

**THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

Sam M. Gibbons U.S. Courthouse
801 North Florida Avenue
Suite 1620
Tampa, Florida 33602-3899

GENERAL INFORMATION

All papers intended by debtors or creditors to have legal effect are to be submitted to the Clerk of the Bankruptcy Court. The mailing addresses of the three Divisions for the Middle District of Florida are as follows:

Tampa 801 N. Florida Avenue Suite 555 Tampa, Florida 33602-3899 (813) 301-5162	Orlando 135 W. Central Boulevard Suite 950 Orlando, FL 32801 (407) 648-6365	Jacksonville 300 North Hogan Street Suite 3-350 Jacksonville, FL 32202 (904) 301-6490
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Note: Papers filed in cases assigned to the Fort Myers Division should be filed in the Tampa Division where the record is maintained.

If you have a question about a pending case, call the Clerk's Office **not** Judges' Chambers. It is improper to attempt to communicate with the Judge concerning any case, except through formal Court procedures.

Only an individual (or married couple) may file a personal bankruptcy under any of the Bankruptcy chapters. A business that is not a corporation may be included in an individual bankruptcy petition. A separate petition is required for a corporation. The information provided herewith gives a brief explanation of the differences between chapters of the Bankruptcy Code.

Effective October 17, 2005, 11 U.S.C. § 109(h) mandates that an individual filing a bankruptcy case must receive an approved credit counseling briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted the individual in performing a related budget analysis. This briefing must take place within the 180-day period preceding the date of the filing of the petition. An individual considering filing a bankruptcy petition should review 11 U.S.C. § 109(h)(2) – (4) for exceptions to this requirement. Failure to obtain the approved credit counseling briefing could result in the individual's case being dismissed.

The credit counseling agencies are approved by the United States Trustee. The following link contains a list of agencies approved by the United States Trustee for the Middle District of Florida:

http://www.usdoj.gov/ust/eo/bapcpa/ccde/CC_Files/CC_Approved_Agencies_HTML/cc_florida/cc_florida.htm.

In addition, effective October 17, 2005, an individual filing a Chapter 7 or Chapter 13 case must complete, after the case is filed, an approved instructional course concerning personal financial management before a discharge can be entered. Failure to complete this course may result in the case being closed without the entry of a discharge. Should the case be closed without the entry of a discharge, the payment of a fee will then be required to reopen the case in order to grant the discharge. The agencies conducting instructional courses concerning personal financial management are approved by the United States Trustee. The following link contains a list of agencies approved by the United States Trustee for the Middle District of Florida:

http://www.usdoj.gov/ust/eo/bapcpa/ccde/DE_Files/DE_Approved_Agencies_HTML/de_florida/de_florida.htm.

Each debtor filing an individual bankruptcy case has a right to represent him or herself; however, the Court recommends the use of an attorney. Ignorance of the law may cost you far more than attorney's fees. An attorney must represent a corporation.

If you choose to represent yourself, you will not be able to obtain legal advice from Court personnel or from the trustee appointed to your case. You will be responsible for all necessary legal research. A majority of the counties in Florida maintain law libraries for public use.

The Court cannot supply the forms necessary for filing bankruptcy. These forms are available from office supply stores, legal stationary stores and can be accessed for printing from the Federal Judiciary's web site at http://www.uscourts.gov/bkforms/bankruptcy_forms.html#official.

The filing fees for bankruptcy petitions are as follows:

Chapter 7 \$299.00	Chapter 12 \$239.00
Chapter 9 \$1,039.00	Chapter 13 \$274.00
Chapter 11 \$1,039.00	Chapter 15 \$1,039.00

The prescribed filing fee, if paid by the debtor, must be in the form of exact cash, cashier's check, or money order.

If you wish counseling about handling your debts outside of bankruptcy, you may find Consumer Credit Counseling Service helpful. In Tampa, the telephone number is (813) 289-8923; in Orlando (407) 895-8886; in Jacksonville (904) 396-4846. Court personnel are not permitted to recommend attorneys or to comment on the competence of an attorney that you have retained or may be considering. The telephone number for Lawyer Referral Services in Tampa is (813) 221-7780; in Orlando (407) 422-4537; in Jacksonville (904) 399-5780 or (904) 356-8371.

Case files maintained by the Clerk's Office are public record. You may review cases, but may not remove original documents from the Court files nor the Court files from the Clerk's Office. You may purchase a copy of any original document from the Clerk's Office, at the cost of fifty cents per page with a five-page limit or use our contract photocopy service. Contract Copier services are provided by Judicial Research and Retrieval Service, Inc. in Tampa at (813) 228-7200; in Orlando, (407) 999-7717 and in Jacksonville, at (813) 228-7200.

Each Clerk's Office has a case information system for general case inquiries for cases filed within that office called the Voice Case Information System (VCIS). This system is accessible with the use of a touch-tone phone and is available 24 hours daily, except when off-line for computer maintenance. The toll-free VCIS number for all three divisions (Tampa / Orlando / Jacksonville cases) 1-866-879-1286

Access to electronic court records through the Internet is available for a fee by registering with PACER. To obtain a password and establish an account, contact the PACER Service Center at 1-800-676-6856 or visit their web site at www.pacer.psc.uscourts.gov. You can find useful information with regard to the United States Bankruptcy Court, Middle District of Florida, and its Divisions on the Court's website at www.flmb.uscourts.gov.

UNITED STATES BANKRUPTCY COURT

**NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b)
OF THE BANKRUPTCY CODE**

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a “means test” designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

