

CHAPTER 5

SECTION 341(a) MEETING

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The meeting of creditors provided for in § 341(a) is the official forum where the debtor must appear and answer questions regarding the case under oath from the standing trustee, creditors, and other parties in interest. The standing trustee, as designee of the United States Trustee, is the presiding officer at the § 341(a) meeting. The standing trustee may not delegate the duty to preside at the § 341(a) meetings. However, upon prior approval, confirmed in writing, the United States Trustee may designate another person to preside. If the United States Trustee designates another to serve as the presiding officer at § 341(a) meetings, the standing trustee is responsible to ensure that the designated substitute presiding officer is qualified and trained to conduct the § 341(a) meeting. The designated substitute presiding officer should have conducted § 341(a) meetings in the presence of the standing trustee prior to presiding at § 341(a) meetings outside the presence of the standing trustee. The standing trustee must periodically review tapes of § 341(a) meetings conducted by the designated substitute presiding officer to assure that the § 341(a) meetings are conducted in accordance with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the standing trustee's instructions.

The standing trustee shall assure the prompt scheduling and noticing of the § 341(a) meeting within the time provided by FRBP 2003.

The § 341(a) meeting serves to ensure that the debtor understands the obligations imposed by the Code and the plan and is for the additional benefit of creditors and parties in interest. It presents the opportunity for the standing trustee, creditors and other interested parties to hear from and to question the debtor regarding income and expenses, and assets and liabilities. The meeting provides information about the debtor's financial situation in detail through questioning. Individuals who represent a creditor but who are not attorneys may be present at the meeting. Generally, the standing trustee should permit these persons to examine the debtor. Some jurisdictions, however, may view this as the unauthorized practice of law. The standing trustee should be guided by controlling legal authority.

Neither the standing trustee nor the United States Trustee has legal authority to waive the requirement for appearance of a debtor at the § 341(a) meeting.

At the § 341(a) meeting, each individual debtor must present original government-issued photo identification and confirmation of the social security number. Any document used to confirm a debtor's identity and social security number must be an original (copies may not be accepted, except that in the discretion of the standing trustee, a copy of a W-2 Form, an IRS Form 1099, or a recent payroll stub may be accepted). This helps ensure an accurate court record and deters identity theft. Acceptable forms of picture identification (ID) include: driver's license, U.S. government ID, state ID, student ID, passport (and current visa, if not a U.S. citizen), military ID, resident alien card, and identity card issued

by a national government authority. Acceptable forms of proof of social security number include: social security card, medical insurance card, pay stub, W-2 form, IRS Form 1099, and Social Security Administration (SSA) Statement. When debtors state that they are not eligible for a social security number but have filed bankruptcy to enter a repayment plan with creditors, the standing trustee will need to inquire further in order to verify identity. In this situation, proof of an Individual Tax Identification Number (ITIN) issued by the Internal Revenue Service for those people not eligible for a social security number would be acceptable documentation.

Except in rare circumstances, the debtor (or debtors, in a joint case) must appear in person before the standing trustee at the § 341(a) meeting. The standing trustee should consult with the United States Trustee regarding the general procedures for approving a debtor's alternative appearance when extenuating circumstances prevent the debtor from appearing in person. Extenuating circumstances may include military service, serious medical condition, or incarceration. In such instances, a debtor's appearance at a § 341(a) meeting may be secured by alternative means, such as telephonically. When the debtor(s) cannot personally appear before the standing trustee, arrangements should be made for an independent third party authorized to administer oaths to be present at the alternate location to administer the oath and to verify the debtor's identity and state the social security number on the record. Examples of individuals who may serve in this capacity include: employees of the United States Trustee or bankruptcy trustees situated in the debtor's locale; court reporters; notaries; or others authorized by law to administer oaths in the jurisdiction where the debtor will appear. A "Declaration Regarding Administration of Oath and Confirmation of Identity and Social Security Number" shall be completed by the individual performing this function. A sample declaration is provided in Appendix Q. The "declarant" shall indicate on the form the type of original documents used for proof. On the rare occasion when other arrangements need to be made to address a particular situation, the standing trustee should consult with the United States Trustee about the appropriate safeguards to follow. The standing trustee also may allow such debtors to provide proof of identity and social security numbers at the standing trustee's office at their convenience anytime before the next scheduled meeting.

If the standing trustee becomes aware of a debtor's physical disability, such as a hearing impairment, the standing trustee is to notify the United States Trustee immediately. The United States Trustee, in consultation with the debtor and the standing trustee, shall determine the reasonable accommodation to be made.

There is no statutory obligation to provide language interpreters at § 341(a) meetings. However, the standing trustee should attempt to communicate with a non-English speaking debtor by seeking the assistance of third parties such as attorneys and family members. All parties who interpret testimony must be placed under oath in accordance with Rule 604 of the Federal Rules of Evidence. If a non-English speaking debtor is unable to communicate with the standing trustee, the standing trustee should consult with

the United States Trustee.

All § 341(a) meetings must be electronically recorded pursuant to FRBP 2003(c). The standing trustee is responsible for ensuring that the recording equipment is operating properly. The recording shall be maintained in accordance with FRBP 2003(c).

A. CONDUCTING THE MEETING

The scope of the § 341(a) meeting is broad, as described in FRBP 2004(b). The role of the standing trustee at these meetings is to conduct the meeting in an orderly, yet flexible manner, and to provide for liberal questioning of the debtor as to matters affecting the debtor's financial affairs and conduct. The standing trustee's demeanor toward all parties should be appropriate and professional.

Representatives of the media are permitted to be present, but no one is permitted to electronically record the meeting other than the United States Trustee, the standing trustee or a certified court reporter. Neither is anyone to televise, make video tapes, or photograph the debtor or any party at the meeting. During the § 341(a) meeting, the standing trustee should not answer questions seeking legal advice, and should avoid actions which would result in the perception that the standing trustee is a judge or has judicial power.

The standing trustee must exercise control over the demeanor of the debtors, attorneys, and creditors during the course of the § 341(a) meeting. Uncooperative or recalcitrant debtors should be reminded of their duties under § 521 of the Code and FRBP 4002, especially the duty to cooperate with the standing trustee in the administration of the case. The standing trustee should announce that testimony is being recorded and that there should not be any disturbances during the course of the meeting. The standing trustee must require parties to speak clearly, adequately identify themselves and, if necessary, obtain the spelling of the names of any parties entering their appearance on the record .

1. Introductory Statement and Oath

At the beginning of each § 341(a) session, the standing trustee should make an introductory statement. A suggested introductory statement is:

"My name is _____, and I have been appointed by the United States Trustee, an officer of the United States Department of Justice, to serve as standing trustee in the cases scheduled for this morning/afternoon. I will preside at these meetings and examinations of the debtors. All debtors present must be examined under oath. All persons appearing must sign the appearance sheet. All persons questioning the debtor must state their names

and whom they represent for the record, and speak clearly. The examinations will be electronically recorded and all testimony is under penalty of perjury.”

The standing trustee must administer the oath to each debtor individually by requiring the debtor to raise his or her right hand and respond affirmatively to the presiding officer’s questions seeking an oath or affirmation in accordance with Rule 603 of the Federal Rules of Evidence. Any interpreter should be sworn in accordance with Rule 604 of the Federal Rules of Evidence.

The standing trustee shall not administer the oath to debtors collectively. The oath is to be administered to each debtor separately; however, husband and wife may be sworn together.

FRBP 2003(b) states that the presiding officer has the authority to administer oaths. There is no requirement that the standing trustee be a notary, or bring a notary to the meeting to administer the oath.

2. Verification of Debtor Identity and Social Security Number

After administering the oath, the standing trustee must ask the debtor to verify that the signatures appearing on the petition and schedules are the debtors and that the debtor reviewed the documents before signing them. Standing trustees must examine the debtor’s documents offered for proof of identity and social security number and compare them with the information on the petition.

The standing trustee must note for the record that proof of identity and social security number has been provided. A suggested statement is :

“I have viewed the original drivers license (or other type of original photo ID) and original social security card (or other original document used for proof) and they match the name and social security number on the petition.”

If the standing trustee determines that the names or social security numbers do not match the information on the petition, the standing trustee must ask the debtor to explain why the name or social security number on the document used for proof does not match the name or number on the petition and try to determine if it is a typographical error or a possible misuse or falsification. See Appendix C, required questions 4 and 10. The standing trustee shall not read the social security number into the record, unless it does not match the one on the petition. A suggested statement for the standing trustee to put on the record is:

“I have viewed the original social security card (or other original document used for proof) and the number is 000-00-000. It does not match the number on the petition. I have instructed the debtor (or debtor’s counsel) to file an amended petition by [date], serve all creditors and the standing trustee, and send a ‘Notice of Correction of Social Security Number in Bankruptcy Filing’ and a copy of the amended petition to the three major credit reporting agencies and a copy to the United States Trustee.”

A sample notice of correction is provided in Appendix R.

If a debtor fails to provide the required forms of identification, the standing trustee may proceed with the normal questioning at the § 341 (a) meeting but must continue the meeting to the standing trustee’s next scheduled meeting date for production of the identification. At the standing trustee’s discretion, the standing trustee may allow the debtor to present the required identification at the standing trustee’s office before the next scheduled meeting. If the debtor provides the required documentation at the standing trustee’s office, the standing trustee should have the continued meeting deemed concluded, provided that there are no other pending issues that warrant holding the meeting. The standing trustee must have procedures in place to note in the debtor’s case file that the debtor’s identification and social security number matched the petition and that the continued meeting was cancelled.

In cases with incorrect social security numbers, the standing trustee may proceed with the normal questioning at the § 341 (a) meeting but must continue the meeting and instruct the debtor to file an amended petition before the next scheduled meeting, and to provide copies to all creditors, the standing trustee, United States Trustee, and the three major credit reporting agencies. Also, the standing trustee must instruct the debtor to send a “Notice of Correction of Social Security Number in Bankruptcy Filing” along with a file-stamped copy of the amended petition to the credit reporting agencies and the United States Trustee.

3. Examination of Debtor

The standing trustee should examine the debtor to the extent appropriate to determine the existence of assets, the value of property subject to a lien, transfers, exemptions, feasibility, disposable income, whether the debtor's proposed plan is in the best interest of creditors (liquidation analysis) and other matters.

Sample questions for use at § 341(a) meetings for individual debtors and

debtors engaged in business are provided in Appendices C and D.

If a debtor asserts the fifth amendment privilege in response to a particular question, the standing trustee should proceed with the meeting and continue to question the debtor. The standing trustee should make a record of questions even if the fifth amendment is asserted if testimony is sought to be compelled. At the conclusion of the questioning, the meeting is to be adjourned or continued and the United States Trustee promptly advised. (See Handbook Chapter 5. B. on Rescheduling and Continuances for additional information.) The United States Trustee will, if appropriate, advise the United States Attorney who may take appropriate action to seek a grant of immunity. If the claim of privilege is not well founded, the standing trustee should seek an order from the court compelling testimony or granting such other relief as may be appropriate, such as dismissal of the case or denial of discharge.

After the standing trustee has completed the examination, the standing trustee should inquire if there are any creditors or parties in interest present who wish to ask questions and permit those persons to do so. Parties should not be permitted to take more than a reasonable period of time to make inquiries at the meeting because they can use other procedural means to obtain information. Parties may use discovery, such as examination provided under FRBP 2004, to obtain more detailed information. Cases requiring more time may be adjourned temporarily in order to finish more routine cases. The lengthy case should be reconvened at the end of the calendar, or, if necessary, adjourned or continued to another day.

4. Record of Proceeding

Depending upon the requirements of the United States Trustee, the standing trustee may be required to complete a record of the proceeding, such as a minute sheet, for each case. If required, a copy must be filed promptly with the United States Trustee and with the clerk of the bankruptcy court, if the clerk so requests. The standing trustee should retain a copy.

B. RESCHEDULING AND CONTINUANCES

The standing trustee should consult with the United States Trustee about the local rules and practices governing debtor rescheduling requests and continuances. The standing trustee should conclude the § 341(a) meeting promptly so that the case can proceed expeditiously.

The standing trustee is discouraged from continuing a meeting once the

notice has been issued. If the standing trustee must continue the meeting, however, the standing trustee should, if at all possible, announce the continued date to all parties present at the initial meeting, and advise the United States Trustee, if requested, and the clerk of the bankruptcy court, if necessary, of the continued date.

See also Section 5.A (2) above for the procedures to follow when the required documentation for proof of debtor identity and social security number do not match the information on the petition or are not provided. See Section 5.C below regarding non-attendance by attorneys and Section 5.D regarding non-attendance by debtors.

C. NON-ATTENDANCE BY ATTORNEYS

If a debtor's attorney fails to appear, the standing trustee may either continue the meeting or proceed with questioning the debtor. Ordinarily, the standing trustee should continue the meeting; however, there may be circumstances which would warrant proceeding with questioning. Such circumstances may include the presence of creditors at the meeting. The standing trustee should consider filing a motion under § 329(b) to compel a refund of the fees received by an attorney who unjustifiably fails to appear.

D. NON-ATTENDANCE BY DEBTORS

The debtor must attend the § 341(a) meeting. This is true even if no creditors attend. Neither the standing trustee nor the United States Trustee may waive the requirement for the appearance of the debtor at the § 341(a) meeting.

When spouses have filed jointly, the Code requires both debtors to attend the § 341(a) meeting. The standing trustee should consult with the United States Trustee regarding the procedure to be followed when one spouse does not appear.

Depending on the situation and local rules and practices, when a debtor fails to appear, the standing trustee may:

1. continue the § 341(a) meeting to another calendar date and notify the United States Trustee, if requested, and the clerk of the bankruptcy court, if necessary, of the new date;
2. file a motion to dismiss or convert the case; or
3. follow other appropriate procedures as suggested by the United States Trustee.

E. NOTIFICATION TO UNITED STATES TRUSTEE OF DEBTOR IDENTITY PROBLEMS

The standing trustee should provide notice to the United States Trustee of each case in which the standing trustee has identified a problem with identity or social security number in the following instances:

1. The debtor does not bring or refuses to bring proof of identity or social security number to the continued meeting; or
2. The debtor presents documents for proof of identity or social security number that do not match the name or number on the petition, even when the case is dismissed on motion of debtor.

Standing trustees should not notify the United States Trustee's office if the debtor forgets to bring proof of identity and social security number to the first scheduled meeting of creditors but later brings them to the continued meeting and they match the information on the petition.

The United States Trustee's office will provide a form to the standing trustees for providing notice of problems with identity and social security numbers. A Sample Notice to the United States Trustee of Debtor Identity Problem is provided in Appendix S.

blank checks. When small staff size precludes segregating duties, the standing trustee must be more actively involved.

- c. Individuals involved in the preparation of trust and expense disbursement checks should not be involved in the mailing process. Segregation of these duties, when possible, avoids access to signed checks by persons capable of inserting improper checks into the disbursement cycle.
- d. Disbursement checks that are returned, because of inadequate address or other reasons, should be processed by an individual not involved with the initial check authorization, preparation or bookkeeping.
- e. In most operations, the standing trustee should consider opening and reviewing the bank statements and canceled checks prior to providing the information to the employee responsible for the bank account reconciliation. Employee(s) involved in the reconciliation process must not have check disbursement responsibilities.
- f. When a facsimile check signing machine is used, procedures designed to overcome the absence of direct signer involvement must be established. Procedures would include sole control of the signature plate by the standing trustee or a single authorized staff person monitoring of the machine's meter indicating number of signatures affixed.
- g. Signature stamps should not be used for the signing of checks or other negotiable instruments. Use of a signature stamp may be appropriate for other uses, such as noticing, and would require restriction to a designated person, security of the stamp in a locked safe or compartment and restricted access to the secured compartment.

3. Monitoring Bank Accounts and Check Stock

- a. All trust, expense and other bank accounts should be reconciled monthly. Both the preparer and reviewer should initial and date the reconciliations. Any unusual entries on the bank statements should be investigated. Bank account reconciling items requiring correction should be resolved in a timely manner. Reconciliations must be reviewed and approved by the standing trustee and approval indicated by signature of the standing trustee. The best available verification that detail case records properly reflect overall receipt and disbursement activity is the reconciliation of debtor ledgers with checking and time deposit balances. This reconciliation must be conducted on a monthly basis.
- b. Blank check stock and deposit slips should be kept in a safe or locked file cabinet or room with restricted access to prevent unauthorized access and use. Blank checks should be consecutively numbered either by the bank or by the standing trustee's automated data processing (ADP) system.

Trustee. The United States Trustee will advise the standing trustee as to the specific date that the budget is to be completed and returned. During the development of the budget, the United States Trustee and the standing trustee should have an ongoing dialogue as to any concerns, issues or requests that the standing trustee would like to address in the budget. This will speed the review process. The 1998 budget form and instructions are included as Appendix M.

The standing trustee will receive, no later than October 1, an Order Fixing Compensation and Percentage Fee (Order) and a memorandum from the United States Trustee as to the approval of the budget for the new fiscal year. If there are unresolved expenditures, the budget will be approved, except for those line items in dispute. (See Chapter 9. I. on Informal Budget Dispute Resolution).

The annual budget represents the standing trustee's best estimate of receipts, disbursements and expenses for the upcoming year. Amended budgets are submitted to document unexpected changes in the operation and request increases or decreases in percentage fees and expenses. Depending on the degree of variance from the original budget, the United States Trustee will advise the standing trustee as to the documentation necessary to support an amendment. For example, in the case of minor changes to budget line items, the United States Trustee may accept a letter of explanation. The standing trustee will receive written notification from the United States Trustee of approval or disapproval of changes to the budget line items. If the amended budget requires a change in the compensation or percentage fee, the standing trustee will receive a new Order and a letter from the United States Trustee advising as to the approval of the expenditure.

The standing trustee is required to submit an amended budget for approval for any budget deviations which cause:

- a change in the standing trustee's compensation or percentage fee;
- any increase in employee expenses (except for overtime and benefits relating to overtime);
- any increase in an employee's salary;
- any payment to a standing trustee, a relative of a standing trustee or an entity in which a standing trustee has a financial or ownership interest (see Chapter 4)
- any increase in lease payments; or
- any previously unbudgeted item.

However, except as to the above items, an amended budget is not required for a line item decrease. For any upward deviation in a particular summary line item over the last approved budget, an amended budget is required unless the change is smaller than 10% or \$5,000, whichever is greater.

- g. **Noticing:** Charges incurred in providing noticing to interested parties, including postage, supplies and processing costs.
- h. **Telephone:** Charges for phone service.
- i. **Postage:** All postal charges and rental of post office boxes, except those related to noticing.
- j. **Office Supplies:** Charges incurred for consumable supplies and other property of little monetary value, such as hand-held calculators, except those related to noticing.
- k. **Bond Premiums:** Fees for premiums on surety bonds, including any premiums paid to bond an employee.
- l. **Clerk Fees:** Does not include any filing fees or other court costs that are provided to be paid under the plan.
- m. **Publications and On-Line Services:** Charges for subscriptions to and copies (paper or on-line) of journals and periodicals, books and directories as pertinent to the duties of the standing trustee. Includes charges related to on-line research services, including PACER and Internet. Standing trustees should consider the necessity of obtaining both hard copy and electronic versions of the same document.
- n. **Insurance, other than Employment Related:** Charges for premises liability insurance for the office of the standing trustee (such as fire, theft, accidental injury to property or third persons), workers' compensation insurance, errors and omissions insurance, and employment practices insurance. The standing trustee must maintain adequate insurance on the physical assets that are property of the office of the standing trustee. Policies for errors and omissions insurance and employment practices insurance must meet the minimum requirements established by the United States Trustee system. Costs of different types of insurance are to be identified separately. See Appendix N for minimum guidelines for errors and omissions insurance and Appendix O for requirements of employment practices liability insurance.
- o. **Training Expenses:** Job-related training of standing trustees and their employees is encouraged.

(1) Training not Sponsored by the United States Trustee: A standing trustee may use up to one percent of the fiscal year operating expense fund or \$10,000, whichever is greater, to provide training for employees and the standing trustee. For example, as computer use has become more critical to operations, training of employees on software applications may be advisable. A standing trustee does not have to receive preapproval for

**APPENDIX C SECTION 341(a) MEETING OF CREDITORS
(Individual Debtors)**

REQUIRED STATEMENTS/QUESTIONS^{1/}

1. State your name and current address for the record.
2. Have you read the Bankruptcy Information Sheet provided by the United States Trustee?
3. Did you sign the petition, schedules, statements, and related documents you filed with the court? Did you read the petition, schedules, statements, and related documents before you signed them and is the signature your own?
4. Please provide your picture ID and social security number card for review.
 - a. If the documents are in agreement with the petition, a suggested statement for the record is:

“I have viewed the original drivers license (or other type of original photo ID) and original social security card (or other original document used for proof) and they match the name and social security number on the petition.”
 - b. If the documents are not in agreement with the petition, a suggested statement for the record is:

“I have viewed the original social security card (or other original document used for proof) and the number is 000-00-000. It does not match the number on the petition. I have instructed the debtor (or debtor’s counsel) to file an amended petition by [date], serve all creditors and the standing trustee, and send a ‘Notice of Correction of Social Security Number in Bankruptcy Filing’ and a copy of the amended petition to the three major credit reporting agencies, and to the United States Trustee.”
 - c. When the documents do not match the petition, the standing trustee shall attempt to ascertain why. The standing trustee also shall ask if the debtor has ever obtained credit or benefits, such as Medicaid or employment, using this social security number or any other social security number.
 - d. If the debtor did not bring proof of identify and social security number, the standing trustee needs to determine why.

App. C-1

^{1/}

The first ten statements/questions are required. The standing trustee shall ensure the debtor answers the substance of each of the ten questions on the record. The standing trustee may exercise discretion and judgement in varying the wording of the statements/questions, if the substance of the questions is covered.

5. Are you personally familiar with the information contained in the petition, schedules, statements and related documents?
6. To the best of your knowledge, is the information contained in the petition, schedules, statements, and related documents true and correct?
7. Are there any errors or omissions to bring to my, or the court's, attention at this time?
8. Are all of your assets identified on the schedules?
9. Have you listed all of your creditors on the schedules?
10. Have you filed bankruptcy before using the social security number you presented today, the social security number on the petition or any other social security number not issued by the Social Security Administration? (If so, the standing trustee must obtain the case number and the discharge information to determine the debtor(s) discharge eligibility.)

SAMPLE GENERAL QUESTIONS
(To be asked when deemed appropriate.)

1. Do you own or have any interest whatsoever in any real estate?

If owned: When did you purchase the property? How much did the property cost? What are the mortgages encumbering it? What do you estimate the present value of the property to be? Is that the whole value or your share? How did you arrive at that value?
If renting: Have you ever owned the property in which you live and/or is its owner in any way related to you?
2. Have you made any transfers of any property or given any property away within the last one year period (or such longer period as applicable under state law)?
If yes: What did you transfer? To whom was it transferred? What did you receive in exchange? What did you do with the funds?
3. Does anyone hold property belonging to you?
If yes: Who holds the property and what is it? What is its value?
4. Do you have a claim against anyone or any business?
If there are large medical debts, are the medical bills from injury?
Are you the plaintiff in any lawsuit?
What is the status of each case and who is representing you?
5. Are you entitled to life insurance proceeds or an inheritance as a result of someone's death?
If yes: Please explain the details.

App. C-2

If you become a beneficiary of anyone's estate within six months of the date your bankruptcy petition was filed, the trustee must be advised within ten days through your counsel of the nature and extent of the property you will receive. FRBP 1007(h)

6. Does anyone owe you money?
If yes: Is the money collectible? Why haven't you collected it? Who owes the money and where are they?
7. Have you made any large payments, over \$600, to anyone in the past year?
8. Were federal income tax returns filed on a timely basis? When was the last return filed?
Do you have copies of the federal income tax returns? At the time of the filing of your petition, were you entitled to a tax refund from the federal or state government ?

If yes: Inquire as to amounts.
9. Do you have a bank account, either checking or savings?
If yes: In what banks and what were the balances as of the date you filed your petition?
10. When you filed your petition, did you have:
 - a. any cash on hand?
 - b. any U.S. savings bonds?
 - c. any other stocks or bonds?
 - d. any certificates of deposit?
 - e. a safe deposit box in your name or in anyone else's name?
11. Do you own an automobile?
If yes: What is the year, make, and value? Do you owe any money on it? Is it insured?
12. Are you the owner of any cash value life insurance policies?
If yes: State the name of the company, face amount of the policy, cash surrender value, if any, and the beneficiaries.
13. Do you have any winning lottery tickets?
14. Do you anticipate that you might realize any property, cash or otherwise, as a result of a divorce or separation proceeding?
15. Have you been engaged in any business during the last six years?
If yes: Where and when? What happened to the assets of the business?
16. Have you see a credit counselor within the last year?

App. C-3

**Appendix Q DECLARATION REGARDING ADMINISTRATION OF OATH AND
CONFIRMATION OF IDENTITY AND SOCIAL SECURITY NUMBER**

In re: (Debtor's Name)

Bankruptcy Case No. _____

Date of telephonic or video conference appearance at § 341(a) meeting of creditors: _____

I declare as follows:

1) My name is: _____
(Print or type)

2) My work address is: _____

3) My work telephone number is: (____) _____

4) The address from where I participated in the § 341(a) meeting of creditors is:

5) I am a person authorized to administer oaths in the State of _____, by virtue of the following fact:

- _____ I am a notary
- _____ I am a court reporter
- _____ I am a judicial officer
- _____ I am authorized to give an oath under the Code of Military Justice
- _____ Other: _____
(Give title and **legal authority** for power to administer oath)

6) I personally verified the identity of the debtor by checking his/her original photo identification:

- _____ Driver's License (State & number) _____
- _____ State Identification (State & number) _____
- _____ Passport (Country, number, expiration date) _____
- _____ Military Identification (Branch & ID number) _____
- _____ Other (Describe) _____

7) I personally inspected the following original document as proof of the debtor's social security number and orally confirmed it with the standing trustee:

- _____ Social Security Card
- _____ Social Security Administration Statement
- _____ W-2 Form
- _____ Recent Payroll Stub
- _____ Employer's Health Card or Medical Insurance Card
- _____ Other (specify) _____

8) On _____, I did administer an oath to the debtor, prior to the standing trustee commencing
(Date)

the questioning of the debtor for the telephonic or video conference interview of _____ the debtor.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, _____, in _____, _____.
(Date) (Month) (Year) (City) (State)

Signature of Person Administering Oath and Verifying Identity and Social Security Number

Appendix R **NOTICE OF CORRECTION OF SOCIAL SECURITY NUMBER**
IN BANKRUPTCY FILING

TO: EXPERIAN
 PROFILE MAINTENANCE
 P.O. BOX 9558
 ALLEN, TEXAS 75013

 TRANS UNION CORPORATION
 ATTN: PUBLIC RECORDS DEPARTMENT
 555 WEST ADAMS STREET
 CHICAGO, ILLINOIS 60661

 EQUIFAX
 P.O. BOX 144717
 ORLANDO, FLORIDA 32814

FROM: _____
 (Debtor)

DATE: _____

INCORRECT SSN: ____ - ____ - _____
CORRECT SSN: ____ - ____ - _____

Enclosed please find an amended bankruptcy petition which lists the correct social security number for the above named debtor.

The Debtor originally filed the bankruptcy petition using an incorrect social security number. This social security number was not assigned to the Debtor and was inadvertently listed on the bankruptcy petition.

Please correct your records to indicate that the individual whose social security number is ____ - ____ - _____ is not the debtor in Case # _____ filed

(Federal Judicial District)

Enclosure
cc: Office of the United States Trustee

APPENDIX S NOTICE TO UNITED STATES TRUSTEE OF DEBTOR
IDENTITY PROBLEM

Standing Trustee: _____ **Original § 341(a) date:** _____
Continued § 341(a) date: _____

Debtor's Name: _____
Case Number: _____

G Pros Se / BPP If BPP, _____
G Debtor's Counsel _____

PROBLEM:

G No appearance at continued § 341(a) meeting
G No identification at continued § 341(a) meeting
G Identification does not match debtor's name
G No proof of social security number
G Incorrect social security number on petition: _____
 Correct social security number: _____

Social Security Documentation:

G Social Security Card **Q** W-2 Form
G Pay Stub **Q** Other: _____

Identity Documentation:

Q Driver's License **Q** State Picture ID
Q U.S. Passport **Q** Legal Resident Alien Card
G Other: _____

Explanation for Incorrect Number:

Q Attorney received wrong SSN **Q** Typographical error
Q Other: _____

Action to be Taken by Debtor within 10 Days:

Q Amend petition **Q** File Motion to Dismiss Case
Q Notify credit reporting agencies **Q** Other: _____

Trustee Comments for UST:

Q Monitor only
Q Additional investigation recommended
Q Other: _____

