



**U.S. DEPARTMENT OF JUSTICE**

United States Trustee  
Region 15  
Districts of Hawaii, Guam, and  
Northern Mariana Islands

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**OPERATING  
AND REPORTING  
REQUIREMENTS FOR  
CHAPTER 11 CASES**

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**Office of the United States Trustee  
Suite 602  
1132 Bishop Street  
Honolulu, Hawaii 96813  
(808) 522-8150**

Section 586(a)(3) of Title 28 of the United States Code provides for the supervision of the administration of Chapter 11 cases by the United States Trustee. Pursuant to that Section, the United States Trustee for Region 15 has promulgated the following requirements. Timely compliance with each of the following requirements is essential and required by United States Bankruptcy Code (“U.S.C.”) Section 1107(a), Federal Rule of Bankruptcy Procedure (“Fed.R.Bankr.P.”) 2015.

## **A. MEETINGS AND CONFERENCES**

### **1. INITIAL DEBTOR CONFERENCES**

The United States Trustee may require the debtor and its counsel to meet with a member of the staff of the United States Trustee at an initial debtor conference, which is generally held seven to ten calendar days after the filing of a voluntary petition. The purpose of the conference is to discuss the debtor's particular financial situation, its operating framework under Chapter 11, and the requirements of the United States Trustee. The debtor and debtor's attorney will be notified by mail if such a conference is set.

### **2. MEETING OF CREDITORS**

A meeting of creditors will be held by the United States Trustee within 20 to 40 days after the filing of a voluntary petition. The debtor and debtor's attorney are required to appear, and in the case of a joint petition, both debtors must appear. All creditors and other parties in interest are notified of the meeting by the Clerk of the Bankruptcy Court. The debtor(s) will be examined under oath by the representative of the United States Trustee, creditors, and other parties in interest in attendance pursuant to 11 U.S.C. §§ 341 and 343, and Fed.R.Bankr.P. Rule 2003(b).

## **B. BOOKS, RECORDS, AND ACCOUNTS**

### **1. BOOKS AND RECORDS**

The books and records of the debtor must be closed out as of the date of the filing of the petition, and new books and records opened immediately thereafter, covering the post-petition period of the debtor-in-possession.

## 2. BANK ACCOUNTS

All pre-petition bank accounts and other deposits of which the debtor has possession, custody, control, ownership, use, or access must be closed upon the filing of the petition, and three new debtor-in-possession accounts opened: the general, payroll, and tax accounts. If the debtor possesses cash collateral, additional accounts must be established and maintained in accordance with 11 U.S.C. §363(c)(4). The debtor may not use cash collateral without the consent of the secured creditor or an order of the bankruptcy court. See, 11 U.S.C. §363(c)(2).

All funds received or held by the debtor-in-possession must be deposited into an account with a financial institution designated by the United States Trustee as an authorized depository. A copy of the list of authorized depositories for the District of Hawaii may be obtained from the office of the United States Trustee.

The new bank signature cards for the bank accounts of the debtor-in-possession must clearly indicate that the debtor is a "chapter 11 debtor-in-possession." All checks shall be sequentially numbered, with the case name, case number, the words "Debtor-in-Possession", and type of account (general, payroll, tax, or cash collateral) imprinted on the face of each check, in substantially the following form:

ABC Produce Supply	No. 00001
<b>Debtor-in-Possession, 92-XXXXX</b>	_____ , 20__
<b>GENERAL ACCOUNT</b>	
5555 Market Street	
San Diego, CA 92100	
Pay to the Order of _____	\$ _____
	_____ Dollars
00XXX-XXX-00-XXXXX 000XXX-XX00	_____

### **3. BUSINESS CREDIT CARD ACCOUNTS**

The debtor-in-possession shall close all business credit card accounts immediately. Copies of the closing statement for each such account must be attached to the monthly operating report when received.

## **C. REPORTS AND REQUIRED DOCUMENTS**

### **1. EVIDENCE OF INSURANCE COVERAGE**

The debtor-in-possession, within seven calendar days after the date of the filing of the petition, must provide the United States Trustee with certificates of insurance or other verified documents showing that each policy of insurance required for the estate is in full force and effect. Each policy must disclose the type and extent of coverage, effective dates, names of the insurance carrier and broker, and the agent's name, address and telephone number. Insurance companies and agents must be instructed to provide the United States Trustee with prior notification regarding any change, cancellation, or expiration of a debtor's insurance coverage. Debtors-in-possession are also required to provide a separate notice to the United States Trustee regarding any change in insurance coverage. Additionally, the debtor-in-possession is required to provide a copy of either a renewal or new policy of insurance prior to the time that any existing policy or coverage is to expire.

Generally, the following types of insurance are required:

- a. General Comprehensive/Public Liability;
- b. Casualty coverage (tangible assets capable of loss by fire, weather, theft, vandalism, etc.);
- c. Workers' Compensation;
- d. Vehicle;
- e. Product Liability.

### **2. PROJECTED OPERATING STATEMENT**

The debtor-in-possession, within seven calendar days after the filing of the petition, is required to submit to the United States Trustee a Projected Operating

Statement for the first six months of operations under Chapter 11. The statement must be submitted in the form of a profit and loss statement which includes an itemized list of income and expenses.

### **3. MONTHLY OPERATING REPORT**

In accordance with 28 U.S.C. § 586(a)(3)(D), and 11 U.S.C. § 1106(a)(1), the debtor-in-possession shall file an original of the monthly Operating Report with the Clerk of the Bankruptcy Court no later than twenty calendar days after the close of each month. A copy of each Operating Report shall be served on the United States Trustee. The debtor-in-possession is required to attach copies of the monthly bank statements, bank reconciliations, and federal payroll tax deposit receipts, if applicable, to the Operating Reports. The monthly Operating Report should conform to the form attached.

### **4. RECENT INCOME TAX RETURNS**

The debtor-in-possession, within 30 days of the filing of the petition, shall provide to the United States Trustee copies of its state and federal income tax returns filed for the two years prior to the filing of the petition.

### **5. REAL PROPERTY QUESTIONNAIRE**

The debtor, within seven calendar days after the filing of the petition, shall submit to the United States Trustee, a Real Property Questionnaire for each parcel of real property owned or leased by the debtor. A Real Property Questionnaire form is attached.

### **6. PHYSICAL INVENTORY**

The debtor, within thirty calendar days after the filing of the petition, is required to submit to the United States Trustee a physical inventory as of the date of the petition which provides an itemized cost value of the inventory held by the estate.

## **7. POST-CONFIRMATION REPORTS**

The United States Trustee requires quarterly reports after confirmation of a plan of reorganization until the court grants a final decree. In accordance with 28 U.S.C. § 586(a)(3)(D) and 11 U.S.C. § 1106(a)(1), the reorganized debtor shall file an original quarterly Post-Confirmation Report with the clerk of the bankruptcy court no later than twenty calendar days after the close of each calendar quarter. A copy of each Post-Confirmation Report shall be served on the United States Trustee. The reorganized debtor should be prepared to substantiate anything reported on the Post-Confirmation Report to the United States Trustee. Requested substantiation could include, but is not limited to, such items as disbursement registers or bank statements. A Post-Confirmation Report is attached for your use.

## **8. REPORTS IN CASES CONVERTED TO CHAPTER 7**

Should the case convert to a chapter 7, the debtor or chapter 11 trustee must comply with Fed.R.Bankr.P. 1019(1), (4), and (5). All records and property must be turned over to the chapter 7 trustee. Property of the estate must be secured and preserved.

The debtor or chapter 11 trustee must also file a final report and account with the Court, with a copy served on the United States Trustee and the chapter 7 trustee assigned to the case. The final report and account should include a verified schedule of all property of the estate as of the date of conversion. This schedule of assets must be filed within 5 days after entry of the order converting the case to chapter 7. Additionally, a schedule of unpaid debts incurred after commencement of the superseded case including the name and address of each creditor must be filed and served within 15 days after the entry of the order converting the case. A final report and account form is attached for your use.

## **9. SERVICE OF DOCUMENTS ON THE U.S. TRUSTEE**

The debtor must serve the United States Trustee with a copy of all documents submitted to or filed with the Bankruptcy Court and all matters served on parties in interest pursuant to the Bankruptcy Rules. See, Fed.R.Bankr.P. 9034.

Do not serve the United States Trustee with documents filed in adversary proceedings, other than the initial Complaint and the initial Answer, unless

requested to do so in writing by the office of the United States Trustee. DO NOT serve pleadings or documents by facsimile machine unless requested to do so by the office of the United States Trustee.

**D. UNITED STATES TRUSTEE QUARTERLY FEES**

Debtors are required to pay quarterly fees in all pending chapter 11 cases pursuant to 28 U.S.C. § 1930(a) and Fed.R.Bankr.P. 2015(a)(5). Fees must be paid to the United States Trustee each calendar quarter based upon the dollar amount of disbursements made during that quarter. Fees for the first quarter are calculated from the date of the filing of the petition to the end of the calendar quarter. Fees for the last quarter are calculated from the beginning of that quarter to the date of the entry of the order closing, converting, or dismissing the case.

TOTAL QUARTERLY DISBURSEMENTS	QUARTERLY FEE
No Disbursements	\$ 325 <sup>1</sup>
\$ 0 to 14,999.99	325
15,000.00 to 74,999.99	650
75,000.00 to 149,999.99	975
150,000.00 to 224,999.99	1,625
225,000.00 to 299,999.99	1,950
300,000.00 to 999,999.99	4,875
1,000,000.00 to 1,999,999.99	6,500
2,000,000.00 to 2,999,999.99	9,750
3,000,000.00 to 4,999,999.99	10,400
5,000,000.00 to 14,999,999.99	13,000
15,000,000.00 to 29,999,999.99	20,000
30,000,000.00 or more	30,000

A minimum fee of \$325 is due each quarter even if no disbursements are made during that quarter, and even if the case was pending during that quarter for only one day. Fee payments are due no later than thirty days following the end of each quarter.

The amount of fees owed must be substantiated through the filing of

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<sup>1</sup> The amount of the Quarterly Fees changed on January 1, 2008. For the amounts imposed for calendar quarters before October 1, 1996, contact the Office of the United States Trustee for a copy of the prior fee schedule.

Operating Reports. The maximum fee of \$30,000 per quarter may be imposed in cases where substantiation of the fee amount cannot be determined due to the debtor's failure to file timely Operating Reports.

If a plan of reorganization is confirmed, payment of any outstanding quarterly fees, must be made on or before the effective date of the plan. Additionally, the plan must provide for the payment of quarterly fees until the case is either closed by the court, dismissed by the court or converted to another chapter.

Quarterly fees are billed by direct mail to the debtor-in-possession, and payments should be mailed to:

U.S. Trustee Payment Center  
Post Office Box 70937  
Charlotte, NC 28272-0937

If any check for the payment of quarterly fees is dishonored, then all future quarterly fee payments must be made by cashier's check, certified funds, or money order. 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)(10).

### **Notice of Interest Assessment**

Pursuant to 31 U.S.C. § 3717 and effective October 1, 2007, the United States Trustee Program began assessing interest on unpaid chapter 11 quarterly fees charged in accordance with 28 U.S.C. §1930(a)(6). Interest assessed on past due amounts first appeared on the October 2007 statements that were mailed to debtors. The interest rate assessed is the rate in effect as determined by the Treasury Department at the time the chapter 11 account becomes past due. If payment of the full past due amount is received within 30 days of the date of the notice of initial interest assessment, the interest will be waived.

## **E. GENERAL RESTRICTIONS**

### **1. POST-PETITION TAXES, WAGES, AND EXPENSES OF ADMINISTRATION**

The debtor-in-possession must remain current with all expenses of administration during the pendency of the chapter 11 case. The debtor-in-



possession, as a fiduciary, must withhold, collect, and deposit all taxes owed to the Internal Revenue Service and state and local taxing authorities. These taxes include, but are not limited to, federal and state withholding, employee's portion of F.I.C.A., federal and state unemployment insurance, transient occupancy taxes, and sales and use taxes. All administrative priority wages, employee related payments and other expenses of administration must be paid as they become due.

## **2. OBTAINING CREDIT**

11 U.S.C. § 364(b) provides that the debtor-in-possession may not obtain credit nor incur unsecured debt other than in the ordinary course of business without prior court approval. Section 364(c) also requires court approval before the obtaining of credit or the incurring of debt with priority over certain administrative expenses. Section 364(c) requires court approval before obtaining credit or incurring debt that is secured by a lien on property of the estate. The debtor-in-possession should also consult with its attorney before extending credit or lending funds to third parties. The debtor-in-possession shall serve the United States Trustee with a copy of any such application filed with the court.

## **3. USE, SALE, OR LEASE OF PROPERTY OF THE ESTATE**

11 U.S.C. §363(b) requires a debtor to obtain prior court approval for the use, sale, or lease of property of the estate when such use, sale, or lease is not in the ordinary course of business of the debtor. The debtor shall serve the United States Trustee with copies of any such application filed with the court.

## **4. EMPLOYMENT OF ATTORNEYS AND OTHER PROFESSIONALS**

A debtor-in-possession may employ an attorney, accountant, or other professional only upon authorization by the court. No payments may be made to such attorneys, accountants, or other professionals after the filing of the petition without prior court authorization after notice to all creditors and the opportunity for a hearing. See, 11 U.S.C. §§ 327 through 331 and Fed.R.Bankr.P. 2014, 2016, and 2017.

## **5. PAYMENT OF PRE-PETITION DEBT**

There are specific prohibitions and restrictions against payment of certain debts incurred prior to the filing of the petition without court authorization. The debtor is cautioned to consult with its attorney regarding any payment of pre-petition debts.

## **6. CHANGE OF ADDRESS OR TELEPHONE NUMBER**

The debtor must notify the United States Trustee, in writing within forty-eight (48) hours, of any change of address or telephone number of the debtor and debtor's attorney. The debtor must also file with the Clerk of the Bankruptcy Court a change of address form.

## **F. MODIFICATIONS**

The United States Trustee may, at any time, amend or modify the requirements of a particular chapter 11 case. Additional requirements may include the submission of audited and unaudited financial statements, state and federal payroll or income tax returns, state sales tax returns (with all schedules and attachments), copies of trust agreements or conveyances, and examination of the debtor's books, records, and bank statements. Any request to amend or modify these requirements must be submitted in writing, and no such amendments or modifications are valid unless and until they are approved by the office of the United States Trustee in writing.

March 3, 2008

TIFFANY L. CARROLL  
Acting United States Trustee

## **TIMETABLE AND CHECKLIST**

- I. Contemporaneous With Filing of Petition
  - A. Bankruptcy Petition Cover Sheet.
  - B. Petition with required Exhibits.
- II. Immediately After Filing of Petition
  - A. Close all pre-petition bank accounts, books, and records and all business credit card accounts.
  - B. Open new debtor-in-possession books and records, and debtor-in-possession bank accounts (General, Tax, and Payroll accounts).
  - C. Conduct physical inventory.
  - D. Amend all insurance policies to include the United States Trustee as an additional interest holder and to include bankruptcy case number.
- III. Within Seven Days After Filing of Petition
  - A. Provide evidence of appropriate insurance coverage to the United States Trustee.
  - B. Provide proof of the opening of new debtor-in-possession bank accounts by providing copies of the signature cards to the United States Trustee.
  - C. Submit Real Property Questionnaire for each parcel of real estate in which the debtor has an interest to the United States Trustee.
  - D. Submit Projected Operating Statement to the United States Trustee.
  - E. Submit copies of the Debtor's state and federal income tax returns for the last two years to the United States Trustee.
- IV.
  - A. File Schedules of Assets and Liabilities and Statement of Financial Affairs if not filed with the Petition and Exhibits.
  - B. Attend Initial Debtor Conference (if scheduled).
- V. Within Thirty Days After Filing of Petition
  - A. Submit Physical Inventory to the United States Trustee.

B. File and Serve Applications to Employ Professionals or Other Professionals

VI. During the Chapter 11 Case.

A. Submit timely payments of United States Trustee Quarterly Fees each quarter.

B. File and serve Operating Reports for each month within twenty calendar days of the end of the month.

C. Submit renewals or new policies of insurance for property of the estate prior to the expiration of existing policies.

D. Serve the United States Trustee with copies of all documents filed with the Court.

E. File Disclosure Statement and Plan of Reorganization within 120 days of the filing of the Petition.

INFORMATION FOR INITIAL DEBTOR INTERVIEW

DATE: \_\_\_\_\_

CASE NAME: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

BUSINESS INFORMATION

TYPE OF BUSINESS: \_\_\_\_\_

NUMBER OF EMPLOYEES: \_\_\_\_\_ DATE STARTED/INCORPORATED: \_\_\_\_\_

CORPORATE OFFICERS, PARTNERS OR SOLE PROPRIETOR:

NAME	TITLE	% OF OWNERSHIP	COMPENSATION (past 12 months including bonuses, options, benefits, expenses, etc.)

CONDITIONS THAT CAUSED THE FILING OF THE CHAPTER 11 PETITION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPOSED PLAN OF REORGANIZATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FINANCIAL CONDITION AS OF FILING DATE (STATE IN DOLLAR AMOUNTS)

CASH: \_\_\_\_\_ INVENTORY: \_\_\_\_\_

ACCTS RECEIVABLE: \_\_\_\_\_ ESTIMATED ACCTS UNCOLLECTIBLE: \_\_\_\_\_

FIXTURES & EQUIP: \_\_\_\_\_ VEHICLES: \_\_\_\_\_

REAL ESTATE:

LOCATION/DESCRIPTION	MARKET VALUE	DEBT	LIEN HOLDER

ACCOUNTS/NOTES RECEIVABLE FROM OFFICERS: \_\_\_\_\_

OTHER SIGNIFICANT ASSETS: \_\_\_\_\_

ACCOUNTS PAYABLE: \_\_\_\_\_ NUMBER OF ACCOUNTS: \_\_\_\_\_

TAXES:

TAXING AUTHORITY

AMOUNT OWED

TAXING AUTHORITY	AMOUNT OWED

WAGES OWED: \_\_\_\_\_ NO. OF CLAIMS: \_\_\_\_\_

RENT/LEASE OWED: \_\_\_\_\_ MONTHS IN ARREARS: \_\_\_\_\_

ACCOUNTS OR NOTES PAYABLE TO OFFICERS: \_\_\_\_\_

SECURED DEBTS (DO NOT REPEAT OBLIGATIONS LISTED UNDER REAL ESTATE ABOVE):

SECURED PARTY

AMOUNT

COLLATERAL

SECURED PARTY	AMOUNT	COLLATERAL

NEW "DEBTOR IN POSSESSION" ACCOUNTS:

GENERAL ACCOUNT

PAYROLL ACCOUNT

TAX ACCOUNT

NAME OF BANK: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ACCOUNT NUMBER: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OPENING BALANCE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**DEBTOR-IN-POSSESSION PROJECTED 6-MONTHS PROFIT AND LOSS STATEMENT**

**PROJECTIONS**

	<u>MONTH 1</u>	<u>MONTH 2</u>	<u>MONTH 3</u>	<u>MONTH 4</u>	<u>MONTH 5</u>	<u>MONTH 6</u>
BEGINNING CASH:						

**INCOME:**

CASH SALES						
ACCTS. REC. COLLECTION						
OTHER						
OTHER						
<i>TOTAL CASH INCOME</i>						

**EXPENSES:**

RENT						
EMPLOYEE SALARIES						
EMPLOYEE BENEFITS						
TAXES						
BANK NOTES PAYABLE						
VEHICLE NOTES PAYABLE						
VEHICLE EXPENSES						
MAINTENANCE						
INSURANCE						
INVENTORY						
SUPPLIES						
UTILITIES						
OTHER						
OTHER						
OTHER						
OTHER						
<i>TOTAL EXPENSES</i>						

ENDING CASH:						
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Attorney for Debtor-In-Possession

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF HAWAII

In Re:

CASE NUMBER

CHAPTER 11

DEBTOR-IN-POSSESSION  
MONTHLY OPERATING REPORT  
FOR THE MONTH OF

\_\_\_\_\_, 20\_\_

Debtor(s).

TO: THE HONORABLE \_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE

The Debtor-In-Possession hereby files its monthly Operating Report pursuant to the United States Trustee's Operating and Reporting Requirements for Chapter 11 cases.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Debtor-In-Possession



**UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
DISTRICT OF HAWAII**

In Re: \_\_\_\_\_

Debtor(s).

CHAPTER 11 (BUSINESS)

CASE NO. \_\_\_\_\_

**OPERATING REPORT NO.** \_\_\_\_\_

FOR THE MONTH ENDING: \_\_\_\_\_

**I. CASH RECEIPTS AND DISBURSEMENTS**  
**A. (GENERAL ACCOUNT\*)**

1. TOTAL RECEIPTS PER ALL PRIOR GENERAL ACCOUNT REPORTS		\$ _____
2. LESS: TOTAL DISBURSEMENTS PER ALL PRIOR GENERAL ACCOUNT REPORTS		\$ _____
3. BEGINNING BALANCE:		\$ _____
4. RECEIPTS DURING CURRENT PERIOD:		
ACCOUNTS RECEIVABLE - PRE-FILING	\$ _____	
ACCOUNTS RECEIVABLE - POST-FILING	\$ _____	
GENERAL SALES	\$ _____	
OTHER (SPECIFY) _____	\$ _____	
OTHER ** (SPECIFY) _____	\$ _____	
	TOTAL RECEIPTS THIS PERIOD:	\$ _____
5. BALANCE:		\$ _____
6. LESS: TOTAL DISBURSEMENTS DURING CURRENT PERIOD		
TRANSFERS TO OTHER DIP ACCOUNTS	\$ _____	
DISBURSEMENTS	\$ _____	
TOTAL DISBURSEMENTS THIS PERIOD ***:		\$ _____
7. ENDING BALANCE:		\$ _____
8. GENERAL ACCOUNT NUMBER _____		
DEPOSITORY NAME AND LOCATION _____		

\* *All receipts must be deposited into the general account.*  
 \*\* *Include receipts from the sale of any real or personal property out of the ordinary course of business; attach an exhibit specifying what was sold, to whom, terms, and date of Court Order or Report of Sale.*  
 \*\*\**This amount should be the same as the total from page 2.*





**I. CASH RECEIPTS AND DISBURSEMENTS (Continued)**

**B. (PAYROLL ACCOUNT)**

- 1. TOTAL RECEIPTS PER ALL PRIOR PAYROLL ACCOUNT REPORTS \$ \_\_\_\_\_
- 2. LESS: TOTAL DISBURSEMENTS PER ALL PRIOR PAYROLL ACCOUNT REPORTS \$ \_\_\_\_\_
- 3. BEGINNING BALANCE \$ \_\_\_\_\_
- 4. RECEIPTS:  
TRANSFERRED FROM GENERAL ACCOUNT \$ \_\_\_\_\_
- 5. BALANCE \$ \_\_\_\_\_
- 6. LESS: DISBURSEMENTS DURING CURRENT PERIOD

DATE            CHECK NO.                            PAYEE                            AMOUNT

TOTAL DISBURSEMENTS THIS PERIOD: \$ \_\_\_\_\_

7. ENDING BALANCE: \$ \_\_\_\_\_

8. PAYROLL ACCOUNT NUMBER \_\_\_\_\_  
DEPOSITORY NAME AND LOCATION \_\_\_\_\_

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**PAYROLL ACCOUNT**  
**BANK RECONCILIATION\***

Balance per bank statement dated: \_\_\_\_\_ \$ \_\_\_\_\_

Plus deposits in transit (a):

<u>Deposit Date</u>	<u>Deposit Amount</u>
_____	\$ _____
_____	_____
_____	_____

Total deposits in transit \_\_\_\_\_

Less outstanding checks (a):

<u>Check Number</u>	<u>Check Date</u>	<u>Check Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total outstanding checks < \_\_\_\_\_ >

Bank statement adjustments\*\* \_\_\_\_\_

Adjusted bank balance \$ \_\_\_\_\_

\* It is acceptable to attach lists of deposits in transit and outstanding checks to this form or to replace this form with a similar form.  
 \*\* Please attach a detailed explanation of any bank statement adjustment.

**I. CASH RECEIPTS AND DISBURSEMENTS (Continued)**  
**B. (TAX ACCOUNT)**

- |    |   |          |
|----|---|----------|
| 1. | TOTAL RECEIPTS PER ALL PRIOR TAX ACCOUNT REPORTS            | \$ _____ |
| 2. | LESS: TOTAL DISBURSEMENTS PER ALL PRIOR TAX ACCOUNT REPORTS | \$ _____ |
| 3. | BEGINNING BALANCE   | \$ _____ |
| 4. | RECEIPTS:<br>TRANSFERRED FROM GENERAL ACCOUNT               | \$ _____ |
| 5. | BALANCE   | \$ _____ |
| 6. | LESS: DISBURSEMENTS DURING CURRENT PERIOD                   |          |

<u>DATE</u>	<u>CHECK NO.</u>	<u>PAYEE</u>	<u>AMOUNT</u>
-------------	------------------	--------------	---------------

TOTAL DISBURSEMENTS THIS PERIOD: \$ \_\_\_\_\_

- |    |                                    |                      |
|----|------------------------------------|----------------------|
| 7. | ENDING BALANCE:                    | \$ <u>          </u> |
| 8. | TAX ACCOUNT NUMBER _____           |                      |
|    | DEPOSITORY NAME AND LOCATION _____ |                      |

**D. SUMMARY SCHEDULE OF CASH**

ENDING BALANCE FOR PERIOD:

GENERAL ACCOUNT		\$ _____
PAYROLL ACCOUNT		\$ _____
TAX ACCOUNT		\$ _____
OTHER ACCOUNTS*: _____		\$ _____
OTHER MONIES*: _____		\$ _____
PETTY CASH**		\$ _____
 TOTAL CASH AVAILABLE		 \$ <u>          </u>

\* Specify the fund and the type of holding (i.e., CD, Savings Account, Investment securities, etc.), and the depository name, location, and account number.

\*\* Attach exhibit itemizing all petty cash transactions.

NOTE: Attach copies of monthly accounts statements from financial institutions for each account.

**TAX ACCOUNT**  
**BANK RECONCILIATION\***

Balance per bank statement dated: \_\_\_\_\_ \$ \_\_\_\_\_

Plus deposits in transit (a):

<u>Deposit Date</u>	<u>Deposit Amount</u>
_____	\$ _____
_____	_____
_____	_____

Total deposits in transit \_\_\_\_\_

Less outstanding checks (a):

<u>Check Number</u>	<u>Check Date</u>	<u>Check Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total outstanding checks < \_\_\_\_\_ >

Bank statement adjustments\*\* \_\_\_\_\_

Adjusted bank balance \$ \_\_\_\_\_

\* It is acceptable to attach lists of deposits in transit and outstanding checks to this form or to replace this form with a similar form.  
\*\* Please attach a detailed explanation of any bank statement adjustment.

**II. STATUS OF PAYMENTS TO SECURED CREDITORS, LESSORS,  
AND OTHER PARTIES TO EXECUTORY CONTRACTS**

CREDITOR, LESSOR, ETC.	FREQUENCY OF PAYMENTS (Mo./Qtr.)	AMOUNT OF PAYMENT	POST-PETITION PAYMENTS NOT MADE (NUMBER)	TOTAL DUE
<b>TOTAL DUE</b>				

**III. TAX LIABILITIES**

FOR THE REPORTING PERIOD:

GROSS SALES SUBJECT TO SALES TAX \$ \_\_\_\_\_  
 TOTAL WAGES PAID \$ \_\_\_\_\_

	TOTAL POST-PETITION AMOUNTS OWING	AMOUNT DELINQUENT	DATE DELINQUENT AMOUNT DUE
FEDERAL WITHHOLDING	\$	\$	
STATE WITHHOLDING	\$	\$	
FICA - EMPLOYER'S SHARE	\$	\$	
FICA - EMPLOYEE'S SHARE	\$	\$	
FEDERAL UNEMPLOYMENT	\$	\$	
STATE WITHHOLDING	\$	\$	
SALES AND USE	\$	\$	
REAL PROPERTY	\$	\$	
OTHER: (SPECIFY)	\$	\$	
<b>TOTAL:</b>	\$	\$	



**IV. AGING OF ACCOUNTS PAYABLE AND ACCOUNTS RECEIVABLE**

	ACCOUNTS PAYABLE* (POST-PETITION ONLY)	ACCOUNTS Pre-Petition	RECEIVABLE Post-Petition
30 days or less			
31 - 60 days			
61 - 90 days			
91 - 120 days			
Over 120 days			
TOTALS:			

**V. INSURANCE COVERAGE**

	NAME OF CARRIER	AMOUNT OF COVERAGE	POLICY EXPIRATION DATE	PREMIUM PAID THROUGH:
General Liability				
Worker Compensation				
Casualty				
Vehicle				
_____				
_____				

**VI. UNITED STATES TRUSTEE QUARTERLY FEES  
(TOTAL PAYMENTS)**

Qtrly Period Ending	Total Disbursements	Qtrly Fees	Date Paid	Amount Paid	Qtrly Fee Still Owing

\* Post-Petition Accounts Payable *should not* include professionals' fees and expenses which have been incurred but not yet awarded by the Court. Post-Petition Accounts Payable *should* include professionals' fees and expenses authorized by Court Order but which remain unpaid as of the close of the period of the report.

**VII. SCHEDULE OF COMPENSATION PAID TO INSIDERS**

Name of Insider	Date of Order Authorizing Compensation	Authorized Gross Compensation*	Gross Compensation Paid During the Month

\* Please indicate how compensation was identified in the order (e.g., \$1,000/wk, \$2,500/mo)

**VIII. SCHEDULE OF OTHER AMOUNTS PAID TO INSIDERS**

Name of Insider	Date of Order Authorizing Payment	Description	Amount Paid During the Month

**IX. PROFIT AND LOSS STATEMENT**

(ACCRUAL BASIS ONLY)

	<u>Current Month</u>	<u>Cumulative Post-Petition</u>
Sales/Revenue:		
Gross Sales/Revenue	_____	_____
Less: Returns/Discounts	(_____)	(_____)
Net Sales/Revenue	_____	_____
Cost of Goods Sold:		
Beginning Inventory at cost	_____	_____
Purchases	_____	_____
Less: Ending Inventory at cost	(_____)	(_____)
Cost of Goods Sold (COGS)	_____	_____
Gross Profit	_____	_____
Other Operating Income (Itemize)	_____	_____
Operating Expenses:		
Payroll - Insiders	_____	_____
Payroll - Other Employees	_____	_____
Payroll Taxes	_____	_____
Other Taxes (Itemize)	_____	_____
Depreciation and Amortization	_____	_____
Rent Expense - Real Property	_____	_____
Lease Expense - Personal Property	_____	_____
Insurance	_____	_____
Real Property Taxes	_____	_____
Telephone and Utilities	_____	_____
Repairs and Maintenance	_____	_____
Travel and Entertainment (Itemize)	_____	_____
Miscellaneous Operating Expenses (Itemize)	_____	_____
Total Operating Expenses	(_____)	(_____)
Net Gain/(Loss) from Operations	_____	_____
Non-Operating Income:		
Interest Income	_____	_____
Net Gain on Sale of Assets (Itemize)	_____	_____
Other (Itemize)	_____	_____
Total Non-Operating income	_____	_____
Non-Operating Expenses:		
Interest Expense	_____	_____
Legal and Professional (Itemize)	_____	_____
Other (Itemize)	_____	_____
Total Non-Operating Expenses	(_____)	(_____)
NET INCOME/(LOSS)	_____	_____

(Attach exhibit listing all itemizations required above)

**X. BALANCE SHEET**  
(ACCRUAL BASIS ONLY)

ASSETS	<u>Current Month End</u>
Current Assets:	
Unrestricted Cash	_____
Restricted Cash	_____
Accounts Receivable	_____
Inventory	_____
Notes Receivable	_____
Prepaid Expenses	_____
Other (Itemize)	_____
Total Current Assets	_____
Property, Plant, and Equipment	_____
Accumulated Depreciation/Depletion	_____
Net Property, Plant, and Equipment	_____
Other Assets (Net of Amortization):	
Due from Insiders	_____
Other (Itemize)	_____
Total Other Assets	_____
<b>TOTAL ASSETS</b>	<b>=====</b>
LIABILITIES	
Postpetition Liabilities:	
Accounts Payable	_____
Taxes Payable	_____
Notes Payable	_____
Professional fees	_____
Secured Debt	_____
Other (Itemize)	_____
Total Postpetition Liabilities	_____
Prepetition Liabilities:	
Secured Liabilities	_____
Priority Liabilities	_____
Unsecured Liabilities	_____
Other (Itemize)	_____
Total Prepetition Liabilities	_____
<b>TOTAL LIABILITIES</b>	<b>=====</b>
EQUITY:	
Prepetition Owners' Equity	_____
Postpetition Profit/(Loss)	_____
Direct Charges to Equity	_____
<b>TOTAL EQUITY</b>	<b>=====</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>=====</b>

**XI. QUESTIONNAIRE**

1. Has the debtor-in-possession made any payments on its pre-petition unsecured debt, except as have been authorized by the court?

No.  
 Yes. Explain \_\_\_\_\_  
\_\_\_\_\_

2. Has the debtor-in-possession during this reporting period provided compensation or remuneration to any officers, directors, principals, or other insiders without appropriate authorization?

No.  
 Yes. Amount, to whom, and for what period? \_\_\_\_\_  
\_\_\_\_\_

3. State what progress was made during the reporting period toward filing a plan of reorganization:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Describe potential future developments which may have a significant impact on the case.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Attach copies of all Orders granting relief from the automatic stay that were entered during the reporting period.

6. Did you receive any exempt income this month, which is not set forth in the operating report?

No.  
 Yes. Please set forth the amounts and the source of the income.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_ (Name and title), declare under penalty of perjury that I have fully read and understood the foregoing debtor-in-possession operating report and that the information contained herein is true and complete to the best of my knowledge.

Date: \_\_\_\_\_

\_\_\_\_\_  
Principal for debtor-in-possession



5. Does the property presently conform to all local, state, and federal requirements, such as health, building, safety, earthquake, fire, or other regulations?

\_\_\_\_\_ Yes.

\_\_\_\_\_ No. Explain. \_\_\_\_\_

**B. Income and Management of the Property**

1. Is any income being generated from rental or use of the property by third parties?

\_\_\_\_\_ Yes. Present gross monthly income: \$ \_\_\_\_\_

\_\_\_\_\_ No.

2. If the property is being used or occupied by a third party, provide the name of that party, explain the relationship, if any, to the debtor-in-possession and explain the terms of any agreement with that party.

\_\_\_\_\_  
\_\_\_\_\_

3.. Is there any person or entity managing the property?

\_\_\_\_\_ No.

\_\_\_\_\_ Yes. Provide the name, address, and telephone number of the managing person/entity and attach a copy of the management agreement.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Is the manager (or principals of the management company) in any way related to or affiliated with the debtor?

\_\_\_\_\_ No.

\_\_\_\_\_ Yes. Provide complete information regarding the relationship or affiliation.

\_\_\_\_\_  
\_\_\_\_\_

5. Has a real estate broker or agent been employed by the debtor for this property?

\_\_\_\_\_ No.

\_\_\_\_\_ Yes. Provide the name and address of the broker or agent and the date on which the broker or agent was employed.

\_\_\_\_\_  
\_\_\_\_\_

C. Ownership Items

1. Is the debtor the titleholder to the property?

\_\_\_\_\_ Yes  
\_\_\_\_\_ No. Explain. \_\_\_\_\_

2. Provide the percentage interest and type of ownership (i.e., fee simple, tenants in common, joint tenancy, etc.) held in the property by the debtor.

\_\_\_\_\_ %  
Type of Ownership \_\_\_\_\_

3. Date of acquisition of the property: \_\_\_\_\_  
Total purchase price of the property: \_\_\_\_\_

4. Present fair market value: \$ \_\_\_\_\_  
Source and basis of the fair market value: \_\_\_\_\_

5. Voluntary encumbrances recorded against the property (e.g., mortgages/trust deeds, stipulated judgments):

	<u>Name of Lender</u>	<u>Outstanding Principal Amount</u>	<u>Installment Payments/ Frequency</u>	<u>Number of Delinquent Payments</u>
1 <sup>st</sup>				
2 <sup>nd</sup>				
3 <sup>rd</sup>				
4 <sup>th</sup>				
5 <sup>th</sup>				

6. If any pre-petition debt service payments remained unpaid as a result of a dispute, were such payments escrowed into a separate trust account: Yes \_\_\_\_\_/No \_\_\_\_\_

If yes, please provide the name of the depository, branch, account number, and amount of funds on hand.

\_\_\_\_\_  
\_\_\_\_\_



7. Involuntary encumbrances recorded against the property (i.e., tax, mechanics, judgment, lis pendens, and other liens). State the type of lien, amount, and date recorded:

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8. Itemize all the monthly expenses related to the property, excluding debt service (attach a separate listing, if necessary):

I, \_\_\_\_\_ (Name and title), declare under penalty of perjury that I have fully read and understood the foregoing debtor-in-possession Real Property Questionnaire and that the information contained herein is true and correct to the best of my knowledge.

Date: \_\_\_\_\_

\_\_\_\_\_  
Principal for Debtor-In-Possession



B. Property Leased by the Debtor-in-Possession

1. What is the name, address and telephone number of the lessor?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Does the lessor own the property?

\_\_\_\_\_ Yes.  
\_\_\_\_\_ No. Provide the name, address, and telephone number of the owner.

\_\_\_\_\_  
\_\_\_\_\_

3. Does a written lease exist between the Debtor-in-Possession and the lessor?

\_\_\_\_\_ Yes. Please attach a copy of the lease.  
\_\_\_\_\_ No. Please explain the terms of the lease.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Lease payment amount: \$ \_\_\_\_\_  
Per: \_\_\_\_\_ Month/ \_\_\_\_\_ Quarter/ \_\_\_\_\_ Year/ \_\_\_\_\_ Other: \_\_\_\_\_

5. Number and amount of unpaid pre-petition lease payments:

Number: \_\_\_\_\_ / Amount: \$ \_\_\_\_\_

6. If any pre-petition lease payments remained unpaid as a result of a dispute, were such payments escrowed into a separate trust account?

\_\_\_\_\_ No.  
\_\_\_\_\_ Yes. Please provide the name of the escrow holder, account number, and amount of funds on hand: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_ (Name and title), declare under penalty of perjury that I have fully read and understood the foregoing Real Property Questionnaire and that the information provided herein is true and correct to the best of my knowledge.

Date: \_\_\_\_\_

\_\_\_\_\_  
Principal for Debtor-In-Possession

**UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
DISTRICT OF HAWAII**

**In Re:**

**Debtor(s).**

**CH.11 POST CONFIRMATION REPORT**

**CASE NO.** \_\_\_\_\_

**DATE PLAN CONFIRMED:** \_\_\_\_\_

\_\_\_\_ **QUARTERLY**      \_\_\_\_ **FINAL**

**CALENDAR QUARTER ENDING:**  
\_\_\_\_\_

**A. PLEASE ANSWER THE FOLLOWING:**

1. Will you be able to comply with the terms of your plan?

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2. If no, describe any factors which impair your ability to comply with the terms of the plan:

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3. Please describe any factors which may materially affect your ability to obtain a final decree.

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4. If plan payments have not yet begun, please indicate the date that the first plan payment is due.

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**B. SUMMARY OF AMOUNTS DISBURSED UNDER THE PLAN:**

	<b>Total Payments Projected under Plan</b>	<b>Paid Current Quarter</b>	<b>Paid to Date</b>	<b>Minimum Amount Required to be Paid to Date Under Plan</b>	<b>Amount Delinquent</b>
<b>I. ADMINISTRATIVE EXPENSE CLAIMS</b>					
1. Trustee Compensation	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
2. Fee for Attorney for Trustee	_____	_____	_____	_____	_____
3. Fee for Attorney for Debtor	_____	_____	_____	_____	_____
4. Other Professionals	_____	_____	_____	_____	_____
5. All Other Expenses	_____	_____	_____	_____	_____
<b>II. DISTRIBUTIONS</b>					
6. Secured Creditors	_____	_____	_____	_____	_____
7. Priority Creditors	_____	_____	_____	_____	_____
8. Unsecured Creditors	_____	_____	_____	_____	_____
9. Equity Security Holders	_____	_____	_____	_____	_____
10. Other Payments (Specify Class of Payee) _____	_____	_____	_____	_____	_____
<b>TOTAL PLAN DISBURSEMENTS</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>

**C. Percent Dividend to be Paid to Unsecured Creditors Under Plan \_\_\_\_\_ %**

**D. UNITED STATES TRUSTEE QUARTERLY FEES  
(TOTAL PAYMENTS)**

<b>Qtrly Period Ending</b>	<b>Total Disbursement</b>	<b>Qtrly Fees</b>	<b>Date Paid</b>	<b>Amount Paid</b>	<b>Qtrly Fee Still Owing</b>

All disbursements made by the reorganized debtor, whether under the plan or otherwise, must be accounted for and reported herein for the purpose of calculating the quarterly fees.

**E. CONSUMMATION OF PLAN:**

If this is a final report, has an application for Final Decree been submitted?

\_\_\_ Yes - Date application was submitted? \_\_\_\_\_

\_\_\_ No - Date when application will be submitted? \_\_\_\_\_

Estimated Date of Final Payment Under Plan \_\_\_\_\_

I, \_\_\_\_\_ (Name and title), declare under penalty of perjury that I have fully read and understood the foregoing Chapter 11 Post Confirmation Report and that the information contained herein is true and complete to the best of my knowledge.

Date: \_\_\_\_\_

\_\_\_\_\_  
Principal for Reorganized Debtor

**UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
DISTRICT OF HAWAII**

In Re:

Debtor(s).

CHAPTER 11

CASE NO. \_\_\_\_\_

**FINAL REPORT AND ACCOUNT**

Date Order Converting Case to  
Chapter 7 Entered: \_\_\_\_\_

**Schedule I - Disposition of Assets**

Asset Description (Scheduled and Unscheduled Property)	Petition/ Unscheduled Value	Status and Location of Property (Including Information on Disposal, if Property is Currently Not Property of the Estate)

Case No: \_\_\_\_\_

Case Name: \_\_\_\_\_

**Schedule II - Post-Petition Creditors**

Name and Address	Type (Administrative, Superpriority, etc.)	Amount Due
		Subtotal (Total of this page)
		Total (Use only on the last page of Schedule II)



Case No: \_\_\_\_\_

Case Name: \_\_\_\_\_

**Schedule III - Post-Petition Payments to Professionals**

Name and Address of Professional	Amount Paid Post-Petition	Retainer

I, \_\_\_\_\_ (Name and title), declare under penalty of perjury that I have fully read and understood the foregoing Final Report and Account and that the information contained herein is true and complete to the best of my knowledge.

Date: \_\_\_\_\_

\_\_\_\_\_  
Principal for Debtor-In-Possession