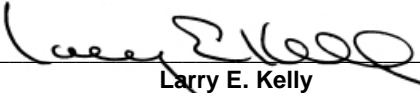
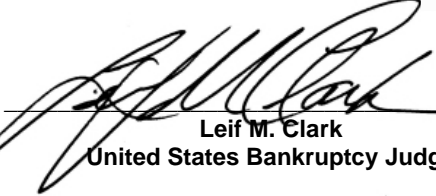


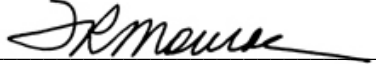


SIGNED this 9th day of November, 2005.

  
Larry E. Kelly  
Chief United States Bankruptcy Judge

  
Leif M. Clark  
United States Bankruptcy Judge

  
Ronald B. King  
United States Bankruptcy Judge

  
Frank R. Monroe  
United States Bankruptcy Judge

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS

AMENDED STANDING ORDER  
ADOPTING *IN FORMA PAUPERIS* FILING GUIDELINES,  
CRIMINAL NOTIFICATION STATEMENT,  
AND AUTHORIZING CLERK TO SIGN CERTAIN ADMINISTRATIVE ORDERS

*In Forma Pauperis*

Section 418 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the "2005 Bankruptcy Act") amends section 1930 of title 28, United States Code, to permit chapter 7 debtors to request that the court grant them *in forma pauperis* (IFP) status and waive filing fees. The amendment to section 1930 became effective October 17, 2005.

On August 11, 2005 the Judicial Conference of the United States, acting through its Executive Committee, approved the **Interim Procedures Regarding the Chapter 7 Fee Waiver Provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005**. These provisions are located at <http://www.uscourts.gov/bankruptcycourts/jcusguidelines.html>. The Conference also approved a new form, Official Form 3B, to be used to apply for IFP status, and to be used by the Courts in ruling on those applications. By this Order the Judges of the Western District of Texas adopt these Interim Procedures and the application portion of Official Form 3B. This Court declines to adopt the form of order that is part of Official Form 3B, but will instead enter its own form of order on such applications. A copy of the application portion of Official Form 3B is attached hereto, as well as a form of order to be submitted with the application.

Criminal Referrals

The 2005 Bankruptcy Act also imposes a new duty on bankruptcy courts to establish procedures to report "materially fraudulent statements in bankruptcy schedules." See 18 U.S.C. § 158(d).

Bankruptcy courts have the right to investigate and report these and other possible bankruptcy crimes under 18 U.S.C. § 3057. In this regard the Judges of the Western District of Texas adopt the attached “Notification Statement” to be used in making referrals to the Office of the U.S. Attorney for the Western District of Texas.

Clerk Authorization to Sign Administrative Orders

Pursuant to Title 28, United States Code, Section 956, the Clerk of each Court and the Clerk’s Deputies and Assistants may exercise the powers and perform the duties assigned to them by the Court.

Accordingly, the Clerk or the Clerk’s designated representative is authorized and directed to sign, on behalf of the Judges of this Court, the orders and notices set forth below:

- a. Order Combined with Notice of Commencement of Case under various Chapters of the Bankruptcy Code, Meeting of Creditors and Fixing of Dates.
- b. Order Setting Bar Date for Filing Proofs of Claim or Interest, including authority of the Clerk to set a bar date for filing proofs of claim or interest approximately ninety (90) days after the First Meeting of Creditors.
- c. Pay Order to Employers in Chapter 12 or 13 cases.
- d. Amended Pay Order to Employers in Chapter 12 or 13 cases (so long as such orders are accompanied by the signature of the Standing Chapter 13 Trustee).
- e. Order to Allow Claims in Chapter 12 or 13 cases.
- f. Order to Allow Additional Claims in Chapter 12 or 13 cases.
- g. Order Closing Estates and Discharging Trustees.
- h. Order to Pay Fees in Installments.
- i. Discharge Orders in Chapter 7, 12 or 13 cases.
- j. Scheduling Order.
- k. Order to Obtain Service of Process in Adversary Proceedings.
- l. Order to Seek Default Judgment in Adversary Proceedings.
- m. Order to Pay Small Dividends into Registry of the Court.
- n. Order to Pay Unclaimed Funds into Registry of the Court.
- o. Order Granting Trustee Applications to Defer Filing Fees in Adversary Proceedings until final disposition of the bankruptcy case.

This Amended Order supersedes all previous Orders entered on these subjects.

It is so ORDERED.

# # #

In re: \_\_\_\_\_  
Debtor(s)

Case No. \_\_\_\_\_  
(if known)

**APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE  
FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE IN FULL OR IN INSTALLMENTS**

**Part A. Family Size and Income**

1. Including yourself, your spouse, and dependents you have listed or will list on Schedule I (Current Income of Individual Debtors(s)), how many people are in your family? (Do not include your spouse if you are separated AND are not filing a joint petition.) \_\_\_\_\_

2. Restate the following information that you provided, or will provide, on Line 16 of Schedule I. Attach a completed copy of Schedule I, if it is available.

Total Combined Monthly Income (Line 16 of Schedule I): \$ \_\_\_\_\_

3. State the monthly net income, if any, of dependents included in Question 1 above. Do not include any income already reported in Item 2. If none, enter \$0.

\$ \_\_\_\_\_

4. Add the "Total Combined Monthly Income" reported in Question 2 to your dependents' monthly net income from Question 3.

\$ \_\_\_\_\_

5. Do you expect the amount in Question 4 to increase or decrease by more than 10% during the next 6 months? Yes \_\_\_ No \_\_\_

If yes, explain.

**Part B: Monthly Expenses**

6. EITHER (a) attach a completed copy of Schedule J (Schedule of Monthly Expenses), and state your total monthly expenses reported on Line 18 of that Schedule, OR (b) if you have not yet completed Schedule J, provide an estimate of your total monthly expenses.

\$ \_\_\_\_\_

7. Do you expect the amount in Question 6 to increase or decrease by more than 10% during the next 6 months? Yes \_\_\_ No \_\_\_

If yes, explain.

**Part C. Real and Personal Property**

EITHER (1) attach completed copies of Schedules A (Real Property) and Schedule B (Personal Property), OR (2) if you have not yet completed those schedules, answer the following questions.

8. State the amount of cash you have on hand: \$ \_\_\_\_\_

9. State below any money you have in savings, checking, or other accounts in a bank or other financial institution.

Bank or Other Financial Institution:	Type of Account such as savings, checking, CD:	Amount:
_____	_____	\$ _____
_____	_____	\$ _____

10. State below the assets owned by you. **Do not list ordinary household furnishings and clothing.**

Home	Address: _____ _____	Value: \$ _____ Amount owed on mortgages and liens: \$ _____
Other real estate	Address: _____ _____	Value: \$ _____ Amount owed on mortgages and liens: \$ _____
Motor vehicle	Model/Year: _____ _____	Value: \$ _____ Amount owed: \$ _____
Motor vehicle	Model/Year: _____ _____	Value: \$ _____ Amount owed: \$ _____
Other	Description: _____ _____	Value: \$ _____ Amount owed: \$ _____

11. State below any person, business, organization, or governmental unit that owes you money and the amount that is owed.

Name of Person, Business, or Organization that Owes You Money	Amount Owed
_____	\$ _____
_____	\$ _____

**Part D. Additional Information.**

12. Have you paid an **attorney** any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes \_\_\_ No \_\_\_  
If yes, how much have you paid? \$ \_\_\_\_\_
13. Have you promised to pay or do you anticipate paying an **attorney** in connection with your bankruptcy case? Yes \_\_\_ No \_\_\_  
If yes, how much have you promised to pay or do you anticipate paying? \$ \_\_\_\_\_
14. Have you paid **anyone other than an attorney** (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes \_\_\_ No \_\_\_  
If yes, how much have you paid? \$ \_\_\_\_\_
15. Have you promised to pay or do you anticipate paying **anyone other than an attorney** (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules?  
Yes \_\_\_ No \_\_\_  
If yes, how much have you promised to pay or do you anticipate paying? \$ \_\_\_\_\_
16. Has anyone paid an attorney or other person or service in connection with this case, on your behalf?  
Yes \_\_\_ No \_\_\_  
If yes, explain.

17. Have you previously filed for bankruptcy relief during the past eight years? Yes \_\_\_ No \_\_\_

Case Number (if known)	Year filed	Location of filing	Did you obtain a discharge? (if known)		
			Yes ___	No ___	Don't know ___
_____	_____	_____	Yes ___	No ___	Don't know ___
_____	_____	_____	Yes ___	No ___	Don't know ___

18. Please provide any other information that helps to explain why you are unable to pay the filing fee in installments.

19. I (we) declare under penalty of perjury that I (we) cannot currently afford to pay the filing fee in full or in installments and that the foregoing information is true and correct.

Executed on: \_\_\_\_\_  
Date  
\_\_\_\_\_  
Date

\_\_\_\_\_

Signature of Debtor

\_\_\_\_\_

Signature of Co-debtor

**DECLARATION AND SIGNATURE OF BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required under that section.

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer \_\_\_\_\_ Social Security No. (Required by 11 U.S.C. § 110.) \_\_\_\_\_

*If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs the document.*

\_\_\_\_\_  
 Address

x \_\_\_\_\_  
 Signature of Bankruptcy Petition Preparer Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

*If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.*  
*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
\_\_\_\_\_ DIVISION**

IN RE:

\_\_\_\_\_,  
Debtor(s),

§  
§  
§  
§  
§

CASE NO. \_\_\_\_\_  
**Chapter 7**

**ORDER GRANTING APPLICATION  
FOR WAIVER OF THE CHAPTER 7 FILING FEE**

On this date came on for consideration the Application for Waiver of the Chapter 7 Filing Fee filed by the above-referenced Debtor(s) in this bankruptcy case. Having reviewed the Application, the court finds that it should be granted.

IT IS, THEREFORE, ORDERED that the Application for Waiver of the Chapter 7 Filing Fee shall be, and hereby is, GRANTED, and the filing fee for this Chapter 7 case is hereby WAIVED.

IT IS FURTHER ORDERED that this order is subject to being vacated at a later time if developments in the administration of this bankruptcy case demonstrate that the waiver was not, or is no longer, warranted.

# # #

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

**NOTIFICATION STATEMENT**

TO: \_\_\_\_\_ POSITION: \_\_\_\_\_

FROM: \_\_\_\_\_ POSITION: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE OF PREPARER \_\_\_\_\_

PREPARER'S POSITION \_\_\_\_\_

1. Basis for Notification and Possible Estate loss:

- a. Suspected violation of 18 U.S.C. Section:  
152( ); 153( ); 154( ); 155( ); 156( ); 157( );  
1341( ); 1342( ); 1343( ); 1344( )
- b. Other suspected criminal violation \_\_\_\_\_
- c. Possible Estate Loss \$ \_\_\_\_\_ Other \_\_\_\_\_

2. Subject of Notification:

- a. ( ) Debtor (principal/responsible person)
- b. ( ) Trustee
- c. ( ) Professional (Specify Title) \_\_\_\_\_
- d. ( ) Claimholder/Equity Security Holder
- e. ( ) Public Official
- f. ( ) Other \_\_\_\_\_

3. Background Information:

- a. Name of debtor's case: \_\_\_\_\_  
Case number/district: \_\_\_\_\_  
Debtor's address: \_\_\_\_\_  
Telephone numbers: \_\_\_\_\_
- b. Case Chapter: 7 ( ); 11 ( ); 12 ( ); 13 ( );  
Nature of Case: Voluntary ( ); Involuntary ( )

c. Debtor's attorney: \_\_\_\_\_  
Attorney's address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

d. Name of trustee: \_\_\_\_\_  
Appointment date: \_\_\_\_\_  
Trustee's address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

e. Petition and schedules attached for lists of claimholders, debts, assets, exempt property, and other information:  
Yes ( ) No ( )

f. If chapter 7 case, Sec. 705 creditors' committee appointed:  
Yes ( ) No ( )  
If yes, date of appointment: \_\_\_\_\_  
Name, address and telephone nos. of contact persons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

g. If chapter 11 case, Sec. 1102 creditors' committee appointed:  
Yes ( ) No ( )  
If yes, date of appointment: \_\_\_\_\_  
Name, address and telephone nos. of contact persons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

h. Other information regarding the debtor's case:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Circumstances Relating to Suspected Violation of Chapter 9 of Title 18, United States Code, or other Laws of the United States Relating to the Debtor's Case

a. Name of subject of notification: \_\_\_\_\_  
Subject's address: \_\_\_\_\_  
Telephone numbers: \_\_\_\_\_



Other identification information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b. Report all facts and circumstances of the case, the names of witnesses, and the offense or offenses believed to have been committed (provide as complete a description as possible) by:
- (1) Providing a full and complete account of the suspected violation.
  - (2) Providing the names, addresses, and telephone numbers of persons with knowledge of and information relating to suspected offense.
  - (3) Indicating, (based on available information) whether the suspected offense relates only to a single incident in a debtor's case or whether the suspected offense relates to multiple transactions/bankruptcies.
  - (4) Indicating whether the subject of the notification has been the subject of a prior notification and, if so, relating the relevant circumstances surrounding the earlier notification.
  - (5) Disclosing other pertinent information.