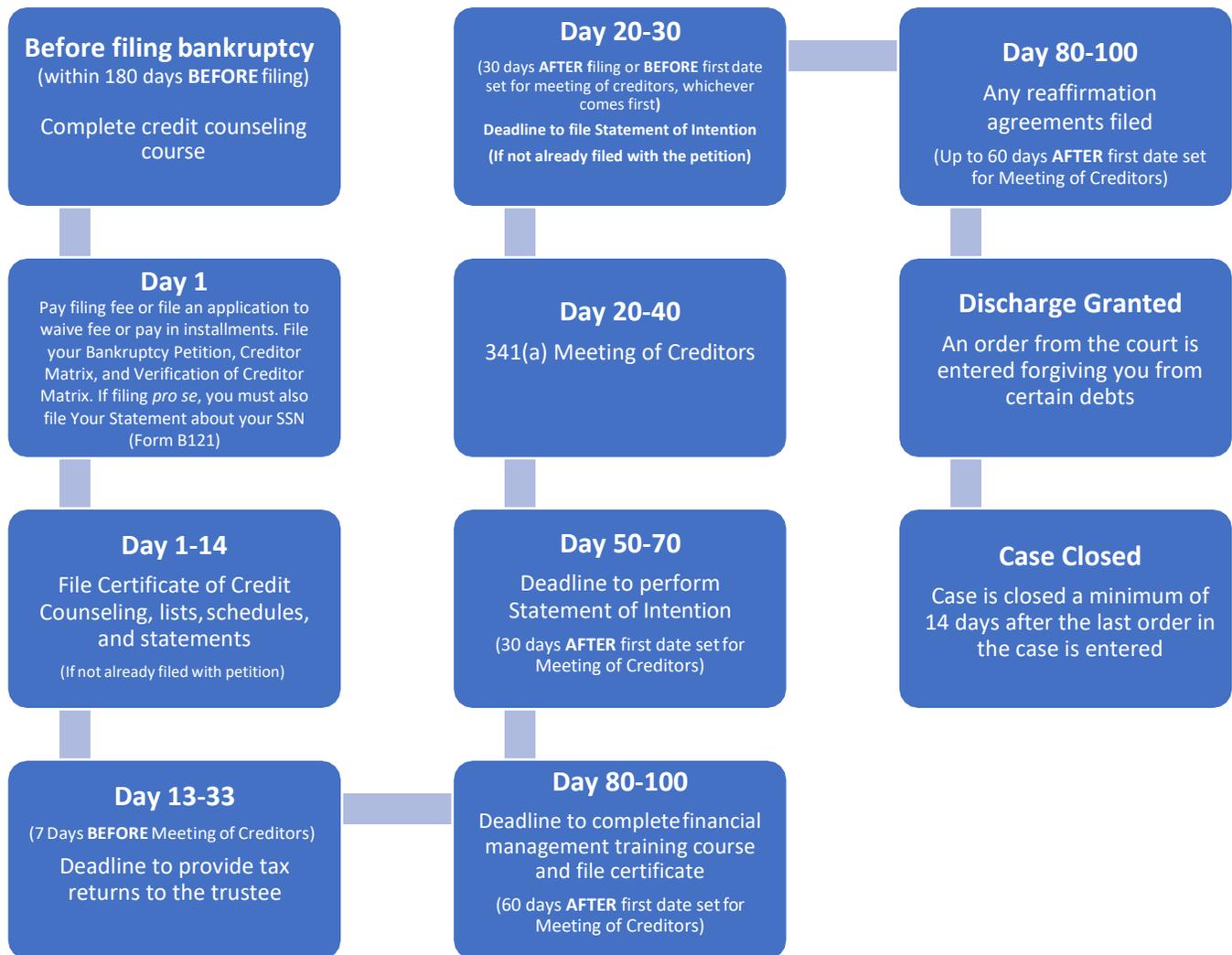


Anatomy of a Chapter 7 Bankruptcy Case



Important information

- For more information on the bankruptcy process, you can visit the [Filing Without an Attorney](https://www.almb.uscourts.gov) page on the bankruptcy court's website (<https://www.almb.uscourts.gov>).
- Bankruptcy court employees cannot provide legal advice, including how to complete bankruptcy forms, or refer prospective debtors to a lawyer. We recommend you hire an attorney to help you navigate this complicated legal process. If you choose to file without an attorney, there is an instructional pamphlet on filling out bankruptcy forms at the following website: https://www.uscourts.gov/sites/default/files/instructions_individuals.pdf.
- The U.S. Bankruptcy Court for the Middle District of Alabama now offers debtors the opportunity to request receipt of court notices and orders via email instead of U.S. mail through a program called Debtor Electronic Bankruptcy Noticing (DeBN). This is a free and voluntary service. Ask for the DeBN sign-up form at the intake counter to get started.

Before filing for bankruptcy:

- Before filing for bankruptcy, you must complete a credit counseling course from an approved credit counseling agency. These courses generally last 60 to 90 minutes and may be completed in person, online, or over the phone. A list of approved credit counseling agencies can be found at <https://www.almba.uscourts.gov/sites/almba/files/Approved%20CCDEAgencies.pdf>.
- When you complete the course, you will receive a certificate of credit counseling.
- You may complete the credit counseling course any time within 180 days before you file for bankruptcy, but it must be completed before you file your bankruptcy petition, or your case may be dismissed.

Day 1:

- Filing a bankruptcy petition officially opens your bankruptcy case. At the time of filing, you will have to pay a filing fee. A list of fees is located on the bankruptcy court's website (<https://www.almb.uscourts.gov/fees>). If you have trouble paying the filing fee, the bankruptcy court may grant you permission to pay in installments. If your income is below 150% of the poverty level and you are unable to pay the fee, even in installments, the bankruptcy court may waive the fee requirement. You will need to file the appropriate form for either of these options to be considered by the court.
- **Official Form B121** (Statement About Your Social Security Number) must be filed on day 1. If you do not file it on day 1, your meeting of creditors will be delayed. Only after Official Form B121 is filed will the court mail you and your creditors a notice entitled, "Notice of Chapter 7 Bankruptcy Case." This notice informs your creditors that your bankruptcy case has been filed, provides information about various court deadlines, and contains the date, time, and location of the meeting of creditors, which will take place between day 20 and day 40.
- All other required documents of the bankruptcy petition package must be filed with your bankruptcy petition on day 1 or within 14 days after filing your petition. A list of the filing requirements can be found on page 14 of the [Consumer Pro Se Debtor's Guide](#). All required forms can be found on the court's website (<https://www.almb.uscourts.gov/forms>).
- You have several options for filing your bankruptcy petition: you can bring your filing fee and bankruptcy petition package to the intake counter of the bankruptcy court clerk's office, use the overnight drop box in front of the courthouse for your documents and filing fee, or you may mail all documents and your filing fee to our mailing address: U.S. Bankruptcy Court, One Church Street, Montgomery, AL 36104. The filing fee must be paid via cashier's check or money order made payable to U.S. Bankruptcy Court. Cash and credit cards are not accepted.

Day 1-14:

- If you did not file your certificate of completion for the credit counseling course or the other required documents with the petition on day 1, you must file them within 14 days of filing the petition. If you don't, your case may be dismissed.
- If you do not have copies of your payment advices or if you are unemployed, you must file a Statement Concerning Payment Advices. You can find the form on the [local forms](#) page of the court's website.

Day 13-33:

- At least seven days before the initial date set for your 341(a) Meeting of Creditors, you must provide your chapter 7 trustee with a copy of your most recent federal tax return. The date of your 341(a) Meeting of Creditors will be listed in the “Notice of Chapter 7 Bankruptcy Case” which you will receive from the court after you file your bankruptcy petition. Visit the bankruptcy administrator's website for more information on providing tax returns to the trustee: <https://www.almba.uscourts.gov/providing-tax-returns-trustees>.

Day 20-30:

- The Statement of Intention is a document that lists your secured debts and describes your plan to either surrender or keep any property securing your debts. Secured debts are debts in which there is collateral (property) that your creditors can claim if you neglect to pay them the debt you owe. Examples of secured debts include car loans and mortgages.
- If you do not file the Statement of Intention with your bankruptcy petition on day 1, you must file it within 30 days of filing your petition or by the date first set for the 341(a) Meeting of Creditors (whichever comes first).

Day 20-40:

- After you file the necessary documents to open your bankruptcy case, the bankruptcy court will mail you and your creditors a notice entitled, “Notice of Chapter 7 Bankruptcy Case.” This notice informs your creditors of your bankruptcy case, provides information about various court deadlines, and contains the date, time, and location of the 341(a) Meeting of Creditors. This meeting will take place between day 20 and day 40. You must attend this meeting, or your case will be dismissed.
- The 341(a) Meeting of Creditors is a chance for the chapter 7 trustee overseeing your bankruptcy case and any creditors who wish to attend to ask you questions regarding your financial affairs and your property. Because this is not a court hearing, there will be no judge present during the meeting. However, you will be under oath as you answer questions regarding your financial situation.
- Due to the COVID-19 pandemic, the 341(a) Meeting of Creditors will be held via Zoom call. Information concerning call in numbers will be included on the notice you receive from the court. For more information on Zoom meeting procedures, visit the bankruptcy administrator’s website (<https://www.almba.uscourts.gov/>).

Day 50-70:

- Within 30 days after the date first set for the Meeting of Creditors, you must perform what is outlined in your Statement of Intention.

Day 80-100:

- In addition to the credit counseling course completed before you filed for bankruptcy, you must also take a financial management course from an approved course provider. The course can be completed in person, on the internet, or over the phone. For a complete list of approved agencies where you can take the course, please visit the following: <https://www.almba.uscourts.gov/sites/almba/files/ApprovedPFMA.pdf>.

- When you complete the financial management course, you will receive a certificate of completion which you are required to file with the bankruptcy court within 60 days after the first date set for your 341(a) Meeting of Creditors. You may complete Form B423 ("Debtor's Certification of Completion of Post-petition Instructional Course Concerning Personal Financial Management") and file this with the court. It must be accompanied by the certificate of completion.
- Failure to complete the course and file the certificate of completion will delay your discharge and could even result in your case being closed without a discharge.

Day 80-100:

- If you wish to keep certain personal property after filing for bankruptcy, you may consider entering into a reaffirmation agreement with your creditor. In a reaffirmation agreement, you agree to continue making payments on a particular debt (such as a car loan) to keep the property (such as a car). Any proposed reaffirmation agreements must be filed with the court within 60 days after the date first set for your 341(a) Meeting of Creditors.
- If you are represented by an attorney during the negotiation of a reaffirmation agreement, and your attorney signs all the appropriate sections of the agreement, it is not necessary for a judge to approve the agreement. However, if you are not represented by an attorney during the negotiation of a reaffirmation agreement, the court will set a hearing on the proposed reaffirmation agreement. If the judge decides that the agreement is in your best interest, he or she will sign an order approving the reaffirmation agreement.

Discharge Granted:

- The **discharge** is the order from the court forgiving you from certain debts. Once your discharge is granted, your creditors can no longer attempt to collect the debts that were discharged. Not all debts are dischargeable in bankruptcy. ([See Chapter 7 Bankruptcy Basics](#))
- Discharges may be granted as early as 60 days after the date first set for the 341(a) Meeting of Creditors. However, the timing of a discharge varies from case to case. In general, if all requirements have been met, a chapter 7 case will discharge fifteen days after the deadline has passed for filing objections to the discharge.

Case Closed After Discharge:

- The bankruptcy court will not close your case until a minimum of 14 days after the last order, generally the discharge order, is entered in the case. This delay allows any appeal-related deadlines to pass.