

United States Bankruptcy Court
Southern District of Mississippi

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**NOTICE CONCERNING NEW AND AMENDED
FEDERAL BANKRUPTCY FORMS**

Effective December 1, 2009

AMENDED BANKRUPTCY OFFICIAL FORMS

B 1D Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirements *(The amended form was approved by the Judicial Conference in September 2009)*

The form, as amended to incorporate in Statement 3 of Exhibit D the new seven-day window for the exigent circumstances exception to the pre-filing credit counseling requirement. See 11 U.S.C. § 109(h)(3)(A)(ii), as amended by Pub. L. 111-16, also effective on December 1, 2009.

Statement 2 revised version of the form reflects the change, of the deadline to file a copy of a certificate and debt repayment plan (if any) from the credit counseling agency from 15 days to 14 days. See Fed. R. Bankr. 1007(c), as amended effective December 1, 2009.

B 23 Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management *(Approved by the Judicial Conference in September 2009)*

Form 23 was amended to provide a note at the bottom of the form, stating the deadline for filing Form 23 in a chapter 7 case remains 45 days after the date first set for the meeting of creditors until December 1, 2010, when the amendment to Fed. R. Bankr. P. 1007(c) extending the period to 60 days is scheduled to take effect.

NEW BANKRUPTCY OFFICIAL FORM

B 27 Reaffirmation Agreement Cover Sheet (*Approved by the Judicial Conference on September 2008*)

This form gathers certain financial information, including information necessary for the court to determine whether a reaffirmation agreement creates a presumption of undue hardship under § 524(m) of the Code, and it allows the debtor to provide additional information that may rebut such a presumption.

To implement the requirements of Bankruptcy Rule 4008(b), the form also provides for a disclosure of any differences between the income and expenses reported on schedules I and J and the income and expenses reported in the debtor's statement in support of the reaffirmation agreement, together with an explanation of any such differences. The form requires a certification that the information supplied is true and correct.

Note: The cover sheet must be completed in its entirety and filed, with the reaffirmation agreement.

The above forms are available on the Court's web site www.mssb.uscourts.gov as an attachment to the "Notice of New and Amended Official Forms Effective 12/01/09" located on the home page under "**News & Notices**".

REVISED INSTRUCTIONS
FOR OFFICIAL FORMS B 4, 15, 16A, 16B, 16D, 17, 18, 20A, and 20B

The Instructions for Official Forms B 4, 15, 16A, 16B, 16D, 17, 18, 20A, and 20B have been revised to incorporate the December 1, 2008, amendments to the Federal Rules of Bankruptcy Procedure and recent changes in the Bankruptcy Code, forms, and fees. Copies of the updated instructions are available at: http://www.uscourts.gov/bkforms/bankruptcy_forms.html#official

October 22, 2009

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____
Debtor

Case No. _____
(if known)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]*

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

Active military duty in a military combat zone.

5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: _____

Date: _____

UNITED STATES BANKRUPTCY COURT

_____ District Of _____

In re _____,
Debtor

Case No. _____

Chapter _____

DEBTOR'S CERTIFICATION OF COMPLETION OF POSTPETITION INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

Every individual debtor in a chapter 7, chapter 11 in which § 1141(d)(3) applies, or chapter 13 case must file this certification. If a joint petition is filed, each spouse must complete and file a separate certification. Complete one of the following statements and file by the deadline stated below:

I, _____, the debtor in the above-styled case, hereby
(Printed Name of Debtor)
certify that on _____ (Date), I completed an instructional course in personal financial management
provided by _____, an approved personal financial
(Name of Provider)
management provider.

Certificate No. (if any): _____.

I, _____, the debtor in the above-styled case, hereby
(Printed Name of Debtor)
certify that no personal financial management course is required because of [Check the appropriate box.]:
 Incapacity or disability, as defined in 11 U.S.C. § 109(h);
 Active military duty in a military combat zone; or
 Residence in a district in which the United States trustee (or bankruptcy administrator) has determined that
the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise
be required to complete such courses.

Signature of Debtor: _____

Date: _____

Instructions: Use this form only to certify whether you completed a course in personal financial management. (Fed. R. Bankr. P. 1007(b)(7).) Do NOT use this form to file the certificate given to you by your prepetition credit counseling provider and do NOT include with the petition when filing your case.

Filing Deadlines: In a chapter 7 case, file within 45 days of the first date set for the meeting of creditors under § 341 of the Bankruptcy Code. In a chapter 11 or 13 case, file no later than the last payment made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. (See Fed. R. Bankr. P. 1007(c).)

United States Bankruptcy Court

District Of _____

In re _____,
Debtor

Case No. _____
Chapter _____

REAFFIRMATION AGREEMENT COVER SHEET

This form must be completed in its entirety and filed, with the reaffirmation agreement attached, within the time set under Rule 4008. It may be filed by any party to the reaffirmation agreement.

1. Creditor's Name: _____
2. Amount of the debt subject to this reaffirmation agreement:
\$_____ on the date of bankruptcy \$_____ to be paid under reaffirmation agreement
3. Annual percentage rate of interest: _____% prior to bankruptcy
_____ % under reaffirmation agreement (_____ Fixed Rate _____ Adjustable Rate)
4. Repayment terms (if fixed rate): \$_____ per month for _____ months
5. Collateral, if any, securing the debt: Current market value: \$_____
Description: _____
6. Does the creditor assert that the debt is nondischargeable? ___Yes ___ No
(If yes, attach a declaration setting forth the nature of the debt and basis for the contention that the debt is nondischargeable.)

Debtor's Schedule I and J Entries

Debtor's Income and Expenses as Stated on Reaffirmation Agreement

- | | |
|--|---|
| <p>7A. Total monthly income from \$_____
Schedule I, line 16</p> <p>8A. Total monthly expenses \$_____
from Schedule J, line 18</p> <p>9A. Total monthly payments on \$_____
reaffirmed debts not listed on
Schedule J</p> | <p>7B. Monthly income from all \$_____
sources after payroll deductions</p> <p>8B. Monthly expenses \$_____</p> <p>9B. Total monthly payments on \$_____
reaffirmed debts not included in
monthly expenses</p> <p>10B. Net monthly income \$_____
(Subtract sum of lines 8B and 9B from
line 7B. If total is less than zero, put the
number in brackets.)</p> |
|--|---|

11. Explain with specificity any difference between the income amounts (7A and 7B):

12. Explain with specificity any difference between the expense amounts (8A and 8B):

If line 11 or 12 is completed, the undersigned debtor, and joint debtor if applicable, certifies that any explanation contained on those lines is true and correct.

Signature of Debtor (only required if
line 11 or 12 is completed)

Signature of Joint Debtor (if applicable, and only
required if line 11 or 12 is completed)

Other Information

Check this box if the total on line 10B is less than zero. If that number is less than zero, a presumption of undue hardship arises (unless the creditor is a credit union) and you must explain with specificity the sources of funds available to the Debtor to make the monthly payments on the reaffirmed debt: _____

Was debtor represented by counsel during the course of negotiating this reaffirmation agreement?
____ Yes ____ No

If debtor was represented by counsel during the course of negotiating this reaffirmation agreement, has counsel executed a certification (affidavit or declaration) in support of the reaffirmation agreement?
____ Yes ____ No

FILER'S CERTIFICATION

I hereby certify that the attached agreement is a true and correct copy of the reaffirmation agreement between the parties identified on this Reaffirmation Agreement Cover Sheet.

Signature

Print/Type Name & Signer's Relation to Case