

STANDING PANEL OF BANKRUPTCY TRUSTEES
SOUTHERN DISTRICT OF CALIFORNIA

STANDING ADMINISTRATION GUIDELINES

I.

Debtor's Representation and Attendance at Meeting of Creditors

1. Attendance at Section 341 Meeting: Debtors must attend the initial Section 341 Meeting and, unless excused by the Trustee, any continued Section 341 Meeting. Panel Trustees do not have the authority to excuse the debtor from attending his or her initial Section 341 Meeting.

2. Identification: At the Section 341 Meeting, pursuant to 11 U.S.C. § 521(h)(1) and (2), each individual debtor must present original government issued photo identification and entire social security number. Any document used must be an original except that a copy of a W-2 Form, an IRS Form 1099, or a recent payroll advice may be accepted to confirm the debtor's social security number. Alternatively, if the meeting is scheduled as a videoconference, Debtors must provide their identification to the trustee authenticated by their attorney, if any, using the Declaration Confirming Identity and Social Security Numbers.

3. Alternative Meetings: The debtor's attorney or the debtor in pro per must independently contact the United States Trustee (619-557-5013) for consideration of alternative procedures, such as telephonic appearance, etc.

II.

Supporting Documentation

Certain supporting documentation is required pursuant to federal law to be provided to the Trustee within 14 days prior to the date set for the initial Section 341 meeting. In addition, the Trustee may request additional documentation in order for the Trustee to fulfill his or her fiduciary duty and due diligence in investigating the financial affairs of the debtor pursuant to 11 U.S.C. § 704. The documents must be delivered by the E-DOCS method and must include a cover page indicating the case number, and date and time of the Section 341 Meeting. A sample Supporting Documentation Cover Sheet is attached hereto as Exhibit A. ***All required documents must be received by the Trustee within 14 days prior to the initial date set for the Section 341 Meeting. Failure to timely provide these required supporting documents may result in continuance of the Section 341 Meeting.***

A. Required Documentation in Every Case

1. Evidence of Income: For the 60-day period before the bankruptcy filing, copies of pay stubs (or bank statements as evidence of self-employed income). If you are not employed, please provide evidence of other income for the same time period.

2. Financial Account Depository Statements: Copy of depository statements for the month of bankruptcy filing that includes the date of the filing, including cryptocurrency documentation evidencing the balance on the date of filing.

3. Tax Returns: Complete last filed tax return or tax transcript (federal only), including Schedule C and all other schedules

B. Other Supporting Documentation

The Trustee may need additional documents from you, in order to fulfill his or her fiduciary duty and due diligence under the Bankruptcy Code. These documents may be individually requested by the Trustee either prior to or at the first Section 341 Meeting tailored to the specific facts of your case.

1. Vehicles:

- (a) Written documentation regarding the basis for valuation of motor vehicles. A Statement of Value can be obtained via the Internet at www.kbb.com or www.nadaguides.com and is the preferred form of valuation;
- (b) Copy of current vehicle registration or copy of certificate of title (registration renewal notices are not acceptable unless that notice shows the lien holder);
- (c) Written proof of payoff balance for liens on vehicles, i.e., current statements, credit report, etc.; and
- (d) Copy of Purchase Agreement associated with sale of vehicle if registered in a state other than California that does not denote liens on registration or if vehicle purchased within one year prior to filing.

2. Real Property:

- (a) Written documentation regarding the basis for current valuation of real property. Zillow is the preferred valuation method;
- (b) Written proof of payoff balance for all loans in form of most recent statements or other documentation from lenders;
- (c) If property was refinanced within one year before the bankruptcy filing, a copy of the closing statement; and
- (d) If noninstitutional lender, a copy of documents demonstrating the actual loan advance by the lender to the debtor and a copy of the recorded Deed of Trust.

3. Marital Settlement Agreements: For any divorce which was finalized within 4 years prior to the bankruptcy filing date, the marital settlement agreement and any court order approving same.

4. Escrow Closing Statement: For any refinance, purchase or sale of real property within 2 years prior to the bankruptcy filing date.

5. Financial Account Depository Statements: For any debtors with \$5,000.00 or more of total Gross income in Schedule I and/or \$50,000.00 or more of total debt in Schedule F, all financial account statements for the 90 day period prior to the bankruptcy filing date.

6. Retirement Accounts: Documentation of ERISA classification as retirement account.

7. Cybercurrency: Documentation evidencing the balance on the date of filing and for the 90 day period prior to the bankruptcy filing date.

8. Tax Return(s) for Entities: For any entity in which a debtor holds 20% or more, the last filed tax return (federal only), including K-1's.

9. Trust Agreements/Inheritance: If debtor is beneficiary under a trust agreement or other inheritance document, provide a copy of the applicable documentation.

10. Waiver for Non-Filing Spouse – C.C.P. §703.140(a)(2) requires a married debtor filing without the spouse to elect the exemptions under CCP §704 et seq. unless the non-filing spouse executes a written waiver. A sample Waiver form is attached hereto as Exhibit B. The Waiver must be filed with the Court.

III.

Emergency Issues

1. Health Care Cases: Notify the Trustee, immediately upon filing the bankruptcy case, of the existence of patients in the case. This notification is necessary to facilitate the orderly administration of the case.
2. Unexpired Leases: Notify the Trustee, immediately upon filing the bankruptcy case, if there are any unexpired leases where the Debtor(s) is a commercial tenant or a landlord.
3. Operating Business or Profession: Notify the Trustee immediately and comply with section IV below.
4. Other Emergency Needs: Notify the Trustee immediately if other action is immediately needed to secure or administer assets of the estate.
5. Vehicles. In order to protect the estate from liability and preserve assets for the estate, uninsured vehicles are *not* to be operated by debtors or others until either:
 - a. Full coverage for liability and property damage is provided to the Trustee;
 - b. Debtor's exemption is final pursuant to FRBP 4003; or
 - c. Effective abandonment by the Trustee pursuant to 11 U.S.C. Section 554.

IV.

Operating Business/Profession

Debtors Operating a Business or Profession If a debtor is operating a business or profession without liability insurance coverage, operation of the business or profession must be suspended until liability insurance is placed in effect and evidence of insurance is delivered to the Trustee. The Trustee must be notified immediately of any such business or profession case.

Within 24 hours after filing the case, the Trustee must be provided, in writing, at least the following documents and information:

1. Evidence of current property and/or liability insurance covering operation of the business or profession;
2. Evidence of current Workers Compensation insurance covering operation of the business or profession, if applicable;
3. Evidence of current Errors and Omissions insurance coverage, if applicable;
4. Evidence of a reserve tax account to address employee/employer taxes; and

5. The existence of any environmental, law enforcement, or federal or state regulatory issues that affect the business or profession.

Business operations utilizing property of the estate must *not be conducted post-petition* under any circumstances without the written concurrence of the Trustee or Order of the Bankruptcy Court unless the property utilized in the business or profession has been abandoned by the Trustee or an applicable exemption is allowed.

V.

Corporate/Partnership Cases

All business operations must be terminated by, at the latest, the bankruptcy filing. The Trustee must be provided, in writing within 24 hours after the filing, the following information and documents:

1. A Questionnaire has been developed for Corporate/Partnership debtors to address certain areas of inquiry. A copy is attached as Exhibit C.
2. The identity and location of all remaining assets of the debtor entity;
3. Contact information and/or keys for access to business locations and all storage locations as well as security codes and computer access passwords;
4. Contact information for landlord(s) and secured creditors, if applicable;
5. The need for immediate action by the Trustee to preserve assets of the estate; and
6. The existence of any environmental, law enforcement, or federal or state regulatory issues that affect the corporate or partnership debtor.

For the Trustee to conclude a corporate or partnership debtor's Section 341 Meeting, the following documents may be required for examination and should be made available to the Trustee upon request:

1. Minute Book;
2. Shareholder Register;
3. Complete tax returns for past two years;
4. Income and Expense and Balance Sheet Reports for past one year;
5. Bank Statements and canceled checks for past one year;
6. Copy of last two inventories, if applicable;
7. Documentation regarding Intellectual Property, *i.e.*, patents, trademarks, copyrights, royalties, etc., if applicable;
8. Accounts Receivable with all supporting documents;
9. UCC-1 or other evidence of liens; and
10. Cash Receipts and Disbursements Report for past one year.

Supporting Documentation Cover Sheet Per Standing Administrative Guidelines¹
DOCUMENTS TO BE DELIVERED TO THE TRUSTEE

In Re: _____ Case No. _____ 341 Meeting _____
(Date/Time)

REQUIRED DOCUMENTATION

- ☐ 1. Income Verification (i.e., pay advices for 60 days before bankruptcy filing and/or Profit & Loss for business)
- ☐ 2. All bank, retirement, and financial institution statements for the month of case filing (period covering date of filing)
- ☐ 3. Complete IRS Tax Return/Transcript (most recent tax year filed, FEDERAL ONLY)
- ☐ 4. Corporate Documents (if applicable)

SUGGESTED DOCUMENTATION

- ☐ 5. Valuation of motor vehicles
- ☐ 6. Copy of vehicle registration(s)
- ☐ 7. Pay-off documentation for motor vehicles (i.e., balance due)
- ☐ 8. Purchase Agreement for vehicle if registered outside California or purchased within one year
- ☐ 9. Valuation of real property
- ☐ 10. Pay-off documentation for real property (i.e., balance due)
- ☐ 11. Closing statement on real property if acquired or refinanced within two years before bankruptcy filing
- ☐ 12. Loan advances documentation regarding non-institutional lender or creditor (i.e., evidence of disbursement, recorded Deed of Trust) See Guidelines, Part II.3 & 4)
- ☐ 13. Marital Settlement Agreement
- ☐ 14. Financial Account Depository Statements for any debtor with \$5,000.00 or more of total income in Schedule I and/or \$50,000.00 or more of total debt in Schedule F, all financial account statements for the 90 day period prior to the bankruptcy filing
- ☐ 15. Documentation of classification of retirement accounts
- ☐ 16. Cybercurrency documentation evidencing the balance on the date of filing
- ☐ 17. Tax Returns for Entities for which the debtor holds a 20% or more, the last filed tax return (FEDERAL ONLY), including K-1's
- ☐ 18. Trust Agreements
- ☐ 19. CCP § 703.140(a) Waiver (conformed copy)

¹ The Standing Administration Guidelines can be obtained from the Bankruptcy Court's website at <http://www.casb.uscourts.gov/pdf/guidelines.pdf>.

MUTUAL WAIVER OF RIGHT TO CLAIM STATE EXEMPTIONS,
OTHER THAN THOSE PROVIDED IN CALIFORNIA CODE OF CIVIL PROCEDURE
SECTION 703.140(b), DURING PENDENCY OF BANKRUPTCY CASE
(California Code of Civil Procedure § 703.140(a)(2))

1. IDENTIFICATION OF PARTIES. This mutual waiver, is made by _____ and _____,
as husband and wife.

2. PURPOSE OF THIS WAIVER. This waiver is made to satisfy the requirement set forth in California Code of Civil Procedure § 703.140(a)(2) regarding the election of exemptions pursuant to § 703.140(b) by married debtors who file an individual bankruptcy petition.

3. LEGAL RIGHTS WAIVED. California Code of Civil Procedure § 703.140(a)(2) provides:

IF THE PETITION IS FILED INDIVIDUALLY, AND NOT JOINTLY, FOR A SPOUSE, THE EXEMPTIONS PROVIDED BY THIS CHAPTER OTHER THAN THE PROVISIONS OF SUBDIVISION (b) ARE APPLICABLE, EXCEPT THAT, IF BOTH OF THE SPOUSES EFFECTIVELY WAIVE IN WRITING THE RIGHT TO CLAIM, DURING THE PERIOD THE CASE COMMENCED BY FILING THE PETITION IS PENDING, THE EXEMPTIONS PROVIDED BY THE APPLICABLE EXEMPTION PROVISIONS OF THIS CHAPTER, OTHER THAN SUBDIVISION (b), IN ANY CASE COMMENCED BY FILING A PETITION FOR EITHER OF THEM UNDER TITLE 11 OF THE UNITED STATES CODE, THEN THEY MAY ELECT TO INSTEAD UTILIZE THE APPLICABLE EXEMPTIONS SET FORTH IN SUBDIVISION (b).

4. MUTUAL WAIVER. Both parties, by executing this agreement below, hereby waive their right to claim any state exemptions, other than those provided in California Code of Civil Procedure § 703.140(b), during the pendency of the chapter 7 bankruptcy of _____ filed in the U.S. Bankruptcy Court for the Southern District of California.

5. RIGHT TO HAVE INDEPENDENT COUNSEL REVIEW WAIVER. Both parties acknowledge that they have been informed of their right to consult an attorney regarding the effect of this waiver on them.

The foregoing mutual waiver is agreed to by:

Dated: _____
(Husband)

Dated: _____
(Wife)

SECTION 341(A) MEETING OF CREDITORS
QUESTIONNAIRE
(CORPORATE / PARTNERSHIP DEBTORS)

Name: _____ Case No.: _____

INTRODUCTION AND INSTRUCTIONS

YOU, AS PRINCIPAL OF THE DEBTOR, HAVE A DUTY TO COOPERATE: As part of the debtor's Bankruptcy, the Trustee must examine and investigate the debtor's financial affairs and related information. Under the law, it is your duty to fully cooperate with and assist the Trustee in this investigation. Below are standard questions that each debtor must answer. The Trustee may request additional documents and conduct further investigation as needed. You are obligated to provide all additional information and documents requested by the Trustee.

YOUR ANSWERS MUST BE ACCURATE, COMPLETE AND TRUE WITHOUT QUALIFICATION OR RESERVATION. It is important that all your answers to questions are true, complete, and accurate. If your answer is subject to any qualification or reservation, please immediately inform your Trustee. If you have made any mistake in the bankruptcy documents, it is absolutely essential that you inform the Trustee by correcting all mistakes NOW. Failure to do so may result in severe consequences. IT IS A FEDERAL CRIME TO INTENTIONALLY GIVE FALSE OR MISLEADING INFORMATION AND TESTIMONY TO THE BANKRUPTCY TRUSTEE.

ALL THE DEBTOR'S PROPERTY IS NOW PROPERTY OF THE BANKRUPTCY ESTATE. YOU CANNOT SELL, TRANSFER, REFINANCE, OR OTHERWISE ENCUMBER ANY OF THAT PROPERTY UNTIL THIS CASE IS CLOSED BY THE COURT OR THE STATUTORY NOTICE FOR AN ABANDONMENT BY THE TRUSTEE BECOMES EFFECTIVE.

IF YOU HAVE QUESTIONS: If you have any questions or require further information, you should consult with your attorney or other legal source. The Trustee cannot give you legal advice.

Please respond to the following questions. You should discuss your response with your attorney for any clarification:

1. Have you reviewed the debtor's Petition, Schedules, and Statement of Financial Affairs and do you understand the information contained in them?
Yes _____ No _____
2. Do you understand that you are required to disclose to the Trustee all present, future, and contingent rights to money, property, and assets, even if the debtor will not receive it until after filing bankruptcy, and that failing to disclose this to the Trustee could result in civil, as well as criminal, penalties?
Yes _____ No _____

EXHIBIT C

3. Within four years before filing this bankruptcy, did the debtor make any payments totaling \$5,000 or more to any person or entity, not including regular monthly contract payments?

Yes _____ No _____

Name of Transferee: _____
Address of Transferee: _____
Amount Transferred: _____
Date Transferred: _____

4. Within four years before filing this bankruptcy, did the debtor transfer any property or asset, or grant a security interest in any property or asset, totaling \$5,000 or more to any person or entity?

Yes _____ No _____

5. Does the debtor now have, or did the debtor have in the past one year, any interest in offshore accounts, i.e., accounts outside the borders of the United States?

Yes _____ No _____

6. Is the debtor seeking recovery in any current lawsuit?

Yes _____ No _____

7. Does the debtor have a claim or other damage that you believe may lead to a potential or actual lawsuit or claim?

Yes _____ No _____

8. Did the debtor make any balance transfers with credit cards or credit line accounts within 90 days before filing your bankruptcy petition?

Yes _____ No _____

9. Does the debtor own real estate property?

Yes _____ No _____

- (a) If Yes, when did the debtor buy the real estate and how much did the debtor pay for it?

Address: _____

Year Purchased: _____ Purchase Price: _____

Address: _____

Year Purchased: _____ Purchase Price: _____

- (b) Did the debtor refinance its real estate property within one year before filing this bankruptcy petition?

Yes _____ No _____

EXHIBIT C

10. In the four years before this bankruptcy filing, did the debtor tender a claim to an insurance company which was denied?

Yes _____ No _____

(a) If Yes, please explain that denial. _____

11. Where are the debtor's business records located? _____

12. Is the debtor administering any employee benefit plan, health insurance, or ERISA plan?

Yes _____ No _____

I DECLARE UNDER PENALTY OF PERJURY THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT.

Dated: _____

Name: _____

Title: _____

STATEMENT BY ATTORNEY OF RECORD

I have discussed with the debtor, by and through its principal, the content of this Questionnaire, reviewing each Question and debtor's response thereto, and have responded to questions the debtor may have had to any Question herein.

Dated: _____

Attorney for Debtor(s)

Print Name: _____