



U.S. Department of Justice

*United States Trustee, Region 10
Central & Southern Districts of Illinois
Northern & Southern Districts of Indiana*

*101 West Ohio Street, Suite 1000 Phone: 317/226-6101
Indianapolis, Indiana 46204 Fax: 317/226-6356*

January 21, 2020

INSERT TEXT
INSERT TEXT
INSERT TEXT
INSERT TEXT

**Re: John Doe and Jane Doe
 Case No. 20-00000 RLM 11**

Dear Mr. Smith:

Enclosed are the Guidelines and Reporting Requirements of the United States Trustee for a Chapter 11 Debtor-in-Possession. Please review these guidelines carefully. Compliance with these guidelines is required as long as your client is under the protection of the Bankruptcy Court. I am the U. S. Trustee's attorney assigned to this case. If you have any questions regarding legal or court matters, please contact me. Any questions regarding the guidelines and reporting matters should be directed to **INSERT TEXT**.

The Initial Debtor Interview ("IDI") will be held by telephone on Tuesday, **INSERT TEXT**, at 10:00 a.m. (ET). Debtor's counsel should initiate the call to Bankruptcy Auditor **INSERT TEXT** by calling (317) 226-**INSERT TEXT**. Pursuant to these guidelines, the United States Trustee requests that all IDI materials be provided to our office one week before the IDI. If you need the IDI to be reset for any reason, please contact **INSERT TEXT** as soon as the need for the continuance is discovered. If the required materials are not received at least three business days prior to the scheduled IDI, the assigned attorney may decline to allow the IDI to be conducted telephonically and may instead require that the debtor and counsel appear in-person for the scheduled

IDI at the Office of the United States Trustee, located at 101 West Ohio Street, Suite 1000, Indianapolis, Indiana.

The United States Trustee expects that the debtor will have closed all pre-petition bank accounts, opened a debtor-in-possession operating account, and obtained Certificates of Insurance from their insurance agent(s) before the IDI. The purpose of the conference is not to initiate the compliance process but to confirm that the process has started.

Thank you for your anticipated cooperation.

Very truly yours,

NANCY J. GARGULA
United States Trustee

By: _____
INSERT TEXT

Enclosure

cc: John Doe and Jane Doe



U.S. Department of Justice

*United States Trustee, Region 10
Central & Southern Districts of Illinois
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*101 West Ohio Street, Suite 1000 Phone: 317/226-6101
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January 21, 2020

INSERT TEXT
INSERT TEXT
INSERT TEXT
INSERT TEXT

**Re: United States Trustee Quarterly Fees
John Doe and Jane Doe
Account No. 561-20-00000**

Dear Mr. Smith:

Pursuant to 28 U.S.C. § 1930(a)(6), a Chapter 11 debtor is obligated to pay the United States Trustee a minimum of \$325 for each quarterly period, including any fraction of such quarter, during the time a Chapter 11 case is pending. The enclosed Information and Instruction Form describes how to determine the fee due in your case. The monthly operating reports required by U.S. Trustee Guidelines to be filed on a monthly basis contain information on disbursements (Monthly Cash Flow Report, Page 1). These are the monthly figures needed to compute the amount of the quarterly disbursement.

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.

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. In the event you do not receive a form, the enclosed payment stub may be used. Chapter 11 quarterly fees may be paid online at <https://www.pay.gov/public/form/start/672415208> or by mailing the tear off 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

The address to use for overnight delivery is:

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).

If you have any questions regarding Quarterly Fees or require assistance in computing the fees, please contact this office.

Very truly yours,

NANCY J. GARGULA
United States Trustee

By: _____
Ronald J. Moore
Assistant U.S. Trustee

Enclosure

cc: John Doe and Jane Doe

NOTICE

DISCLOSURE OF INTENT TO USE TAXPAYER IDENTIFICATION 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. If the United States is unable to collect the full amount of any debt owed on a debtor's quarterly fee obligation, an I.R.S. Form 1099-C (Cancellation of Debt) will be filed with the Internal Revenue Service as required by law.

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

CHAPTER 11 QUARTERLY FEE PAYMENT

UST 11A 01/20

Case Name: _____

Mailing Address: _____

_____ Ch. 11 ten-digit Account Number: ____ - ____ - ____ - ____
Court Location: City & State

Send all correspondence to the local U.S. Trustee office for the case. Amount Enclosed: \$ _____

Fees may be paid online at <https://www.pay.gov/public/form/start/672415208>
or by mailing this form and a check to:

U.S. Trustee Payment Center
P.O. Box 6200-19
Portland, OR 97228-6200

Date Mailed

Sender

[] Completed at U.S. Trustee Office

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

CHAPTER 11 QUARTERLY FEE PAYMENT

UST 11A 01/20

Case Name: _____

Mailing Address: _____

_____ Ch. 11 ten-digit Account Number: ____ - ____ - ____ - ____
Court Location: City & State

Send all correspondence to the local U.S. Trustee office for the case. Amount Enclosed: \$ _____

Fees may be paid online at <https://www.pay.gov/public/form/start/672415208>
or by mailing this form and a check to:

U.S. Trustee Payment Center
P.O. Box 6200-19
Portland, OR 97228-6200

Date Mailed

Sender

[] Completed at U.S. Trustee Office

AUTHORITY: Chapter 11 bankruptcy quarterly fees are determined according to 28 U.S.C. § 1930(a)(6). Consult your attorney if you are in doubt as to whether the quarterly fees apply to your case.

PENALTIES: Failure to pay the quarterly fee is cause for conversion or dismissal of your case under 11 U.S.C. § 1112(b)(10). Filing a false report may subject you to civil liability under 31 U.S.C. § 3729(a)(7), and to criminal penalties under 18 U.S.C. §§ 1001 and 1621.

WHO MUST FILE: Every case pending under Chapter 11 of the Bankruptcy Code that is subject to 28 U.S.C. § 1930(a)(6) must pay the quarterly fee. If a trustee has been appointed to serve in your case, give this report to the trustee to complete and submit. If your case is being jointly administered with another case or has been consolidated with another case for administrative purposes only, submit a separate quarterly report and fee for each case. If the court has ordered the case to be substantively consolidated (consolidated for all purposes), then only one report and fee are due to the quarter of filing. However, if substantive consolidation occurs during a quarter, the individual cases remain subject to the fee for the part of the quarter prior to the consolidation.

WHEN TO FILE: The report and fee are due on the last day of the calendar month following the calendar quarter for which the fee is owed starting with the quarter in which your case is commenced and continue until and including the quarter in which your case is dismissed, converted to another Chapter, or the case is closed. A plan must provide for payment of all unpaid or underpaid quarterly fees as of the effective date of the plan or else it cannot be continued by the court.

Quarter Number	Quarter Months	Payment Due Date
1	Jan, Feb, Mar	Apr 30
2	Apr, May, Jun	Jul 31
3	Jul, Aug, Sep	Oct 31
4	Oct, Nov, Dec	Jan 31

FEE CALCULATIONS: The fee due is based on disbursements made during the days of the quarter that the case is open, and is not prorated for a partial quarter. The minimum fee applies when there are no disbursements, and even if the case is pending for only one day of the quarter. If your case was filed after the start of the quarter, include only the disbursements made since the filing date. If your case was filed after the start of the quarter, include only the disbursements made since the filing date. If your case was closed before the end of the quarter, include only the disbursements made before the closing date. Use the following schedules to determine the Fee Due:

Chapter 11 Quarterly Fees Based on Disbursements

Disbursement Range	Amount
\$0 to \$14,999.99	\$325
\$15,000.00-\$74,999.99	\$650
\$75,000.00-\$149,999.99	\$975
\$150,000.00-\$224,999.99	\$1,625
\$225,000.00-\$299,999.99	\$1,950
\$300,000.00-\$999,999.99	\$4,875
\$1,000,000.00-\$1,999,999.99	\$6,500 ¹
\$2,000,000.00-\$2,999,999.99	\$9,750
\$3,000,000.00-\$4,999,999.99	\$10,400
\$5,000,000.00-\$14,999,999.99	\$13,000
\$15,000,000-\$29,999,999.99	\$20,000
\$30,000,000 or more	\$30,000

QUARTERLY DISBURSEMENTS AND FEE REPORT FORM COMPLETION:

Enter your Chapter 11 10-digit account number. For this case the 10 digit account number is 561-20-00000. Enter the payment information on a separate line for each quarter for which a payment is enclosed. Do not write payment information regarding payments previously made. The total of the check(s) you are now sending must equal the total of what you have entered in the "payment enclosed" boxes.

¹Starting January 1, 2018, fees for disbursements in excess of \$1,000,000, may increase to the lesser of 1% of quarterly disbursements or \$250,000.



U.S. Department of Justice

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Central & Southern Districts of Illinois
Northern & Southern Districts of Indiana*

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Indianapolis, Indiana 46204 Fax: 317/226-6356*

NOTICE

TO: John Doe and Jane Doe
c/o ****INSERT TEXT****
****INSERT TEXT****
****INSERT TEXT****
****INSERT TEXT****

Your Chapter 11 case is under the supervision and administration of the United States Trustee for Region 10. Pursuant to 11 U.S.C. §§ 1107(a), 1106(a)(1) and 704(a)(8), and Federal Rule of Bankruptcy Procedure 2015(a) it is the duty of the debtor in possession to furnish to the United States Trustee and the Court regular reports of operations. These reports, and other information which the United States Trustee or the Court deem appropriate, enable United States Trustee staff to perform their supervisory and administrative functions.

Enclosed please find four separate attachments requiring your prompt attention.

Attachment Number One Chapter 11 Operating Guidelines

Attachment Number Two Chapter 11 Initial Debtor Conference

Attachment Number Three Chapter 11 Monthly Operating Reports

Attachment Number Four Chapter 11 Authorized Depositories

Compliance with the requirements noted in the Attachments is mandatory. If there are any issues requiring the immediate attention of the United States Trustee's office, contact ****INSERT TEXT****.

Debtor's counsel should also review the requirements found in Local Rules B-1000 (Definitions), B-2002(c) (Service Lists and Notices), B-2014-1 (Employment of Professionals and Treatment of Retainers),

B-4001-2 (Cash Collateral and Financing Motions), B-6004-1 (Procedure for Sale of Substantially All Assets Within 60 Days of Filing), B-9006-1 (Procedure for Obtaining Expedited Treatment), and B-9013-3 (First Day Motions).

NANCY J. GARGULA
United States Trustee, Region 10



U.S. Department of Justice

*United States Trustee, Region 10
Central & Southern Districts of Illinois
Northern & Southern Districts of Indiana*

101 West Ohio Street, Suite 1000 Phone: 317/226-6101
Indianapolis, Indiana 46204 Fax: 317/226-6356

ATTACHMENT NUMBER ONE

CHAPTER ELEVEN OPERATING GUIDELINES

INTRODUCTION

You have filed a petition for reorganization under Chapter 11 of Title 11 of the United States Code. Pursuant to the duties imposed on the United States Trustee under the Bankruptcy Code and 28 U.S.C. § 586(a)(3), the United States Trustee shall supervise the administration of your Chapter 11 case. Accordingly, the United States Trustee has issued these Operating Guidelines and Requirements for a Chapter 11 debtor in possession (“Guidelines”). Counsel for the debtor in possession must review these Guidelines with the debtor to ensure timely compliance. Any requests to modify these Guidelines must be made in writing and approved in writing by the Office of the United States Trustee. **The United States Trustee reserves the right to modify these Guidelines.**

GUIDELINES AND REQUIREMENTS

A. GENERAL REQUIREMENTS

1. The Debtor is required to comply in all respects with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Rules for the United States Bankruptcy Court for the Southern District of Indiana, and Bankruptcy Court orders.
2. The Debtor must pay all non-professional post-petition obligations in full when due. These include not only general business expenses but also wages and all Federal and State taxes. Failure to remain current in post-petition obligations, especially post-petition tax payments, may result in the United States Trustee filing a motion to convert or dismiss this case.
3. The Debtor **MAY NOT** pay any professionals, including attorneys, accountants or appraisers, without prior court approval. **All post-petition**

professional payments must be recorded on the debtor's monthly operating reports.

4. The Debtor **MAY NOT** pay any pre-petition obligations except as permitted by the Bankruptcy Code, or order of the Court.

5. The Debtor **MAY NOT** sell or dispose of any assets, other than in the ordinary course of business, without prior Court approval.

6. The Debtor **MAY NOT** use cash collateral without the consent of the secured party, obtain credit or incur unsecured debt other than in the ordinary course of business, incur secured debt, or transfer property without prior Court approval.

These general requirements are not all inclusive and the Debtor should consult with counsel prior to any transaction which the Debtor may believe is not in the ordinary course of business.

B. SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS

1. Pursuant to Fed. R. Bankr. P. 1007(d), the Debtor shall file with the petition a list of the twenty largest unsecured creditors, as prescribed by Official Form No. B-204. Do not include officers or other "insiders" as defined in 11 U.S.C §101(31). The complete name, address, and telephone number of each creditor is required by Form B-204, as is the nature and amount of each creditor's claim. The Debtor's failure to comply with Rule 1007(d) delays the formation of an Unsecured Creditors' Committee by the United States Trustee and such failure to comply may result in action by the United States Trustee.

2. Pursuant to Fed. R. Bankr. P. 1007(a)(1), the Debtor shall file with the petition a list containing the name and address of each creditor included or to be included on Schedules D, E, F, G and H. The Debtor's failure to provide this information at the time of the filing of the petition may result in the United States Trustee objecting to any request for an extension of time to file the completed schedules and statement of financial affairs.

3. Pursuant to Fed. R. Bankr. P. 1007(b)(1) and Fed. R. Bankr. P. 1007(c), the Debtor is required to file schedules and a statement of financial affairs within 14 days after entry of the order for relief. Any request for an extension of time, in addition to being filed with the Court, should also be telephonically noticed to the United States Trustee's analyst or attorney assigned the case. Any requests for an extension must contain adequate justification. A reason such as "Due to the complexity of debtor's estate" is not considered adequate and may be objected to by the United States Trustee. 11 U.S.C. § 1116(3) restricts extensions of time for filing case documents in "small business" cases.

In addition, the Official Bankruptcy Forms require detailed information by the Debtor on the Statement of Financial Affairs and Schedules. For example, withdrawals or transfers in any form by officers, directors, and insiders (Questions 4 and 30), must be fully disclosed. All Schedules must also contain detailed information. Specifically, Schedules D, E, and F must identify when a claim or obligation was incurred, describe any security interest, and state whether any claim is contingent, unliquidated or disputed. Schedule A/B must adequately describe any real property and its value, and must provide the description, location, and value of any Personal Property. A Statement of Financial Affairs or Schedules which lack the required information and do not comply with Fed. R. Bankr. P. 1007(b)(1) and Fed. R. Bankr. P.1007(c) may result in action being taken by the United States Trustee.

C. BANK ACCOUNTS, BOOKS AND RECORDS

1. All pre-petition bank accounts should have been closed on or before the filing date (or the date of the order for relief in an involuntary case), and their balances transferred to debtor in possession accounts. At least two bank accounts must be opened for post-petition operation: an operating account and a tax escrow account. These accounts must be opened at an authorized depository, further described and identified in Attachment Number Four. Use of an authorized depository constitutes the debtor's consent to the depository furnishing account information to the United States Trustee.

2. All books and records of the Debtor should have been closed as of the date of filing. New books and records are to be maintained for post-petition operations.

3. If the bank accounts were not closed on or prior to the date of filing, the Debtor must prepare a list of all checks that were outstanding on that date, and provide that list with the other initial debtor conference documents, as discussed in Attachment Two.

D. INSURANCE

The Debtor **must** maintain insurance on all assets of the bankruptcy estate and make all premium payments when due. If the Debtor has employees, workers' compensation must be maintained. Liability insurance, if required by statute or if commercially appropriate, must also be maintained. A more detailed discussion regarding this requirement appears in Attachment Number Two. Failure to maintain adequate insurance may result in action being taken by the United States Trustee.

E. TAXES

The Debtor must make timely deposits and payments of trust fund taxes. Chapter 11 businesses are often cash poor prior to their Chapter 11 filing and have for some time borrowed from trust fund holdings ("Holdings"). Such Holdings include those moneys which the employer/debtor in possession does not own, but must withhold/collect and deposit with the appropriate taxing authority. The debtor in possession acts as a fiduciary of these funds and must deposit them into the post-petition tax escrow account until such payments must be made to the taxing authorities. The United States Trustee and the Internal Revenue Service monitor the payment of post-petition payroll taxes.

F. INITIAL DEBTOR CONFERENCE

As detailed in Attachment Number Two, an initial debtor conference involving the Debtor, the Debtor's counsel, and United States Trustee's staff will be scheduled shortly after that staff is assigned to the case. The location of such a conference is at the discretion of United States Trustee's staff. The United States Trustee's staff may elect to conduct the conference by telephone. The initial debtor conference will include the development of a scheduling order.

G. SCHEDULING ORDER

At the initial debtor conference, the Debtor, Debtor's counsel, and the United States Trustee's staff will seek agreement on deadlines for specific actions expected to occur during the case. A sample scheduling order is in Attachment Two.

H. MONTHLY OPERATING REPORTS

As detailed in Attachment Number Three, monthly operating reports **must** be filed with the Clerk of the Bankruptcy Court. Timely compliance with this requirement is vital. Pursuant to 11 U.S.C. § 1112(b), failure of the debtor to remain current with the monthly reports is grounds for dismissal or conversion.

I. QUARTERLY FEES

Payment of the quarterly fee is statutory. 28 U.S.C. § 1930(a) requires each Chapter 11 debtor to pay a quarterly fee to the United States Trustee. This fee is not to be sent to the local office of the United States Trustee but to U.S. Trustee Payment Center, P.O. Box 6200-19, Portland, OR 97228-6200. At a minimum, \$325.00 must be paid each quarter that a debtor remains in Chapter 11. Quarterly fees will accrue

from the date of entry of the order for relief through the date the case is closed, dismissed, or converted. **Confirmation does not end the Debtor's obligation to pay quarterly fees. The minimum payment must be made even if no disbursements were made, and such payment cannot be prorated.** Further information regarding this quarterly fee can be found in the "Chapter 11 Quarterly Disbursement and Fee Report" which will be sent under separate cover.

NANCY J. GARGULA
United States Trustee, Region 10



U.S. Department of Justice

*United States Trustee, Region 10
Central & Southern Districts of Illinois
Northern & Southern Districts of Indiana*

101 West Ohio Street, Suite 1000 Phone: 317/226-6101
Indianapolis, Indiana 46204 Fax: 317/226-6356

ATTACHMENT NUMBER TWO

CHAPTER 11 INITIAL DEBTOR CONFERENCE

The United States Trustee, pursuant to the administrative and supervisory duties imposed by 28 U.S.C §§ 586(a)(3)(G) and (7), requests that counsel and debtor in possession attend an initial debtor conference. One purpose of such a conference is to satisfy the United States Trustee that the debtor in possession has opened new bank accounts and has adequate insurance on all assets of the bankruptcy estate. In addition, such a conference enables United States Trustee's staff to better understand the nature of the Debtor's business while affording the Debtor an opportunity to understand the responsibilities of a debtor in possession. When possible, the conference will also result in an agreed scheduling entry setting out the case deadlines.

- A. **INITIAL DEBTOR CONFERENCE CHECKLIST.** This checklist is to be completed and provided to the bankruptcy auditor, with all attachments, at least three business days before the conference. An explanation must be given for each item of noncompliance.
- B. **BANK ACCOUNT DECLARATION.** All pre-petition accounts should have been closed on or before the filing date. At least two post-petition accounts must be opened at an authorized depository: a debtor in possession operating account and a tax escrow account. All taxes withheld by the Debtor must be placed in the tax escrow account until actual payment is made. Tax payments made the day they are withheld do not have to be deposited into this account but may be paid from the operating account. The Debtor's need for any additional accounts, such as a payroll account or a customer deposit account, can be discussed at the initial debtor conference. All balances in the pre-petition accounts must be transferred to the post-petition accounts and all discrepancies must be accounted for on the attached declaration. The United States Trustee requires that all checks be pre-numbered by the bank and pre-printed with the caption "Debtor in possession". A voided original check from each post-petition account should be provided. If for any reason the pre-

petition accounts were not closed, then the debtor must provide a list of all checks outstanding as of the filing date.

C. **INSURANCE DECLARATION.** The debtor in possession must maintain Worker's Compensation insurance on its employees, and adequate insurance on all assets of the bankruptcy estate. In addition, liability insurance, if required by statute or commercially appropriate, must be maintained. The United States Trustee must be informed by the Debtor's insurance company of any change or termination of insurance. The Debtor should instruct his insurance companies to list the United States Trustee as a Certificate Holder, and the Debtor must provide the auditor with a Certificate of Insurance at the initial conference. The certificate holder should be titled as:

United States Trustee
Case No. 561-20-00000
Office of the U.S. Trustee
101 West Ohio Street, Suite 1000
Indianapolis, IN 46204

D. **FEDERAL TAX RETURNS.** The Debtor must provide copies of the two most recent annual federal tax returns.

E. **FINANCIAL STATEMENTS.** The Debtor must provide copies of all financial statements provided to lending institutions or investors within the past two years, as identified in Question 26 on the Statement of Financial Affairs.

F. **NARRATIVE.** The Debtor must provide a written narrative describing, at a minimum, the following: the nature and history of the business; significant events which led to the filing of the Chapter 11 case; a projection of how the debtor in possession anticipates reorganization; and any other information which the debtor in possession believes is significant.

G. **SIX-MONTH PROJECTION OF INCOME AND EXPENSES.** Using the enclosed form, the Debtor must anticipate monthly income and expenses based upon the history and/or the seasonal nature of the business.

H. **INITIAL CONFERENCE SUMMARY FORM.** All questions should be answered.

I. **RECEIPT AND CERTIFICATION.** This form is to be signed by the debtor in possession or its representative, and counsel.

J. **SCHEDULING ORDER.** This form should be reviewed and considered by the debtor and the Debtor's counsel prior to the initial debtor conference. The form does not have to be completed before the conference, but the Debtor and counsel should be prepared to discuss terms with the United States Trustee's staff at the conference.

K. **BOOKS AND RECORDS.** The Debtor should be prepared to make available to the United States Trustee's staff any pre-petition books and records, including corporate minute books, cash receipts and disbursement journals, check registers, bank statements and cancelled checks. Review of these documents is at the discretion of United States Trustee's staff.

NANCY J. GARGULA
United States Trustee
Region 10

CASE NAME: **John Doe**

CASE NUMBER: 561-20-00000

INITIAL DEBTOR CONFERENCE CHECKLIST

Please check the items as appropriate, noting any reasons why compliance is not possible.

 **BANK ACCOUNT DECLARATION AND VOIDED CHECKS FROM EACH DEBTOR
IN POSSESSION ACCOUNT.** Reason not supplied: _____

 INSURANCE DECLARATION AND CERTIFICATES OF INSURANCE. Reason not
supplied: _____

 FEDERAL TAX RETURNS. Reason not supplied: _____

 FINANCIAL STATEMENTS. Reason not supplied: _____

 NARRATIVE. Reason not supplied: _____

 SIX-MONTH PROJECTION OF INCOME AND EXPENSES. Reason not supplied:

 INITIAL CONFERENCE SUMMARY FORM. Reason not completed:

 RECEIPT AND CERTIFICATION. Reason not completed: _____

CASE NAME: John Doe
CASE NUMBER: 561-20-00000

BANK ACCOUNT DECLARATION
(copy forms if necessary)

PRE-PETITION BANK ACCOUNTS:

1. Depository Bank: _____ Account # _____
Type of Account: _____ (e.g. Operating, Payroll, Savings)
Is account closed? _____ Date Closed: _____ Ending Balance: _____
Reason account not closed: _____

If account not closed on or prior to date of filing, attach list of checks outstanding on that date. If list not attached, explain: _____

Has ending balance been transferred to debtor in possession account? _____
Reason balance not transferred: _____

2. Depository Bank: _____ Account # _____
Type of Account: _____ (e.g. Operating, Payroll, Savings)
Is account closed? _____ Date Closed: _____ Ending Balance: _____
Reason account not closed: _____

If account not closed on or prior to date of filing, attach list of checks outstanding on that date. If list not attached, explain: _____

Has ending balance been transferred to debtor in possession account? _____
Reason balance not transferred: _____

3. Depository Bank: _____ Account # _____
Type of Account: _____ (e.g. Operating, Payroll, Savings)
Is account closed? _____ Date Closed: _____ Ending Balance: _____
Reason account not closed: _____

If account not closed on or prior to date of filing, attach list of checks outstanding on that date. If list not attached, explain: _____

Has ending balance been transferred to debtor in possession account? _____

Reason balance not transferred: _____

4. Depository Bank: _____ Account # _____
Type of Account: _____ (e.g. Operating, Payroll, Savings)
Is account closed? _____ Date Closed: _____ Ending Balance: _____
Reason account not closed: _____

If account not closed on or prior to date of filing, attach list of checks outstanding on that date. If list not attached, explain: _____

Has ending balance been transferred to debtor in possession account? _____
Reason balance not transferred: _____

5. Depository Bank: _____ Account # _____
Type of Account: _____ (e.g. Operating, Payroll, Savings)
Is account closed? _____ Date Closed: _____ Ending Balance: _____
Reason account not closed: _____

If account not closed on or prior to date of filing, attach list of checks outstanding on that date. If list not attached, explain: _____

Has ending balance been transferred to debtor in possession account? _____
Reason balance not transferred: _____

POST-PETITION BANK ACCOUNTS:

1. Depository Bank: _____
Account#: _____
Type of Account: Operating Date Opened: _____ Beg. Bal: _____
Authorized Signatories:

Reason Operating Account not opened: _____

2. Depository Bank: _____
Account#: _____
Type of Account: Tax Escrow Date Opened: _____ Beg. Bal: _____
Authorized Signatories:

Reason Operating Account not opened: _____

3. Depository Bank: _____
Account#: _____
Type of Account: _____ Date Opened: _____ Beg. Bal: _____
Authorized Signatories:

Reason Operating Account not opened: _____

Certification:

I declare under penalty of perjury that the information provided on this "Bank Account Declaration," consisting of three pre-printed pages and any additional sheets that I have provided, is true and correct to the best of my knowledge, information, and belief.

DATED: _____

Signature

Printed Name

Title

CASE NAME: John Doe
CASE NUMBER: 561-20-00000

INSURANCE DECLARATION

Please identify all insurance policies currently paid and in force, and attach a Certificate of Insurance to this declaration.

1. **Insurance Company:** _____ **Policy #:** _____

Agent and telephone #: _____

Assets Covered: _____ Type of Coverage: _____

Amount of Coverage: _____

Expiration Date: _____ Insurance Paid Through: _____

2. **Insurance Company:** _____ **Policy #:** _____

Agent and telephone #: _____

Assets Covered: _____ Type of Coverage: _____

Amount of Coverage: _____

Expiration Date: _____ Insurance Paid Through _____

3. **Insurance Company:** _____ **Policy #:** _____

Agent and telephone #: _____

Assets Covered: _____ Type of Coverage: _____

Amount of Coverage: _____

Expiration Date: _____ Insurance Paid Through: _____

4. **Insurance Company:** _____ **Policy #:** _____

Agent and telephone #: _____

Assets Covered: _____ Type of coverage: _____

Amount of Coverage: _____

Expiration Date: _____ Insurance Paid Through _____

Attach additional sheets if necessary. Please feel free to copy this form.

Identify all assets not covered by insurance and the reason(s) for lack of coverage:

Asset	Reason for Lack of Coverage
1. _____	_____
2. _____	_____
3. _____	_____

Certification:

I declare under penalty of perjury that the information provided on this "Insurance Declaration," consisting of two pre-printed pages and any additional sheets that I have provided, is true and correct to the best of my knowledge, information and belief.

DATED: _____

Signature

Title

CASE NAME: John Doe
CASE NUMBER: 561-20-00000

SIX-MONTH PROJECTION OF INCOME AND EXPENSES

Months						
---------------	--	--	--	--	--	--

INCOME

Sales						
Account Receivable						
Loans/Financing						
Contributions of Capital						
Other						

TOTAL INCOME						
---------------------	--	--	--	--	--	--

EXPENSES

Inventory Purchases						
Payroll						
Rent Payments						
Lease Payments						
Mortgage Payments						
Insurance						
Utilities/Phone						
Tax Payments						
Supplies						
Outside Labor						
Travel/Entertainment						
Professional Fees						
Other Expenses						
TOTAL						

CASH FLOW						
------------------	--	--	--	--	--	--

CASE NAME: John Doe
CASE NUMBER: 561-20-00000

INITIAL CONFERENCE SUMMARY FORM

Date Filed: _____ Assets: _____

Liabilities: _____

Physical address of Debtor: _____

Telephone Number: _____

Website: _____

BUSINESS OPERATIONS INFORMATION

Description of Business: _____

Number of Employees: Pre-petition: _____ Post-Petition: _____

Officers: **Pre-Petition**

	<u>Name</u>	<u>Salary</u>
President	_____	\$ _____
Vice President	_____	\$ _____
Secretary	_____	\$ _____
Treasurer	_____	\$ _____
Managing Member	_____	\$ _____
Managing Partner	_____	\$ _____

Have any bonuses been paid to officers, directors or insiders within the past year? Identify completely.

Have any stock distributions/redemptions been made within the past year? Identify completely.

Have any dividends been paid within the past year? Identify completely.

Have any loans been repaid to officers, directors or insiders within the past year? Identify completely.

Has the debtor transferred any assets within the prior year? Describe.

Has the debtor loaned money to any officer, director or insider within the past year? Describe.

What were the conditions which caused the filing of the Chapter 11?

How does the debtor anticipate reorganization?

Is the business seasonal?_____ Identify the strong and weak months.

If the debtor leases space or equipment, are any leases with insiders?_____ Describe. **Please attach copies of such leases.**

Does the debtor intend to continue operations, or is the debtor planning an orderly liquidation or outright sale of the business as a going concern?

Are there any immediate problems which need to be brought to the attention of the United States Trustee?

Who will be preparing the monthly reports for the debtor?

If the debtor is an individual, provide information about the holders of any claims which qualify as Domestic Support Obligations here:

Name: _____

Address: _____

Telephone: _____

Additional comments:

CASE NAME: John Doe

CASE NUMBER: 561-20-00000

RECEIPT AND CERTIFICATION

The undersigned hereby acknowledges receipt from the United States Trustee of the following:

- Attachment One: Chapter Eleven Operating Guidelines
- Attachment Two: Chapter Eleven Initial Debtor Conference
- Attachment Three: Chapter Eleven Monthly Operating Reports
- Attachment Four: Chapter Eleven Authorized Depositories

I certify that I have read the Attachments and agree to operate in accordance with their instructions and requirements.

DATED: _____

Signature

Printed Name

Title

As counsel for the debtor, I have read these Attachments, reviewed them with my client, and instructed my client to perform accordingly.

DATED: _____

Counsel for Debtor-In-Possession

During the course of the administration of this Chapter 11 it may become necessary for the United States Trustee's staff to contact the debtor or its designated representative regarding the financial information contained in the monthly operating reports. As counsel for the debtor, the undersigned attorney:

___ Has no objection to such contact without prior attorney approval.

Designated Person _____ Telephone#: _____

___ Requests that all contacts with debtor be arranged through the attorney.

DATED: _____

Counsel for Debtor-In-Possession

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In re:)
)
) CASE NO.
)
Debtor.)

AGREED SCHEDULING ENTRY

Nancy J. Gargula, the United States Trustee and [Debtor], by counsel [Counsel for Debtor], submit the following Agreed Scheduling Order:

1. [Debtor] commenced this case as a voluntary Chapter 11 on [Date].
2. The first meeting of creditors is scheduled for [Date and Time].
3. As no first day motions or other hearings are anticipated early in the case, [Debtor] and the United States Trustee would ask that the Court set an initial status conference within 30 days following the first meeting of creditors.
4. Debtor has [closed its pre-petition bank accounts as of filing date] or [has ordered its financial institution to not honor any outstanding checks as of filing date]. [Debtor] has opened new accounts at [Bank], an institution authorized by the United States Trustee and has advised [Bank] to submit copies of monthly bank statements to the United States Trustee.
5. [Debtor] agrees to prepare and file each month with the Court operating reports on the forms approved by the United States Trustee and to provide a copy of the report to the United States Trustee and to all attorneys of record and all members of any creditors' committee. Such reports shall be filed no later than the fifteenth (15th) day of the succeeding month. [Debtor] shall maintain appropriate insurance and shall provide the United States Trustee with a new certificate of insurance any time coverage is renewed or changed.
7. [Debtor] will file a plan and disclosure statement on or before the [120th] day after the entry of the order for relief.
8. [Debtor] will pay all quarterly fees due pursuant to 28 U.S.C. § 1930(a)(6) to the United States Trustee.

9. Debtor] anticipates liquidating the following assets: [list here] and will file a motion to sell on or before [date].

This agreement is not exclusive as to the obligations and duties of [Debtor] and is intended to supplement the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure , the Local Rules of the U.S. Bankruptcy Court for the Southern District of Indiana and the Guidelines of the United States Trustee.

It is anticipated that this Agreement may be supplemented or altered following any status conference held with the Court.

AGREED:

NANCY J. GARGULA
United States Trustee

[DEBTOR].
Debtor

By: /s/ TRIAL ATTORNEY

By: _____
[Principal]

By: /s/ [Counsel for Debtor]
Counsel for [Debtor]

Office of the United States Trustee 101 W. Ohio Street, Suite 1000 Indianapolis, Indiana 46204 (317) 226-6101	[Counsel for Debtor]
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U.S. Department of Justice

*United States Trustee, Region 10
Central & Southern Districts of Illinois
Northern & Southern Districts of Indiana*

*101 West Ohio Street, Suite 1000 Phone: 317/226-6101
Indianapolis, Indiana 46204 Fax: 317/226-6356*

ATTACHMENT NUMBER THREE

CHAPTER 11 MONTHLY OPERATING REPORTS

As stated in ATTACHMENT NUMBER ONE, CHAPTER ELEVEN OPERATING GUIDELINES, and in Local Rule B-2015-1, the Debtor must file monthly operating reports with the Bankruptcy Clerk for distribution to the United States Trustee and to other parties in interest.

These operating reports must be filed within 15 days after the close of the Debtor's monthly operating period. If extensions of time are needed or a different reporting cycle is required, the Debtor must discuss this with the United States Trustee's staff assigned to this case. All reports are required even if the Debtor is liquidating, or has ceased operations.

For small business cases debtors must complete Official Form 425C, Small Business Monthly Operating Report. A copy of the report form follows on the next page. It is recommended, but not required, that non-small business debtors also utilize Form 425C. The Debtor or the Debtor's representative is to sign this form certifying under penalty of perjury that the accompanying reports are complete, true, and accurate. Debtor's counsel must maintain the originally signed report in accordance with the Court's instructions on the filing of documents electronically.

In addition, the 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 first periodic report required must be filed no later than five days before the first date set for the meeting of creditors under 11 U.S.C. § 341. 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. The frequency of reports may be increased in the discretion of the United States Trustee's staff. The periodic reports must be filed with the Court on Official Form B-426, a copy of which is attached

Should questions arise as to how specific forms are to be filled out, or whether a different reporting format can be used, the Debtor and the Debtor's attorney should contact the bankruptcy auditor assigned to this case.



U.S. Department of Justice

*United States Trustee, Region 10
Central & Southern Districts of Illinois
Northern & Southern Districts of Indiana*

*101 West Ohio Street, Suite 1000 Phone: 317/226-6101
Indianapolis, Indiana 46204 Fax: 317/226-6356*

ATTACHMENT NUMBER FOUR

REQUIRED USE OF AUTHORIZED DEPOSITORIES

Chapter 11 Debtors-in-Possession:

You are required to close your pre-bankruptcy bank accounts, and to open new bank accounts. Your new bank accounts must be opened with a financial institution which has been authorized by the United States Trustee as a depository for bankruptcy estate funds.

A list of authorized depositories is included for your reference. If the financial institution which you would like to use is not listed, ask a representative of the financial institution to become an authorized depository. The representative should contact the bankruptcy auditor assigned to your case or the Assistant United States Trustee.

Please have the account numbers for your new accounts available for the bankruptcy auditor at the initial debtor conference. If you have any questions about these procedures, please contact the bankruptcy auditor assigned to your case.

The use of an authorized depository constitutes the Debtor's consent to the bank furnishing monthly account information to the U.S. Trustee.

NANCY J. GARGULA
UNITED STATES TRUSTEE
Region 10

Enclosures