

LOCAL BANKRUPTCY FORM NO. 5

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

CHAPTER 13 BUSINESS CASE QUESTIONNAIRE

Local Rule 1007-4 requires Chapter 13 Debtors that are self-employed (including Debtors acting as landlords), to complete and submit this Questionnaire to the Trustee along with all documents set forth in the Checklist which follows the signature page of the Questionnaire. You must answer all items in the Questionnaire. Use a separate page if additional room is needed, but be sure to reference the additional page next to the item you are answering. All information must be complete and organized. Failure to provide detailed and accurate information may result in the Trustee filing a motion to dismiss your case.

- You must send this completed Questionnaire along with all required attachments to Ronda J. Winnecour, Trustee, U.S. Steel Tower, Suite 3250, 600 Grant Street, Pittsburgh, PA 15219 so that it reaches the Trustee at least ~~15~~ 14* days prior to your first scheduled meeting of creditors. If you fail to do so, the Trustee may require your appearance at an additional meeting or file a motion to dismiss your case.
- Do Not File this Questionnaire with the Clerk of the Bankruptcy Court
- The Questionnaire must be dated.
- The Questionnaire must contain the original signature of all Debtors in the case.
- A copy of the Questionnaire should be kept by the Debtor for future reference.
- If you have questions concerning this Questionnaire, please contact your attorney.

Debtor (s)' Name(s) _____

Chapter 13 Case # _____

Name of Business _____

List all past names used by Business _____

Location where business is operated _____

Description of Business Activities/Type of Business _____

What circumstances led you to file this bankruptcy? _____

How do you expect these circumstances to change so that you will be able to fund a Chapter 13 Plan? _____

* As amended in General Order #2009-8 and #2009-10, effective December 1, 2009.

1. Type of Business Organization, circle one:

Corporation Sole Proprietorship Partnership Other

Has business ever been incorporated? _____ Yes _____ No

Date business began _____

Federal ID number (if applicable) _____ State ID number _____

2. If your business is a Partnership, please answer (a) to (c) below:

(a) Names of Partners _____

(b) Percentage of your ownership: Debtor _____ % Joint Debtor _____ %

(c) Is there a written partnership agreement? _____ Yes _____ No

If yes, please include a copy of the agreement with this Questionnaire when you return it to the Trustee.

3. If your business is a Corporation, please answer (a) to (g) below:

(a) Who are the shareholders? _____

(b) How many shares have been issued and are outstanding? _____

(c) What is your percentage ownership? Debtor _____ % Joint Debtor _____ %

(d) State of incorporation _____

(e) Is the corporation in good standing with the Secretary of State? _____ Yes _____ No

If no, why not? _____

(f) Fair Market Value of Corporate Assets, including going concern value \$ _____

Basis of value _____

(g) Amount of Corporate Debts \$ _____

4. Is the business cyclical? _____ Yes _____ No

If yes, when is the busy season? _____

If yes, when is the slow season? _____

5. Do you have an accountant or bookkeeper? _____ Yes _____ No

If yes, please provide the name, address and phone number of this individual _____

Do you understand that you are required to file monthly operating reports with the Court and serve the Trustee with a copy by the 15th of each month that you are in bankruptcy? _____ Yes _____ No

6. Are all tax returns which should have been filed to this point in time filed? _____ Yes _____ No

If no, list years that are delinquent, type of return owed, and entity to which return is owed:

<u>Year</u>	<u>Entity(s) and Type of Return Due</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Do you understand that while you are in Chapter 13, you are individually responsible for keeping current with all of your post-petition business as well as personal tax obligations? _____ Yes _____ No

Do you understand that the Court in this District has entered a General Order which requires all delinquent tax returns to be filed within 60 days from the date that you filed your bankruptcy case?
_____ Yes _____ No

7. Have you filed estimated quarterly income tax returns with the IRS? _____ Yes _____ No

If yes, please provide copies of the last 3 estimated returns filed, with proof of payment.

If no, explain why not _____

8. Does the business have employees? _____ Yes _____ No

If yes, how many? _____ Are any of these persons related to you? _____ Yes _____ No

Does the business withhold from their wages? _____ Yes _____ No

If yes, where do you deposit the withholdings and how often?

- i. _____
- ii. _____

Please provide copies of proof of payment of employee withholding taxes for the 3 months prior to the month that your case was filed.

Do you understand that you must keep the withholding funds separate from your general operating funds?

_____ Yes _____ No

If you do not withhold, how are the employees compensated? _____

Do you have subcontractors? _____ Yes _____ No

Are 1099s issued? _____ Yes _____ No

9. Is your business required to collect sales tax? _____ Yes _____ No

If yes, has your business collected and remitted sales taxes on a regular basis? _____ Yes _____ No

If no, explain why _____

Do you understand that you must keep the sales tax funds separate from your general operating funds?

_____ Yes _____ No

Please provide copies of proof of payment of sales taxes for 3 months prior to the month your case was filed.

10. Are you leasing office space? _____ Yes _____ No

If yes, answer (a) to (e) below:

(a) Address of Property _____

(b) Landlord's Name and Address _____

(c) Monthly Rental Payment \$ _____

(d) Term of lease _____

(e) Do you wish to continue the lease? _____ Yes _____ No

11. Does the business lease business equipment or autos? _____ Yes _____ No

If yes, answer (a) to (e) below:

(a) Description of leased/rented items? _____

(b) Person or entity's name and address from which items are rented or leased _____

(c) Payment terms _____

(d) Term of lease _____

(e) Do you wish to continue the lease? _____ Yes _____ No

12. Does the business have any outstanding contracts? _____ Yes _____ No

If yes, please describe _____

13. If you rent real property owned by you to others, please complete the following:

<u>Address of Tenant</u>	<u>Date Lease Began</u>	<u>Date Lease Ends</u>	<u>Amt. Monthly Rent</u>
--------------------------	-------------------------	------------------------	--------------------------

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

14. Is the business required to have any business licenses or permits? _____ Yes _____ No

If yes, please list: _____

If yes, are licenses/permits current? _____ Yes _____ No

15. Does the business carry the following insurance policies?

Commercial Liability? _____ Yes _____ No Policy No. _____ Exp. Date _____

Workmans Compensation ? _____ Yes _____ No Policy No. _____ Exp. Date _____

Fire Building? _____ Yes _____ No Policy No. _____ Exp. Date _____

Fire Contents? _____ Yes _____ No Policy No. _____ Exp. Date _____

Automobile Coverage? _____ Yes _____ No Policy No. _____ Exp. Date _____

Liquor liability? _____ Yes _____ No Policy No. _____ Exp. Date _____

List Others _____

Are all policies current? _____ Yes _____ No

List insurance agency(s) _____

Do you know that in order to continue the operation of your business, it is your responsibility to obtain and maintain comprehensive liability insurance for the operation for your business?

_____ Yes _____ No

16. Does the business keep inventory on hand? _____ Yes _____ No

If yes, what would you estimate the market value of your inventory to be? \$ _____

When was the last physical count of your inventory? _____

What was the value of the inventory at that time? \$ _____

Please provide a list of your inventory.

17. What is the balance of the business accounts receivable? \$ _____

What amount of the receivables is reasonably collectible? \$ _____

Please provide a copy of your accounts receivable ledger.

Have you pledged your receivables, rents, profits, or other cash as collateral for any loans?

_____ Yes _____ No

If yes, please identify _____

Do you understand that if you have borrowed money from any creditor and as security or collateral for the loan you have pledged accounts receivables, rents, or other cash, you may not use the accounts receivables, rents or cash without express written consent from the Creditor, or an order from the Bankruptcy Court allowing the use?

_____ Yes _____ No

18. If you were to buy your business today, how much would you pay for it? \$ _____

I/We declare under penalty of perjury that the foregoing statement of information is true and correct to the best of my/our knowledge, information, and belief.

Dated: _____

Debtor's signature

Joint Debtor's signature

**CHECKLIST OF DOCUMENTS
THAT MUST BE RETURNED WITH YOUR QUESTIONNAIRE**

You must send copies of the following documents to Ronda J. Winnecour, the Trustee, along with your completed Questionnaire within ~~15~~ 14* days before the first scheduled §341 meeting date. Failure to do so may cause the Trustee to require your attendance at an additional meeting or file a motion to dismiss your case.

- _____ Operating statements showing income and expenses for the business for the twelve (12) months prior to the time of filing your bankruptcy case.
- _____ Bank statements for all accounts for the twelve (12) months prior to the time of filing your bankruptcy case.
- _____ Federal income tax returns with all accompanying schedules for the two years prior to filing your bankruptcy case.
- _____ State income tax returns with all accompanying schedules for the two years prior to filing your bankruptcy case.
- _____ Appraisals or other third party valuations of real estate, equipment, inventories and other business property listed in your bankruptcy schedules.
- _____ Financial statements furnished to third parties such as banks and trade creditors within the two (2) years prior to filing your bankruptcy case, including but not limited to the balance sheet, income statement and cash flow statement.
- _____ Current schedule of accounts receivable and accounts payable.
- _____ Current insurance policies that cover the assets listed in your bankruptcy schedules.
- _____ The business's check register for the three (3) months prior to filing your bankruptcy case.
- _____ If your business has employees, proof of payment of employee withholding taxes for the 3 months prior to the month your case was filed.
- _____ If your business is required to collect and remit sales taxes, proof of payment of sales taxes for the 3 months prior to the month your case was filed.
- _____ The last three federal quarterly income tax returns with proof of payment.
- _____ Any partnership agreement that exists.
- _____ List of your inventory and equipment.

* As amended in General Order #2009-8 and #2009-10, effective December 1, 2009.

BANKRUPTCY RULE 2015 AND SECTION 1304 (c)
DUTY OF CHAPTER 13 DEBTORS ENGAGED IN A BUSINESS
TO KEEP RECORDS, MAKE REPORTS AND GIVE NOTICE OF CASE

Bankruptcy Rule 2015 and Section 1304 (c) of the Bankruptcy Code requires debtors engaged in business that file a Chapter 13 bankruptcy petition to:

- Keep a record of receipts and the disposition of money and property received.
- File with the Court, the Trustee, and with any governmental unit charged with responsibility for collection or determination of any tax arising out of such operation, periodic reports and summaries of the operation of the business, including a statement of receipts and disbursements, which shall include a statement, if payments are made to employees, or the amounts of deductions for all taxes required to be withheld or paid for on behalf of employees and the place where these amounts are deposited.
- As soon as possible after the commencement of the case, give notice of the case to every entity known to be holding money or property subject to withdrawal, including every bank, savings or building and loan association, public utility company, and the landlord with whom the debtor has a deposit, and to every insurance company which has issued a policy having a cash surrender value payable to the debtor, except that notice need not be given to any entity who has knowledge or has previously been notified of the case.