana Square
100 East Wayne Street
South Bend, Indiana 46601
E-mail: Alexander.L.Edgear@USDOJ.GOV
Telephone: (574) 236-8105, ext. 116
Fax: (574) 236-8163

2. Case Trustees

The United States Trustee for this region has the duty to appoint and supervise case trustees who are responsible for the administration of individual cases. The case trustees are private parties. They are not employees of the United States Courts, or of the Department of Justice. Questions concerning the status of the administration of a particular case should be directed to the case trustee assigned to the case. Below is a listing of the trustees serving in the Northern District of Indiana, along with the division where they serve, the chapter under which the United States Trustee appoints them, and their office address and telephone numbers.

<u>Division</u>	<u>Chapter</u>	<u>Name</u>	<u>Address, e-mail & web sites</u>	<u>Phone & Fax</u>
Fort Wayne	7	R. David Boyer	300 Metro Building 202 West Berry Street Fort Wayne, IN 46802-2216 <i>david.boyer@gte.net</i> www.hbbwlaw.com	(260) 422-7422 Fax: (260) 422-6764
		Yvette Gaff Kleven	904 South Calhoun Street Fort Wayne, IN 46802-2502 <i>ygh@shipleyardelsperger.com</i>	(260) 407-7000 Fax (260) 407-7005
		Mark A. Warsco	2100 National City Center 110 West Berry Street P.O. Box 11647 Fort Wayne, IN 46859-1647 <i>mwarsco@rlwlawfirm.com</i>	(260) 422-9454 Fax: (260) 422-1622
		Frank O. McLane <i>(non-active)</i>	16636 Coriander Lane Ft. Myers, FL 33908	(941) 466-6309
	12	Paul R. Chael	401 West 84 th Drive, Suite C Merrillville, IN 46410 <i>paul@pchael13.com</i> www.pchael13.com	(219) 650-4015 Fax: (219) 650-4025
	13	Donald M. Aikman	Suite 400 203 West Wayne Street Fort Wayne, IN 46802 www.13network.com	(260) 422-7062 Fax: (260) 424-5534
		Debra L. Miller	P.O. Box 956 South Bend, IN 46624-0956 <i>chapter13sbin@earthlink.net</i> www.trustee13.com	(574) 251-1493 Fax: (574) 251-1494
South Bend	7	Gary D. Boyn	121 West Franklin, Ste. 400 Elkhart, IN 46516-3284 <i>gboyn@warrickandboyn.com</i> www.warrickandboyn.com	(574) 294-7491 Fax: (574) 294-7284
		Joseph D. Bradley	105 East Jefferson, Ste. 512 South Bend, IN 46601	(574) 234-5091 Fax: (574) 289-4618
		Rebecca Hoyt Fischer	112 West Jefferson, Ste. 310 South Bend, IN 46601	(574) 284-2354 Fax: (574) 284-2356

<u>Division</u>	<u>Chapter</u>	<u>Name</u>	<u>Address, e-mail & web sites</u>	<u>Phone & Fax</u>
		J. Richard Ransel	228 West High Street Elkhart, IN 46516 <i>jransel@thornegrodnik.com</i>	(574) 294-7473 Fax: (574) 294-5390
		Lynn M. Miller <i>(non-active)</i>	112 North Second Street Elkhart, IN 46516	(574) 293-2554 Fax (574) 522-6467
	12	Paul R. Chael	401 West 84 th , Ste. C Merrillville, IN 46410 <i>paul@pchael13.com</i> www.pchael13.com	(219) 650-4015 Fax: (219) 650-4025
	13	Tedd E. Mishler	1912 East US 20, Ste. 10 Michigan City, IN 46360	(219) 879-8896 Fax: (219) 879-8982
		Debra L. Miller	P.O. Box 956 South Bend, IN 46624-0956	(574) 251-1493 Fax: (574) 251-1494
Hammond at Lafayette	7	Edward Chosnek	316 Ferry Street P.O. Box 708 Lafayette, IN 47902	(765) 742-9081 Fax: (765) 742-4379
		Kimberly A. Gilbert	P.O. Box 280 Lafayette, IN 47902-0280 <i>kag@rtslawfirm.com</i>	(765) 423-5333 Fax: (765) 423-4564
	12	Paul R. Chael	401 West 84 th Drive, Ste. C Merrillville, IN 46410	(219) 650-4015 Fax: (219) 650-4025
	13	David A. Rosenthal	P.O. Box 505 Lafayette, IN 47902 <i>dar@nlci.com</i>	(765) 742-8248 Fax: (765) 423-2597
Hammond at Gary	7	David R. DuBois	2545 Portage Mall P.O. Box 14 Portage, IN 46368	(219) 762-5574 Fax: (219) 762-9907
		Daniel L. Freeland	2136 45 th Avenue Highland, IN 46322 <i>dlf9601@aol.com</i>	(219) 922-0800 Fax: (219) 922-1261
		Gordon E. Gouveia	521 East 86 th Avenue, Ste. S Merrillville, IN 46410 <i>gm6020@aol.com</i>	(219) 736-6020 Fax: (219) 736-2545
		Calvin D. Hawkins	4858 Broadway P.O. Box M-859 Gary, IN 46401	(219) 887-2626 Fax: (219) 887-2829
		Kenneth A. Manning	200 Monticello Drive Dyer, IN 46311	(219) 865-8376 Fax: (219) 865-4054
		Stacia L. Yoon	8585 Broadway, Suite 480 Merrillville, IN 46410 <i>syoon@kgr-law.com</i> www.kgr-law.com	(219) 755-0400 Fax: (219) 755-0410
	12	Paul R. Chael	401 West 84 th Drive, Ste. C Merrillville, IN 46410 <i>paul@pchael13.com</i> www.pchael13.com	(219) 650-4015 Fax: (219) 650-4025

<u>Division</u>	<u>Chapter</u>	<u>Name</u>	<u>Address, e-mail & web sites</u>	<u>Phone & Fax</u>
	13	Paul R. Chael	401 West 84 th Drive, Ste. C Merrillville, IN 46410 paul@pchael13.com www.pchael13.com	(219) 650-4015 Fax: (219) 650-4025

F. Access to Case Files

1. Open Bankruptcy Cases and Open Adversary Proceedings

The bankruptcy clerk's office keeps all files and records in open cases and adversary proceedings in the location where the assigned judge resides. After January 1, 1998, a duplicate file for all cases and proceedings filed in Lafayette will be found in Lafayette. Files for older Lafayette cases are kept in Fort Wayne.

a. File Check Out

A person wanting to view a bankruptcy case file or an adversary proceeding file must complete a file checkout log at the intake counter. **FILES MAY NOT BE TAKEN OUT OF THE PUBLIC AREA OF THE CLERK'S OFFICE FOR ANY REASON.** Papers in the file should not be removed, rearranged or altered in any way. The unauthorized removal, destruction, mutilation or obliteration of any file or document filed in the custody of the bankruptcy clerk is a felony under Title 18, § 2071(a) of the United States Code. The penalty for a violation of this section includes a fine, up to three years in prison, or both. [See also 18 U.S.C. § 3571.]

2. Closed Bankruptcy Cases, Closed Adversary Proceedings and Completed Appeals

The bankruptcy clerk's office keeps closed case and adversary proceeding files and all completed appeals in the divisional office where open case or proceeding files were held. Closed bankruptcy cases or adversary proceedings filed in one of the two years immediately preceding the present year are retained in the office where they were pending. The court sends all other cases, closed dockets and proceedings to the Federal Records Center (FRC or "archives") in Chicago, Illinois.

If you want to review documents or obtain copies from a closed case or proceeding you have three options.

- (1) You may have the clerk's office recall the file from the FRC so that you may review the documents at the clerk's office. The clerk's office is required to collect a records retrieval fee for this service.
- (2) Alternatively, you may contact the FRC and schedule an appointment to review the documents at the FRC. If you contact the FRC they will ask you to supply accession, box and location numbers. This information is available from the bankruptcy clerk's office. You may contact the Federal Records Center at 7358 South Pulaski Road, Chicago, Illinois 60629, (773) 581-7816.
- (3) Another option is to request the FRC to send copies of documents to you. Upon request, the clerk's office can give you detailed instructions on this subject.

There is a fee for recalling a closed file from the FRC. This fee is payable at the time you make a request.

G. Requests for Transcripts

You should make all requests for transcripts through the court reporter. The courtroom deputy, resident deputy-in-charge, or division manager can give you the name of

the court reporter. Federal Rule of Bankruptcy Procedure 8006 requires that you deliver to the court reporter, and file with the bankruptcy clerk, a written request for a transcript that will be part of any record on appeal.

H. Information Requests

You may obtain information about bankruptcy cases and adversary proceedings by visiting the clerk's office during normal business hours to review court records. These hours are listed above. Each of our office locations has multiple public access computer terminals. These terminals allow you to get case information at no charge. You may also visit our World Wide Web site for general court information, including local rules, scheduling, and customary procedures in this district.

Case and adversary proceeding information may also be obtained by means of a touch-tone telephone from the **Voice Case Information System (VCIS)** available from the court. You will find information concerning this service in the "Telephone Inquiries" section below. You may also obtain case information by using the court's **Public Access to Court Electronic Records (PACER)** system. Information concerning this service is found in the "Telephone Inquiries" section below.

1. Telephone Inquiries

Using a telephone, there are three ways for you to get information. You may use your touch-tone telephone to get basic case information from VCIS. Registered users may use a computer and modem to call the court maintained PACER data base of case information. You may also speak with a court employee.

a. Voice Case Information System (VCIS)

The **Voice Case Information System (VCIS)** permits you to dial the court's computer from any touch-tone telephone and obtain basic case information. By entering only the name of a participant in a case, a case number, or a participant's social security number or tax identification number, facts about all open cases and proceedings are available. Information from closed bankruptcy cases or adversary proceedings filed in one of the two years immediately preceding the date of your call is retained in the office where they were pending are also available on VCIS. There is no cost for the use of VCIS. All basic case information is typically available in less than two minutes. You may request information on up to five (5) cases per call.

(1) Case Information Available on VCIS

Bankruptcy case information available on VCIS includes:

- | | |
|---|---|
| ◆ case number | ◆ the name of the trustee assigned |
| ◆ debtor or party name in court records | ◆ the judge assigned to the case |
| ◆ whether the case was filed as a voluntary or involuntary case | ◆ case status as of a given date |
| ◆ current case chapter | ◆ the section 341 meeting date, time and location |

- ◆ original chapter
- ◆ case filing date
- ◆ whether the case was filed as a business or consumer case
- ◆ case conversion information where applicable
- ◆ whether or not there appear to be assets in the case
- ◆ the name of the attorney for debtor
- ◆ how to contact the attorney for debtor for additional information
- ◆ the claims filing deadline
- ◆ the date a discharge was granted
- ◆ the date the case was closed
- ◆ the date the case was reopened
- ◆ the date the case was re-closed
- ◆ the disposition method

(2) Adversary Proceeding Information Available on VCIS

Adversary or miscellaneous proceeding information available on VCIS includes:

- ◆ the case number
- ◆ the names of the parties
- ◆ the name of the attorney for plaintiff
- ◆ the judge assigned to the case
- ◆ the status of the proceeding as of a given date
- ◆ the date the proceeding was closed
- ◆ the date the proceeding was reopened
- ◆ the date the proceeding was re-closed
- ◆ the disposition method
- ◆ how to contact the attorney for plaintiff for additional information

(3) VCIS Availability and Cost

The VCIS service is available seven days a week. This service will not be available during occasional periods of routine maintenance. Dial (574) 968-2275 or 1 (800) 755-8393 to call the VCIS. Other than long distance telephone toll charges that may apply, there is no cost to use the VCIS.

If you have any questions concerning VCIS, please contact our systems staff at (574) 968-2245.

b. Public Access to Court Electronic Records (PACER)

The Public Access to Court Electronic Records (PACER) system allows you to use a personal computer and a modem to connect to a special public information data base that the court maintains. To use PACER, you directly dial our computer data base. You may connect to the data base over the Internet by using WebPACER. The court updates the information in PACER and WebPACER in near real time. Using PACER and WebPACER, you may review official case information on line, or retrieve information to your personal computer.

(1) Case Information Available on PACER/WebPACER

WEBPacer

The basic information available through PACER and WebPACER includes:

- ◆ daily case report of new bankruptcy filings
- ◆ docket entries in a case (these may be viewed either in full or in selected portions)
- ◆ official registry of claims for a case
- ◆ summary information for cases that have been closed for over one year

Additional PACER and WebPACER information, as appropriate for a particular case, may include: attorneys, trustee, parties, aliases, associated cases, deadlines, case status and case history.

Information from closed cases or proceedings filed in one of the two years immediately preceding the present year is retained in the office where they were pending, and is also available on PACER and WebPACER.

(2) Using PACER/WebPACER

Except during occasional periods of system maintenance, the systems are available seven days a week.

To use PACER or WebPACER you must first become a registered user. Registered users will be assigned a login ID and password. Once registered, you may obtain authorization to access any court where the PACER or WebPACER system is in use. After establishing your connection with the PACER or WebPACER system at the court, a listing of options available to you will be displayed. You select the information you need from the available options.

To become a registered user, or to ask any questions about this system, contact the PACER Service Center at 1 (800) 676-6856. You may also contact the PACER Service Center by fax at (210) 308-3763. The PACER Service Center handles all PACER registrations and establishes all accounts. The court in the Northern District of Indiana has no control over these matters. Once you become a registered PACER user you may access direct dial PACER data for this court by having your computer dial (574) 968-2270, or (888) 917-2237. Or, by using the Internet address: inb.uscourts.gov you may use WebPACER to gain access to the same information.

(3) PACER/WebPACER Costs

The Judicial Conference of the United States has established an access fee for use of the PACER system. (Long distance telephone charges may also apply for dial-up connections.) The access fee for use of the direct dial PACER system is 60¢ per minute of access time. The fee for WebPACER is 7¢ per page viewed. A web page consists of 54 lines of text. The PACER Service Center sends itemized statements to each registered user quarterly. Payment in full is due each quarter. Access to the system will be restricted until outstanding balances are cleared.

After becoming a registered user, if you have any questions concerning the use of or problems with the PACER system in the Northern District of Indiana, you may contact the court systems staff by voice telephone at (574) 968-2245, or (574) 968-2100.

c. U.S. Party/Case Index

Nationally, basic information about most bankruptcy cases is available through the U.S. Party/Case Index. The bankruptcy party/case index allows you to search by name or social security number. A valid PACER login and a password are required for the use of this service. Available bankruptcy information includes:

- ◆ the party name
- ◆ the filing date
- ◆ the court where the case was filed
- ◆ the case number

Similar information is also available for civil, criminal and appellate cases. You can perform a national search with a single telephone call. This service is available 24 hours a day, including weekends. You may access the national PACER index by modem by calling (800) 974-8896 or (210) 530-6320. You will need to emulate a vt100 terminal with N/8/1 as the settings. The standard access fee will apply. If you have questions about the national index, contact the PACER Service Center at P.O. Box 780549, San Antonio, Texas 78278-0549. The telephone number is (800) 676-6856. Send electronic mail to: pacer@aottd.uscourts.gov.

2. Court Staff

Basic information which court staff may retrieve for you without a search fee includes:

- ◆ whether a particular debtor has filed a bankruptcy petition and the date of filing (when requestor provides the exact name of a debtor)
- ◆ what chapter a case was originally filed under
- ◆ name of debtor (when case number is provided)
- ◆ the name of the debtor's attorney
- ◆ the debtor's social security number
- ◆ the name of the trustee
- ◆ whether the case is voluntary or involuntary
- ◆ the status of the case generally (*i.e.*, open or closed)

The court will charge a search fee for any request that requires a physical search of court records and for all written requests for information beyond the basic information listed in this paragraph.

Bankruptcy court staff will respond to telephone inquiries for information Monday through Friday between the hours of 9:00 A.M. and 4:00 P.M. Any telephone requests for information that require a search fee will not be honored until the clerk's office receives the proper fee.

3. World Wide Web site

The Bankruptcy court for the Northern District of Indiana has a home page on the World Wide Web. You will find our home page at:

<http://www.innb.uscourts.gov/>

On the web site you will find the full text of the local rules for the Northern District of Indiana and an electronic copy of this *Guide*. The court also lists contact information about the trustees serving in this district on the home page. In addition the court also lists general court announcements, court employment opportunities, statistical information and links to other court and government sites on the home page.

I. Legal Assistance

Many things may happen in connection with a bankruptcy case or adversary proceeding that could affect your rights. Please do not call the clerk's office for legal assistance. Federal law, 28 U.S.C. § 955, and state law, Indiana Code 33-1-5-1, prohibit deputy clerks from practicing law. Likewise, the staff of the office of the United States Trustee is prohibited from providing legal assistance to the public. Please contact your own attorney for legal advice and assistance.

J. Attorney Complaints

The bankruptcy court does not have jurisdiction over complaints and grievances against attorneys. The Indiana Supreme Court has jurisdiction over the admission to practice law in this state, and the discipline or disbarment of those admitted to practice law. The office of the Supreme Court Disciplinary Commission handles all complaints against attorneys. All complaints and grievances should be directed to the Disciplinary Commission. The telephone number for the Disciplinary Commission is (317) 232-1807. The address of the Disciplinary Commission is:

115 West Washington Street, Suite 1060
Indianapolis, Indiana 46204-3417.

K. If You Are Hearing Impaired or Have a Communication Disability

The policy of the court is to provide reasonable accommodations to persons with communications disabilities and hearing impairments. The court has assisted listening devices available in Fort Wayne, South Bend and Gary. The court will provide sign language interpreters or other appropriate auxiliary aids and services to participants in bankruptcy court proceedings (*not* section 341 meetings). If you will need the assistance of a sign language interpreter, contact the courtroom deputy or division manager where the hearing will be held at least two weeks before the scheduled court proceeding to ensure the attendance of the sign language interpreter.

II. Financial Matters

The clerk's office is required to collect filing and other fees. Congress and the Judicial Conference of the United States, as authorized by law, establish the fees. The clerk's office has no control over the amount of fees or what actions require the payment of a fee. Payment may be made by cash, check, American Express®, Diners Club International®, Discover®, MasterCard®, or VISA® credit cards, or money order. The clerk's office has limited ability to make change for cash payments. If you plan on paying with cash, we request that you have exact change.

All fees are due at the time of filing or at the time the clerk's office provides the service. You should make all checks payable to:

CLERK, UNITED STATES BANKRUPTCY COURT

There is no provision for a pauper's affidavit (proceedings *in forma pauperis*) in this bankruptcy court. All required fees must be paid as specified by law. Contact the clerk's office for information concerning current fees.

A. Case Filing Fees (These fees are subject to change.)

To file a bankruptcy case, you must pay the filing fee required by statute. In addition, other fees are also due and collected. Fees can and do change from time to time. The fees in effect as of the date of this publication are shown below. Up to date fee information is available on the Court's web site, <http://www.innb.uscourts.gov/>.

**FILING
FEES**

Chapter 7 petition ^{1, 2}	\$200.00
Chapter 9 petition ¹	830.00
Chapter 11 petition ¹	830.00
Chapter 11 petition (railroad) ¹	1,030.00
Chapter 12 petition ^{1, 3}	230.00
Chapter 13 petition ¹	185.00

Note: ¹ Cases filed under all chapters require the payment of a \$30.00 administrative fee at the time of filing. This fee is in addition to the statutory filing fee. The amount listed includes the filing fee and the administrative fee.

² Cases filed under chapter 7 are required to pay a \$15.00 trustee surcharge. This amount is in addition to the \$30.00 administrative fee collected at the time of filing. The total amount required to commence a chapter 7 case is \$200.00.

³ Chapter 12 of the bankruptcy Code expired on October 1, 2001. Absent Congressional action to re-enact Chapter 12, new Chapter 12 petitions can no longer be filed after that date.

B. Additional Fees (These fees are subject to change.)

Except as noted, the following additional fees are found in the Judicial Conference Schedule of Bankruptcy Fees. The Judicial Conference of the United States promulgates this schedule under the authority of 28 U.S.C. § 1930(b).

Photocopies, per page copied	\$0.50
Certification of any paper or document, per certification	7.00
Exemplification of any paper or document . Twice the amount of the certification fee	
Reproduction of recordings or proceedings, regardless of medium (includes cost of materials)	20.00
Amendments to schedules D, E, or F, lists of creditors, matrix or mail lists, per amendment	20.00
Search of records, per name or item searched ¹	20.00
Adversary filing fee . . . Same amount as District Court civil action, presently 150.00	
This fee is waived where a debtor is the plaintiff. There is no waiver where the plaintiff is a debtor-in-possession in a chapter 11 case.	
Filing or indexing any document not in a case for which a filing fee has been paid.	30.00
Miscellaneous administrative fee	30.00
Trustee fee surcharge ²	15.00

1. Debtor Checks and Debtor Credit Cards

The court will not accept any personal checks or business checks from a debtor while the debtor's case is pending. This restriction also applies to debtor credit cards. These restrictions do not apply to debtors-in-possession.

2. Returned Checks

When the clerk's office writes a receipt for any check or draft that a financial institution returns for any reason, including but not limited to insufficient funds or closed account, we will accept no further checks or drafts from the party unless the chief judge directs the clerk, after written application by the party in each instance, to accept checks. The court assesses a \$25.00 service charge on each returned check. The amount of all returned checks, and service charges, must be paid in full before applying to have checks accepted.

3. Installment Payment of Filing Fees

At this time, installment payment of filing fees is **not** permitted in the South Bend Division of the Northern District of Indiana.

In the other divisions, the required filing fees may be paid in installments only in certain situations. Only individuals are eligible to pay in installments. Non-individual debtors such as corporations, partnerships and municipalities are not eligible to pay filing fees in installments. In order for an individual debtor to pay filing fees in installments, an "Application to Pay Fees in Installments" must be filed at the time the case is commenced. You must state on your application the proposed terms of the installment payments, and that you have neither paid any money nor transferred any money to an attorney for services in connection with the case. The number of installments cannot be greater than 4. You must make your last installment payment no later than 120 days after the filing of the petition.

D. Court Registry Account

Monies held by the clerk pursuant to an order of the court are placed into the clerk's registry account. The party(s) involved with the matter is (are) responsible for preparing a form of order concerning the deposit. If the funds are to be placed into an interest-bearing account per 28 U.S.C. § 2041 and Federal Rule of Bankruptcy Procedure 7067, the order must indicate: the amount to be invested; the name of the financial institution where the funds are to be invested; the type of account or instrument; and the terms of the investment. If the amount of any deposit exceeds the amount covered by federal deposit insurance, you must make special arrangements to obtain proper collateralization of the financial institution before you turn over the funds to the clerk. Please contact the clerk's office for further instructions.

III. General Filing Requirements

This section sets out the general requirements for filing bankruptcy cases, adversary proceedings, motions and other documents.

A. Paper Size

All papers, except accompanying exhibits, submitted for filing must be on 8½" x 11" (letter size) paper. Legal size paper, 8½" x 14," will require substitution. [Per the Judicial Conference of the United States, September 1981].

B. Bankruptcy Petition Forms

You may obtain bankruptcy petition forms at most office supply stores. You will find listings for office supply stores in your local yellow pages telephone directory. Neither the Bankruptcy Court, nor the United States Trustee provide these forms.

C. Format Requirements

(a) All pleadings and papers should be typed and should not include erasures or interlineation. Amendment of any document by interlineation (striking out words and noting the correction in the margins or between lines) is not permitted.

(b) Use only one side of a page. All pages must be consecutively numbered. Except for quoted material, each page should be double spaced. Pages should be pre-punched with two holes at the top with sufficient top margin so that neither the caption nor the text is destroyed.

(c) The caption of all pleadings, motions, notices, orders and other papers must strictly conform with the requirements of Official Form 16A or 16B (or Official Form 16C for adversary proceedings). The caption must contain the chapter under which the case is pending, the debtor's name, and case number.

(d) When describing the residence or place of business of the debtor in the petition, schedules or statements, the complete post office address, including the full street address and zip code, must be included. The name of the county of the debtor's residence must be included on the petition.

(e) You must list the names of all creditors alphabetically in each schedule. A complete post office address must be listed for each creditor. A complete address includes the street number and zip code. You should not include a creditor's name without mailing address information. Where you are unable to find the address of a creditor, the schedule must state "unknown."

(f) You must answer all questions on the Statement of Financial Affairs. Where the proper response to a question is "no" or "none" you must mark the appropriate box. You may not skip questions. You should not use ditto marks (" ") when completing the schedules and statements.

(g) A cover sheet is required when filing an adversary proceeding or an appeal to the district court or to the court of appeals.

D. Number of Copies to File

Except as set forth below, an original and three (3) copies of all pleadings, motions, briefs, and other papers presented for filing will be required.

Proof of claim, including attachments — original and two (2) copies.

Matrix of Creditors — original and one (1) copy.

Petition, Schedules and Statements:

Chapter 7 — original and four (4) copies.

Chapter 9 — original and seven (7) copies.

Chapter 11, railroad — original and seven (7) copies.

Chapter 11, non-railroad — original and six (6) copies.

Chapter 12 — original and four (4) copies.

Chapter 13 — original and five (5) copies.

(2) For cases pending in the Hammond Division at Lafayette, in addition to the number of copies set forth above, one (1) additional copy of every paper presented for filing will be required.

E. Where to File

All documents required to commence a case or proceeding should be filed at the office of the clerk in the division of the district where the principal place of business, residence or domicile of the debtor is located for the period required by 28 U.S.C. § 1408. All papers filed after the commencement of the case or proceeding should be filed with the office of the clerk in the division where the case file is maintained.

All papers, including the original petition for relief, are to be filed with the bankruptcy clerk's office. To prevent confusion, papers should **not** be filed directly with the judge assigned to the case. Although not required, a *courtesy copy* of a document may be left with chambers.

F. Return of “Filed” Copies

To receive a time-stamped copy of any document filed with the clerk you must submit the appropriate number of copies as set out above. If you are filing by mail, you must also include a self-addressed envelope of proper size with correct postage affixed.

G. Additional Documents

1. Notice of Amendment Required

All amendments to the voluntary petition, lists, schedules or statements must comply with Federal Rule of Bankruptcy Procedure 1009. **A separate notice of amendment must accompany each amendment.** The notice of amendment must identify the document amended, the purpose of the amendment and any entity affected by the amendment. You must verify and sign each amendment as in the original document. The entire document that the amendment affects must be reproduced with the amended information highlighted or underlined on all copies. Amendment by interlineation is not permitted. You must identify each amendment numerically. The debtor is required to serve a copy of the notice of amendment and the amended petition, schedule, list or statement on

the parties specified in the local rules of the court. You must file a certificate of service with the court.

2. Amendments to Schedules or Lists of Creditors

An amendment fee is required for all amendments to the schedules D, E, or F, lists of creditors, matrix or mail lists that are filed. The court will take no action on amendments unless the debtor pays the filing fee, and the notice of amendment and certificate of service are filed. Examples of amendments that require a fee include, but are not limited to: adding creditors; deleting creditors; changing the amount specified as owed to a creditor; and changing the classification of a debt.

If a schedule of creditors (Schedule D, E, or F) is amended to add a creditor or to change a creditor's name or address, the amendment shall be accompanied by a supplement to the matrix of creditors. This supplement shall contain the name and address of any creditor that was added to a schedule and the new name and address of any creditor whose name or address was changed on the amended schedule.

H. Change of Address

Whenever the debtor or the attorney for debtor moves, we encourage you to contact the court so that our records may be as complete and accurate as possible. Whenever the address of a creditor changes, court records should also be updated. All requests to change the address of the debtor, attorney for debtor, a creditor or other party must be in writing. The court cannot accept oral or telephone requests to change addresses. When we receive your written change of address notification, we will update official court records. *The court does not advise other parties of your change of address. It is your responsibility to notify other parties such as the case trustee and United States Trustee of your address change.*

I. Filing by Facsimile (FAX)

Under Federal Rule of Civil Procedure 5(e) and Federal Rule of Bankruptcy Procedure 7005 the court has adopted local rules allowing filings by facsimile (fax) or other electronic means. The fax filing rules for our court are summarized below.

To be acceptable, a cover sheet must accompany a fax filing. The cover sheet must include: the court in which the pleading is filed; the type of action; case title information; case number identification; title of the document; the sender's name, address, telephone number and fax number; number of pages transmitted; and the date and time of transmission.

The party transmitting a document by fax is required to tender the originally signed papers to the clerk's office within eight (8) days following the fax transmission. Filing is complete only upon the receipt of the originally signed document. The failure to submit timely original documents may result in the fax filing being stricken without further order or notice.

J. Notices

The responsibility for giving proper notice to all parties in cases and proceedings filed in this district belongs to the entity requesting relief. Any entity filing any document

or pleading which requires notice to be given to creditors and parties in interest has the burden of providing notice as required by law and filing a certificate of service with the clerk of the bankruptcy court. The role of the bankruptcy clerk in preparing and mailing notices is limited.

K. Submission of Proposed Orders

A proposed form of order should accompany any application, motion or other request for relief. The court will not accept handwritten proposed orders.

IV. Specific Bankruptcy Case Filing Requirements

A. Requirements Applicable to All Chapters

1. Complete Case Filing Requirements

For a complete filing of a bankruptcy case, many documents are required at the time of filing. The required documents include:

- ◆ Voluntary Petition (or Involuntary Petition, as appropriate for the chapter). Exhibit A must be completed where appropriate for the case.
- ◆ Corporate resolution, if the debtor is a corporation.
- ◆ Statement of Financial Affairs.
- ◆ Summary of Schedules and Schedules A through J.
- ◆ Disclosure of Compensation, where applicable.
- ◆ Certification and Signature of Non-Attorney Bankruptcy Petition Preparer, where applicable.
- ◆ A verified master list (matrix) of creditors.
- ◆ Statement Concerning Status of Filing of Tax Returns and Tax review Proceedings (chapters 9, 11, 12 or 13 only).
- ◆ Chapter 12 or 13 Plan (chapter 12 or 13 cases only).
- ◆ List of 20 Largest Unsecured Creditors (with dollar amount of debts) in chapter 9 or 11 cases.
- ◆ Statement of Insider Compensation (chapters 11 or 12 only, where applicable).
- ◆ Payment of requisite fees.

2. Minimum Case Filing Requirements

It is possible to commence a case with less than all the required papers. Abbreviated filings generally occur only in an emergency situation. Abbreviated filings should not be used as a matter of course. All required documents and information are necessary for the proper processing and administration of each bankruptcy case. The following list contains the minimum requirements for the commencement of a bankruptcy case:

- ◆ Voluntary Petition (or Involuntary Petition, as appropriate for the chapter). Exhibit A must be completed where appropriate for the case.
- ◆ A verified master list (matrix) of creditors.
- ◆ List of 20 Largest Unsecured Creditors, where applicable.
- ◆ Payment of requisite fees.
- ◆ Remaining documents are to be filed within 15 calendar days.

3. Order of Documents

You should group the following documents together as a set. The original documents should all be in the same set. The order from top to bottom of each set is as follows:

- ◆ Petition (voluntary or involuntary).
- ◆ Signature page (where applicable, with Exhibit A).
- ◆ Statement of Financial Affairs.
- ◆ Summary of Schedules.
- ◆ Schedules in alphabetical order, with signature.

You should group each of the following documents separately. The original document and all copies should be clipped together.

- ◆ Verified master list (matrix) of creditors.
- ◆ Disclosure of Fees Statement of Attorney Compensation.
- ◆ Statement of Intent (chapter 7 cases only).
- ◆ Chapter 12 or 13 Plan (chapter 12 or 13 cases only).
- ◆ Statement Concerning Status of Filing of Tax Returns and Tax review Proceedings (chapters 9, 11, 12 or 13 only).
- ◆ Statement of Insider Compensation (chapters 11 or 12 only, where applicable).
- ◆ List of 20 Largest Unsecured Creditors (chapter 9 and 11 cases only).

B. Additional Chapter 11 Requirements

In addition to the general requirements for filings under all chapters, Chapter 11 debtors are required to file Monthly Operating Reports with the Bankruptcy Court. The monthly operating report form must comply with the Debtor-in-Possession Operating Order and the United States Trustee Operating Guidelines. Copies of the reporting form are available from the Office of the United States Trustee.

V. Specific Adversary Proceeding Filing Requirements

A. Adversary Proceeding Captions

Although each adversary proceeding is referred to by its own distinct number, an adversary proceeding is always commenced within the framework of an underlying bankruptcy main case. Consequently, the caption of all adversary proceedings is required to contain a reference to both the underlying bankruptcy case number as well as the adversary proceeding number.

B. Requirements for Filing a Complaint

Part VII of the Federal Rules of Bankruptcy Procedure deals with adversary proceedings. You should refer to these rules for specific information about what constitutes an adversary proceeding, time limits, service requirements, etc. You must comply with the Federal Rules of Bankruptcy Procedure and the corresponding Federal Rules of Civil Procedure where referenced in all adversary proceedings.

1. Complaint

An original of the complaint plus three (3) copies must be submitted. One copy of the complaint will be returned to you if a self-addressed envelope of proper size with sufficient postage is included. The attorney of record must sign the complaint.

2. Cover Sheet

The Adversary Proceeding Cover Sheet must be completely and accurately filled out. The attorney of record must sign the cover sheet. If you are representing yourself without the assistance of an attorney, you must sign the cover sheet. Blank cover sheet forms are available from the office of the bankruptcy clerk and on the court Web page.

3. Summons

An original of the summons is needed on complaints. The party filing the adversary proceeding must fill out the summons. Blank summons forms are available at the office of the bankruptcy clerk and on the court Web page.

4. Filing Fee

You must pay the statutory filing fee. When the debtor is the plaintiff, no filing fee is charged. A debtor-in-possession must pay the filing fee.

5. Appearance

If you are an attorney involved in an adversary proceeding and you are not representing the plaintiff, you must file an appearance. You must file separate appearances for each main bankruptcy case and adversary proceeding in which you participate.

C. Requirements for Removal From State Court

You must file a notice of removal with the clerk of the bankruptcy court. It will receive an adversary proceeding number. The clerk's office will collect an adversary filing fee at the time you file the notice of removal. To request the removal of an action the following documents and fee should be submitted:

- Notice of Removal Original + 3 copies
- Adversary Cover Sheet Original

For additional information concerning removals, see Federal Rule of Bankruptcy Procedure 9027 and Northern District of Indiana Local Bankruptcy Rule B-9027-1.

D. Withdrawal of Reference

All motions to withdraw reference and supporting documents are filed with the clerk of the bankruptcy court. There is a fee for this motion.

VI. Post Judgment Matters

A. Writ of Execution

The following documents are required to obtain a writ of execution:

- Writ of Execution to the United States Marshal Original
- Præcipe Original + 3 copies
- Certified copy of Judgment One

Process Receipt and Return (This is a multi-part carbon set.) One
A fee for the certification of documents is payable at the time of filing.

B. Registration of a Foreign Judgment in Our Court

The registration of a judgment obtained in another court with the bankruptcy court for this district requires the following documents and payment of a filing fee:

- Certified copy of the judgment from the other court One
- Certification of Judgment for Registration in another district One

C. Proceedings Supplemental

Process to enforce a judgment of the bankruptcy court is by writ of execution. The procedure on execution in proceedings supplementary to and in aid of a judgment are in accordance with the practices of the State of Indiana. Unless the judgment will benefit the bankruptcy estate, bankruptcy judgments should be collected in the state courts.

VII. Claim Filing Requirements

A. File in Triplicate

You should file a proof of claim, including attachments, in triplicate. The court will retain one copy as part of the official record in the case. We will send one copy to the trustee serving in the case or to the attorney for debtor, as appropriate in the case. The third copy will be file-marked and returned to the party submitting the claim. For claims filed by mail, the court will return the third copy to the party submitting it only when the claimant provides a self-addressed stamped envelope. Claims should be filed within the time limits specified by the court. The presentation of a fraudulent claim is a felony that is punishable by a fine of not more than \$2,000.00 or imprisonment for not more than five years, or both. [18 U.S.C. § 152, *see also* 18 U.S.C. § 3571].

B. Proof of Claim Forms

The proof of claim form, Official Form 10, is available from the bankruptcy clerk's office and on the court Web page. All proof of claims are required to conform substantially to Official Form 10. If you attach supporting documents to your proof of claim, all copies of the claim should have supporting documents attached.

VIII. Appeals

Appeals of an order or a judgment entered by a bankruptcy judge are taken to the district court for the Northern District of Indiana. The Seventh Circuit does not have a Bankruptcy Appellate Panel at this time.

The following items are to be filed with the clerk of the bankruptcy court:

- ◆ Notice of Appeal
- ◆ Civil Cover Sheet
- ◆ Payment of the filing and docketing fees

After the bankruptcy court has transmitted the record to the district court all subsequent filings are with the clerk of the district court.

At the time of filing the notice of appeal or within 10 days thereafter, the appellant is required to file a designation of the items to be included in the record on appeal and a statement of the issues. We suggest that you request a copy of the case docket sheet at the

time you file your notice of appeal. A copy of the docket will assist you in making your designation of record. The cost for copies is presently 50¢ per page. You should not designate entire contents of case files. You should include only those items that pertain to the appeal in the record on appeal. The appellant must supply these copies of the designated record. If you fail to supply copies, the clerk's office will make copies at your expense. You will be assessed the current per page copy charge.

Within 10 days after the service of the appellant's designation, the appellee may file and serve on the appellant a designation of additional items to be included in the record on appeal. The appellee must supply these copies of the designated record. If you fail to supply copies, the clerk's office will make copies at your expense. You will be assessed the current per page copy charge.

When the record on appeal is complete, the bankruptcy clerk will transmit it to the clerk of the district court. The court may require the party designating items for inclusion in the record on appeal to make advance payment for costs of making copies of the designated portions of the record for inclusion in the appeal and for the cost of any designated transcripts.

IX. Miscellaneous Matters

A. Signatures

The debtor or debtor-in-possession must sign the petition and verifications *exactly* as the case is styled. For example, if the debtor is "Richard Peter Roe" the debtor should sign as "Richard Peter Roe" and not as "Dick Roe." "Catherine Jane Smith" should sign using her full name, and not as "Cathy J. Smith."

Every pleading and other paper filed must bear an original signature of the attorney of record. Copies may be photocopied or may be conformed. All pleadings and other papers must list the office address, telephone number and attorney number of the attorney of record. If an attorney does not represent a party, the party must sign all papers and state the party's address and telephone number.

B. Addresses for Government Departments, Agencies and Instrumentalities

Mailing addresses for government departments occasionally change. You may find current addresses for departments, agencies and instrumentalities of the government on the official Web site for the Bankruptcy Court for the Northern District of Indiana.

**AGENCIES
ADDRESSES**

C. Cover Sheets

1. Adversary Proceeding (form B 104)

This form contains much of the basic information needed by the clerk's office to set up our records properly, and to prepare necessary indices and statistical records. All the information requested on this form is needed to ensure that court records are complete and accurate. You must submit a separate cover sheet for each complaint filed. The form must be completed and signed by the attorney of record, or in a *pro se* proceeding by the plaintiff. File the cover sheet along with the complaint at the beginning of an adversary proceeding.

2. Bankruptcy Appeals (Civil Cover Sheet form JS 44)

The district court clerk's office requires this form to set up their records properly and to prepare necessary district court indices and statistical records for bankruptcy appeals. All the information requested by this form is needed to insure that court records are complete and accurate. The form must be completed and signed by the attorney of record or in a *pro se* proceeding by the debtor. File the civil cover sheet along with the notice of appeal.

D. Subpoenas

Several variations of the subpoena form exist for use in different circumstances. Federal Rule of Civil Procedure 45, which Federal Rule of Bankruptcy Procedure 9016 makes applicable in bankruptcy proceedings, governs subpoenas. Form B 255 is the subpoena form used in adversary proceedings. Form B 256 is the subpoena form used in a case under the bankruptcy code. Subpoena forms are available from the office of the bankruptcy clerk and on the court Web page.

E. Attorney Admission to Practice

The procedure for the admission to practice before the bankruptcy court for this district is the same as for admission to practice before the district court for this district. Admission to practice before the district court constitutes admission to practice before the bankruptcy court. The bankruptcy court does not maintain a separate roll of attorneys. The district court keeps all attorney admission records for this district.

Attorneys admitted to practice in any other United States court or the highest court of any state may apply for leave to appear in a specific action *pro hac vice*. The district court has established a procedure fee for *pro hac vice* admissions.

F. Appearances

All papers filed must identify clearly the name and address of the individual or attorney filing the paper. Unless the party filing the paper is the debtor, the trustee assigned to the case, or the plaintiff in an adversary proceeding, a formal written appearance must be filed. Separate appearances must be filed for main bankruptcy cases and adversary proceedings. An appearance in a bankruptcy case will not constitute an appearance in any adversary proceeding. An appearance in an adversary proceeding will not constitute an appearance in the underlying bankruptcy case.

In all proceedings and matters before the court, only individuals may appear and represent themselves. Any other entity, such as corporations, partnerships, unincorporated associations and governmental units, must be represented by an attorney admitted to practice in this district. However, for purposes of filing a proof of claim or participation at a meeting of creditors pursuant to § 341 of Title 11, appearance need not be by an attorney. Paraprofessionals may not appear at a § 341 meeting on behalf of a debtor. Paraprofessionals may appear and question a debtor on behalf of a creditor at a § 341 meeting.

1. Withdrawal of Appearance

The withdrawal of an appearance in the main bankruptcy case will not constitute withdrawal in all adversary proceedings. Withdrawal of an appearance in an adversary proceeding will not constitute withdrawal in the main bankruptcy case.

G. Lists of Creditors

1. Matrix Format Requirements

The Court uses an optical character reader (OCR) and related computer software to record creditor information for each case. In order for creditor information to be entered properly into our computer system we have established guidelines for the matrix. If our OCR equipment cannot read a creditor matrix, we will not include creditor information in the computer record, resulting in incomplete or inaccurate notices. Common sources of errors include the following:

When typing the number “1” (one), a lowercase “L” should *not* be used. The OCR system reads lowercase “L” as being a different character from the number “1.” This error results in inaccurate addresses. A similar comment applies to the number “0” (zero). An uppercase letter “O” should *not* be used. Do not use a “Ø” (slashed zero) in place of a zero.

Proportionally spaced typefaces (fonts) cannot be used. Only monolith typefaces or fonts are acceptable. These typefaces or fonts include Courier 10, Prestige Elite and Letter Gothic. Only these fonts or typefaces should be used. Our OCR system cannot read other typefaces or fonts.

At least a 1" inch blank margin must appear at *both* the top and bottom of the matrix page. Our OCR equipment cannot read names and addresses that are typed closer than 1" inch to the top or bottom of the page.

There can be no more than 9 addresses per page. Please do not try to squeeze more than nine addresses on a page.

Each address can be no longer than 5 lines. Each line of the address can be no longer than 40 characters. All characters (letters and numbers), spaces and punctuation marks are counted. The total of all these elements cannot exceed 40 for each line. There should be no blank lines within any address block.

When typing the name and address block, use all uppercase. The last line of the name and address block should include the city, followed by a space, followed by the two letter state abbreviation in capital letters. At least two spaces and the zip code follow the state abbreviation. Nine digit zip codes should be typed with a hyphen (“-”) and not a space or a comma separating the two groups of digits.

Do not type attention lines or account numbers on the last line of the name and address block. This information, if needed, should be on the second line of the name and address block. The zip code must be at the end of the line for the zip code sorting equipment to find it.

The addresses must be in a single column on the page. Our OCR equipment cannot read multiple columns on a page.

The matrix must be an original document. Our OCR equipment cannot read photocopies, carbons or fax copies. Use plain white paper only. Do not use office letterhead. No marks, lines, “whiteout” or other extraneous markings should appear on the page. The use of letterhead, or pages that have “whiteout” or any extra markings other than names and addresses, prevents accurate reading by court OCR equipment.

Where there are several debts with the same creditor, you should list the creditor only once on the schedules. You should also list the creditor only once on the matrix. Each name listed on the matrix will receive a notice. If you list the same creditor three times that creditor will receive three notices.

Do not include the following entities on the matrix: debtor, joint debtor, attorney for debtor, or United States Trustee. These names will be added automatically.

2. Matrix on Disk

You may submit a creditor matrix on a diskette. If you choose to do so, you must strictly comply with the guidelines in this paragraph. We only accept 3 ½ inch, high density diskettes. Include creditor addresses from **only one** case per diskette. All creditor address information should be in “ASCII” or plain text. Formatted text files cannot be read by court equipment. Please contact the clerk’s office for specific technical requirements.

X. Common Errors to Avoid

Several common errors and mistakes in documents submitted to the clerk's office occur that can prevent timely action or cause delays in processing your case. You must fill out all forms completely and accurately. Preventing these problems will help our office in handling your matter. Some of the more common errors are described below. We appreciate your attention to these details.

A. Voluntary Petition (Official Form 1)

The “Information Regarding Debtor” section at the middle of the page is often not completed. This portion of the form must be filled out completely and accurately. The failure to supply the information required by the form prevents the court from properly handling your bankruptcy case.

The information needed to complete the bottom portion of the form (everything in the Statistical/Administrative Information box) is often overlooked. The debtor must provide estimates for the number of creditors, the dollar amount of assets and the dollar amount of liabilities by checking the appropriate boxes.

B. Adversary Proceeding Cover Sheet (form B 104)

The listing of Plaintiffs and Defendants at the top of the form must conform exactly to the way the parties are listed on your complaint. The information on the Cover Sheet is used to maintain the court’s automated case processing system. Without complete and accurate information your proceeding records will be inaccurate or incomplete.

Where the attorney for defendant is known, the attorney should be listed on the Cover Sheet. We have found that counsel for a defendant is often omitted even when the suit is against a debtor represented by an attorney. Remember, the adversary proceeding is separate from the underlying bankruptcy case. All information in the bankruptcy case is not automatically included in adversary proceeding records. Unless relevant information is listed on the cover sheet, the processing of the adversary proceeding will be delayed.

Other areas causing problems are the Cause of Action and Nature of Suit sections. The information in these two sections is related. However, it is not unusual for the “Cause of Action” to state “Objection to discharge” and the “Nature of Suit” to have box “426” (dischargeability) marked. An objection to discharge is *not* the same as an action to determine the dischargeability of a particular debt. The Cause of Action must agree with the Nature of Suit.

The response given in the Cause of Action section should list all grounds for relief. However, only one box in the Nature of Suit section should be checked. If several causes of action (grounds for relief) are contained in a complaint, check only the primary cause box in the Nature of Suit section.

Another place where errors and omissions commonly occur is concerning the information required at the bottom of the page. All the information below the heading Bankruptcy Case In Which This Adversary Proceeding Arises is necessary. You must include the case number and other information requested. It is important to recall that the adversary proceeding and the bankruptcy case are two separate files. Be sure to list the correct case numbers. This information permits court records to show a connection between the adversary proceeding and main bankruptcy case.

Likewise, the information called for in the Related Adversary Proceeding section is also necessary, but often omitted. Although each adversary proceeding is separate, there may be some connection between proceedings. This section is the proper place to list this information.

C. Creditor Addresses, in general

Bankruptcy laws require all debtors to list complete and accurate creditor addresses in their schedules and statements. The debts to creditors who do not receive notice of your bankruptcy may not be discharged. Remember, when you sign your list of creditors, you are verifying under penalty of perjury that the addresses are accurate.

When preparing your bankruptcy schedules and creditor list, look at the return addresses on statements or invoices you have received for proper creditor mailing information. You can also check telephone directories for addresses. If you list a creditor as “address unknown” in your initial filing, you will be required to pay an amendment fee when you later add the address.

D. Creditor Matrix (the List of Creditors)

You may avoid problems with notices by following the directions in this Guide for the creditor matrix. If inaccurate or illegible information is contained on the matrix, notices will not be deliverable. Insufficient notice can result in serious consequences. A

written verification of matrix is required for each matrix, whether submitted on paper or on diskette.

E. Notice of Amendment

Whenever the debtor makes an amendment to the petition, a list, schedules or statements, the local rules require a separate notice of amendment document. The notice of amendment must identify the document amended, the purpose of the amendment and any entity affected by the amendment. The local rules require you to send the amended documents and the notice of amendment to affected parties with a certificate of service filed with the court.

F. Certificate of Service

The court requires a certificate of service for any pleading, objection, motion or other paper. If you have not filed a certificate of service, the court may take no action regarding the matter. In addition, the court may strike the document where there is no certificate of service.

XI. Section 341 Meetings of Creditors

Section 343 of the Bankruptcy Code requires the debtor(s) in all bankruptcy cases to appear personally at the section 341 meeting of creditors held in all cases. At this meeting creditors, indenture trustees, and the case trustee or the United States Trustee may examine the debtor(s) under penalty of perjury. The meeting permits creditors and the trustee, or representative of the United States Trustee's Office, to review the debtor's petition and schedules and speak face-to-face with the debtor. They may ask questions concerning the debtor's acts, conduct, property, liabilities, financial condition and any other matter that may affect the administration of the estate or the debtor's right to discharge.

The meeting of creditors is usually scheduled between 20 and 60 days after the filing of the case. Any request to reschedule or relocate the § 341 meeting should be addressed to the case trustee assigned to the case. If no case trustee is assigned, direct these requests to the United States Trustee. Do not send a request to reschedule a § 341 meeting to the judge or clerk's office.

Panel trustees appointed and supervised by the United States Trustee conduct the meetings of creditors in a Chapter 7 (liquidation) case. Standing trustees appointed and supervised by the United States Trustee conduct the meetings of creditors in Chapter 12 (family farmer debt adjustment cases) and Chapter 13 (individual debt adjustment cases). Members of the United States Trustee's staff conduct the § 341 meetings in Chapter 11 (individual and business reorganization) cases. The bankruptcy judge cannot preside at or attend the meeting of creditors.

While creditors frequently do not appear at this meeting, in general they are not considered to have waived any of their rights by failing to appear. If the debtor fails to appear and provide the information requested at the meeting, the trustee or representative of the United States Trustee's Office may request that the bankruptcy case be dismissed or that the debtor be ordered to cooperate or be held in contempt of court for willful failure to cooperate.

To promote the proper decorum at § 341 meetings, the Office of the United States Trustee for the Northern District of Indiana, with the assistance of the Panel of Chapter 7 Trustees, has promulgated a Dress Code for § 341 meetings of creditors.

Attorneys should appear at § 341 meetings in the same type of attire that they would wear when appearing before the Bankruptcy Court. Although the § 341 meeting is not a judicial proceedings, it is often the only contact debtors have with the bankruptcy system. As officers of the court, attorneys should conduct themselves so that the bankruptcy system is reflected favorably.

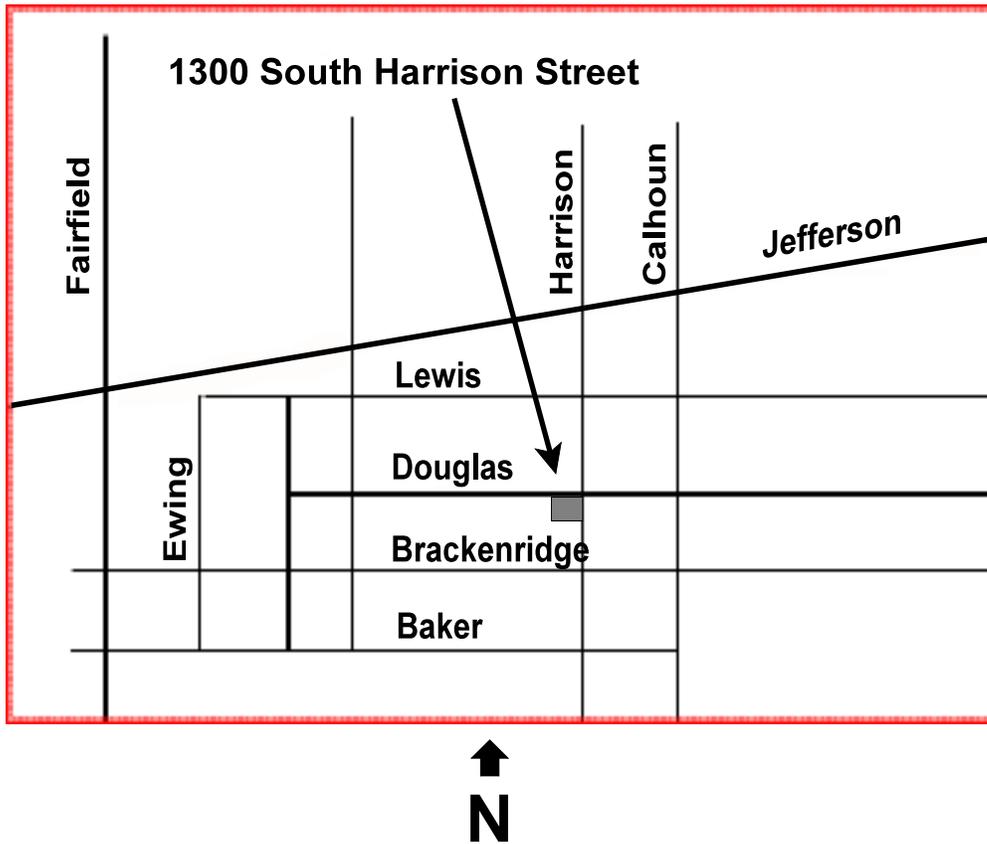
Debtors should appear at § 341 meetings in the same type of attire that they would wear for appearing in a court proceeding. All hats should be removed prior to entering the § 341 meeting room. Proper courtroom demeanor and decorum must be maintained.

Debtors' attorneys should advise their clients of these requirements. Failure to comply with the United States Trustee's Dress Code justifies action by the interim trustee to ensure compliance with the Dress Code requirements. Such action may include continuing the § 341 meeting and/or, in the most egregious cases, filing motions to dismiss or motions to compel attendance.

A. Fort Wayne Division section 341 meetings

The meeting of creditors pursuant to section 341 of Title 11, United States Code, in the Fort Wayne Division is held in Room 1194 of the Federal Building, 1300 South Harrison Street, Fort Wayne, Indiana.

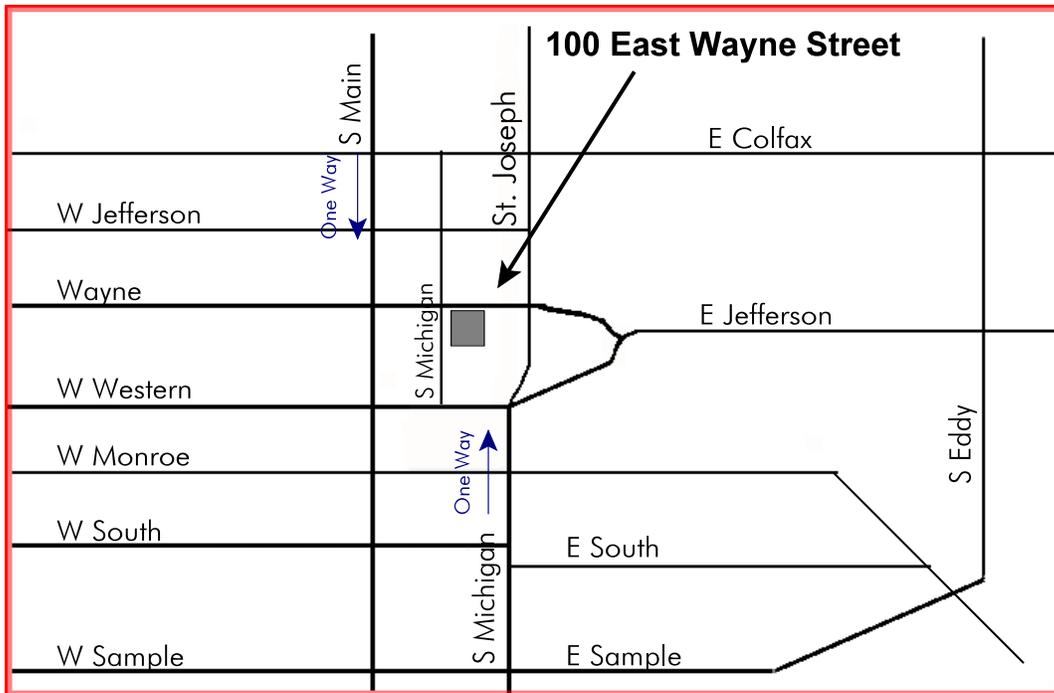
Approaching from the north or south, follow U.S. 27/U.S. 33 into downtown Fort Wayne. Approaching from the west, follow State Road 14 (Illinois Road) into downtown Fort Wayne. Approaching from the east, follow U.S. 30/U.S. 24 into downtown Fort Wayne.



B. South Bend Division section 341 meetings

In the South Bend Division section 341 meetings are held on the fifth floor of One Michiana Square, 100 East Wayne Street, South Bend, Indiana.

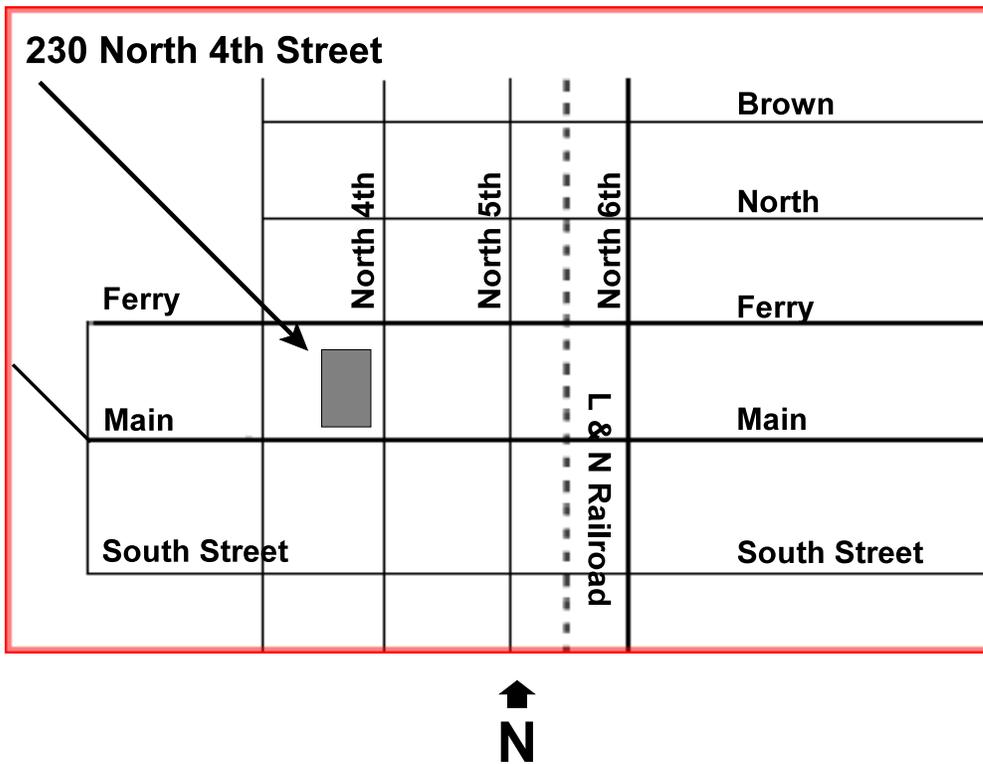
Approaching from the north or south, follow U.S. 31 Business/U.S. 33 into downtown South Bend. Approaching from the east, follow U.S. 20 into downtown South Bend. Coming from the west, use Indiana State Road 2 into downtown South Bend.



C. Hammond Division at Lafayette section 341 meetings

The meeting of creditors pursuant to section 341 of Title 11, United States Code, in the Hammond Division at Lafayette is held on the second floor of the Charles Halleck Federal Building, 230 North Fourth Street, Lafayette, Indiana.

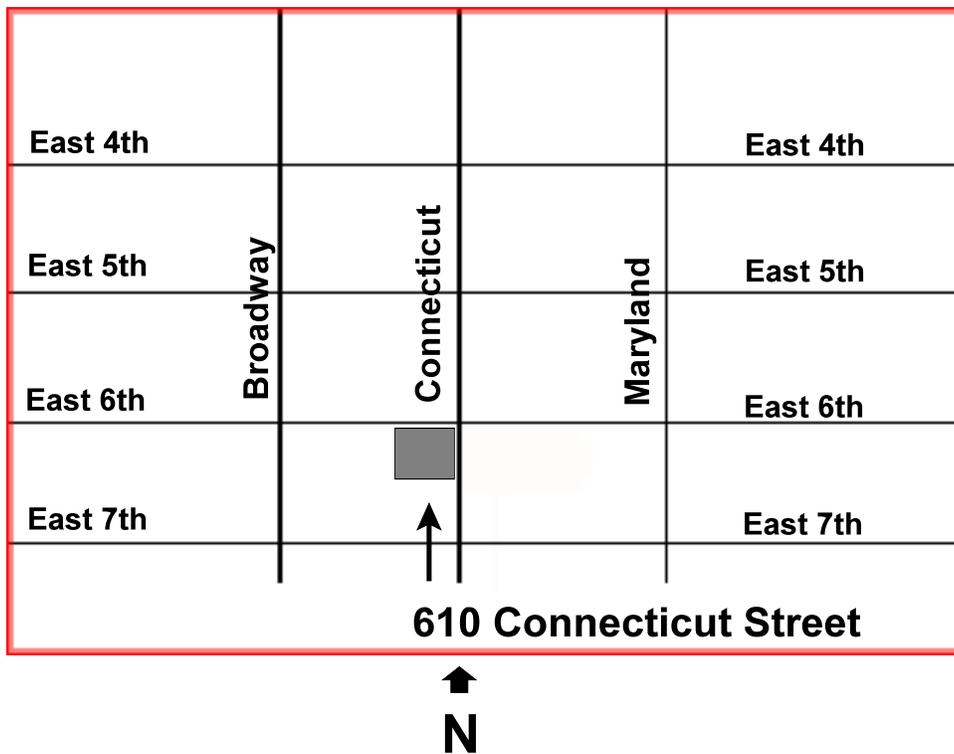
Approaching from the north or south, follow Interstate 65 into Lafayette. Approaching from the east, follow State Road 25 or State Road 26 into Lafayette. Coming from the west, use U.S. 52 into Lafayette.



D. Hammond Division at Gary section 341 meetings

The meeting of creditors pursuant to section 341 of Title 11, United States Code, in the Hammond Division at Gary is held on the third floor of the Federal Building, 610 Connecticut Street, Gary, Indiana.

Approaching from the south, follow State Road 53 (Broadway) into downtown Gary. Approaching from the Indiana Toll Road (approaching from the north), take the Broadway exit south into downtown Gary. Approaching from the east or west, follow U.S. 20 into downtown Gary.



XII. Customer Service

The clerk's office is committed to providing the best possible service to you, our customer. We are interested in knowing how well we meet your needs when you conduct business with us. To make it easy for you to provide your comments we have developed a customer service questionnaire for your use. This questionnaire is available at any of our public transaction counters and on our web page. We welcome and encourage your comments and suggestions.

James Bonini, Clerk
United States Bankruptcy Court for the Northern District of Indiana

XIII. Index (Numbers in parenthesis refer to page numbers in this document.)

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