



U.S. Department of Justice

Office of the United States Trustee

Ohio and Michigan, Region 9

Howard M. Metzenbaum U.S. Courthouse
201 Superior Ave. East
Suite 441
Cleveland, OH 44114-1240

To: Northern District of Ohio Panel Trustees
From: David Kozlowski, Bankruptcy Analyst
Re: Added No Asset Reports
Date: March 31, 2011

Recently there have been two new docket events added to the ECF drop down menu for special No Asset Reports (NDR). These new “ad hoc” or “special” NDRs, are filed as PDF documents using single case docketing and are to be used in the rare circumstance when the NDR virtual text entries do not apply. The PDF filed with the docket entry will explain the unique or unusual circumstance. As examples, these NDRs will be used when a trustee takes possession of significant funds which are determined to be exempt or fully secured or when a trustee wishes to close a case but reserve an asset for future administration.

Listed below are the docket entries for the new NDRs. The first docket event is for a case in which no funds were handled by the trustee, the trustee has pending litigation which will go on for an inordinate amount of time and the trustee wishes to close the case but preserve the asset. The second docket event is used when funds were handled by the trustee.

Trustees reserving an asset for future administration will be required to obtain a court order preserving the asset before filing the Ad Hoc NDR.

Below are the Instructions for the Ad Hoc NDRs

Use these docket events when none of the other NDR options is appropriate. A PDF is required to be attached to this event. The sample format for the PDF is provided below

Example 1

Reserved Asset - No Funds Handled by the Trustee

Docket Entry Reads:

Chapter 7 Trustee's Report of No Distribution: [Filed by Trustee's Name.] Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for __ months. Assets Abandoned (without deducting any secured claims): \$ 125,000.00, Assets Exempt: \$ 25,000.00, Claims Scheduled: \$ 153,616.00, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$ 153,616.00. Filed by Trustee's Name.

PDF Attachment

Chapter 7 Trustee's Report of No Distribution
[SAMPLE]

I, Trustee's Name, having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law, with the exception of a possible claim in XYZ litigation. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered, except for administration of the claim in XYZ litigation. I request that I be discharged from any further duties as trustee. Pursuant to court order entered on _____, the claim in _____ litigation shall remain property of the bankruptcy estate upon the entry of a final decree; if money becomes available to creditors from this asset, the case will be re-opened and a trustee will be appointed to administer the asset.

Example 2

Exempt Asset Handled by Trustee

Docket Entry

Chapter 7 Trustee's Report of No Distribution [Filed by Trustee's Name.] Funds Collected: \$10,000. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 10 months. Assets Abandoned (without deducting any secured claims): \$ 125,000.00, Assets Exempt: \$ 25,000.00, Claims Scheduled: \$53,616.00, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$ 153,616.00.

PDF Attachment

Chapter 7 Trustee's Report of No Distribution
[SAMPLE]

I, Trustee's Name, having been appointed trustee of the estate of the above-named debtor(s), report I collected funds totaling: \$10,000.00. After making diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate, I have determined that these funds are exempt and returned them to the debtor. All bank statements and canceled checks, if any, have been submitted to the United States Trustee. The bank statements reflect a final zero balance and no other funds or assets of the estate remain in my custody. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee.

If you have any questions please feel free to contact me.

Cc: Sharon Lowe