



**U. S. Department of Justice**

United States Trustee  
Southern District of California

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

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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 (“USC”) 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 depositor. A copy of the list of authorized depositories for the Southern District of California 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 Debtor-in-Possession, 92-XXXXX GENERAL ACCOUNT 5555 Market Street San Diego, CA 92100	No. 00001 _____, 20____
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 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. The debtor-in-possession is responsible for including the address of the United States Trustee and the Bankruptcy case number as an additional interest holder, and on the cancellation notice. Additionally, the debtor-in-possession is required to provide a copy of the 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; and
- 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 ninety days of operation 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 7 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(a), (4), and (5) and LBR 1019-1. 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 the 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.

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 or email unless requested to do so by the office of the United States Trustee.

#### D. UNITED STATES TRUSTEE QUARTERLY FEES

Information regarding Chapter 11 Quarterly Fees is located at <https://www.justice.gov/ust/chapter-11-quarterly-fees>

#### 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 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. COMPENSATION OF PRINCIPALS, PARTNERS, OFFICERS, OR DIRECTORS OF THE DEBTOR

No compensation or other remuneration shall be paid by the debtor to any officer, director, or shareholder of a corporation, to any partners of a debtor partnership or to an individual debtor without first complying with the provisions of Bankruptcy Local Rule 4002-2.

6. 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.

7. 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.

## TIMETABLE AND CHECKLIST FOR SMALL BUSINESS CASES

- I. Contemporaneous With Filing of Petition
  - A. Bankruptcy Petition Cover Sheet.
  - B. Petition with required Exhibits.
  - C. Voluntary Case: Most recent balance sheet, statement of operations, cash flow statement and Federal income tax return or statement under penalty of perjury that no such documents have been prepared and no Federal tax return has been filed [See, 11 U.S.C. §1116(1)].
- II. Immediately After Filing of Petition.
  - A. Close all pre-petition bank 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.
  - F. Involuntary Case: Follow the requirements set forth in Section I. C. above. [See, 11 U.S.C. §1116(1)].

- IV. Within Fourteen Days After Filing of Petition.
  - A. File Schedules of Assets and Liabilities and Statement of Financial Affairs if not filed with the Petition and Exhibits.
- V. Within Thirty Days After Filing of Petition.
  - A. Submit Physical Inventory to United States Trustee.
  - B. File and serve Applications to Employ Professionals or Other Professionals (See, United States Trustee Guidelines Number 2 and 3).
  - C. Attend Initial Debtor Conference.
- VI. During the Chapter 11 Case.
  - A. Submit timely payments of United States Trustee Quarterly fees each quarter.
  - B. File and serve Small Business Case Operating reports for each month within twenty calendar days of the end of the month. [See, 11 U.S.C. §308].
  - C. Submit renewals or new policies of insurance for property of the estate prior to the expiration of existing policies.
  - D. Timely file income tax returns and pay taxes when they become due.
  - E. Serve the United States Trustee with copies of all documents filed with the Court.
  - F. File Disclosure Statement and Plan of Reorganization within the 180-day exclusivity period from the date of the order of relief, unless that period is extended by the court. [See, 11 U.S.C. §1121 (e) (1)].
  - G. File a Plan and Disclosure Statement (if any) not later than 300 days after the date of the order of relief. [See, 11 U.S.C. §1121(e) (2)].
  - H. Confirm the plan not later than 45 days after the plan is filed unless the time for confirmation is extended by the court. [See, 11 U.S.C. §1129(e)].



4. Define the debtor's interest in the real property:

\_\_\_\_\_ Ownership (i.e., fee ownership)  
\_\_\_\_\_ Land Sale  
\_\_\_\_\_ Other – Explain : \_\_\_\_\_

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.

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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.

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C. Ownership Items

1. Is the debtor the titleholder to the property?

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

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

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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: \_\_\_\_\_

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

	Name of Lender	Outstanding Principal Amount	Installment Payments/ Frequency	Number of Delinquent Payments
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.

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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):

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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



4. 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. \_\_\_\_\_

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**B. Property Leased by the Debtor-In-Possession**

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

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2. Does the lessor own the property?

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

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

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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.

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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:

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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

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

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

CHAPTER 11 DEBTOR PROJECTIONS

**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	_____	_____	_____	_____	_____	_____
<b>INCOME:</b>						
CASH SALES	_____	_____	_____	_____	_____	_____
ACCTS REC COLLECTION	_____	_____	_____	_____	_____	_____
OTHER	_____	_____	_____	_____	_____	_____
OTHER	_____	_____	_____	_____	_____	_____
<i>TOTAL CASH INCOME</i>	_____	_____	_____	_____	_____	_____
<b>EXPENSES:</b>						
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	_____	_____	_____	_____	_____	_____

**Fill in this information to identify the case:**

Debtor Name \_\_\_\_\_

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_

Case number: \_\_\_\_\_

Check if this is an amended filing

**Official Form 425C**

**Monthly Operating Report for Small Business Under Chapter 11**

**12/17**

Month: \_\_\_\_\_

Date report filed: \_\_\_\_\_  
MM / DD / YYYY

Line of business: \_\_\_\_\_

NAISC code: \_\_\_\_\_

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

Responsible party: \_\_\_\_\_

Original signature of responsible party \_\_\_\_\_

Printed name of responsible party \_\_\_\_\_

**1. Questionnaire**

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

**Yes No N/A**

**If you answer *No* to any of the questions in lines 1-9, attach an explanation and label it *Exhibit A*.**

- |                                                                                                    |                          |                          |                          |
|----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| 1. Did the business operate during the entire reporting period?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you plan to continue to operate the business next month?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Have you paid all of your bills on time?                                                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Did you pay your employees on time?                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you deposited all the receipts for your business into debtor in possession (DIP) accounts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have you timely filed your tax returns and paid all of your taxes?                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Have you timely filed all other required government filings?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Are you current on your quarterly fee payments to the U.S. Trustee or Bankruptcy Administrator? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Have you timely paid all of your insurance premiums?                                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**If you answer *Yes* to any of the questions in lines 10-18, attach an explanation and label it *Exhibit B*.**

- |                                                                                                           |                          |                          |                          |
|-----------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| 10. Do you have any bank accounts open other than the DIP accounts?                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Have you sold any assets other than inventory?                                                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Have you sold or transferred any assets or provided services to anyone related to the DIP in any way? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Did any insurance company cancel your policy?                                                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Did you have any unusual or significant unanticipated expenses?                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Have you borrowed money from anyone or has anyone made any payments on your behalf?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Has anyone made an investment in your business?                                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

**2. Summary of Cash Activity for All Accounts**

**19. Total opening balance of all accounts** \$ \_\_\_\_\_  
 This amount must equal what you reported as the cash on hand at the end of the month in the previous month. If this is your first report, report the total cash on hand as of the date of the filing of this case.

**20. Total cash receipts**  
 Attach a listing of all cash received for the month and label it *Exhibit C*. Include all cash received even if you have not deposited it at the bank, collections on receivables, credit card deposits, cash received from other parties, or loans, gifts, or payments made by other parties on your behalf. Do not attach bank statements in lieu of *Exhibit C*.  
 Report the total from *Exhibit C* here. \$ \_\_\_\_\_

**21. Total cash disbursements**  
 Attach a listing of all payments you made in the month and label it *Exhibit D*. List the date paid, payee, purpose, and amount. Include all cash payments, debit card transactions, checks issued even if they have not cleared the bank, outstanding checks issued before the bankruptcy was filed that were allowed to clear this month, and payments made by other parties on your behalf. Do not attach bank statements in lieu of *Exhibit D*.  
 Report the total from *Exhibit D* here. - \$ \_\_\_\_\_

**22. Net cash flow** + \$ \_\_\_\_\_  
 Subtract line 21 from line 20 and report the result here.  
 This amount may be different from what you may have calculated as *net profit*.

**23. Cash on hand at the end of the month** = \$ \_\_\_\_\_  
 Add line 22 + line 19. Report the result here.  
 Report this figure as the *cash on hand at the beginning of the month* on your next operating report.  
 This amount may not match your bank account balance because you may have outstanding checks that have not cleared the bank or deposits in transit.

**3. Unpaid Bills**

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

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

### 4. Money Owed to You

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

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

### 5. Employees

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

### 6. Professional Fees

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

### 7. Projections

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

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

## **8. Additional Information**

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

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



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

	TOTAL PAYMENTS PROJECTED UNDER PLAN	PAID CURRENT QUARTER	PAID TO DATE	MINIMUM AMOUNT REQUIRED TO BE PAID TO DATE UNDER PLAN	AMOUNT DELINQUENT
I. ADMINISTRATIVE EXPENSE CLAIMS					
1. Trustee Compensation	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
2. Fee for Attorney for Trustee	_____	_____	_____	_____	_____
3. Fee for Attorney for Debtor	_____	_____	_____	_____	_____
4. Other Professionals	_____	_____	_____	_____	_____
5. All Other Expenses	_____	_____	_____	_____	_____
II. DISTRIBUTIONS					
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)**

QUARTERLY PERIOD ENDING	TOTAL DISBURSEMENT	QUARTERLY FEES	DATE PAID	AMOUNT PAID	QUARTERLY FEE STILL OWING

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



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