

U.S. Trustee Statement of Presumed Abuse

Step 1 Click the **Bankruptcy** link on the CM/ECF Main Menu. (See Figure 1)



Figure 1

Step 2 The **Bankruptcy Events** screen displays. (See Figure 2)



Figure 2

- ◆ Click **Trustee/US Trustee**.

NOTE: The U.S. Trustee Statement of Presumed Abuse may also be filed using the **Batch Filings** function.

Step 3 The **Case Number** screen displays. (See Figure 3)

The screenshot shows the ECF Trustee action interface. At the top, there is a navigation bar with links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. Below this, the page title is 'Trustee action'. A form titled 'Case Number' contains a text input field with the value '3:09-bk-30006'. Below the input field are two buttons: 'Next' and 'Clear'.

Figure 3

- ◆ Enter the case number and click **Next** to continue.

Step 4 The **Available Events** screen is displayed. (See Figure 4)

The screenshot shows the ECF Trustee action interface for case 09-30006-hcd. The page title is 'Trustee action'. Below the navigation bar, the case details are displayed: '09-30006-hcd Frank L. Smith', 'Type: bk', 'Chapter: 7 v', 'Office: 3 (South Bend)', 'Assets: n', 'Judge: hcd', and 'Case Flag: NTCAPR'. A search box is present with the instruction 'Start typing to find another event. Hold down Ctrl to add additional items.' Below this, there are two lists: 'Available Events (click to select events)' and 'Selected Events (click to remove events)'. The 'Available Events' list includes items such as 'Statement of Presumed Abuse', which is highlighted. The 'Selected Events' list contains 'Statement of Presumed Abuse'. At the bottom, there are 'Next' and 'Clear' buttons.

Figure 4

- ◆ To locate the event, either scroll down the selection box or start typing the event in the box above **Available Events**. In this example, start typing "statement" until the event is displayed in the **Available Events** list.
- ◆ When the event is located, highlight it with your mouse, which will place it in the **Selected Events** on the right of the screen.
- ◆ When the correct event is chosen and in the **Selected Events** box, click **Next** to continue.

Step 5 The **Party Selection** screen appears. (See Figure 5)

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Trustee action:

09-30006-hcd Frank L. Smith

Type: bk Chapter: 7 v Office: 3 (South Bend)
Assets: n Judge: hcd Case Flag: NTCAPR

Select the Party:

Gargula, Nancy J. [U.S. Trustee] Add/Create New Party
LeMaster, Brittany [Trustee]
Second Star Bank, [Creditor]
Smith, Frank L. [Debtor]

Next Clear

Figure 5

- ◆ Highlight the U.S. Trustee and click **Next** to continue.

Step 6 Two consecutive case verification screens will display. (See Figure 6)

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Trustee action:

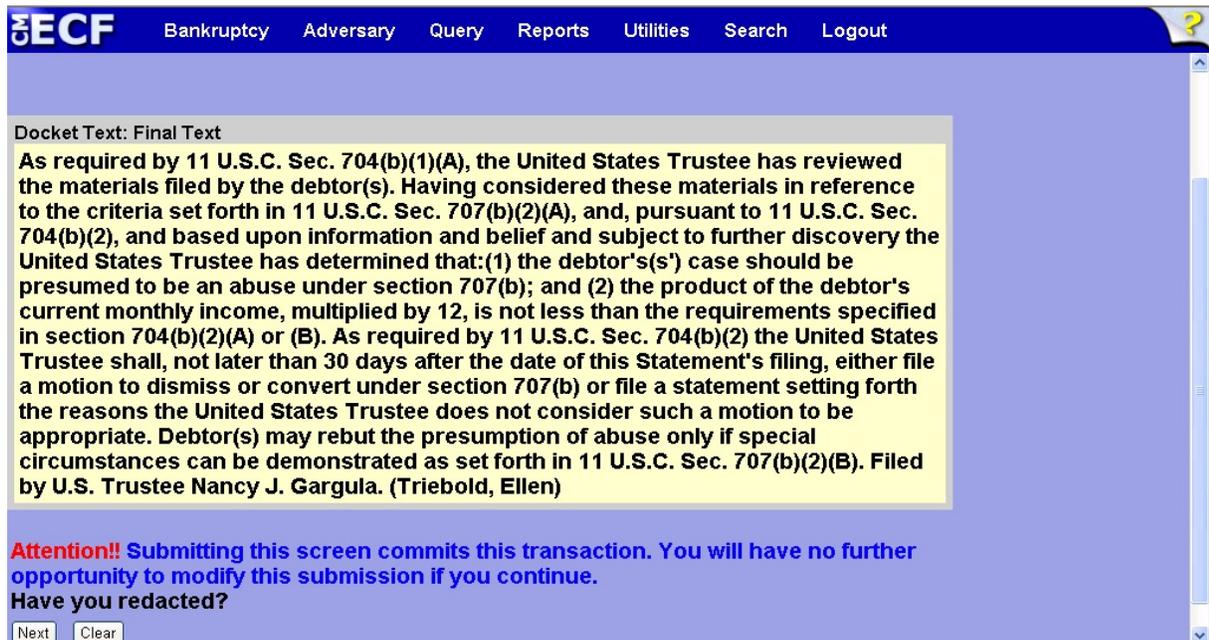
09-30006-hcd Frank L. Smith

Type: bk Chapter: 7 v Office: 3 (South Bend)
Assets: n Judge: hcd Case Flag: NTCAPR

Next Clear

Figure 6

- ◆ Verify the case number and case name and click **Next** to continue on each screen.

Step 7 The **Final Docket Text** screen displays. (See Figure 7)

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Docket Text: Final Text

As required by 11 U.S.C. Sec. 704(b)(1)(A), the United States Trustee has reviewed the materials filed by the debtor(s). Having considered these materials in reference to the criteria set forth in 11 U.S.C. Sec. 707(b)(2)(A), and, pursuant to 11 U.S.C. Sec. 704(b)(2), and based upon information and belief and subject to further discovery the United States Trustee has determined that:(1) the debtor's(s') case should be presumed to be an abuse under section 707(b); and (2) the product of the debtor's current monthly income, multiplied by 12, is not less than the requirements specified in section 704(b)(2)(A) or (B). As required by 11 U.S.C. Sec. 704(b)(2) the United States Trustee shall, not later than 30 days after the date of this Statement's filing, either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States Trustee does not consider such a motion to be appropriate. Debtor(s) may rebut the presumption of abuse only if special circumstances can be demonstrated as set forth in 11 U.S.C. Sec. 707(b)(2)(B). Filed by U.S. Trustee Nancy J. Gargula. (Triebold, Ellen)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.
Have you redacted?

Figure 7

- ◆ To abort or restart the transaction, click the Bankruptcy link on the ECF Main Menu Bar. Although this can be done at any time, this is your last opportunity to make changes.
- ◆ If this entry is correct, click **Next** to continue.

Step 8 The **Notice of Electronic Filing** screen will display. (See Figure 8)



The screenshot shows the ECF Trustee action screen. At the top is a blue navigation bar with the ECF logo and menu items: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the text "Trustee action:" is followed by the case identifier "09-30006-hcd Frank L. Smith". A table-like layout displays case details: Type: bk, Chapter: 7 v, Office: 3 (South Bend), Assets: n, Judge: hcd, and Case Flag: NTCAPR. The court name "U.S. Bankruptcy Court" and "Northern District of Indiana (Training Database)" are centered. The section "Notice of Electronic Filing" contains a message: "The following transaction was received from entered on 5/12/2011 at 10:50 AM EDT and filed on 5/12/2011". Below this, the "Case Name" is Frank L. Smith, the "Case Number" is [3:09-bk-30006](#), and the "Document Number" is 40. The "Docket Text" section begins with a legal notice: "As required by 11 U.S.C. Sec. 704(b)(1)(A), the United States Trustee has reviewed the materials filed by the debtor(s). Having considered these materials in reference to the criteria set forth in 11 U.S.C. Sec. 707(b)(2)(A), and pursuant to 11 U.S.C. Sec. 704(b)(2), and based upon information and belief and subject to further discovery the United States

Figure 8

- ◆ This **Notice of Electronic Filing** is verification that the entry is now an official court document.
- ◆ This screen can be either saved or printed.