

UNITED STATES BANKRUPTCY COURT
Southern District of Mississippi

REVISED 01/14/04

CHAPTER 7 AMENDMENTS - INSTRUCTIONS FOR ATTORNEYS

Anytime that it is necessary to change any information in a Chapter 7, such as changing an amount, adding a creditor, etc., an amendment is necessary.

PROCEDURE FOR AMENDING A CHAPTER 7

Prepare Amended Schedules

- copy the original page(s) of schedules which are affected by the amendment
- type "**AMENDED**" at the top of each page and **MAKE SURE THAT THE NAME AND CASE NUMBER APPEAR ON ALL PAGES**
- white out to change or add any information on these pages
- mark each change with asterisks (***)
- if the amendment changes the amounts originally listed on schedule A, B, D, E, F, I, or J, then it will be necessary to also amend the Summary of Schedules

Unsworn Declaration Under Penalty of Perjury

in accordance with FRBP 1008, 28 USC § 1746 the following statement is required to be provided with each amendment: "I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct." and must contain the original signature of the debtor(s). If there are multiple pages of schedules being amended, the declaration under penalty of perjury is not required to be typed on each page, a declaration on the last page of the schedules listing all schedules amended with the original signature of the debtor(s) is all that is required. (see attached example)

- make 2 copies of each amended page

Prepare Notice of Amendment (the notice is required only when adding a creditor(s))

- type correct debtor's name, all other names used by the debtor(s) within the last six (6) years before filing the petition, last four digits of debtor(s) social security number, and case number
- list the name and address of each affected party (including Case Trustee and U. S. Trustee).
- allow 20 days from date of Notice for request of the U. S. Trustee of an adjourned §341(a) meeting of creditors
- allow 60 days from date of Notice for filing a complaint objecting to the discharge or a complaint to determine the dischargeability of a debt or to file a motion to seek an extension of time for filing a complaint
- attach a copy of the §341 Meeting of Creditors notice to Notice of Amendment
- Asset Chapter 7 cases only - allow 90 days from date of mailing of Notice for any added creditor(s) to file proof of claim

Prepare Amended Matrix (if the amendment has added a creditor)

- type "**AMENDED**" at the top of the matrix
- add or delete any creditor(s) (when deleting, place XXXX through address)
- mark additions with asterisks(***)
- file this matrix with the Clerk's office
- do not submit amended matrix on diskette

Distribute Amendment

- mail to each affected creditor
 - (a) Notice of Amendment
 - (b) copy of the §341 meeting notice (if creditor is added)
 - (c) copy of amended schedules
- mail to Case Trustee and U. S. Trustee
 - (a) copy of amended schedules
 - (b) Notice of Amendment
- file with the Clerk's office
 - (original in Gulfport office)
 - (original + 1 copy in Jackson office)
 - (a) amended schedules
 - (b) Notice of Amendment with §341 meeting notice attached to Notice of Amendment
 - (c) \$26.00 filing fee for amendments to debtor's schedules of creditors or list of creditors (If you require a FILED stamped copy returned to you by mail, include an extra copy plus a self-addressed, stamped envelope)
 - (d) amended mailing matrix (original only)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

(Revised 01/14/04)

IN THE MATTER OF:
(Debtor(s) name and all other names used by the debtor(s)
within the last six (6) years)
(Last four digits of Debtor(s) Social Security Number)

BANKRUPTCY NO. _____ CHAPTER 7

“EXAMPLE”

TO: CASE TRUSTEE (list name and address)
U.S. TRUSTEE
AFFECTED CREDITOR(S)
(list name and address of each affected creditor)

NOTICE OF AMENDMENT OF SCHEDULES

YOU ARE HEREBY NOTIFIED the above named debtor has filed with the Bankruptcy Court an Amendment of Schedules (see copy of §341 meeting notice and amended schedule attached).

YOU ARE FURTHER NOTIFIED that if you wish to examine the debtor under oath, you must request of the U.S. Trustee an adjourned §341(a) meeting. Said request must be made within 20 days of the date of this notice.

YOU ARE FURTHER NOTIFIED that the affected creditor has 60 days from the date of this notice to file a complaint objecting to the debtor's discharge under §727(a) and §1141 of the Bankruptcy Code or a complaint to determine the dischargeability of a debt under §523(c) of the Bankruptcy Code or to file a motion to seek an extension of time for filing a complaint, unless a longer period of time is provided by Rules 4004, 4007 and 9006, of the Federal Rules of Bankruptcy Procedure.

YOU ARE FURTHER NOTIFIED that any added creditor is given 90 days from the date of mailing of this Notice to file a proof of claim. *(THIS SENTENCE REGARDING FILING A PROOF OF CLAIM IS FOR ASSET CHAPTER 7 CASES ONLY - DO NOT ADD THIS SENTENCE IF THIS IS A NO-ASSET CHAPTER 7 CASE.)*

NAME AND ADDRESS OF
ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

I, the undersigned attorney for the above listed Debtor, do hereby certify that I have this date mailed a true and correct copy of the above Notice of Amendment of Schedules and copy of the §341 Meeting of Creditors notice and amended schedules to the affected creditor(s), Case Trustee and to the U. S. Trustee at the above listed address(es).

THIS THE _____ day of _____, _____.

NAME OF ATTORNEY
ADDRESS
CITY, STATE
TELEPHONE NUMBER

Signature of Attorney For Debtor

AMENDED

In re: (type debtor name here)
Debtor

Case No. (type a case no. here)

(type joint debtor name here)
Debtor

Debtor Schedule D - Creditors Holding Secured Claims

CREDITOR'S NAME MAILING ADDRESS INCLUDING ZIP CODE	CO-DEBTOR	HUSBAND WIFE JOINT OR COMMUNITY	CLAIM DATE WAS INCURRED, NATURE OF LIEN , AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTE	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. Biloxi Municipal C.U. 138 Lameuse Street Biloxi, MS 39530	NO		Automobile Loan 1993 Pontiac Bonneville VALUE \$8,362.50		X		\$4,000.00	\$0.00
Account No. **Tower Loan 984 Howard Avenue Biloxi, MS 39530	NO		Security Agreement furnishings, TV, Stereo, Golf Clubs VALUE \$700.00		X		\$1,510.00	\$710.00
Subtotal = (Total of this Page)							**\$5,510.00	
TOTAL =							**\$5,510.00	

I declare under penalty of perjury that the foregoing Summary of Schedules, Schedule B, pages 1 & 2, Schedule C & Schedule D are true and correct.

Executed on (type date here).

(debtor original signature here)

“EXAMPLE” (joint debtor original signature here)