

REGION 17
UNITED STATES TRUSTEE PROGRAM

**GUIDELINES FOR PETITION
PREPARERS IN THE DISTRICT
OF NEVADA**

OFFICE OF THE UNITED STATES TRUSTEE
300 LAS VEGAS BLVD. SOUTH, SUITE 4300
LAS VEGAS, NEVADA 89101
TELEPHONE: (702) 388-6600
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OFFICE OF THE UNITED STATES TRUSTEE
300 BOOTH STREET, ROOM 2129
RENO, NEVADA 89509
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Effective June 1, 1997

The following are the Guidelines of the Region 17 United States Trustee (“U.S. Trustee”) on the conduct and compensation of bankruptcy petition preparers in the District of Nevada (“*Guidelines*”).

1. A petition preparer is defined at 11 United States Code § 110(a)(1) as “a person, other than an attorney or an employee of an attorney, who prepares for compensation a document for filing” in a United States Bankruptcy Court or District Court.

2. A petition preparer is not authorized to practice law and is not employed by or supervised in the particular case by an attorney. A petition preparer may provide only secretarial and clerical services and may prepare forms based on only the information provided by a debtor.

3. In cases filed under chapter 7 of the Bankruptcy Code, a total charge for fees and costs by a petition preparer of not more than \$150 for the preparation of the petition, schedules, statements, lists and associated documents, together with all amendments, shall be presumed by the U.S. Trustee to be reasonable and represent the value of the service given to a debtor. In cases with more than 25 creditors, a petition preparer may elect to charge a total of \$100 plus \$2 for each creditor receiving notice. These charges are for service fees and expenses including document preparation, filing, photocopying, messenger service, postage, telephone, and notices. These charges and costs do not include fees charged by the court for filing documents. Court fees are paid by a debtor directly to the court. Charges in excess of these amounts require court approval **prior** to payment.

4. In cases filed in chapters other than chapter 7 of the Bankruptcy Code, a total charge for fees and costs by a petition preparer of not more than \$200 for the preparation of the petition, schedules, statements, lists, plan and associated documents, together with all amendments, shall be presumed by the U.S. Trustee to be reasonable and represent the value of the service given to the debtor. These charges are for all service fees and expenses including document preparation, filing, photocopying, messenger service, postage, telephone, and notices. The \$200 charge does not include fees charged by the court for filing documents. Court fees are paid by a debtor directly to the court. Charges in excess of \$200 require court approval **prior** to payment.

5. If a debtor pays any money or transfers any property to a petition preparer within one year before the filing of the bankruptcy petition, the debtor **cannot** pay the court filing fees in installments.

6. Petition preparers must provide notice of these *Guidelines* to a debtor prior to doing any work for a debtor or receiving any money from a debtor. A copy of the NOTICE TO DEBTORS ABOUT BANKRUPTCY PETITION PREPARERS AND CERTIFICATION OF RECEIPT AND COMPLIANCE (the “Notice”) is attached to these *Guidelines*. The debtor and the petition preparer must sign the Notice and attach the original signed Notice to the first document filed in the case. The petition preparer shall also provide a copy of these *Guidelines* and the Notice to the debtor.

7. Debtors, trustees and others who believe a bankruptcy petition preparer has violated any provision of 11 U.S.C. § 110 or charged in excess of the value of the petition preparer’s service are encouraged to lodge a complaint with the Bankruptcy Court or to advise the United States Trustee. Petition preparers who have violated 11 U.S.C. § 110 or these *Guidelines* may be ordered to refund fees paid to them by a debtor and may be subject to fines, sanctions, injunctions, and money judgments.

8. A petition preparer may not instruct or advise a debtor on any legal issues, including:

(a) whether to file a bankruptcy case;

(b) whether to file a petition under a particular chapter of the Bankruptcy Code (Title 11 of the United States Code);

(c) how to respond to the bankruptcy forms required in connection with the filing of the bankruptcy case, including characterization of the type of debt (e.g., administrative, secured, unsecured priority, unsecured nonpriority);

(d) what exemptions should be claimed, although the petition preparer may furnish a copy of applicable state or federal statutes setting forth exemptions;

(e) whether a particular debt is dischargeable or whether a debtor may be entitled to a discharge under the Bankruptcy Code and what defenses a debtor may have to an objection to discharge;

(f) whether a debtor may keep a home and the effect of a bankruptcy filing on foreclosure;

(g) whether a debtor may avoid or eliminate any liens or recover any assets;

(h) whether a debtor may redeem property;

(i) whether a debtor may or should reaffirm a debt or whether reaffirmation is required to keep any assets;
and

(j) the tax consequences of any aspect of a bankruptcy case.

These *Guidelines* shall in no way modify rules, orders or guidelines issued by Ninth Circuit courts. Each provision in the *Guidelines* shall be applied strictly unless in conflict with the United States Bankruptcy Code, the Bankruptcy Rules, Nevada Statutes, Ninth Circuit or U.S. District Court rules, orders or case law binding in the Ninth Circuit or the District of Nevada.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:) Case No. BK-_____
)
(Name) _____) Chapter _____
)
and _____,)
)
Debtor(s).)

NOTICE TO DEBTORS ABOUT BANKRUPTCY PETITION PREPARERS AND CERTIFICATION OF RECEIPT AND COMPLIANCE

PLEASE BE AWARE of the restrictions on the services which a bankruptcy petition preparer may provide.

Bankruptcy petition preparers are not attorneys. They are not authorized to practice law or give legal advice in a case. The last person signing below is a petition preparer, not an attorney authorized to practice law in the District of Nevada. The United States Trustee for Region 17 has issued the Guidelines for Petition Preparers For The District Of Nevada ("Guidelines") pertaining to the work performed by bankruptcy petition preparers and the fees they may charge.

Under 11 U.S.C. § 110, a petition preparer may not collect or receive the Bankruptcy Court filing fee from you. If you pay any money to the petition preparer as a fee for services or costs, you are not permitted to pay Bankruptcy Court filing fees in installments.

Under the Guidelines, a bankruptcy petition preparer should not charge you more than \$150 for a chapter 7 case, or \$200 for a chapter 11, 12, or 13 case, without court approval. Additionally, a bankruptcy petition preparer MAY NOT provide any legal advice, including advice on:

- (a) whether you should file bankruptcy;
- (b) whether you should file a petition under a particular chapter of the Bankruptcy Code (Title 11 of the United States Code);
- (c) how to respond to the bankruptcy forms in connection with the filing of your bankruptcy case, including the type of debt (e.g., administrative, secured, unsecured priority, unsecured nonpriority);
- (d) what exemptions you should claim, although a petition preparer may give you a copy of applicable federal and state statutes;
- (e) whether a debt is dischargeable, whether you are entitled to a discharge under the Bankruptcy Code and what defenses you may have to an objection to discharge;
- (f) whether you can keep your home and the effect of a bankruptcy filing upon a foreclosure;
- (g) whether you may eliminate any liens or recover any assets;
- (h) whether you may redeem any property;

(i) whether you may or should reaffirm any debts or whether a reaffirmation is required to keep any assets;
and

(j) the tax consequences of any aspect of your bankruptcy case.

A bankruptcy petition preparer must provide you with a copy of the Region 17 *Guidelines* and have you read and sign this form. YOU SHOULD READ THE *GUIDELINES* AND UNDERSTAND THE LIMITATIONS ON BANKRUPTCY PETITION PREPARERS BEFORE SIGNING THIS FORM.

If you have any questions about petition preparers or believe the *Guidelines* have been violated, please call the UNITED STATES TRUSTEE at:

Office of the United States Trustee
600 Las Vegas Blvd., So. Rm 430
Las Vegas, NV 89101
(702) 388-6600

Office of the United States Trustee
300 Booth St., Rm 2129
Reno, NV 89509
(702) 784-5335

DEBTOR CERTIFICATION

I/We, _____ and _____, the debtor(s) in this case, have read and understand the foregoing, and have received a copy of the *Guidelines*.

DATE: _____

(debtor signature)

(codebtor signature)

BANKRUPTCY PETITION PREPARER CERTIFICATION

I, (name) _____, hereby certify under penalty of perjury that I am the bankruptcy petition preparer who assisted the debtor in this case. I have not charged fees or costs in excess of the amount specified in the *Guidelines* without court approval in this case. I have not advised the debtor concerning any of the matters proscribed above or in paragraph 8 of the *Guidelines*.

DATE: _____

(petition preparer signature)

(petition preparer social security number)