



U.S. Department of Justice
Office of the United States Trustee

Districts of Colorado and Wyoming

**OPERATING GUIDELINES AND REPORTING REQUIREMENTS
OF THE UNITED STATES TRUSTEE**

**FOR CHAPTER 11 DEBTORS IN POSSESSION
AND CHAPTER 11 TRUSTEES**

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I. INTRODUCTION

A. United States Trustee's Authority to Supervise Debtor in Possession

Pursuant to 28 U.S.C. §586 and 11 U.S.C. §704(8), the United States Trustee ("U.S. Trustee") has established these **Operating Guidelines and Reporting Requirements** (the "requirements") for Chapter 11 debtors in possession and Chapter 11 trustees (the "debtor" or "debtors"). Under these requirements, debtors must establish and observe certain operating procedures and file certain financial reports with the Bankruptcy Court, the U.S. Trustee, and any committee appointed in the case by the U.S. Trustee. Counsel should carefully review these requirements with debtor upon receipt.

B. Compliance, Amendments or Modifications

Timely compliance with each of the requirements contained herein is mandatory. Failure to comply with any requirement may result in the filing of a motion to dismiss or convert the case or a motion to appoint a Chapter 11 trustee or examiner.

Any request to amend or modify these requirements for a particular Chapter 11 case must be made in writing. To be effective, approval by the United States Trustee must be in writing.

C. Duties of Debtor in Possession

With the filing of a Chapter 11 petition, a debtor becomes a new entity called a debtor in possession. The debtor in possession has fiduciary and statutory responsibilities to preserve and maintain the estate and to operate its business as efficiently as possible in order to maximize ultimate payments on pre-petition debts while keeping post-petition debt current. (See 11 U.S.C. §§ 1106 and 1107.)

D. Duties of Trustee or Debtor in Possession in Small Business Cases

A "small business case" is a case in which the debtor is a "small business debtor" (See 11 U.S.C. §101 (51C) and (51D)). Section 1116 of Title 11 sets out a number of additional requirements in small business cases:

- 1) The debtor must append to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief, its most recent balance sheet, statement of operations, cash-flow statement, and Federal income tax return, or a statement made under penalty of perjury that the financial statements have not been prepared or the tax return has not been filed.
- 2) The debtor must attend, through its senior management personnel and counsel, meetings scheduled by the court or the U.S. Trustee, including initial debtor interviews, scheduling conferences, and the §341 meeting of creditors, unless the court waives the requirement upon a finding of extraordinary and compelling circumstances.
- 3) The debtor must timely file all schedules and statements of financial affairs unless the court grants an extension of time, which shall not extend beyond 30 days after the order for relief absent extraordinary and

compelling circumstances.

- 4) The debtor must file all post-petition financial and other reports required by the Federal Rules of Bankruptcy Procedures or Local Bankruptcy Rules.
- 5) The debtor must maintain insurance customary and appropriate to the industry, subject to 11 U.S.C. §363(c)(2) concerning use of cash collateral.
- 6) The debtor must timely file tax returns and other required governmental filings and timely pay all taxes entitled to administrative expense priority, except those being appropriately and diligently contested, and subject to 11 U.S.C. §363(c)(2) concerning use of cash collateral.
- 7) The debtor must allow the U.S. Trustee or a designated representative to inspect the debtor's business premises, books, and records at reasonable times, and after reasonable prior written notice, unless the debtor waives notice.

E. Individual Debtors

Title 11 includes a number of provisions that apply specifically to Chapter 11 cases in which the debtor is an individual (including a joint petition filed by a married couple), including the following:

- 1) Property of the bankruptcy estate includes property acquired post-petition. 11 U.S.C. §1115(a)(1).
- 2) Property of the bankruptcy estate includes post-petition earnings from personal services. 11 U.S.C. §1115(a)(2).
- 3) **Within 30 days** of filing a bankruptcy petition an individual debtor must apply for a **new tax identification number** and begin reporting income for his or her bankruptcy estate on IRS Form 1041 (see paragraph C of Section II below for further instructions).
- 4) The plan must provide for the debtor to pay creditors all or such portion of earnings from personal services or other future income of the debtor as is necessary for the execution of the plan. 11 U.S.C. §1123(a)(8).
- 5) If a holder of an allowed unsecured claim objects to confirmation of the plan, the plan must either provide for payment of the full value of the claim as of the effective date, or for payment of the projected disposable income of the debtor for five years or for the term of the plan, whichever is longer, with disposable income defined in 11 U.S.C. §1325(b)(2). 11 U.S.C. §1129(a)(15).
- 6) At the request of the debtor, the trustee, the U.S. Trustee, or the holder of an allowed unsecured claim, the plan may be modified at any time after confirmation but before completion of payments to 1) increase or reduce the amount of payments to a particular class; 2) extend or reduce the time period for payments; or 3) change the amount to be paid to a creditor to

the extent necessary to take account of any payments made other than under the plan. 11 U.S.C. §1127(e).

- 7) At the request of the court, the U.S. Trustee, or any party in interest, the debtor must file with the court a copy of any post-petition federal income tax returns at the same time they are filed with the taxing authorities, and certain pre-petition federal income tax returns that had not been filed with the taxing authorities on the petition date. 11 U.S.C. §521(f).
- 8) Pursuant to 11 U.S.C. §521(f)(1)(2)(3), if the Debtor does not file a tax return after the commencement of the case or to properly obtain an extension of the due date for filing such return, the court may convert or dismiss the case. 11 U.S.C. §521(f)(j). An individual debtor's plan of reorganization may not be confirmed if the debtor has not filed all Federal, State, and Local tax returns and provided a copy to the Bankruptcy Court (with a copy to the U.S. Trustee).
- 9) Domestic Support Obligations ("DSO"). An individual debtor owing a "domestic support obligation" as defined at 11 U.S.C. §101(14A) (alimony, child support, etc.) has several obligations relating to debtor's DSOs.
 - a) Notice of bankruptcy filing. An individual debtor must provide written notice of the bankruptcy filing to the holder of the obligation and also to the appropriate state child support enforcement agency. The initial notices of a debtor's bankruptcy filing must be sent by the meeting of creditors, and proof of service must be furnished to the UST within ten days.
 - b) Notice upon discharge. Upon receiving a bankruptcy discharge, the debtor must send a separate notice to these same parties. The notifications must comply with 11 U.S.C. §1106(c) and §1107(a). Sample form Notices to the holder of the obligation and to the state child support enforcement agencies are attached as Exhibit 10.
 - c) Social Security Numbers. In order to assist state child support enforcement agencies in identifying debtors with DSOs, the debtor must include the debtor's full Social Security number on those notices going to the State child support enforcement agency, except where prohibited by state law or regulation. The debtor's full Social Security number need *not* be included on the notices going to the DSO claim holder. If the debtor chooses to file the notice with the Court, please ensure that the first five digits of the debtor's Social Security number are redacted from the notice.
 - d) Cause for dismissal. "Cause" for conversion or dismissal of chapter 11 case includes failure of the debtor to pay any DSO that first becomes payable after the petition filing date. 11 U.S.C. § 1112(b)(4)(P).
 - e) Confirmation of plan. Payment of all DSOs payable after the date of filing the bankruptcy petition, including spousal support, is required for confirmation of a chapter 11 plan. 11 U.S.C. § 1129(a)(14).

- 10) An individual debtor must remain current on all post-petition domestic support obligations (see 11 U.S.C. §112(b)(4)(P)) to avoid conversion or dismissal for cause, and must also to be eligible to confirm a plan. (11 U.S.C. §1129(a)(14)).
- 11) An individual debtor does not receive a discharge until completion of all payments under the plan. The court may grant a discharge to an individual debtor who has not completed all plan payments if the court finds that the value of the property actually distributed to unsecured creditors as of the effective date is not less than the amount that would have been paid in a chapter 7 case if the estate had been liquidated on the effective date, and if the court also finds that modification of the plan under §1127 is not practicable. 11 U.S.C. §1141(d)(5).
- 12) Individual Chapter 11 cases may remain open and under the jurisdiction of the bankruptcy court and supervision by the U.S. Trustee for up to five years following confirmation. During that period, quarterly U.S. Trustee fees will be assessed and reports will be due as outlined below in Section III, item F. An individual debtor is required to report the progress in meeting plan payments via a comparison of actual vs. required payments for each class each quarter. As referenced above, per 11 U.S.C. §521(f) an individual debtor must provide copies of each tax return filed after confirmation to the Court and the U.S. Trustee up through the date of discharge.

II. OPERATING GUIDELINES

A. Bank Accounts/Money of the Estate

- 1) Upon the filing of the petition or the entry of an order of relief, a debtor must close all pre-petition bank accounts and establish new debtor in possession bank accounts. Unless the UST approves otherwise, the debtor in possession account shall be at a depository approved by the UST (see approved depository list). The debtor should deposit all receipts and make all disbursements through the debtor in possession account(s), unless otherwise approved by order of the court or the United States Trustee. In the case of an individual debtor operating a business, the debtor should maintain funds in separate household and business debtor in possession accounts.
- 2) The account name on the bank's records must include the words "Debtor in Possession." Checks for all the new accounts must be pre-numbered by the printer, and must be **imprinted** with the words "Debtor in Possession" and the bankruptcy case number, along with the full name of the debtor(s). Handwritten, typewritten, or hand-stamped versions are **not** acceptable. The use of the abbreviation "DIP" for "debtor in possession" is not acceptable. Please refer to the following example of a correctly styled check as a guide in setting up the account and ordering checks.

John Doe Holding, Inc., dba USA GOODS 1001
Debtor in Possession
Case No. 13-20000 ABC
1400 Every Street 11-7/3073
Anytown, CO 80000
(303) 111-1111

Pay to the
Order of _____ | \$()
Dollars

Solvent National Bank
1 Finance Street
Metropolis, CO 80001

FOR _____

3073458 5079486 1001

- 3) All money of the estate must be deposited or invested in accordance with 11 U.S.C. §345. Examples of deposits and investments that comply with §345(b) include, but may not be limited to, the following:
 - a) Deposits that are fully insured by the Federal Deposit Insurance Corporation.
 - b) Investments in United States Treasury securities.
 - c) Deposits and investments with an entity that has posted a surety bond in favor of the United States, or pledged securities of the kind specified in 31 U.S.C. § 9303, to secure the funds invested or on deposit.

The UST maintains a list of financial institutions (“authorized depositories”) that have agreed to post a surety bond or pledge securities, as discussed above, to protect any uninsured deposits of bankruptcy estates. The list for the District of Colorado is available at the following web site: <https://www.justice.gov/ust-regions-r19/region-19-chapter-11-0>. For cases in the District of Wyoming, <https://www.justice.gov/ust-regions-r19/region-19-chapter-11-1>. The institutions on the list have signed agreements with the U.S. Trustee to collateralize (or bond) account balances when they exceed the FDIC limit on insured amounts to assist the debtor in possession with its compliance on §345(b). During the pendency of the case, debtors with fund balances likely to approach or exceed \$250,000 in any one month are required to use an institution on this list, even if the UST previously waived the requirement.

B. Insurance

- 1) The debtor must maintain without interruption, and in adequate amounts, all insurance customarily carried in the debtor's line of business or required by law or regulation. The debtor(s) must make all insurance premium payments when due.
- 2) **The debtor(s) must immediately notify the U.S. Trustee of any lapse, cancellation, modification, or renewal of insurance coverage and provide UST adequate proof of renewal or replacement coverage.** In general, the evidence of insurance sought is described in the section for the Initial Financial Report, covering report contents. **Failure by the debtor(s) to maintain appropriate insurance is cause for conversion or dismissal of the case. 11 U.S.C. §1112(b)(4)(C).**
- 3) Unless the United States Trustee otherwise directs, the following types of insurance must be maintained:
 - a) Casualty/General liability Insurance – General liability should protect the estate from claims of property damage, bodily injury, libel, slander, negligence related to debtor's activities. Even if not maintained pre-petition, general liability coverage should be in place for vacant land owned by the debtor.
 - b) Property insurance (i.e., fire and extended coverage). The property insurance coverage must be for no less than the fair market value or replacement cost of the insured assets (e.g., buildings and tangible personal property). The coverage would protect the estate from casualty losses, such as fire, weather, theft, vandalism, etc.
 - c) Workers' Compensation and Unemployment Insurance - All employees of the debtor should be covered by workers' compensation and unemployment insurance. Should the debtor have an employee that holds an ownership interest of 10% or more in the debtor and voluntarily elects to reject workers' compensation coverage, then the debtor should direct a copy of the employee's election to reject such coverage to the U.S. Trustee and, as appropriate, to its insurance provider and the state Division of Workers' Compensation. The Debtor should obtain the appropriate form from its insurance provider or the state Department of Labor and Employment (e.g., in Colorado, The Rejection of Coverage by Corporate Officers or Members of a Limited Liability Company (Form WC 43) or Exclusion of Uncompensated Individuals (Form WC44) are available from the website of the Colorado Department of Labor and Employment: <http://www.coworkforce.com/dwc/FormsDeskAids/InsuranceandCertif.asp>)
 - d) Professional (malpractice) liability insurance.
 - e) Product liability insurance.
 - f) Automotive liability insurance.

- g) Any other insurance coverage customary in the business or situation of the debtor(s).
- 4) The debtor(s) should include with the Initial Financial Report a completed Insurance and Environmental Questionnaire (Exhibit 3) and evidence of insurance.

C. Taxes

The debtor must remain current on all post-petition federal, state, and local taxes and file all tax returns on a timely basis. The debtor should not pay pre-petition taxes except as allowed by order of the court. If the debtor has payroll tax obligations, the debtor may be required to open a special tax account and report payroll tax deposits to the appropriate taxing authority. Failure by the debtor to timely pay post-petition taxes or to file post-petition tax returns is cause for conversion or dismissal of the case. 11 U.S.C. §1112(b)(4)(I).

Debtors who are individuals (who were reporting their income pre-petition on U.S. Individual Income Tax Return Form 1040) are required to obtain an "Employer Identification Number" (EIN) for the bankruptcy estate within 30 days of filing the bankruptcy petition by filing Form SS-4. The debtor (or trustee) must prepare and file the income tax returns in accordance with "IRS Notice 2006-83 Providing Guidance Regarding Tax Treatment of Individual Chapter 11 Debtors" and in compliance with 11 U.S.C. §1115 as explained in that notice.

D. Quarterly Fees

Pursuant to 28 U.S.C. §1930(a)(6), debtors are required to pay certain fees for each calendar quarter (or portion thereof) until the case is dismissed or converted or a final decree is entered and the case is closed. (See <http://www.justice.gov/ust/chapter-11-quarterly-fees> or Exhibit 1). Failure to pay quarterly fees when due is cause for conversion or dismissal of the case. 11 U.S.C. §1112(b)(4)(K).

E. Assessment of Interest & Collection on Unpaid Quarterly Fees

Under the Debt Collection act of 1982, 31 U.S.C. §3717, our agency will charge interest on delinquent quarterly fee balances which are considered debts owed to the United States. The minimum rate charged is equal to the United States Treasury's "Current Value of Funds Rate" published annually by the Secretary of Treasury in the Federal Register and available on the Treasury's Financial Management Service's web site at www.fms.treas.gov/debt.

F. Legal Documents to Be Transmitted to the United States Trustee

Pursuant to Federal Rules of Bankruptcy Procedure 2002 and 9034, it is the responsibility of the debtor and the debtor's counsel to keep the U.S. Trustee apprised of all matters pertaining to the case at all times. This includes ensuring that the U.S. Trustee is served with copies of all papers (motions, applications, etc.) filed in the case.

G. Initial Debtor Interview

The U.S. Trustee will schedule an initial debtor interview ("IDI") with the debtor and counsel shortly after the case is filed. (See 11 U.S.C. §1116(2) for specific requirements in small business cases.) The IDI will generally be conducted either at the debtor's place of

business, at the office of the U.S. Trustee, or telephonically. At the IDI, a bankruptcy analyst from the U.S. Trustee's office will seek to become familiar with the debtor's case as well as with the debtor's business plan and operations, assets, liabilities, and accounting methods. Accordingly, the debtor's representative(s) at the IDI should have personal knowledge and information regarding the debtor's pre-petition and post-petition operations, accounting records, tax returns and financial statements. The analyst will also discuss the role of the U.S. Trustee, explain the Operating Guidelines and Reporting Requirements, and discuss scheduling matters.

The IDI will be held as soon as practicable after the petition is filed. Prior to the IDI, the debtor should ensure that the U.S. Trustee has a copy of the debtor's Statement of Financial Affairs and Schedules, and the debtor's Initial Financial Report. (See Section III, **Reporting Requirements**.) Failure by the debtor to attend this meeting (and all other meetings reasonably requested by the U.S. Trustee) is cause for conversion or dismissal of the bankruptcy case. 11 U.S.C. §1112(b)(4)(H).

H. Books and Records

The books and records of the debtor should be closed as of the date of the filing of the voluntary petition or the order for relief in an involuntary case. Provision must be made for separate accounting with respect to the pre-petition and post-petition accounts and transactions.

I. Additional Legal Requirements

The debtor's attention is directed to the following selected provisions of the Bankruptcy Code:

1) Meeting of Creditors

A meeting of creditors is required to be held generally within 21 to 40 days after the petition is filed. The debtor or one of the debtor's officers, directors, or general partners must attend and respond, under oath, to questions from the U.S. Trustee and creditors regarding the debtor's business and financial affairs, the cause of the bankruptcy, and the status of the debtor's reorganization efforts. (See 11 U.S.C. §§ 341 and 343.) Failure by the debtor to attend the meeting of creditors without good cause shown is grounds for conversion or dismissal of the case. 11 U.S.C. §1112(b)(4)(G).

2) Unsecured Creditors' Committee

- a) As soon as possible after the entry of an order for relief, the U.S. Trustee will invite the 20 largest unsecured creditors to an organizational meeting for the purpose of forming an unsecured creditors' committee. This organizational meeting may be held in conjunction with the first meeting of creditors described above, or it may be scheduled separately. The debtor and the debtor's counsel may be requested to attend this meeting. (See 11 U.S.C. §1102.)
- b) If a committee is appointed by the U.S. Trustee, the debtor must provide the committee with copies of all financial reports required by the U.S. Trustee.

- c) If a committee is appointed in a small business case, the debtor is no longer considered a small business debtor unless the court determines that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor.

3) Cash Collateral

The debtor may not use “cash collateral” unless the secured creditor agrees to such use, or such use is authorized by the court after notice and a hearing. (See 11 U.S.C. §363(c)(2).) Unauthorized use of cash collateral by the debtor that is substantially harmful to a creditor is cause for conversion or dismissal of the case. 11 U.S.C. §1112(b)(4)(D).

4) Obtaining Credit

The debtor may not obtain credit other than in the ordinary course of business without court authorization after notice and a hearing. (See 11 U.S.C. §364.)

5) Use, Sale or Lease of Property of the Estate

The debtor may not use, sell, or lease property of the estate when such use, sale, or lease is not in the ordinary course of business, except after notice and a hearing. (See 11 U.S.C. §363(b)).

6) Employment and Compensation of Professionals

The debtor may not employ or compensate professional persons, including the debtor’s attorney, without court approval. (See 11 U.S.C. §§ 326-331, 503 and 1107.)

7) Prohibition on Payment of Pre-Petition Debts

The debtor must not pay any pre-petition debts without court approval. (See 11 U.S.C. §549).

III. REPORTING REQUIREMENTS

In addition to the reports described below, the United States Trustee may require the submission of any additional information that may be necessary to properly monitor the administration of the estate. **The Initial Financial Report is to be submitted to the U.S. Trustee only; it is not to be filed with the Clerk of Court. The Monthly Operating Reports are to be filed with the Clerk of the Court and a hard copy of each report (bearing an original signature) is to be submitted to the U.S. Trustee.** Copies of all reports must also be provided to any committee appointed by the U.S. Trustee. Debtors that file the reports electronically with the Court must comply with applicable requirements concerning retention of original signatures. The debtor’s unexcused failure to comply with reporting deadlines or reporting requirements is cause for conversion or dismissal of the case. 11 U.S.C. §1112(b)(4)(F).

Regardless of who prepares any report covered in this section, the report must be signed, under penalty of perjury, by the debtor(s), a corporate officer, a general partner, or the chapter 11 trustee, as appropriate. Reports filed with the court must comply with the redaction requirements of bankruptcy rule 9037. The original reports submitted to the UST must include complete bank statements with full account numbers.

A. Initial Financial Report

The Initial Financial Report ("Initial Report") is due **fourteen days** after the petition is filed. It is submitted only to the U.S. Trustee (due to the sensitive information contained in this report, do not file the Initial Report with the Bankruptcy Court), with a copy provided to any committee appointed in the case. See Exhibit 4.

The Initial Report consists of the following:

- 1) **Cover Sheet (Form 1).**
- 2) **Latest fiscal year financial statements and tax returns.** The debtor must provide a complete set of financial statements for its most recent fiscal year. Publicly-held corporations must submit the most recent Form 10-K. Audited statements should be submitted if available. If audited statements are not available, the debtor should submit its last two federal income tax returns, along with unaudited statements. Individual debtors should redact any Social Security Numbers for themselves and their dependents that are included on the tax returns. Names of any minor children should also be redacted.
- 3) **Balance sheet as of the end of the month immediately prior to filing.**

(Debtors in small business cases are required to append their most recent balance sheet to the petition. 11 U.S.C. §1116(1)(A). If the balance sheet was filed with the petition, the debtor may check the "previously submitted" box on Form 1.)
- 4) **Profit and loss statement (statement of operations)**
 - a) for the month immediately prior to the month in which the order for relief was entered,
 - b) and a year-to-date statement cover the period ending for that month.

(Debtors in small business cases are required to append their most recent statement of operations to the petition. 11 U.S.C. §1116(1)(A). If the statement of operations was filed with the petition, the debtor may check the "previously submitted" box on Form 1.)
- 5) **Evidence of insurance and the Insurance & Environmental Risk Questionnaire.** (Exhibit 3) The debtor must complete the Insurance and Environmental Risk Questionnaire.

The debtor must provide a certificate(s) of insurance, signed by an authorized representative of the carrier or agent, with the United States Trustee named as a party to be notified in the event of cancellation or

expiration. All documents provided as evidence of insurance must clearly indicate the policy expiration date, the types and amounts of coverage, the location(s) covered, the deductible, the named insured, the insurer, and the name, address, and telephone number of the local agent. The Debtor should be listed as the name insured or as the loss payee (not the UST).

- 6) **Projections.** The debtor must submit a projected statement of monthly revenue, expenses, and cash flow that covers the first 180 days of post-petition operations. Significant assumptions used in the projections must be described. The statement must provide sufficient detail to support a review of reasonableness when compared with other financial statements provided with the report. The statement should list revenues and expenses in separate categories. A sample format is provided in the attached Form IR-6, Cash Flow Projections for the 6 Month Period.
- 7) **Information concerning debtor in possession account(s).** The debtor must provide an original sample voided check for each debtor in possession account (not a copy). If a sample check is not yet available, the debtor must, in the interim, provide the account number and name and address of financial institution where the account is located and provide the U.S. Trustee a voided check as soon as it is available.

WARNING to “Small Business” debtors: The filing of an Initial Report with the U.S. Trustee as outlined in Section A above does not satisfy the requirement by 11 U.S.C. §1116 to append those documents to the petition.

B. Monthly Operating Reports (Non-Small Business Cases)

A Monthly Operating Report must be submitted for each calendar month (or portion thereof) after the petition is filed until a plan is confirmed or the case is dismissed or converted (11 U.S.C. §704(a)(8)). The Monthly Operating Report submitted for the month in which an order confirming the plan is entered should cover the entire month. Reporting for post-confirmation periods is required on a calendar quarter as discussed in Section F below.

The Monthly Operating Report is due **twenty-one days** after the end of the month covered by the report. The Monthly Operating Report is to be filed with the Clerk of Court. A hard copy of the report with an original signature is to be submitted to the U.S. Trustee. Copies must also be provided to any committee appointed in the case.

The Monthly Operating Report consists of the following:

- 1) **Cover Sheet (Form 2-A).** The Cover Sheet’s caption should include the name of the Debtor(s) and the bankruptcy case number.
- 2) **Cash Receipts and Disbursements Statements (Form 2-B).** The Cash Reconciliation (page 1 of Form 2-B) requires information for the monthly reporting period along with cumulative information from the petition date through the end of the reporting period.
- 3) **Balance Sheet (Form 2-C).** Comparative balance sheets as of the last month-end and the petition date must be provided.

- 4) **Profit and Loss Statement (Form 2-D).** Information must be provided for the monthly reporting period along with cumulative information from the petition date through the end of the reporting period.
- 5) **Supporting Schedules (Form 2-E):**
 - a) Post-Petition Taxes Payable Schedule
 - b) Insurance Schedule
 - c) Accounts Receivable and Post-Petition Payable Aging Summary. The debtor must attach detailed aging reports. A rent roll report should be provided if the debtor has rental property. The rent roll report shall consist of property description (e.g. address, unit number), rent rate for unit, security or other deposit held, and amount of any rent arrearage.
 - d) Schedule of Payments to Attorneys and Other Professionals
 - e) Schedule of Payments to Principals/Executives
- 6) **Quarterly Fee Summary (Form 2-F).**
- 7) **Narrative (Form 2-G).**
- 8) **Complete copies of bank statements* for all accounts.**
- 9) **Bank statement reconciliations for all accounts.**

IMPORTANT: Regardless of who prepares any report covered in this section, the report must be signed, under penalty of perjury, by the debtor(s), a corporate officer, a general partner, or the chapter 11 trustee, as appropriate. Reports filed with the court must comply with the redaction requirements of bankruptcy rule 9037. The original reports submitted to the UST must include complete bank statements with full account numbers.

Individuals (e.g. a joint-filing couple or individual debtor -- not corporations, partnerships, or LLCs) who are debtors should discuss appropriate monthly reporting requirements with the bankruptcy analyst assigned to the case. Monthly reports by individuals must include detailed reporting of all financial activity of the bankruptcy estate, including transactions generated by post-petition earnings from personal services, operation of a business, and sales of property of the estate.

Debtors who derive their income from closely held corporations, partnerships or limited liability companies are required to provide periodic financial statements for closely-held entities (Federal Rule of Bankruptcy Procedure 2015.3 discussed in Section D below).

Each Monthly Operating Report must be prepared on the appropriate form. A computerized version (e.g., Excel spreadsheet) of these forms is available from the U.S. Trustee. Accounting-system-generated reports may be attached as exhibits if prior approval from the U.S. Trustee has been obtained.

The Monthly Operating Report must be prepared on 8-1/2 by 11 inch, standard quality white paper, in order to conform to court filing requirements. (See Local Rules and Standing Orders for other restrictions and requirements.)

The Monthly Operating Report must be legible. If possible, the report should be typed. No entries should be left blank; if an item does not apply, enter "0" or "N/A".

Reports prepared on the accrual basis of accounting are **strongly** recommended. The debtor may not switch from accrual to cash basis reports without the prior written approval of the U.S. Trustee.

C. Monthly Operating Reports (Small Business Cases).

As noted above, a “small business case” is a case in which the debtor is a “small business debtor” as defined in 11 U.S.C. §101 (51C) and (51D). With respect to the financial reports required in a small business case pursuant to 11 U.S.C. §308(b) and Federal Rules of Bankruptcy Procedure 2015(a)(6), the following shall apply:

- 1) A Small Business Monthly Operating Report must be submitted for each calendar month. If the order for relief is within the first 15 days of a calendar month, the report shall be filed for the portion of that month. If the order for relief is after the 15th day of that month, the period for the remainder of the month shall be included in the report for the next calendar month. The obligation to file monthly reports terminates for the months subsequent to the effective date of the plan, or conversion or dismissal of the case. A Small Business Monthly Operating Report submitted for the month in which an order confirming the plan is entered should cover the entire month. Reporting for post-confirmation periods is required on a calendar quarter as discussed in Section F below.
- 2) The Small Business Monthly Operating Report must be prepared on **Official Form 425C** (attached). The report form for cases in the District of Colorado is available in a fillable pdf format at the following web site: <https://www.justice.gov/ust-regions-r19/region-19-chapter-11-0>. For cases in the District of Wyoming, <https://www.justice.gov/ust-regions-r19/region-19-chapter-11-1>. System-generated reports may be attached as exhibits if prior approval from the U.S. Trustee has been obtained.
- 3) The Small Business Monthly Operating Report is due **twenty-one days** after the end of the month covered by the report. The report must be filed with the Clerk of Court. A hard copy of the report with an original signature is to be submitted to the U.S. Trustee. Copies must also be provided to any committee appointed in the case. Regardless of who prepares any report covered in this section, the report must be signed, under penalty of perjury, by the debtor(s), a corporate officer, a general partner, or the chapter 11 trustee, as appropriate. Reports filed with the court must comply with the redaction requirements of bankruptcy rule 9037. The original reports submitted to the UST must include complete bank statements with full account numbers.
- 4) Individual debtors should discuss appropriate monthly reporting requirements with the bankruptcy analyst assigned to the case.
- 5) The Small Business Monthly Operating Report must be legible. If possible, the report should be typed. No entries should be left blank; if an item does not apply, enter “0” or “N/A”.
- 6) The Small Business Monthly Operating Report should reflect the receipts and disbursements detail in Exhibits C and D, respectively, that is

outlined on page 2 of Official Form 425C. The cash transactions reflected on Page 2 should be reported on a calendar basis. Exhibits E and F should also reflect Accounts payable and Accounts receivable detail.

D. Reports Regarding Entities In Which Debtor Holds An Interest

Pursuant to Fed.R.Bankr.P. 2015.3, the debtor must file periodic financial reports of the value, operations, and profitability of each entity in which debtor holds a substantial or controlling interest (except that the debtor does not need to file reports regarding any entity that is either a publicly traded corporation or is in bankruptcy). It is presumed that the debtor holds a substantial or controlling interest if the debtor controls or owns at least a 20% interest in the entity.

- 1) The periodic financial report must be prepared on the attached form (Official Form 426);
- 2) The first report shall be filed no later than **seven (7) days** before the first date set for the §341 meeting of creditors. Subsequent reports shall be filed at least every six (6) months thereafter. The obligation to file the periodic reports terminates upon the effective date of the plan, or conversion or dismissal of the case.
- 3) In addition to filing the periodic financial report with the Court, copies of the report shall be served on the U.S. Trustee, any committee appointed in the case, and any other party in interest that has filed a request therefor.

E. Reports on Cases Converted to Chapter 7

Pursuant to Fed.R.Bankr.P. 1019(5), the debtor must: 1) within **fourteen days** after entry of an order converting the case to a case under chapter 7, file a schedule of unpaid debts incurred after commencement of the Chapter 11 case, such list to include the name and address of each post-petition creditor; and 2) within 30 days after entry of the order of conversion, file with the court and transmit to the U.S. Trustee a final report and account.

F. Post-Confirmation: Reporting Requirements & Quarterly Fees

Pursuant to 11 U.S.C. §1106(a)(7), the debtor must file a Post-Confirmation Quarterly Report (**Form 3**) for every post-confirmation calendar quarter, including the quarter in which the plan was confirmed and the quarter in which the debtor files its application for final decree. The first report should be for the entire calendar quarter, not just the post-confirmation period.

The Post-Confirmation Quarterly Report is due **thirty days** after the end of each calendar quarter (due dates: January 30th, April 30th, July 30th, and October 30th), except for the preliminary closing Post-Confirmation Quarterly Report, which should be filed at the same time as the Chapter 11 Final Report and Motion for Final Decree. A preliminary closing Post-Confirmation Quarterly Report shall be submitted with the application for final decree. The preliminary closing Post-Confirmation Report should include all activity through the date of the application for final decree. The final Post-Confirmation Quarterly Report is due thirty days after the court enters the final decree, and should include all activity through the date of the final decree. If the final decree is not issued until a quarter following the quarter in which application for final decree was issued, Post-Confirmation Quarterly reports need to be submitted for each quarter through the quarter in which the final decree was issued.

Both plan payments and disbursements made outside the plan (i.e. in the ordinary course) are to be disclosed in each post-confirmation report. U.S. Trustee fees will be assessed on all post-confirmation disbursements (whether or not they were made pursuant to the plan). U.S. Trustee fees are due quarterly (See <http://www.justice.gov/ust/chapter-11-quarterly-fees> or Exhibit 1) and will continue to be billed post-confirmation up through the docket date of a final decree, dismissal, or conversion. The quarterly fees are based on disbursements through the same date. If a case is reopened following the entry of a final decree (i.e. a year later to enforce or modify a plan) fees will be assessed for that open period as well.

As discussed above (in Section II, Paragraph D), the U.S. Trustee will assess interest on any delinquent fee balances while the case is pending. Any balances remaining unpaid after the case is closed may be referred to the United States Treasury for collection (which may result in the assessment of additional interest and penalties).

After the filing of the Chapter 11 Final Report and Motion for Final Decree, the debtor must continue to file post-confirmation quarterly reports covering disbursements for each quarter through the date of the order for final decree. The last post-confirmation quarterly report must be filed to cover disbursements from the first day of the calendar quarter through the date of the final decree entered in the same quarter reported.

Quarterly Fees

Under 28 U.S.C. § 1930(a)(6), a quarterly fee shall be paid to the United States Trustee System Fund at Treasury in each case under chapter 11 (except small business cases under Subchapter V of chapter 11) for each calendar quarter, or portion thereof, between the date a bankruptcy petition is filed and the date the court enters a final decree closing the case, dismisses the case, or converts the case to another chapter in bankruptcy.

Quarterly Fee Calculation

The quarterly fee is calculated by totaling the reported disbursements for the three-month calendar quarter, or portion thereof, according to the fee schedules shown below. The quarterly fee amount will be estimated if disbursements for all of the months of a calendar quarter that the case is open have not been reported to the United States Trustee. The estimated fee is based on: a) the reported disbursement history, b) the debtor’s initial financial data submitted when the case was filed, or c) the United States Trustee’s estimate. If there is a disagreement with the estimated quarterly fee noted on the billing statement, then Monthly Operating Reports or actual disbursement reports supporting a different calculation must be filed with the bankruptcy court and served on the United States Trustee office. A minimum fee of \$325.00 is due even if there were no disbursements during a calendar quarter. The fee is not prorated.

The Bankruptcy Judgeship Act of 2017, Pub. L. No. 115-72, temporarily amended the calculation of chapter 11 quarterly fees effective January 1, 2018. Under this amendment, during each of fiscal years 2018 through 2022, if the balance in the United States Trustee System Fund (Fund) as of September 30 of the most recent full fiscal year is less than \$200 million, the quarterly fee payable for a calendar quarter in which disbursements equal or exceed \$1 million shall be the lesser of 1 percent of such disbursements or \$250,000.

The balance in the Fund as of September 30, 2019, was less than \$135 million. Accordingly, the amended chapter 11 quarterly fee schedule below applies for the calendar quarters beginning **October 1, 2019 through September 30, 2020***.

QUARTERLY FEE SCHEDULE (Effective Jan. 1, 2018 – Sept. 30, 2020)

[pursuant to 28 U.S.C. §1930(a)(6)]

Disbursement Range	Quarterly Fee
\$0 to \$14,999.99	\$325
\$15,000 to \$74,999.99	\$650
\$75,000 to \$149,999.99	\$975
\$150,000 to \$224,999.99	\$1,625
\$225,000 to \$299,999.99	\$1,950
\$300,000 to \$999,999.99	\$4,875
\$1,000,000 or more	1% of quarterly disbursements <i>or</i> \$250,000, whichever is less

*Information on the Quarterly Fees applicable to quarters prior to Jan 1, 2018 and subsequent to Sept 30, 2020 (i.e. any updates/changes) can be found at <https://www.justice.gov/ust/chapter-11-quarterly-fees>

Fee Due Date

Quarterly fees are due no later than one month following the end of each calendar quarter.

Failure to pay quarterly fees may result in the conversion or dismissal of the case. Payment of that quarter's fees and any past due fees and interest, if applicable, must be made before the effective date of a confirmed plan of reorganization and quarterly fees will continue to accrue until entry of the final decree, or until the case is converted or dismissed. Failure to pay these fees may result in a motion by the United States Trustee to dismiss or convert the case to a chapter 7 case.

Payment Options

A billing statement from the United States Trustee Program is mailed to the debtor or other designated party for each calendar quarter before the payment due date.

1) Online Payments (new):

Beginning **January 1, 2020**, Chapter 11 quarterly fees may be paid online via electronic funds transfer from a bank account* at <https://www.pay.gov/public/form/start/672415208>

***Important:** pay.gov DOES **NOT** ACCEPT debit cards, credit cards, or any other types of online payments.

2) Payments via Check or Money Order:

Tear off the portion of the statement and a check, made payable to "United States Trustee".

The address to use to mail quarterly fee payments is:

United States Trustee Payment Center
P.O. Box 6200-19
Portland, OR 97228-6200

Or for Overnight deliveries:

*U.S. Bank
Attn: Government Lockbox – U.S. Trustee Payment Center 6200-19
17650 N.E. Sandy Blvd
Portland, OR 97230-5000*

The addresses shown above are a lockbox at a bank. **DO NOT** use these addresses for service of process, correspondence, or any purpose other than paying quarterly fees. Any other correspondence or documents sent to the lockbox other than the payment form will be destroyed.

Each quarterly fee must be timely paid. Failure to receive a bill from the Executive Office for United States Trustees does not excuse timely payment. Failure to pay the quarterly fee is cause for conversion or dismissal of the chapter 11 case pursuant to 11 U.S.C. § 1112(b)(4)(K) (for cases filed on or after October 17, 2005) or 11 U.S.C. § 1112(b)(10) (for cases filed before October 17, 2005).

****The following notice is to advise the debtor of the UST's procedure for collecting delinquent quarterly fees.*

NOTICE

DISCLOSURE OF INTENT TO USE TAXPAYER IDENTIFYING NUMBER FOR THE PURPOSE OF COLLECTING AND REPORTING DELINQUENT QUARTERLY FEES OWED TO THE UNITED STATES TRUSTEE PURSUANT TO 28 U.S.C. § 1930(a)(6)

Please be advised that, pursuant to the Debt Collection Improvements Act of 1996, Public Law 104-134, Title III, § 31001(i)(3)(A), 110 Stat. 1321-365, codified at 31 U.S.C. § 3701, the United States Trustee intends to use the debtor's Taxpayer Identification Number ("TIN") as reported by the debtor or debtor's counsel in connection with the chapter 11 bankruptcy proceedings for the purpose of collecting and reporting on any delinquent debt, including chapter 11 quarterly fees, that are owed to the United States Trustee.

The United States Trustee will provide the debtor's TIN to the Department of Treasury for its use in attempting to collect overdue debts. Treasury may take the following steps: (1) submit the debt to the Internal Revenue Service Offset Program so that the amount owed may be deducted from any payment made by the federal government to the debtor, including but not limited to tax refunds; (2) report the delinquency to credit reporting agencies; (3) send collection notices to the debtor; (4) engage private collection agencies to collect the debt; and, (5) engage the United States Attorney's office to sue for collection. Collection costs will be added to the total amount of the debt.



U.S. Department of Justice
Office of the United States Trustee

INSURANCE & ENVIRONMENTAL RISK QUESTIONNAIRE

The Failure to maintain appropriate insurance coverage is grounds for conversion or dismissal of a Chapter 11 case pursuant to 11 U.S.C. § 1112(b)(4)(c).

§1112 of the Bankruptcy Code requires a chapter 11 debtor to protect its assets and the public. Failure to have or maintain coverage consistent with industry standards constitutes grounds for dismissal or conversion of your case. This questionnaire is to notify the United States Trustee about the adequacy and recent history of insurance coverage on assets of your bankruptcy case.

THIS FORM AND A COPY OF YOUR MOST RECENT INSURANCE POLICIES (General Liability, Property, Workers Compensation, Vehicle, etc.) (declarations page only) SHOULD BE received by the Office of United States Trustee as an attachment to the Initial Financial Report , but no later than fourteen (14) days from the date the petition is filed. Additionally, the United States Trustee should be added to each policy as a party to be notified in the event of cancellation or expiration.

Case Name _____ **Case No.** _____

Answer the following:

- 1) Was there insurance coverage on the assets of this estate at the date of the bankruptcy petition?
YES NO
- 2) Are the assets of this estate comprised solely of raw land or unimproved property including **all** of the following 1) no structures or buildings 2) no operating business 3) no known environmental hazards
YES NO
- 3) If insurance has lapsed or has been cancelled within the past year, indicate the date(s) of any gaps in coverage:
- 4) To the best of your knowledge, what assets, if any, were uninsured or under-insured on the date of the bankruptcy filing?
- 5) What efforts are underway to reinstate or increase insurance coverages to appropriate levels (to industry standards), if applicable?
- 6) Are there any known environmental hazards on any property of the debtor? YES NO
If yes, attach a list and explanation of each hazard.

IN ACCORDANCE WITH TITLE 28, SECTION 1746 OF THE UNITED STATES CODE, I DECLARE UNDER PENALTY OF PERJURY THAT I HAVE COMPLETED THIS INSURANCE QUESTIONNAIRE ON BEHALF OF THE CHAPTER 11 DEBTOR AND, TO THE BEST OF MY KNOWLEDGE, THIS REPORT AND RELATED DOCUMENTS ARE TRUE, CORRECT AND COMPLETE.	
SIGNATURE OF RESPONSIBLE PARTY	DATE REPORT SIGNED
_____	_____
PRINTED NAME OF RESPONSIBLE PARTY AND POSITION WITH DEBTOR	

DEBTOR(S): _____

INITIAL FINANCIAL REPORT
CHAPTER 11

CASE NUMBER: _____

COVER SHEET

Date of Report

THIS REPORT IS DUE 14 DAYS AFTER THE PETITION FILING DATE

Mark One Box for Each Required Document: Debtor must attach each of the following documents or a satisfactory explanation for failure to attach a document. **Submit original report to U.S. Trustee. Do not file report with Clerk of Court.**

Document Previously Explanation			REQUIRED DOCUMENTS
Attached	Submitted	Attached	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Latest Fiscal Year Financial Statements and Tax Returns
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Balance Sheet as of Month End Immediately Preceding Filing
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Profit and Loss Statement for Month and Year Immediately Preceding Filing
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Insurance & Environmental Risk Questionnaire (Exhibit 3) - Proof of:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. General Liability Insurance
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b. Property (Fire, Theft, etc.) Insurance
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. Workers' Compensation Insurance
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	d. Vehicle Insurance
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	e. Other:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Projected Revenue, Expenses and Cash Flow for First 180 Days of Post Petition Operations (Form IR-6)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Name and Address of Financial Institution, Account Number and Sample Voided Check for Each Debtor in Possession Bank Account
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. General Account
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. Tax Account (if required)

I declare under penalty of perjury that the following Initial Financial Report, and any attachments thereto, are true and correct to the best of my knowledge and belief.

Executed on: _____ Debtor(s): _____

By: _____

Position: _____

Email & Phone: _____

DEBTOR(S): _____

**MONTHLY OPERATING REPORT
CHAPTER 11**

CASE NUMBER: _____

**Form 2-A
COVER SHEET**

For Period End Date: _____

Accounting Method: Accrual Basis Cash Basis

THIS REPORT IS DUE 21 DAYS AFTER THE END OF THE MONTH

Mark One Box for Each
Required Document:

Debtor must attach each of the following documents unless the U. S. Trustee
has waived the requirement in writing. File the original with the Clerk of Court.
Submit a duplicate, with original signature, to the U. S. Trustee.

Report/Document Attached	Previously Waived	REQUIRED REPORTS/DOCUMENTS
<input type="checkbox"/>	<input type="checkbox"/>	1. Cash Receipts and Disbursements Statement (Form 2-B)
<input type="checkbox"/>	<input type="checkbox"/>	2. Balance Sheet (Form 2-C)
<input type="checkbox"/>	<input type="checkbox"/>	3. Profit and Loss Statement (Form 2-D)
<input type="checkbox"/>	<input type="checkbox"/>	4. Supporting Schedules (Form 2-E)
<input type="checkbox"/>	<input type="checkbox"/>	5. Quarterly Fee Summary (Form 2-F)
<input type="checkbox"/>	<input type="checkbox"/>	6. Narrative (Form 2-G)
<input type="checkbox"/>	<input type="checkbox"/>	7. Bank Statements for All Bank Accounts <i>(Redact all but last 4 digits of account number and remove check images)</i>
<input type="checkbox"/>	<input type="checkbox"/>	8. Bank Statement Reconciliations for all Bank Accounts
<input type="checkbox"/>	<input type="checkbox"/>	9. Evidence of insurance for all policies renewed or replaced during month

I declare under penalty of perjury that the following Monthly Operating Report, and any attachments thereto are true, accurate and correct to the best of my knowledge and belief.

Executed on: _____

Print Name: _____

Signature: _____

Title: _____

DEBTOR(S): _____ CASE NO: _____

Form 2-B
CASH RECEIPTS AND DISBURSEMENTS STATEMENT
 For Period: _____ to _____

CASH FLOW SUMMARY

	Current Month	Accumulated
1. Beginning Cash Balance	\$ _____ (1)	\$ _____ (1)
2. Cash Receipts		
Operations		
Sale of Assets		
Loans/advances		
Other		
Total Cash Receipts	\$ _____	\$ _____
3. Cash Disbursements		
Operations		
Debt Service/Secured loan payment		
Professional fees/U.S. Trustee fees		
Profession fees paid from Retainer (e.g. COLTAF acct)		
Other		
Total Cash Disbursements	\$ _____	\$ _____
4. Net Cash Flow (Total Cash Receipts less Total Cash Disbursements)	_____	_____
5 Ending Cash Balance (to Form 2-C)	\$ _____ (2)	\$ _____ (2)

CASH BALANCE SUMMARY

	Financial Institution	Book Balance
Petty Cash	_____	\$ _____
DIP Operating Account	_____	
DIP State Tax Account	_____	
DIP Payroll Account	_____	
Other Operating Account	_____	
Retainers held by professionals (i.e. COLTAF)	_____	
TOTAL (must agree with Ending Cash Balance above)		\$ _____ (2)

(1) Accumulated beginning cash balance is the cash available at the commencement of the case and retainers.
 Current month beginning cash balance should equal the previous month's ending balance.
 (2) All cash balances should be the same.

DEBTOR(S): _____

CASE NO: _____

Form 2-B
CASH RECEIPTS AND DISBURSEMENTS STATEMENT

For Period: _____ to _____

CASH RECEIPTS DETAIL
(attach additional sheets as necessary)

Account No:

Date	Payer	Description	Amount
------	-------	-------------	--------

\$

Total Cash Receipts \$ (1)

(1) Total for all accounts should agree with total cash receipts listed on Form 2-B, page 1

DEBTOR(S): _____

CASE NO: _____

Form 2-B
CASH RECEIPTS AND DISBURSEMENTS STATEMENT
For Period: _____ to _____

CASH DISBURSEMENTS DETAIL
(attach additional sheets as necessary)

Account No:

Date	Check No.	Payee	Description (Purpose)	Amount
------	-----------	-------	-----------------------	--------

\$

Total Cash Disbursements \$ (1)

(1) Total for all accounts should agree with total cash disbursements listed on Form 2-B, page 1

DEBTOR(S): _____

CASE NO: _____

Form 2-C
COMPARATIVE BALANCE SHEET
For Period Ended: _____

	Current Month	Petition Date (1)
ASSETS		
Current Assets:		
Cash (from Form 2-B, line 5)	\$ _____	\$ _____
Accounts Receivable (from Form 2-E)		
Receivable from Officers, Employees, Affiliates		
Inventory		
Other Current Assets :(List) _____		
Total Current Assets	\$ _____	\$ _____
Fixed Assets:		
Land	\$ _____	\$ _____
Building		
Equipment, Furniture and Fixtures		
Total Fixed Assets	_____	_____
Less: Accumulated Depreciation	(_____)	(_____)
Net Fixed Assets	\$ _____	\$ _____
Other Assets (List): _____		
TOTAL ASSETS	\$ _____	\$ _____
LIABILITIES		
Post-petition Accounts Payable (from Form 2-E)	\$ _____	\$ _____
Post-petition Accrued Professional Fees (from Form 2-E)		
Post-petition Taxes Payable (from Form 2-E)		
Post-petition Notes Payable		
Other Post-petition Payable(List): _____		
Total Post Petition Liabilities	\$ _____	\$ _____
Pre Petition Liabilities:		
Secured Debt		
Priority Debt		
Unsecured Debt		
Total Pre Petition Liabilities	\$ _____	\$ _____
TOTAL LIABILITIES	\$ _____	\$ _____
OWNERS' EQUITY		
Owner's/Stockholder's Equity	\$ _____	\$ _____
Retained Earnings - Prepetition		
Retained Earnings - Post-petition		
TOTAL OWNERS' EQUITY	\$ _____	\$ _____
TOTAL LIABILITIES AND OWNERS' EQUITY	\$ _____	\$ _____

(1) Petition date values are taken from the Debtor's balance sheet as of the petition date or are the values listed on the Debtor's schedules.

DEBTOR(S): _____

CASE NO: _____

**Form 2-D
PROFIT AND LOSS STATEMENT**

For Period _____ to _____

	Current Month	Accumulated Total (1)
Gross Operating Revenue	\$ _____	\$ _____
Less: Discounts, Returns and Allowances	(\$ _____)	(\$ _____)
Net Operating Revenue	\$ _____	\$ _____
Cost of Goods Sold	_____	_____
Gross Profit	\$ _____	\$ _____
Operating Expenses		
Officer Compensation	\$ _____	\$ _____
Selling, General and Administrative		
Rents and Leases		
Depreciation, Depletion and Amortization		
Other (list): _____		

Total Operating Expenses	\$ _____	\$ _____
Operating Income (Loss)	\$ _____	\$ _____
Non-Operating Income and Expenses		
Other Non-Operating Expenses	\$ _____	\$ _____
Gains (Losses) on Sale of Assets		
Interest Income		
Interest Expense		
Other Non-Operating Income	_____	_____
Net Non-Operating Income or (Expenses)	\$ _____	\$ _____
Reorganization Expenses		
Legal and Professional Fees	\$ _____	\$ _____
Other Reorganization Expense	_____	_____
Total Reorganization Expenses	\$ _____	\$ _____
Net Income (Loss) Before Income Taxes	\$ _____	\$ _____
Federal and State Income Tax Expense (Benefit)	_____	_____
NET INCOME (LOSS)	\$ _____	\$ _____

(1) Accumulated Totals include all revenue and expenses since the petition date.

DEBTOR(S): _____

CASE NO: _____

**Form 2-E (Page 1 of 2)
SUPPORTING SCHEDULES**

For Period: _____ to _____

Summary of Post-Petition Taxes				
	1	2	3	4
Type of tax	Unpaid post-petition taxes from prior reporting month(1)	Post-petition taxes accrued this month (new obligations)	Post-petition tax payments made this reporting month	Unpaid post-petition taxes at end of reporting month (columns 1+2-3)
Federal				
Employee income tax withheld				
Employee FICA taxes withheld				
Employer FICA taxes				
Unemployment taxes				
Other:				
State				
Sales, use & excise taxes				
Unemployment taxes				
Other:				
Local				
Personal property taxes				
Real property taxes				
Other:				
Total unpaid post-petition taxes				

(1) For first report, the beginning balance in column 1 will be \$0; thereafter, beginning balance will be ending balance from prior report.

Insurance Coverage Summary				
Type of insurance	Insurance carrier	Coverage amount	Policy expiration date	Premium paid through date
Workers' compensation				
General liability				
Property (fire, theft, etc.)				
Vehicle				
Other (list):				
Other (list):				

If any policies were renewed or replaced during reporting period, attach new certificate of insurance.

DEBTOR(S): _____ CASE NO: _____

**Form 2-E (Page 2 of 2)
SUPPORTING SCHEDULES**

For Period: _____ to _____

Accounts Receivable Aging Summary (attach detailed aging report)					
	30 days or less	31 to 60 days	61 to 90 days	Over 90 days	Total at month end
Pre-petition receivables					
Post-petition receivables					
Total					

Post-Petition Accounts Payable Aging Summary (attach detailed aging report)					
	30 days or less	31 to 60 days	61 to 90 days	Over 90 days	Total at month end
Trade Payables					
Other Payables					
Total					

SCHEDULE OF PAYMENTS TO ATTORNEYS AND OTHER PROFESSIONALS					
	Month-end Retainer Balance	Current Month's Accrual	Paid in Current Month	Court Approval Date	Month-end Balance Due *
Debtor's Counsel	\$	\$	\$		\$
Counsel for Unsecured Creditors' Committee					
Trustee's Counsel					
Accountant					
Other:					
Total	\$				

*Balance due to include fees and expenses incurred but not yet paid.

SCHEDULE OF PAYMENTS AND TRANSFERS TO PRINCIPALS/EXECUTIVES**			
Payee Name	Position	Nature of Payment	Amount
			\$

**List payments and transfers of any kind and in any form made to or for the benefit of any proprietor, owner, partner, shareholder, officer, or director.

DEBTOR(S): 0 _____

CASE NO: 0 _____

**Form 2-F
QUARTERLY FEE SUMMARY ***
For the Month Ended: _____

<u>Month</u>	<u>Year</u>	<u>Cash Disbursements **</u>	<u>Quarterly Fee Due</u>	<u>Check No.</u>	<u>Date Paid</u>
January	_____ \$	0			
February	_____	0			
March	_____	0			
TOTAL 1st Quarter	\$	0 \$			
April	_____ \$	0			
May	_____	0			
June	_____	0			
TOTAL 2nd Quarter	\$	0 \$			
July	_____ \$	0			
August	_____	0			
September	_____	0			
TOTAL 3rd Quarter	\$	0 \$			
October	_____ \$	0			
November	_____	0			
December	_____	0			
TOTAL 4th Quarter	\$	0 \$			

FEE SCHEDULE (as of JANUARY 1, 2018)

Subject to changes that may occur to 28 U.S.C. §1930(a)(6)

<u>Quarterly Disbursements</u>	<u>Fee</u>	<u>Quarterly Disbursements</u>	<u>Fee</u>
\$0 to \$14,999.....	\$325	\$225,000 to \$299,999.....	\$1,950
\$15,000 to \$74,999.....	\$650	\$300,000 to \$999,999.....	\$4,875
\$75,000 to \$149,999.....	\$975	\$1,000,000 or more***.....	1% of quarterly disbursements or \$250,000, whichever is less (subject to change after 9/30/2018)***
\$150,000 to \$224,999.....	\$1,625		

* This summary is to reflect the current calendar year's information cumulative to the end of the reporting period

** Should agree with line 3, Form 2-B. Disbursements are net of transfers to other debtor in possession bank accounts

*** For disbursements in excess of \$1,000,000, this amount is subject to annual adjustment. Please refer to <https://www.justice.gov/ust/chapter-11-quarterly-fees>

*Failure to pay the quarterly fee is cause for conversion or dismissal of the chapter 11 case. [11 U.S.C. Sec. 1112(b)(10)]
In addition, unpaid fees are considered a debt owed to the United States and will be assessed interest under 31 U.S.C. §3717*

DEBTOR(S): _____

CASE NO: _____

Form 2-G
NARRATIVE

For Period Ending _____

Please provide a brief description of any significant business and legal actions taken by the debtor, its creditors, or the court during the reporting period, any unusual or non-recurring accounting transactions that are reported in the financial statements, and any significant changes in the financial condition of the debtor which have occurred subsequent to the report date.

Fill in this information to identify the case:

Debtor Name _____

United States Bankruptcy Court for the: _____ District of _____

Case number: _____

Check if this is an amended filing

Official Form 425C

Monthly Operating Report for Small Business Under Chapter 11

12/17

Month: _____ Date report filed: _____
MM / DD / YYYY

Line of business: _____ NAISC code: _____

In accordance with title 28, section 1746, of the United States Code, I declare under penalty of perjury that I have examined the following small business monthly operating report and the accompanying attachments and, to the best of my knowledge, these documents are true, correct, and complete.

Responsible party: _____

Original signature of responsible party _____

Printed name of responsible party _____

1. Questionnaire

Answer all questions on behalf of the debtor for the period covered by this report, unless otherwise indicated.

	Yes	No	N/A
<u>If you answer No to any of the questions in lines 1-9, attach an explanation and label it Exhibit A.</u>			
1. Did the business operate during the entire reporting period?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Do you plan to continue to operate the business next month?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you paid all of your bills on time?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Did you pay your employees on time?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you deposited all the receipts for your business into debtor in possession (DIP) accounts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you timely filed your tax returns and paid all of your taxes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Have you timely filed all other required government filings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Are you current on your quarterly fee payments to the U.S. Trustee or Bankruptcy Administrator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Have you timely paid all of your insurance premiums?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>If you answer Yes to any of the questions in lines 10-18, attach an explanation and label it Exhibit B.</u>			
10. Do you have any bank accounts open other than the DIP accounts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Have you sold any assets other than inventory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Have you sold or transferred any assets or provided services to anyone related to the DIP in any way?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Did any insurance company cancel your policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Did you have any unusual or significant unanticipated expenses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Have you borrowed money from anyone or has anyone made any payments on your behalf?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Has anyone made an investment in your business?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Debtor Name _____

Case number _____

17. Have you paid any bills you owed before you filed bankruptcy?
18. Have you allowed any checks to clear the bank that were issued before you filed bankruptcy?

2. Summary of Cash Activity for All Accounts

19. **Total opening balance of all accounts** \$ _____
 This amount must equal what you reported as the cash on hand at the end of the month in the previous month. If this is your first report, report the total cash on hand as of the date of the filing of this case.
20. **Total cash receipts**
 Attach a listing of all cash received for the month and label it *Exhibit C*. Include all cash received even if you have not deposited it at the bank, collections on receivables, credit card deposits, cash received from other parties, or loans, gifts, or payments made by other parties on your behalf. Do not attach bank statements in lieu of *Exhibit C*.
 Report the total from *Exhibit C* here. \$ _____
21. **Total cash disbursements**
 Attach a listing of all payments you made in the month and label it *Exhibit D*. List the date paid, payee, purpose, and amount. Include all cash payments, debit card transactions, checks issued even if they have not cleared the bank, outstanding checks issued before the bankruptcy was filed that were allowed to clear this month, and payments made by other parties on your behalf. Do not attach bank statements in lieu of *Exhibit D*.
 Report the total from *Exhibit D* here. - \$ _____
22. **Net cash flow** + \$ _____
 Subtract line 21 from line 20 and report the result here.
 This amount may be different from what you may have calculated as *net profit*.
23. **Cash on hand at the end of the month** = \$ _____
 Add line 22 + line 19. Report the result here.
 Report this figure as the *cash on hand at the beginning of the month* on your next operating report.
 This amount may not match your bank account balance because you may have outstanding checks that have not cleared the bank or deposits in transit.

3. Unpaid Bills

Attach a list of all debts (including taxes) which you have incurred since the date you filed bankruptcy but have not paid. Label it *Exhibit E*. Include the date the debt was incurred, who is owed the money, the purpose of the debt, and when the debt is due. Report the total from *Exhibit E* here.

24. **Total payables** \$ _____
 (*Exhibit E*)

Debtor Name _____

Case number _____

4. Money Owed to You

Attach a list of all amounts owed to you by your customers for work you have done or merchandise you have sold. Include amounts owed to you both before, and after you filed bankruptcy. Label it *Exhibit F*. Identify who owes you money, how much is owed, and when payment is due. Report the total from *Exhibit F* here.

25. **Total receivables** \$ _____
 (Exhibit F)

5. Employees

26. What was the number of employees when the case was filed? _____
 27. What is the number of employees as of the date of this monthly report? _____

6. Professional Fees

28. How much have you paid this month in professional fees related to this bankruptcy case? \$ _____
 29. How much have you paid in professional fees related to this bankruptcy case since the case was filed? \$ _____
 30. How much have you paid this month in other professional fees? \$ _____
 31. How much have you paid in total other professional fees since filing the case? \$ _____

7. Projections

Compare your actual cash receipts and disbursements to what you projected in the previous month. Projected figures in the first month should match those provided at the initial debtor interview, if any.

	Column A	Column B	Column C
	Projected	Actual	Difference
	Copy lines 35-37 from the previous month's report.	Copy lines 20-22 of this report.	Subtract Column B from Column A.
32. Cash receipts	\$ _____	– \$ _____	= \$ _____
33. Cash disbursements	\$ _____	– \$ _____	= \$ _____
34. Net cash flow	\$ _____	– \$ _____	= \$ _____
35. Total projected cash receipts for the next month:			\$ _____
36. Total projected cash disbursements for the next month:			– \$ _____
37. Total projected net cash flow for the next month:			= \$ _____

Debtor Name _____

Case number _____

8. Additional Information

If available, check the box to the left and attach copies of the following documents.

- 38. Bank statements for each open account (redact all but the last 4 digits of account numbers).
- 39. Bank reconciliation reports for each account.
- 40. Financial reports such as an income statement (profit & loss) and/or balance sheet.
- 41. Budget, projection, or forecast reports.
- 42. Project, job costing, or work-in-progress reports.

Debtor(s): _____

Case No. _____

CASH FLOW PROJECTIONS FOR THE 6 MONTH PERIOD:
 _____ **through** _____

This schedule must be completed and submitted to the United States Trustee within **14 days** after the order for relief as part of the Initial Financial Report. Amended cash flow projections should be submitted as necessary.

	Month	Month	Month	Month	Month	Month	Total
	_____	_____	_____	_____	_____	_____	
Beginning Cash Balance							
INCOME & RECEIPTS							
CASH SALES							
ACCTS REC. COLLECTION							
SALE OF ASSETS							
OTHER (ATTACH LIST)							
TOTAL RECEIPTS							
EXPENSES & DISBURSEMENTS							
RENT							
EMPLOYEE SALARIES							
EMPLOYEE BENEFITS							
OWNER/OFFICER SALARIES							
OWNER/OFFICER BENEFITS							
TAXES							
BANK NOTES PAYABLE							
VEHICLE NOTES PAYABLE							
VEHICLE EXPENSES							
MAINTENANCE							
INSURANCE							
INVENTORY							
SUPPLIES							
UTILITIES							
PROFESSIONAL FEES*							
U.S. TRUSTEE FEES							
COURT COSTS							
OTHER (ATTACH LIST)							
TOTAL DISBURSEMENTS							
NET CASH FLOW (RECEIPTS LESS DISBURSEMENTS)							
Ending Cash Balance							

*Requires Court approval

POST CONFIRMATION QUARTERLY REPORT

DEBTOR(S): _____

CASE NO: _____

FOR QUARTER ENDED: _____

SUMMARY OF DISBURSEMENTS MADE DURING QUARTER:

1.	CASH BALANCE, BEGINNING OF QUARTER	\$ _____	(1)
2.	CASH RECEIPTS DURING QUARTER FROM ALL SOURCES	_____	
3.	CASH DISBURSEMENTS DURING QUARTER, INCLUDING PLAN PAYMENTS	(_____)	
4.	CASH BALANCE, END OF QUARTER (OR AS OF REPORT DATE FOR FINAL REPORT)	\$ _____	(1)

SUMMARY OF AMOUNTS DISBURSED UNDER PLAN:

	Paid During Quarter	Total Paid to Date	Total Payments Projected Under Plan
1. ADMINISTRATIVE EXPENSES			
Plan Trustee Compensation	\$ _____	\$ _____	\$ _____
Plan Trustee Expense	_____	_____	_____
Attorney Fees - Trustee	_____	_____	_____
Attorney Fees - Debtor	_____	_____	_____
Other Professionals	_____	_____	_____
Other Administrative Expenses	_____	_____	_____
TOTAL ADMINISTRATIVE EXPENSES	\$ _____	\$ _____	\$ _____
2. SECURED CREDITORS	\$ _____	\$ _____	\$ _____
3. PRIORITY CREDITORS	\$ _____	\$ _____	\$ _____
4. UNSECURED CREDITORS	\$ _____	\$ _____	\$ _____
5. EQUITY SECURITY HOLDERS	\$ _____	\$ _____	\$ _____
6. OTHER:	\$ _____	\$ _____	\$ _____
TOTAL PLAN PAYMENTS (lines 1 - 6)	\$ _____	\$ _____	\$ _____
	<u>Amount</u>	<u>Date</u>	<u>Check No.</u>

QUARTERLY FEE PAID: \$ _____

PLAN STATUS:

Yes No

1. Have all payments been made as set forth in the confirmed plan? (If no, attach explanation.) Yes No
2. Are all post-confirmation obligations current? (If no, attach explanation.) Yes No
3. Projected date of application for final decree: _____

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING POST CONFIRMATION QUARTERLY REPORT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Attach additional sheets as necessary

By: _____
 Title _____

Email & Phone: _____

(1) Cash balances include retainers held by professionals (i.e. COLTAF accounts).

Fill in this information to identify the case:

Debtor Name _____

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number: _____

Official Form 426

Periodic Report Regarding Value, Operations, and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest

12/17

This is the *Periodic Report* as of [] on the value, operations, and profitability of those entities in which a Debtor holds, or two or more Debtors collectively hold, a substantial or controlling interest (a "Controlled Non-Debtor Entity"), as required by Bankruptcy Rule 2015.3. For purposes of this form, "Debtor" shall include the estate of such Debtor.

[Name of Debtor] holds a substantial or controlling interest in the following entities:

Name of Controlled Non-Debtor Entity	Interest of the Debtor	Tab #

This *Periodic Report* contains separate reports (*Entity Reports*) on the value, operations, and profitability of each Controlled Non-Debtor Entity.

Each *Entity Report* consists of five exhibits.

Exhibit A contains the most recently available: balance sheet, statement of income (*loss*), statement of cash flows, and a statement of changes in shareholders' or partners' equity (*deficit*) for the period covered by the *Entity Report*, along with summarized footnotes.

Exhibit B describes the Controlled Non-Debtor Entity's business operations.

Exhibit C describes claims between the Controlled Non-Debtor Entity and any other Controlled Non-Debtor Entity.

Exhibit D describes how federal, state or local taxes, and any tax attributes, refunds, or other benefits, have been allocated between or among the Controlled Non-Debtor Entity and any Debtor or any other Controlled Non-Debtor Entity and includes a copy of each tax sharing or tax allocation agreement to which the Controlled Non-Debtor Entity is a party with any other Controlled Non-Debtor Entity.

Exhibit E describes any payment, by the Controlled Non-Debtor Entity, of any claims, administrative expenses or professional fees that have been or could be asserted against any Debtor, or the incurrence of any obligation to make such payments, together with the reason for the entity's payment thereof or incurrence of any obligation with respect thereto.

This *Periodic Report* must be signed by a representative of the trustee or debtor in possession.

Debtor Name _____

Case number _____

The undersigned, having reviewed the *Entry Reports* for each Controlled Non-Debtor Entity, and being familiar with the Debtor's financial affairs, verifies under the penalty of perjury that to the best of his or her knowledge, (I) this *Periodic Report* and the attached *Entry Reports* are complete, accurate, and truthful to the best of his or her knowledge, and (II) the Debtor did not cause the creation of any entity with actual deliberate intent to evade the requirements of Bankruptcy Rule 2015.3

For non-Individual Debtors:

Signature of Authorized Individual

Printed name of Authorized Individual
Date _____
MM / DD / YYYY

For Individual Debtors:

Signature of Debtor 1

Printed name of Debtor 1
Date _____
MM / DD / YYYY

Signature of Debtor 2

Printed name of Debtor 2
Date _____
MM / DD / YYYY



Debtor Name _____

Case number _____

Exhibit A: Financial Statements for [Name of Controlled Non-Debtor Entity]

Debtor Name _____

Case number _____

Exhibit A-1: Balance Sheet for [Name of Controlled Non-Debtor Entity] as of [date]

[Provide a balance sheet dated as of the end of the most recent 3-month period of the current fiscal year and as of the end of the preceding fiscal year.

Describe the source of this information.]

Debtor Name _____

Case number _____

Exhibit A-2: Statement of Income (Loss) for [Name of Controlled Non-Debtor Entity] for period ending [date]

[Provide a statement of income (*loss*) for the following periods:

(i) For the initial report:

- a. the period between the end of the preceding fiscal year and the end of the most recent 3-month period of the current fiscal year; and
- b. the prior fiscal year.

(ii) For subsequent reports, since the closing date of the last report.

Describe the source of this information.]

Debtor Name _____

Case number _____

Exhibit A-3: Statement of Cash Flows for [Name of Controlled Non-Debtor Entity] for period ending [date]

[Provide a statement of changes in cash position for the following periods:

(i) For the initial report:

- a. the period between the end of the preceding fiscal year and the end of the most recent 3-month period of the current fiscal year; and
- b. the prior fiscal year.

(ii) For subsequent reports, since the closing date of the last report.

Describe the source of this information.]

Debtor Name _____

Case number _____

**Exhibit A-4: Statement of Changes in Shareholders'/Partners' Equity (*Deficit*) for [Name of Controlled Non-Debtor Entity]
for period ending [date]**

[Provide a statement of changes in shareholders'/partners equity (*deficit*) for the following periods:

(i) For the initial report:

- a. the period between the end of the preceding fiscal year and the end of the most recent 3-month period of the current fiscal year; and
- b. the prior fiscal year.

(ii) For subsequent reports, since the closing date of the last report.

Describe the source of this information.]

Debtor Name _____

Case number _____

Exhibit B: Description of Operations for [Name of Controlled Non-Debtor Entity]

[Describe the nature and extent of the Debtor's interest in the Controlled Non-Debtor Entity.

Describe the business conducted and intended to be conducted by the Controlled Non-Debtor Entity, focusing on the entity's dominant business segments.

Describe the source of this information.]

Debtor Name _____

Case number _____

Exhibit C: Description of Intercompany Claims

[List and describe the Controlled Non-Debtor Entity's claims against any other Controlled Non-Debtor Entity, together with the basis for such claims and whether each claim is contingent, unliquidated or disputed.

Describe the source of this information.]

Debtor Name _____

Case number _____

Exhibit D: Allocation of Tax Liabilities and Assets

[Describe how income, losses, tax payments, tax refunds, or other tax attributes relating to federal, state, or local taxes have been allocated between or among the Controlled Non-Debtor Entity and one or more other Controlled Non-Debtor Entities.

Include a copy of each tax sharing or tax allocation agreement to which the entity is a party with any other Controlled Non-Debtor Entity.

Describe the source of this information.]

Debtor Name _____

Case number _____

Exhibit E: Description of Controlled Non-Debtor Entity's payments of Administrative Expenses, or Professional Fees otherwise payable by a Debtor

[Describe any payment made, or obligations incurred (or claims purchased), by the Controlled Non-Debtor Entity in connection with any claims, administrative expenses, or professional fees that have been or could be asserted against any Debtor.

Describe the source of this information.]

Instructions for Periodic Report Concerning Related Entities

General Instructions

1. This form periodic report (“Periodic Report”) on value, profitability, and operations of entities in which the estate holds a substantial or controlling interest (the “Form”) implements § 419 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 19-8, 119 Stat. 23 (April 20, 2005)(“BAPCPA”). This Form should be used when required by Fed. R. Bankr. P. 2015.3, with such variations as may be approved by the court pursuant to subdivisions (d) and (e) of that rule.
2. In a chapter 11 case, the trustee or debtor in possession shall file Periodic Reports of the value, operations, and profitability of each entity that is not also a debtor in a case under title 11, and in which the estate holds a substantial or controlling interest. The reports shall be prepared as prescribed by this Form, and shall be based upon the most recent information reasonably available to the trustee or debtor in possession.
3. Rule 2015.3 provides that, where the estate controls or owns at least a 20 percent interest of an entity, the estate’s interest is presumed to be substantial or controlling. Where the estate controls or owns less than a 20 percent interest, the rule presumes that the estate’s interest is not substantial or controlling. The question of substantial or controlling interest is, however, a factual one to be decided in each case.
4. The first Periodic Report required by subdivision (a) of Rule 2015.3 shall be filed no later than five days before the first date set for the meeting of creditors under § 341 of the Code. Subsequent Periodic Reports shall be filed no less frequently than every six months thereafter, until a plan of reorganization becomes effective or the case is closed, dismissed, or converted. Copies of the Periodic Report shall be served on the U.S. Trustee, any committee appointed under § 1102 of the Code, and any other party in interest that has filed a request therefor.
5. The source of the information contained in each Periodic Report shall be indicated.

**SAMPLE INITIAL LETTER TO HOLDER OF CLAIM
FOR A DOMESTIC SUPPORT OBLIGATION
Chapter 11**

[Name and Address of Person Owed Support
for a Domestic Support Obligation]

In re: [Name of Debtor]
Bankruptcy Case Number: [xx-xxxxx]

Dear [Name of Person Owed Support]:

I filed a chapter 11 case on [Date of Filing] in the United States Bankruptcy Court for the District of _____. I listed you as having a claim for a domestic support obligation. If this domestic support obligation includes child support, you have the right to ask your State child support enforcement agency to assist you in collecting this child support during and after the bankruptcy case.

The name, address, and telephone number of the agency in your State is listed below:
[Name of Child Support Enforcement Agency]

If this letter has reached you, but you have moved to another State, you may wish to visit the Internet web site of the United States Trustee Program at <http://www.usdoj.gov/ust/eo/bapcpa/ds/index.htm> for a complete listing of State child support enforcement agencies.

If I successfully complete this bankruptcy case and receive a discharge from other debts, I will send you another letter with additional information that may assist you in collecting on any domestic support obligation you are still owed.

Sincerely yours,

Chapter 11 Individual Debtor

**SAMPLE INITIAL LETTER TO STATE CHILD SUPPORT ENFORCEMENT
AGENCY REGARDING A CLAIM FOR A DOMESTIC SUPPORT OBLIGATION**

Chapter 11

[Name and Address of State Agency]

Attention: Bankruptcy Reporting Contact

Re: Domestic Support Obligation Owed to [Name of Person Owed Support]
By [Name of Debtor, Bankruptcy Case No. xx-xxxxx, Social Security Number
xxx-xx-xxxx]

Dear [Bankruptcy Reporting Contact Person]:

I filed a Chapter 11 bankruptcy case on [Date of Filing] in the United States Bankruptcy Court for the District of _____. The following person(s) may have a claim for a domestic support obligation against me:

[Name, Address, and Telephone Number of Holder of Claim]

In addition, I have sent [Holder of Claim] a letter which explains that your agency will assist in collecting any child support claim due from me.

If I successfully complete this bankruptcy case and receive a discharge from other debts, I will send you another letter providing additional information that may help your agency assist [Name of Holder of Claim] to collect on any domestic support obligation still owed.

Sincerely,

Individual Chapter 11 Debtor

**SAMPLE DISCHARGE NOTIFICATION
TO HOLDER OF CLAIM FOR A DOMESTIC SUPPORT OBLIGATION**

Chapter 11

[Name and Address of Person Owed Support
for a Domestic Support Obligation]

Re: [Name of Debtor]
Bankruptcy Case Number: [xx-xxxxx]

Dear [Person Owed Support]:

Please be advised that I was granted a discharge in bankruptcy on [Date of Discharge].
The following information is being provided to assist in your efforts to collect any domestic
support obligation which I may still owe you:

My current address:
My current employer:
Address of my current employer:

I am obligated to provide you the names of certain creditors whose debts were not
discharged or reaffirmed. These creditors are as follows:

[Name of creditors]

These creditors may be a source of information regarding any address I may have. If you
request information from these creditors, they are allowed by law to disclose to you my address.

Sincerely,

Chapter 11 Individual Debtor

**SAMPLE DISCHARGE NOTIFICATION TO
STATE CHILD SUPPORT ENFORCEMENT AGENCY
REGARDING A CLAIM FOR A DOMESTIC SUPPORT OBLIGATION**

Chapter 11

[Name and Address of State Agency]

Attention: Bankruptcy Reporting Contact

Re: Domestic Support Obligation Owed to [Name of Person Owed Support]

By [Name of Debtor, Bankruptcy Case No. xx-xxxxx, Social Security Number xxx-xx-xxxx]

Dear [Bankruptcy Reporting Contact]:

Please be advised that I was granted a discharge in bankruptcy on [Date of Discharge]. The following information is being provided to assist in your efforts to collect any domestic support obligation which I may still owe to [Name of Person Owed Support]:

My current address:

My current employer:

Address of my current employer:

I am also obligated to provide you the names of certain creditors whose debts were not discharged or reaffirmed. These creditors are as follows:

[Name and address of creditors]

These creditors may be a source of information regarding my address. If you request information from these creditors, they are allowed by law to disclose to you my address.

Sincerely,

Chapter 11 Individual Debtor