

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.

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. The debtor's attorney must be physically present at the time of the alternative procedure for the Section 341 Meeting with a completed Questionnaire, authenticated and executed by the debtor.

II.

Supporting Documentation

Certain supporting documentation is required in each case to allow 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 relevant documents must be received by the Trustee within 14 days after the date the case is filed. Failure to timely provide these required supporting documents may result in trailing the case to the end of the day to produce such documents and/or continuance of the Section 341 Meeting.***

In addition to any other case-specific requests made directly by the Trustee or the United States Trustee, the debtor, and/or the debtor's attorney, must provide the following supporting documentation:

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).

2. 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.;

- (d) Copy of Security 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; and
 - (e) 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:
 - (i) Coverage for liability and property damage is placed with the estate being added as an additional insured;
 - (ii) Debtor's exemption is final pursuant to FRBP 4003; or
 - (iii) Effective abandonment by the Trustee pursuant to 11 U.S.C. § 554.
3. Real Property:
- (a) Written documentation regarding the basis for current valuation of real property. A Broker's opinion 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.
4. Personal Property Liens – Financing Statements:
- (a) Copy of UCC-1/Notes and Security Agreements documenting filing with the Secretary of State;
 - (b) For noninstitutional creditor, a copy of documents demonstrating the actual loan advance by the creditor to the debtor; and
 - (c) Written proof of payoff balance.
5. Financial Account Depository Statements: Copy of depository statements for the month of bankruptcy filing.
6. Retirement Accounts: Documents of ERISA classification as retirement account.
7. Tax Returns: Last filed tax return (federal only), including Schedule C.
8. Expenses in Excess of IRS or Means Test Standards: Bring to the Section 341 Meeting for examination by the Trustee, a copy of receipts and other documentation, including the calculations demonstrating how the debtor arrived at his or her estimate of expenses to support increased expenses claimed by the debtor.
9. 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.

III. Claim of Exemption

CCP § 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 and a conformed copy delivered to the Trustee.

IV.

Questionnaires Must Be Completed and Delivered at Section 341 Meeting

A Questionnaire has been developed for individual debtors (Exhibit C attached hereto) and Corporate/Partnership debtors (Exhibit D attached hereto) to address certain inquiries that the Trustees believe facilitate the examination of debtors. Debtors must personally fill out and sign the applicable Questionnaire and deliver it to the Trustee at the Section 341 Meeting.

V.

Unincorporated Self-Employed, Professionals, and Business Cases

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.

VII.

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. The identity and location of all remaining assets of the debtor entity;
2. Contact information and/or keys for access to business locations and all storage locations as well as security codes and computer access passwords;
3. Contact information for landlord(s) and secured creditors, if applicable;
4. The need for immediate action by the Trustee to preserve assets of the estate; and

5. 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 Journal for past one year.

Supporting Documentation Cover Sheet
DOCUMENTS TO BE DELIVERED TO THE TRUSTEE WITHIN 14 DAYS OF FILING

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

- 1. Comply with the "STANDING ADMINISTRATION GUIDELINES" and provide all documents in Section II – Supporting Documentation.¹ Unless information is obvious, please circle the pertinent information on supporting documents.
- 2. Income Verification (i.e., pay advices for 60 days before bankruptcy filing and/or Profit & Loss for business)
- 3. Valuation of motor vehicles
- 4. Copy of vehicle registration(s)
- 5. Pay-off documentation for motor vehicles (i.e., balance due)
- 6. Security Agreement for vehicle if registered outside California or purchased within one year
- 7. Valuation of real property
- 8. Pay-off documentation for real property (i.e., balance due)
- 9. Closing statement on real property if acquired or refinanced within one year before bankruptcy filing
- 10. Loan advances documentation regarding noninstitutional lender or creditor (i.e., evidence of disbursement, recorded Deed of Trust) See Guidelines, Part II.3 & 4)
- 11. UCC-1 (file stamped) and evidence of pay-off balance
- 12. All bank, retirement, and financial institution statements for the month of case filing (period covering date of filing)
- 13. Documentation of classification of retirement accounts
- 14. Complete IRS Tax Return/Transcript (most recent tax year filed, FEDERAL ONLY)
- 15. Proof of insurance (business - liability, workers compensation, etc.)
- 16. Corporate documents
- 17. 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
(INDIVIDUAL DEBTORS)

Name: _____ Case No.: _____

INTRODUCTION AND INSTRUCTIONS

YOU HAVE A DUTY TO COOPERATE: As part of your Bankruptcy, the Trustee must examine and investigate your 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 your bankruptcy documents, it is absolutely essential that you inform your 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 YOUR BANKRUPTCY TRUSTEE.**

ALL YOUR PROPERTY IS NOW PROPERTY OF THE BANKRUPTCY ESTATE. YOU CANNOT SELL, TRANSFER, REFINANCE, OR OTHERWISE ENCUMBER ANY OF YOUR PROPERTY UNTIL YOUR CASE IS CLOSED BY THE COURT, OR ANY CLAIM OF EXEMPTION PURSUANT TO FRBP 4003 BECOMES EFFECTIVE, 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 your Petition, Schedules, and Statement of Financial Affairs and do you understand the information contained in them?
Yes _____ No _____

2. Have you reviewed the Bankruptcy Information Sheet and do you understand the information contained therein?
Yes _____ No _____

3. 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 you will not receive it until after filing

bankruptcy, and that failing to disclose this to the Trustee could result in denial of your discharge of debts and civil, as well as criminal, penalties?

Yes _____ No _____

4. Do you understand that you must report to the Court and the Trustee, by formal written Amendment filed with the Court, any rights to a property settlement agreement or life insurance proceeds that occur within 180 days after the date this case was filed?

Yes _____ No _____

5. If you are currently unmarried, have you been married at any time in the last 10 years?

Yes _____ No _____ N/A (currently married) _____

6. Are you the trustee or trustor of a trust?

Yes _____ No _____

(a) If Yes, please state that interest. _____

7. Do your parents, or does anyone else you know, have a trust in which you are a beneficiary?

Yes _____ No _____

(a) If Yes, are any of the trustors of the trust deceased? _____

8. Are you entitled to receive a death benefit under a will or insurance policy where the person has already died?

Yes _____ No _____

(a) If Yes, please state that interest. _____

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

Yes _____ No _____

10. Within four years before filing your bankruptcy, did you 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 _____

11. Do you now have, or did you have in the past one year, any interest in offshore accounts, i.e., accounts outside the borders of the United States?

Yes _____ No _____

12. Are you seeking recovery in any current lawsuit?

Yes _____ No _____

13. Do you own any bitcoins or other cybercurrency?
 Yes _____ No _____
14. Do you have an injury or other damage that you believe may lead to a potential or actual lawsuit or claim?
 Yes _____ No _____
15. Are you obligated to pay child support or spousal support pursuant to a Court Order, property settlement agreement, or determination by a governmental unit?
 Yes _____ No _____
- (a) If Yes, please provide:
 Name of claimant: _____
 Address of claimant: _____
16. Did you make any balance transfers with credit cards or credit line accounts within 90 days before filing your bankruptcy petition?
 Yes _____ No _____
17. Do you own real estate property?
 Yes _____ No _____
- (a) If Yes, when did you buy your real estate and how much did you pay for it?
 Address: _____
 Year Purchased: _____ Purchase Price: _____
 Address: _____
 Year Purchased: _____ Purchase Price: _____
- (b) Did you refinance your real estate property within one year before filing your bankruptcy petition?
 Yes _____ No _____
18. In the four years before your bankruptcy filing, did you tender a claim to an insurance company which was denied?
 Yes _____ No _____
- (a) If Yes, please explain that denial. _____

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

Dated: _____

Debtor 1

Dated: _____

Debtor 2

STATEMENT BY ATTORNEY OF RECORD

I have discussed with the debtor(s) the content of this Questionnaire, reviewing each Question and debtor's (debtors') response thereto, and have responded to questions the debtor(s) may have had to any Question herein.

Dated: _____

Attorney for Debtor(s)

Print Name: _____

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 or the debtor you 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 _____

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 D

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: _____