

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Court of Appeals No. 2019-000486

Florence Common Pleas No. 2018-CP-21-03238

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SC Court of Appeals

Nationstar Mortgage LLC..... Plaintiff,

v.

Barbara A. Gibbs, Melvin E. Gibbs, and
Westbrook Phase IV Homeowners Association Defendants,

Of whom Barbara A. Gibbs and Melvin E. Gibbs are the Appellants,

v.

Nationstar Mortgage LLC.....Respondent.

**RESPONDENT NATIONSTAR MORTGAGE LLC'S
SUPPLEMENTAL BRIEF ADDRESSING BANKRUPTCY ISSUES**

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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	iii
INTRODUCTION	1
BACKGROUND	2
ARGUMENT	5
I. CONFIRMATION OF MRS. GIBBS'S CHAPTER 13 PLAN COMPELS DISMISSAL OF THIS APPEAL WITH PREJUDICE PURSUANT TO 11 U.S.C. § 1327(A) AND THE DOCTRINE OF JUDICIAL ESTOPPEL	5
A. The binding nature of Mrs. Gibbs's confirmed Chapter 13 plan precludes further prosecution of this appeal.	6
B. Confirmation of Mrs. Gibbs's Chapter 13 plan judicially estops Mrs. Gibbs from asserting that she never missed a mortgage payment and that Nationstar's foreclosure was improper.	8
1. The Bankruptcy Court's records and this Court's records reflect Mrs. Gibbs's inconsistent positions regarding the existence of a payment arrearage before Nationstar filed its foreclosure action.	9
2. Because this appeal and the Chapter 13 Bankruptcy deal with treatment of Nationstar's secured mortgage claim, this appeal and the bankruptcy case are related proceedings.	9
3. By misleading the Bankruptcy Court into believing that she was going to repay her pre-existing mortgage arrearage through her proposed Chapter 13 plan, the Bankruptcy Court confirmed Mrs. Gibbs's reorganization plan and provided her a means to cure her payment arrearage and avoid the judicial sale of her Property.	10
4. Mrs. Gibbs's inconsistent position in this appeal and her bankruptcy case reflect her intentional effort to mislead the Bankruptcy Court into granting its protections while attempting to skirt her payment obligation under her confirmed plan through this appeal.	10
5. Recognizing the need to cure a pre-existing mortgage arrearage in her Chapter 13 plan and claiming that she never missed a mortgage payment before Nationstar filed its foreclosure action are inconsistent positions that cannot be reconciled.	11
II. BECAUSE MR. GIBBS IS IN PRIVITY WITH MRS. GIBBS, JUDICIAL ESTOPPEL ALSO PRECLUDES MR. GIBBS FROM ARGUING THAT THERE WAS NO PAYMENT DELINQUENCY TRIGGERING NATIONSTAR'S FORECLOSURE RIGHTS	12

TABLE OF CONTENTS
(continued)

	Page
III. APPELLANTS ARE ALSO EQUITABLY ESTOPPED FROM PROSECUTING THIS APPEAL.....	12
CONCLUSION.....	14

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Bank of America, N.A. v. Bethea</i> , No. 2015-000985, 2017 WL 4676635 (Ct. App. June 18, 2017) (unpub.).....	11
<i>In re Bateman</i> , 331 F.3d 821 (11th Cir. 2003)	5
<i>Carrigg v. Cannon</i> , 347 S.C. 75, 552 S.E.2d 767 (Ct. App. 2001).....	12
<i>Cothran v. Brown</i> , 357 S.C. 210, 592 S.E.2d 629 (2004)	8
<i>In re Davis</i> , 314 F.3d 567 (11th Cir. 2015)	5
<i>Green Tree Servicing, LLC v. Taylor</i> , No. 2016-001389, 2018 WL 6119594 (Ct. App. Nov. 21, 2018) (unpub.).....	11
<i>Hawkins v. Bruno Yacht Sales</i> , 353 S.C. 31, 577 S.E.2d 202 (2003)	8
<i>Hayne Fed. Credit Union v. Bailey</i> , 327 S.C. 242, 489 S.E.2d 427 (1997)	8
<i>McMillan v. Evans</i> , Unpub. Opinion No. 2005-UP-581, 2005 WL 7084837 (Ct. App. Nov. 16, 2005) (unpub.).....	11
<i>Regions Bank v. Schmauch</i> , 354 S.C. 648, 582 S.E.2d 432 (Ct. App. 2003).....	13
<i>Rushing v. McKinney</i> , 370 S.C. 280, 633 S.E.2d 917 (Ct. App. 2006).....	12
<i>S.Dev. Land & Golf Co. v. S.C. Pub. Serv. Auth.</i> , 311 S.C. 29, 426 S.E.2d 748 (1993)	13
<i>Stallings v. Hussman Corp.</i> , 447 F.3d 1041 (8th Cir. 2006)	14
<i>Zabinski v. Bright Acres Assocs.</i> , 346 S.C. 580, 553 S.E.2d 110	13

Statutes

11 U.S.C. § 1322(b)(5)	4
11 U.S.C. § 1327(a)	1, 2, 5, 15

INTRODUCTION

Pursuant to the Court's order entered on April 2, 2020, Respondent Nationstar Mortgage LLC ("Nationstar"), by undersigned counsel, hereby respectfully prays for the dismissal¹ of the Appellants' appeal with prejudice pursuant to 11 U.S.C. § 1327(a) and the doctrines of judicial estoppel and equitable estoppel. Dismissal of the appeal is appropriate because Appellant Barbara A. Gibbs has elected to cure her existing mortgage arrearage by repaying Nationstar through the terms of a confirmed Chapter 13 plan of reorganization rather than prosecuting the merits of this appeal. More importantly, the sworn statements and positions adopted by Mrs. Gibbs in her Bankruptcy action act as a bar to the appeal.

This appeal arises out of a foreclosure judgment² entered by the Court of Common Pleas for Florence South Carolina ("Lower Court") on March 4, 2019 upon a motion for summary judgment filed by Nationstar. Mrs. Gibbs defaulted in the foreclosure action by failing to file and serve any answer to the complaint after being properly served with the pleadings. The only answering party in the foreclosure is the Appellant's husband, Mr. Gibbs, who is not a party to Mrs. Gibbs's mortgage loan and gained an interest in the property after Nationstar recorded its mortgage. The foreclosure judgment provided for the judicial sale of real property at 4257 Monterey Road, Florence, SC 29501 ("Property"). Appellants filed a notice of appeal to the Lower Court's foreclosure judgment. This appeal is based upon the contention that Mrs. Gibbs never missed a mortgage payment, and thus, the Appellants conclude that Nationstar is not entitled to its foreclosure judgment because Mrs. Gibbs never missed a payment owed to Nationstar.³

¹ All of the arguments and exhibits in Respondent's Motion to Dismiss Appeal are hereby incorporated into this supplemental brief by reference here.

² Resp. Mot. to Dismiss, Exhibit 1 (copy of lower court's foreclosure judgment).

³ App. Final Br. at 6, ¶ 21; App. Final Reply Br. at 3, ¶ 8.

Pursuant to 11 U.S.C. § 1327(a) and the doctrines of judicial estoppel and equitable estoppel, however, the appeal must be dismissed. Appellants' contention that Nationstar's foreclosure judgment is improper because Mrs. Gibbs never missed any mortgage payments is wholly inconsistent with the Bankruptcy Court's confirmation of Mrs. Gibbs's Chapter 13 plan, which requires Mrs. Gibbs to repay her admitted arrearage on mortgage payments that she failed to pay. Critically, the confirmation of Mrs. Gibbs's Chapter 13 Plan is a determination by a court of competent jurisdiction that an arrearage exists and must be repaid under the confirmed plan.

Under the terms of the Mrs. Gibbs's confirmed Chapter 13 plan, Nationstar and Mrs. Gibbs are bound to a repayment plan in which Mrs. Gibbs *has agreed* to remit monthly payments to Nationstar in order to cure her *pre-existing* mortgage arrearage, bring her delinquent account current, and avoid a foreclosure sale through the completion her bankruptcy plan. By securing confirmation of her Chapter 13 plan, Mrs. Gibbs has conceded the existence of the payment arrearage that triggered Nationstar's foreclosure rights.⁴ And as a party in privity with Mrs. Gibbs, Mr. Gibbs is also bound by this judicial determination of an arrearage by the Bankruptcy Court. Accordingly, this appeal should be dismissed with prejudice pursuant to the Mrs. Gibbs's confirmed Chapter 13 plan.

BACKGROUND

During the pendency of this appeal, Appellant Barbara Gibbs filed a Chapter 13 bankruptcy petition along with related financial schedules with the United States Bankruptcy Court for the Northern District of Georgia ("Bankruptcy Court") on March 27, 2019, under Chapter 13 case

⁴ Although Mr. Gibbs is not obligated to repay the amounts owed under the mortgage loan that Mrs. Gibbs signed, he bases all of his appellant arguments on Mrs. Gibbs's alleged fulfillment of the repayment obligations imposed by her mortgage loan. And thus the viability of Mr. Gibbs's appellate arguments rest upon Mrs. Gibbs's ability to assert and maintain her argument that Nationstar's foreclosure judgment is improper because she purportedly never defaulted. Moreover, as detailed further in this brief, because Mr. Gibbs secured significant benefits from Mrs. Gibbs's Chapter 13 reorganization, his prosecution of this appeal must also be dismissed with prejudice.

number 19-54809.⁵ Mrs. Gibbs initially filed pro se, but during the bankruptcy case, she secured counsel, who advised and represented Mrs. Gibbs until she secured confirmation of her Chapter 13 plan. As an integral part of her filings with the Bankruptcy Court, Mrs. Gibbs submitted financial schedules and statements of financial affairs under oath.⁶ On April 4, 2019, Mrs. Gibbs submitted amended financial schedules.⁷ In both sets of the financial schedules that Mrs. Gibbs submitted to the Bankruptcy Court, she made an affirmative statement under penalty of perjury that she had no claims against third parties, counterclaims or rights to set off claims to declare as assets of her bankruptcy estate.⁸

Based upon the sworn statements of Mrs. Gibbs in her bankruptcy, the proposed Chapter 13 plan was confirmed by the Bankruptcy Court.⁹ Additionally, Nationstar's counsel and the Chapter 13 Trustee for Mrs. Gibbs's bankruptcy case consented to confirmation of the repayment terms expressed in Mrs. Gibbs's proposed Chapter 13 plan.¹⁰ To participate in Mrs. Gibbs's Chapter 13 reorganization, Nationstar filed a proof of claim with the Bankruptcy Court as a secured creditor.¹¹ Nationstar's proof of claim identifies the existing arrearage balance for Mrs. Gibbs's mortgage loan as \$229,667.35¹² and confirms that Mrs. Gibbs's contractual mortgage payments are \$3,326.84 per month. Under her confirmed Chapter 13 plan, Mrs. Gibbs acknowledged the arrearage and agreed to repay the arrearage that she owes to her mortgage lender, Nationstar,

⁵ Resp. Mot. to Dismiss, Exhibit 2 (copy of Bankruptcy Petition).

⁶ App. B. Gibbs Initial Schedules & Stmt of Financial Affairs attached hereto as **Exhibit A**.

⁷ App. B. Gibbs Am. Schedules attached hereto as **Exhibit B**.

⁸ App. B. Gibbs Initial Schedules & Stmt of Financial Affairs at 27, ¶¶ 33-35; App. B. Gibbs Am. Schedules at 8, ¶¶ 33-35.

⁹ Resp. Mot. to Dismiss, Exhibit 3 (copies of Appellant Barbara Gibbs's Chapter 13 Plan and the Bankruptcy Court's Order Confirming Chapter 13 plan).

¹⁰ *See id.* (noting the consent signature of Nationstar's bankruptcy counsel on confirmation order).

¹¹ Resp. Mot. to Dismiss, Exhibit 4 (copy of Nationstar's secured proof of claim). Nationstar would further note that it retains the right to amend its proof of claim filed with the Bankruptcy Court.

¹² *See id.* at 2. & 4.

during her Chapter 13 bankruptcy.¹³ As part of the treatment of Nationstar's secured claim, Mrs. Gibbs also agreed to pay Nationstar the monthly contractual payment owed under her mortgage loan during her bankruptcy pursuant to the following provisions of her Chapter 13 plan:

Beginning with the first payment that is due after the date of the order for relief under Chapter 13, the debtors will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with applicable ruled. These payments will be disbursed directly by the debtor(s). Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any...¹⁴

These provisions of Mrs. Gibbs's plan are consistent with the arrearage curing provisions of the Bankruptcy Code. See 11 U.S.C. § 1322(b)(5) ("The plan may . . . notwithstanding paragraph (2) of this subsection, provide for the curing of any default within a reasonable time and maintenance of payments while the case is pending on any . . . secured claim on which the last payment is due after the date on which the final payment under the plan is due.").

During the bankruptcy, Mrs. Gibbs also filed an objection to Nationstar's proof of claim.¹⁵ The objection, however, only objected to the documentation supporting Nationstar's proof of claim rather than the legitimacy of the mortgage debt, and the objection did not challenge the foreclosure judgment or raise any of the issues set forth in the Appellants' final brief.¹⁶ The objection to claim remains a pending question for the Bankruptcy Court to address. Nevertheless, by offering to cure her payment delinquency in her proposed Chapter 13 plan, Nationstar consented to confirmation of the plan.¹⁷ But because of the uncertain outcome of this pending appeal, the Bankruptcy Court

¹³ See Resp. Mot. to Dismiss, Exhibit 3 (Chapter 13 Plan § 3.1 in which Nationstar is identified as a secured creditor entitled to receive mortgage arrearage cure payments and contractual mortgage payments from Mrs. Gibbs during her Chapter 13 bankruptcy).

¹⁴ See *id.*, Chapter 13 Plan at § 3.1.

¹⁵ Resp. Mot. to Dismiss, Exhibit 5, (copy of App. Obj. to Claim filed with Bankruptcy Court).

¹⁶ See *id.*

¹⁷ See *id.*, Exhibit 3 (Confirmation Order noting Nationstar's consent to confirmation of Mrs. Gibb's amended Chapter 13 plan).

issued an order requiring the Chapter 13 Trustee to hold Nationstar's distributions under the confirmed plan until this appeal has concluded.

This appeal, which is contrary to the express repayment terms stated in Mrs. Gibbs's confirmed Chapter 13 plan, is unfairly prejudicing Nationstar's right to be repaid under the confirmed plan despite the fact that Mrs. Gibbs is performing under the plan and continuing her Chapter 13 reorganization.¹⁸ By entertaining this appeal, this Court is providing Mrs. Gibbs with an opportunity to skirt her promised repayment obligations under the plan. In order to proceed with the current appeal, this Court must not only ignore the Appellant's sworn statements made under penalty of perjury in her bankruptcy case but reach contradictory findings to those already adjudicated by the Bankruptcy Court. Under these circumstances, this appeal must be dismissed with prejudice, and Mrs. Gibbs should left to perform under her confirmed Chapter 13 plan as she promised.

ARGUMENT

I. Confirmation of Mrs. Gibbs's Chapter 13 plan compels dismissal of this appeal with prejudice pursuant to 11 U.S.C. § 1327(a) and the doctrine of judicial estoppel.

Because of the binding effect of the confirmed Chapter 13 plan that Ms. Gibbs secured from the Bankruptcy Court, Appellants are now precluded from prosecuting this appeal under 11 U.S.C. § 1327(a). *See* 11 U.S.C. § 1327(a) ("The provisions of a confirmed plan bind the debtor and each creditor, whether or not the claim of such creditor is provided for by the plan, and whether or not such creditor has objected to, has accepted, or has rejected the plan."); *In re Bateman*, 331 F.3d 821, 829 (11th Cir. 2003) ("[Section] 1327 gives *res judicata* effect to a confirmed Chapter 13 plan."); *In re Davis*, 314 F.3d 567, 570 (11th Cir. 2015) ("A Chapter 13 plan of confirmation

¹⁸ On April 16, 2020, the Bankruptcy Court issued an order excusing the plan payments due on April 2020 and May 2020. Per the order, Mrs. Gibbs must resume her plan payments in June 2020.

has *res judicata* effect unless it is subsequently modified by a bankruptcy court order.”) (emphasis theirs).

Additionally, because the terms of Mrs. Gibbs’s confirmed Chapter 13 plan are wholly inconsistent with the position that she adopts in this appeal, both Mr. and Mrs. Gibbs should be estopped from prosecuting this appeal further under the doctrine of judicial estoppel.

A. The binding nature of Mrs. Gibbs’s confirmed Chapter 13 plan precludes further prosecution of this appeal.

Because both Mrs. Gibbs and Nationstar are bound to the repayment provisions in the confirmed Chapter 13 plan, this appeal should be dismissed. In this appeal, the Appellants primarily seek reversal of the Lower Court’s foreclosure judgment and dismissal of Nationstar’s foreclosure complaint because they argue that Mrs. Gibbs never became delinquent on her mortgage loan payments and never triggered Nationstar’s right to foreclose. (See App. Br. ¶ 14a.-b. & ¶ 21 (alleging that purported bank record proving payment precluded summary judgment awarded to Nationstar)). In addition to contesting the validity of the payment delinquency giving rise to the foreclosure judgment, the Appellants argue that various defects in the foreclosure process merit reversal of the Lower Court’s foreclosure judgment (See, e.g., *id.* ¶ 15 (alleging non-compliance with S.C. Administrative Order) & ¶ 22 (alleging right to jury trial for equitable foreclosure action) & ¶¶ 27-30 (alleging improper sua sponte recusal by special referees)). Nevertheless, the ultimate remedy that the Appellants seek through this appeal is a reversal of the foreclosure judgment awarded to Nationstar and a subsequent dismissal of the foreclosure complaint in light of Mrs. Gibbs’s purported remittance of timely mortgage loan payments to Nationstar during the life of the loan.¹⁹

¹⁹ App. Final Br. *passim*.

But instead of litigating the merits of this appeal to a final determination by this Court, Mrs. Gibbs filed a Chapter 13 bankruptcy and secured confirmation of a Chapter 13 plan that *expressly provides for repayment* of an existing mortgage arrearage and contractual mortgage payments due under the following provisions in her Chapter 13 plan:

Beginning with the first payment that is due after the date of the order for relief under Chapter 13, the debtors will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with applicable rules. These payments will be disbursed directly by the debtor(s). Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any....²⁰

Thus, under the terms of Mrs. Gibbs's confirmed Chapter 13 plan, she has conceded the existence of a mortgage arrearage and arranged to repay it along with all contractual payments that come due under her mortgage loan to avoid enforcement of Nationstar's foreclosure judgment and a judicial sale of her property. Accordingly, she cannot prosecute this appeal to assert that she was never delinquent on her mortgage payments while acknowledging a need to repay an existing arrearage to secure confirmation of her Chapter 13 plan from the Bankruptcy Court. Indeed, Mrs. Gibbs's confirmed Chapter 13 plan is based upon the existence of a payment delinquency that existed before her bankruptcy filing and provides a mechanism to repay the arrearage under Chapter 13 of the Bankruptcy Code. Indeed, Nationstar consented to the treatment provided to its mortgage loan under the plan because of Mrs. Gibbs's promise to repay all amounts due to Nationstar under the plan.

Because prosecution of this appeal is contrary to the repayment provisions provided in her confirmed Chapter 13 plan, this appeal must be dismissed with prejudice to avoid irreconcilable decisions between this appeal and Mrs. Gibbs's confirmed Chapter 13 plan.

²⁰ See Resp. Mot. to Dismiss, Exhibit 3 (Chapter 13 Plan at § 3.1).

B. Confirmation of Mrs. Gibbs's Chapter 13 plan judicially estops Mrs. Gibbs from asserting that she never missed a mortgage payment and that Nationstar's foreclosure was improper.

Confirmation of Mrs. Gibbs's Chapter 13 plan also means that the doctrine of judicial estoppel precludes Mrs. Gibbs's continued prosecution of this appeal, which is based on the allegation that she never missed any payments under her mortgage loan before Nationstar filed its foreclosure action. In South Carolina, "[j]udicial estoppel is an equitable concept that prevents a litigant from asserting a position inconsistent with, or in conflict with, one the litigant has previously asserted in the same or related proceeding." *Cothran v. Brown*, 357 S.C. 210, 215, 592 S.E.2d 629, 631 (2004). "The purpose of the doctrine is to ensure the integrity of the judicial process, not to protect the parties from allegedly dishonest conduct by their adversary." *Id.* (citing *Hawkins v. Bruno Yacht Sales*, 353 S.C. 31, 42, 577 S.E.2d 202, 208 (2003)). Judicial estoppel applies to matters of fact, not law. *Id.* (citing *Hayne Fed. Credit Union v. Bailey*, 327 S.C. 242, 251, 489 S.E.2d 427, 477 (1997)). To establish the application of judicial estoppel, the following must be shown:

(1) two inconsistent positions taken by the same party or parties in privity with one another; (2) the positions must be taken in the same or related proceedings involving the same party or parties in privity with each other; (3) the party taking the position must have been successful in maintaining that position and have received some benefit; (4) the inconsistency must be part of an intentional effort to mislead the court; and (5) the two positions must be totally inconsistent.

Cothran, 357 S.C. at 215-216, 592 S.E.2d at 632. Mrs. Gibbs's inconsistent conduct in this appeal and her bankruptcy establishes all of these factors and compels that she be estopped from asserting that she never missed a mortgage payment before Nationstar filed its foreclosure action.

As detailed further in this brief, Mrs. Gibbs has taken wholly inconsistent positions in her appeal and her Chapter 13 bankruptcy. The parties in the appeal and the bankruptcy are identical. By admitting the existence of a payment arrearage and promising to cure it under her proposed

reorganization plan, Mrs. Gibbs has secured confirmation of her Chapter 13 repayment plan along with the protections of the Bankruptcy Code's automatic stay, which precludes Nationstar's enforcement of its foreclosure judgment while she reorganizes under her confirmed plan. The inconsistency between the two positions is intentional. Mrs. Gibbs's argument in this appeal that the mortgage payments were never in arrears is totally inconsistent with the terms of her confirmed Chapter 13 plan, which acknowledges delinquent payments and provides repayment terms to cure the arrears during Mrs. Gibbs's Chapter 13 bankruptcy.

1. The Bankruptcy Court's records and this Court's records reflect Mrs. Gibbs's inconsistent positions regarding the existence of a payment arrearage before Nationstar filed its foreclosure action.

First, Mrs. Gibbs has adopted two inconsistent positions in this appeal and her bankruptcy. In this appeal, Mrs. Gibbs argues that she never went into default on her mortgage loan payments owed to Nationstar. Before the Bankruptcy Court, however, Mrs. Gibbs secured confirmation of her Chapter 13 plan by agreeing to repay a pre-existing mortgage arrearage owed to Nationstar over the life of her bankruptcy plan.

2. Because this appeal and the Chapter 13 Bankruptcy deal with treatment of Nationstar's secured mortgage claim, this appeal and the bankruptcy case are related proceedings.

Both this appeal and Mrs. Gibbs's bankruptcy case are related proceedings designed to address how Nationstar's secured mortgage claim must be treated. By adopting inconsistent positions in this appeal and her bankruptcy, Mrs. Gibbs convinced the Bankruptcy Court to confirm her proposed Chapter 13 plan of reorganization, which allows her to cure her arrearage and avoid a judicial sale of her Property under Nationstar's foreclosure judgment. Indeed, Mrs. Gibbs's bankruptcy filing also triggered the protections of the Bankruptcy Code's automatic stay. Currently, the automatic stay precludes any foreclosure sale of the Property during Mrs. Gibbs's

bankruptcy despite the fact that she never secured an injunction from the trial court or this Court to prevent any judicial sale of the Property as provided in Nationstar's foreclosure judgment.

3. **By misleading the Bankruptcy Court into believing that she was going to repay her pre-existing mortgage arrearage through her proposed Chapter 13 plan, the Bankruptcy Court confirmed Mrs. Gibbs's reorganization plan and provided her a means to cure her payment arrearage and avoid the judicial sale of her Property.**

By filing a bankruptcy during this appeal and promising to cure her mortgage loan arrearage to Nationstar through her bankruptcy repayment plan, Mrs. Gibbs secured the material benefit of a Bankruptcy Court sanctioned reorganization that bound Nationstar to the plan's terms. Moreover, Mrs. Gibbs secured confirmation of her plan because Nationstar and the Chapter 13 Trustee for her bankruptcy consented to the repayment terms provided in the proposed Chapter 13 plan. Because the terms of Mrs. Gibbs's Chapter 13 plan provide her with the ability to cure her mortgage arrearage during the plan, Mrs. Gibbs can avoid judicial sale of the Property by simply remitting all payments to the Chapter 13 Trustee and Nationstar as provided by the plan. The benefits provided by the confirmed plan are a direct product of Mrs. Gibbs's acknowledgment of a pre-existing mortgage arrearage that she currently denies in this appeal.

4. **Mrs. Gibbs's inconsistent position in this appeal and her bankruptcy case reflect her intentional effort to mislead the Bankruptcy Court into granting its protections while attempting to skirt her payment obligation under her confirmed plan through this appeal.**

Mrs. Gibbs's acknowledgment of her mortgage arrearage in her Chapter 13 plan and denial of the arrearage's existence in this appeal reflect Mrs. Gibbs's intentional effort to mislead the Bankruptcy Court into believing that she will comply with her confirmed Chapter 13 plan. Here, the promise to pay Nationstar as provided in the confirmed Chapter 13 plan is a mere pretext for Mrs. Gibbs's ulterior motive to prosecute this appeal, unwind the properly entered foreclosure judgment, and prevent Nationstar from selling her Property without entry of an appellate stay

order. Because Mrs. Gibbs's position in this appeal is in such contrast to her confirmed Chapter 13 plan, it is clear that she proposed her Chapter 13 plan with the intent of simultaneously pursuing this appeal to avoid fulfilling the payment obligations imposed by her confirmed plan. Such procedural gamesmanship compels dismissal of this appeal with prejudice.

5. Recognizing the need to cure a pre-existing mortgage arrearage in her Chapter 13 plan and claiming that she never missed a mortgage payment before Nationstar filed its foreclosure action are inconsistent positions that cannot be reconciled.

Finally, Mrs. Gibbs's attempt to reorganize a *pre-existing* mortgage arrearage through her confirmed Chapter 13 is inconsistent with her appellate argument that the foreclosure judgment should be reversed because she purportedly never missed a mortgage payment owed to Nationstar. Under the procedural history of this appeal and her Chapter 13 bankruptcy, Mrs. Gibbs should be judicially estopped from asserting the argument that she never missed a mortgage payment before Nationstar filed its foreclosure action. Accordingly, this appeal should be dismissed with prejudice, so Mrs. Gibbs can simply fulfill the repayment obligations that she elected to pursue in her confirmed Chapter 13 plan to address Nationstar's foreclosure judgment through her bankruptcy reorganization. *See, e.g., Green Tree Servicing, LLC v. Taylor*, No. 2016-001389, 2018 WL 6119594 (Ct. App. Nov. 21, 2018) (unpub.) (affirming trial court's application of judicial estoppel to affirm summary judgment awarded to lender because borrower failed to disclose pending counterclaims against lender during bankruptcy case in order to secure a loan modification); *Bank of America, N.A. v. Bethea*, No. 2015-000985, 2017 WL 4676635 (Ct. App. June 18, 2017) (unpub.) (affirming trial court application of judicial estoppel to bar borrower from asserting that mobile home was not a permanent fixture of real property despite the fact that borrower represented that mobile home was affixed to real property during his bankruptcy case); *McMillan v. Evans*, Unpub. Opinion No. 2005-UP-581, 2005 WL 7084837 (Ct. App. Nov. 16,

2005) (unpub.) (affirming trial court's application of judicial estoppel where seller sold property for \$200,000 with bankruptcy court approval to buyer but later seller tried to claim an amount beyond the sales price from buyer in a state court action).²¹

II. Because Mr. Gibbs is in privity with Mrs. Gibbs, judicial estoppel also precludes Mr. Gibbs from arguing that there was no payment delinquency triggering Nationstar's foreclosure rights.

Because Mr. and Mrs. Gibbs were both defendants in the foreclosure action with interests in the Property encumbered by Nationstar's mortgage and because they are asserting the same legal arguments in this appeal, Mr. and Mrs. Gibbs are in privity with one another. *See Carrigg v. Cannon*, 347 S.C. 75, 81-82, 552 S.E.2d 767, 771 (Ct. App. 2001) (recognizing that privity among parties exists for application of judicial estoppel when the parties' aligned legal interests are litigated together in a prior proceeding). In both the foreclosure action and this appeal, Mr. and Mrs. Gibbs have operated in lock-step with one another and adopted the same legal positions throughout the litigation. Accordingly, Mrs. Gibbs acknowledgement of a pre-existing arrearage owed to Nationstar in her confirmed Chapter 13 plan also precludes Mr. Gibbs from asserting that Mrs. Gibbs never missed a payment owed to Nationstar before it filed its foreclosure.

III. Appellants are also equitably estopped from prosecuting this appeal.

Notwithstanding that Appellants are judicially estopped from prosecuting this appeal because of confirmation of Mrs. Gibbs's proposed Chapter 13 plan, Mr. and Mrs. Gibbs are also equitably estopped from prosecuting this appeal.

The doctrine of equitable estoppel applies if a person, by his conduct, words, or silence, which amounts to a representation, or a concealment of material facts, causes another to alter his position to his prejudice or injury. *Rushing v. McKinney*, 370 S.C. 280, 293, 633 S.E.2d 917, 924

²¹ Nationstar cites to these cases as persuasive authority only as they are not controlling authority under the Appellate Court Rules.

(Ct. App. 2006). The elements of equitable estoppel as to the party estopped are: “(1) conduct by the party estopped which amounts to a false representation or concealment of material facts; (2) the intention that such conduct shall be acted upon by the other party; and (3) knowledge, actual or constructive, of the true facts.” *Zabinski v. Bright Acres Assocs.*, 346 S.C. 580, 589, 553 S.E.2d 110, 114 (2011 (internal citations omitted)). The party asserting estoppel must show: “(1) lack of knowledge and of means of knowledge of truth as to facts in question; (2) reliance upon conduct of the party estopped, and (3) prejudicial change in position.” *Id.* The “[a]pplication of equitable estoppel does not require an intentional misrepresentation.” *Regions Bank v. Schmauch*, 354 S.C. 648, 676, 582 S.E.2d 432, 446 (Ct. App. 2003); *see also S.Dev. Land & Golf Co. v. S.C. Pub. Serv. Auth.*, 311 S.C. 29, 33, 426 S.E.2d 748, 751 (1993) (“Silence, when it is intended, or when it has the effect of misleading a party may operate as equitable estoppel.”).

In the instant case, Mrs. Gibbs has made a false representation by promising to repay her existing mortgage arrearage as provided in her confirmed plan and failing to inform the Bankruptcy Court, Nationstar, and the Chapter 13 Trustee—*before plan confirmation*—that she would attempt to avoid the repayment terms in her plan by prosecuting this appeal.

Indeed, Mrs. Gibbs was aware that the representations in her proposed amended plan would be available and relied upon by her creditors, including Nationstar, because her proposed plan was served on all creditors and the Chapter 13 Trustee before the Bankruptcy Court’s confirmation hearing. Because her plan proposed to repay Nationstar and cure her payment arrearage, Nationstar consented to confirmation of Mrs. Gibbs’s proposed plan. Accordingly, Nationstar relied on the repayment provisions in Mrs. Gibbs’s plan to its detriment. If Nationstar was aware that Mrs. Gibbs had no intention of paying Nationstar under the terms of her confirmed Chapter 13 plan but instead wanted to prosecute this appeal and vacate Nationstar’s foreclosure judgment,

then Nationstar likely would have objected to Mrs. Gibbs's plan and litigated the merits of the plan before the Bankruptcy Court. But because of the repayment provisions provided to Nationstar in Mrs. Gibbs's proposed Chapter 13 plan, Nationstar consented to confirmation of the plan, which makes no reference to prosecution of this appeal. Moreover, Mrs. Gibbs failed to identify this appeal in any of her financial schedules and statements of affairs filed with the Bankruptcy Court despite being required to do so. *See, e.g., Stallings v. Hussman Corp.*, 447 F.3d 1041, 1047 (8th Cir. 2006) ("In the bankruptcy context, a party may be judicially estopped from asserting a cause of action not raised in a reorganization plan or otherwise mentioned in the debtor's schedules or disclosure statements. A debtor's failure to list a claim in the mandatory bankruptcy filings is tantamount to a representation that no claim existed.").

Under the circumstances, Mrs. Gibbs and Mr. Gibbs, who are in privity with one another, are also equitably estopped from prosecuting this appeal because of Mrs. Gibbs's failure to disclose her intent to prosecute this appeal in her confirmed Chapter 13 plan or her financial schedules and statements filed with the Bankruptcy Court.

CONCLUSION

The inconsistent positions adopted by Mrs. Gibbs in this appeal and her bankruptcy case offend the principles of judicial integrity and are irreconcilable. Mrs. Gibbs made a voluntary election file a Chapter 13 bankruptcy and reorganize her payment obligations to Nationstar. Her decision secure confirmation of a plan that expressly cures a pre-existing mortgage arrearage owed to Nationstar binds her to the repayment terms that Nationstar and the Bankruptcy Court sanctioned. For the reasons provided herein and in light of the treatment of Nationstar's claim under the terms of Mrs. Gibbs's confirmed Chapter 13 plan, Nationstar respectfully requests that

this appeal be dismissed with prejudice pursuant to 11 U.S.C. § 1327(a) and application of the doctrines of judicial estoppel and equitable estoppel.

Respectfully submitted on this 28th day of April 2020.


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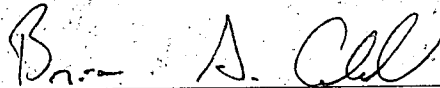
Attorneys for Respondent Nationstar Mortgage LLC

CERTIFICATE OF SERVICE

The undersigned certifies that Respondent Nationstar Mortgage LLC's *Supplemental Brief Addressing Bankruptcy Issues* was served on the parties to this action by depositing a copy thereof in the United States Mail, first class, postage prepaid, on April 28, 2020, to the following:

Barbara Gibbs
3108 Hidden Falls Drive
Buford, GA 30519
&
4257 Monterey Drive
Florence, SC 29501

M. Eugene Gibbs, Esq.
3108 Hidden Falls Drive
Buford, GA 30519
&
4257 Monterey Drive
Florence, SC 29501



Brian A. Calub

EXHIBIT A

Fill in this information to identify your case:

United States Bankruptcy Court for the:

Northern District of Georgia

Case number (if known):

19-54809

Chapter you are filing under:

- ☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☒ Chapter 13

2019 MAR 27 AM 10:44

DEPUTY CLERK
M. K. THOMAS

☐ Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/17

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

About Debtor 1:

Barbara

First name

Albyrne

Middle name

Gibbs

Last name

Suffix (Sr., Jr., II, III)

About Debtor 2 (Spouse Only in a Joint Case):

First name

Middle name

Last name

Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

N/A

First name

Middle name

Last name

First name

Middle name

Last name

First name

Middle name

Last name

First name

Middle name

Last name

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

XXX - XX - 9 1 0 0

OR

9 XX - XX -

XXX - XX -

OR

9 XX - XX -

Debtor 1

Barbara Albytime Gibbs
First Name Middle Name Last Name

Case number (If known)

About Debtor 1:

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years

Include trade names and doing business as names

☒ I have not used any business names or EINs.

Business name

Business name

EIN

EIN

About Debtor 2 (Spouse Only in a Joint Case):

☐ I have not used any business names or EINs.

Business name

Business name

EIN

EIN

5. Where you live

3108 Hidden Falls Drive

Number Street

Buford

City

GA

State

30519

ZIP Code

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number Street

P.O. Box

City

State

ZIP Code

If Debtor 2 lives at a different address:

Number Street

City

State

ZIP Code

County

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number Street

P.O. Box

City

State

ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Check one:

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Debtor 1

Barbara Albyline Gibbs
First Name Middle Name Last Name

Case number (if known)

Part 2: Tell the Court About Your Bankruptcy Case

7. The chapter of the Bankruptcy Code you are choosing to file under

Check one. (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

- ☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☒ Chapter 13

8. How you will pay the fee

☒ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.

☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).

☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years?

☒ No

☐ Yes.

District _____	When _____	Case number _____
	MM / DD / YYYY	
District _____	When _____	Case number _____
	MM / DD / YYYY	
District _____	When _____	Case number _____
	MM / DD / YYYY	

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

☒ No

☐ Yes.

Debtor _____	Relationship to you _____
District _____	When _____
	MM / DD / YYYY
Case number, if known _____	
Debtor _____	Relationship to you _____
District _____	When _____
	MM / DD / YYYY
Case number, if known _____	

11. Do you rent your residence?

☒ No. Go to line 12.

☐ Yes. Has your landlord obtained an eviction judgment against you?

☐ No. Go to line 12.

☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

Debtor 1

Barbara Albytime Gibbs
First Name Middle Name Last Name

Case number (if known)

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

☒ No. Go to Part 4.

☐ Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number Street

City

State

ZIP Code

Check the appropriate box to describe your business:

☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))

☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))

☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))

☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))

☐ None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

☐ No. I am not filing under Chapter 11.

☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.

☐ Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

Part 4: Report If You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

For example, do you own perishable goods, or livestock that must be fed; or a building that needs urgent repairs?

☒ No

☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed?

Where is the property?

Number Street

City

State

ZIP Code

Debtor 1

Barbara Albytime Gibbs
First Name Middle Name Last Name

Case number (if known)

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received a briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case; you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

- ☒ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1 Barbara Albytime Gibbs
First Name Middle Name Last Name

Case number (if known) _____

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?

16a. Are your debts primarily consumer debts? Consumer debts are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

- ☐ No. Go to line 16b.
☒ Yes. Go to line 17.

16b. Are your debts primarily business debts? Business debts are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.

- ☐ No. Go to line 16c.
☐ Yes. Go to line 17.

16c. State the type of debts you owe that are not consumer debts or business debts.

17. Are you filing under Chapter 7?

☒ No. I am not filing under Chapter 7. Go to line 18.

Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?

- ☐ Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
☐ No
☐ Yes

18. How many creditors do you estimate that you owe?

- ☒ 1-49
☐ 50-99
☐ 100-199
☐ 200-999
☐ 1,000-5,000
☐ 5,001-10,000
☐ 10,001-25,000
☐ 25,001-50,000
☐ 50,001-100,000
☐ More than 100,000

19. How much do you estimate your assets to be worth?

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☐ \$100,001-\$500,000
☒ \$500,001-\$1 million
☐ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million
☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

20. How much do you estimate your liabilities to be?

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☐ \$100,001-\$500,000
☒ \$500,001-\$1 million
☐ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million
☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

x Barbara A. Gibbs x

Signature of Debtor 1

Signature of Debtor 2

Executed on 03/26/2019
MM / DD / YYYY

Executed on _____
MM / DD / YYYY

Debtor 1

Barbara Albyline Gibbs
First Name Middle Name Last Name

Case number (if known)

For you if you are filing this bankruptcy without an attorney

If you are represented by an attorney, you do not need to file this page.

The law allows you, as an individual, to represent yourself in bankruptcy court, but **you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.**

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another case, or you may lose protections, including the benefit of the automatic stay.

You must list all your property and debts in the schedules that you are required to file with the court. Even if you plan to pay a particular debt outside of your bankruptcy, you must list that debt in your schedules. If you do not list a debt, the debt may not be discharged. If you do not list property or properly claim it as exempt, you may not be able to keep the property. The judge can also deny you a discharge of all your debts if you do something dishonest in your bankruptcy case, such as destroying or hiding property, falsifying records, or lying. Individual bankruptcy cases are randomly audited to determine if debtors have been accurate, truthful, and complete. **Bankruptcy fraud is a serious crime; you could be fined and imprisoned.**

If you decide to file without an attorney, the court expects you to follow the rules as if you had hired an attorney. The court will not treat you differently because you are filing for yourself. To be successful, you must be familiar with the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the court in which your case is filed. You must also be familiar with any state exemption laws that apply.

Are you aware that filing for bankruptcy is a serious action with long-term financial and legal consequences?

- ☐ No
☒ Yes

Are you aware that bankruptcy fraud is a serious crime and that if your bankruptcy forms are inaccurate or incomplete, you could be fined or imprisoned?

- ☐ No
☒ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out your bankruptcy forms?

- ☒ No
☐ Yes. Name of Person

Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119).

By signing here, I acknowledge that I understand the risks involved in filing without an attorney. I have read and understood this notice, and I am aware that filing a bankruptcy case without an attorney may cause me to lose my rights or property if I do not properly handle the case.

x Barbara A. Gibbs x
Signature of Debtor 1

Date 03/26/2019
MM / DD / YYYY

Contact phone (678) 889-2309

Cell phone (843) 610-0674

Email address mgibbs70@aol.com

Signature of Debtor 2

Date MM / DD / YYYY

Contact phone

Cell phone

Email address

Fill in this information to identify your case:

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Northern District of Georgia 

Case number
(if known) _____

☐ Check if this is an amended filing

Official Form 107

Statement of Financial Affairs for Individuals Filing for Bankruptcy

04/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Give Details About Your Marital Status and Where You Lived Before

1. What is your current marital status?

- ☒ Married
☐ Not married

2. During the last 3 years, have you lived anywhere other than where you live now?

- ☒ No
☐ Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

Debtor 1:	Dates Debtor 1 lived there	Debtor 2:	Dates Debtor 2 lived there
		☐ Same as Debtor 1	☐ Same as Debtor 1
Number _____ Street _____	From _____ To _____	Number _____ Street _____	From _____ To _____
City _____ State _____ ZIP Code _____		City _____ State _____ ZIP Code _____	
		☐ Same as Debtor 1	☐ Same as Debtor 1
Number _____ Street _____	From _____ To _____	Number _____ Street _____	From _____ To _____
City _____ State _____ ZIP Code _____		City _____ State _____ ZIP Code _____	

3. Within the last 8 years, did you ever live with a spouse or legal equivalent in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington; and Wisconsin.)

- ☐ No
☒ Yes. Make sure you fill out *Schedule H: Your Creditors* (Official Form 106H).

Part 2: Explain the Sources of Your Income

Debtor 1 Barbara Albyrne Gibbs
First Name Middle Name Last Name

Case number (if known) _____

4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities.

If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

☒ No

☐ Yes. Fill in the details.

	Debtor 1	Debtor 2
	Sources of Income Check all that apply: ☐ Wages, commissions, bonuses, tips ☐ Operating a business	Sources of Income Check all that apply: ☐ Wages, commissions, bonuses, tips ☐ Operating a business
From January 1 of current year until the date you filed for bankruptcy:	Gross Income (before deductions and exclusions) \$ _____	Gross Income (before deductions and exclusions) \$ _____
For last calendar year: (January 1 to December 31, <u>2018</u>) YYYY	Gross Income (before deductions and exclusions) \$ _____	Gross Income (before deductions and exclusions) \$ _____
For the calendar year before that: (January 1 to December 31, <u>2017</u>) YYYY	Gross Income (before deductions and exclusions) \$ _____	Gross Income (before deductions and exclusions) \$ _____

5. Did you receive any other income during this year or the two previous calendar years?

Include income regardless of whether that income is taxable. Examples of *other income* are alimony; child support; Social Security, unemployment, and other public benefit payments; pensions; rental income; interest; dividends; money collected from lawsuits; royalties; and gambling and lottery winnings. If you are filing a joint case and you have income that you received together, list it only once under Debtor 1.

List each source and the gross income from each source separately. Do not include income that you listed in line 4.

☐ No

☒ Yes. Fill in the details.

	Debtor 1	Debtor 2
	Sources of Income Describe below. <u>Retirement</u> <u>Social Security</u>	Sources of Income Describe below.
From January 1 of current year until the date you filed for bankruptcy:	Gross Income from each source (before deductions and exclusions) <u>\$ 13,500.00</u> <u>\$ 4,500.00</u>	Gross Income from each source (before deductions and exclusions) \$ _____ \$ _____
For last calendar year: (January 1 to December 31, <u>2018</u>) YYYY	Gross Income from each source (before deductions and exclusions) <u>\$ 54,000.00</u> <u>\$ 18,000.00</u>	Gross Income from each source (before deductions and exclusions) \$ _____ \$ _____
For the calendar year before that: (January 1 to December 31, <u>2017</u>) YYYY	Gross Income from each source (before deductions and exclusions) <u>\$ 54,000.00</u> <u>\$ 18,000.00</u>	Gross Income from each source (before deductions and exclusions) \$ _____ \$ _____

Debtor 1 Barbara Albyline Gibbs Case number (if known) _____
First Name Middle Name Last Name

Part 3: List Certain Payments You Made Before You Filed for Bankruptcy

6. Are either Debtor 1's or Debtor 2's debts primarily consumer debts?

- ☐ No. Neither Debtor 1 nor Debtor 2 has primarily consumer debts. *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$6,425* or more?

- ☐ No. Go to line 7.

- ☐ Yes. List below each creditor to whom you paid a total of \$6,425* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

* Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.

- ☒ Yes. Debtor 1 or Debtor 2 or both have primarily consumer debts.

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?

- ☒ No. Go to line 7.

- ☐ Yes. List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

Creditor's Name	Dates of payment	Total amount paid	Amount you still owe	Was this payment for...
_____ Number Street _____ City State ZIP Code	_____ _____ _____	\$ _____	\$ _____	☐ Mortgage ☐ Car ☐ Credit card ☐ Loan repayment ☐ Suppliers or vendors ☐ Other _____
_____ Number Street _____ City State ZIP Code	_____ _____ _____	\$ _____	\$ _____	☐ Mortgage ☐ Car ☐ Credit card ☐ Loan repayment ☐ Suppliers or vendors ☐ Other _____
_____ Number Street _____ City State ZIP Code	_____ _____ _____	\$ _____	\$ _____	☐ Mortgage ☐ Car ☐ Credit card ☐ Loan repayment ☐ Suppliers or vendors ☐ Other _____

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Case number (if known) _____

7. Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider?

Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.

☒ No

☐ Yes. List all payments to an insider.

	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment
Insider's Name		\$ _____	\$ _____	
Number Street				
City State ZIP Code				
Insider's Name		\$ _____	\$ _____	
Number Street				
City State ZIP Code				

8. Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider?

Include payments on debts guaranteed or cosigned by an insider.

☒ No

☐ Yes. List all payments that benefited an insider.

	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment Include creditor's name
Insider's Name		\$ _____	\$ _____	
Number Street				
City State ZIP Code				
Insider's Name		\$ _____	\$ _____	
Number Street				
City State ZIP Code				

Debtor 1 Barbara Albyline Gibbs Case number (if known) _____
First Name Middle Name Last Name

11. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?

- ☒ No
☐ Yes. Fill in the details.

Creditor's Name	Describe the action the creditor took	Date action was taken	Amount
Number Street			\$
City State ZIP Code			
Last 4 digits of account number: XXXX- _____			

12. Within 1 year before you filed for bankruptcy, was any of your property in the possession of an assignee for the benefit of creditors, a court-appointed receiver, a custodian, or another official?

- ☒ No
☐ Yes

Part 5: List Certain Gifts and Contributions

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

- ☒ No
☐ Yes. Fill in the details for each gift.

Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
Person to Whom You Gave the Gift			\$
Number Street			\$
City State ZIP Code			
Person's relationship to you			
Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
Person to Whom You Gave the Gift			\$
Number Street			\$
City State ZIP Code			
Person's relationship to you			

Debtor 1 Barbara Albyrne Gibbs Case number (if known) _____
First Name Middle Name Last Name

14. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity?

- ☒ No
☐ Yes. Fill in the details for each gift or contribution.

Gifts or contributions to charities
that total more than \$600

Describe what you contributed

Date you
contributed

Value

Charity's Name

Number Street

City State ZIP Code

\$ _____

\$ _____

Part 6: List Certain Losses

15. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling?

- ☒ No
☐ Yes. Fill in the details.

Describe the property you lost and
how the loss occurred

Describe any insurance coverage for the loss

Include the amount that insurance has paid. List pending insurance
claims on line 33 of *Schedule A/B: Property*.

Date of your
loss

Value of property
lost

\$ _____

Part 7: List Certain Payments or Transfers

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?

Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

- ☒ No
☐ Yes. Fill in the details.

Description and value of any property transferred

Date payment or
transfer was
made

Amount of payment

Person Who Was Paid

Number Street

City State ZIP Code

Email or website address

Person Who Made the Payment, if Not You

\$ _____

\$ _____

Debtor 1 Barbara Albytime Gibbs Case number (if known) _____
First Name Middle Name Last Name

Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Person Who Was Paid _____ Number Street _____ City State ZIP Code _____ Email or website address _____ Person Who Made the Payment, If Not You _____	_____ _____ _____	\$ _____ \$ _____ _____

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?
Do not include any payment or transfer that you listed on line 16.

- ☒ No
☐ Yes. Fill in the details.

Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Person Who Was Paid _____ Number Street _____ City State ZIP Code _____	_____ _____ _____	\$ _____ \$ _____ _____

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?
Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property).
Do not include gifts and transfers that you have already listed on this statement.

- ☒ No
☐ Yes. Fill in the details.

Description and value of property transferred	Describe any property or payments received or debts paid in exchange	Date transfer was made
Person Who Received Transfer _____ Number Street _____ City State ZIP Code _____ Person's relationship to you _____	_____ _____ _____	_____ _____ _____
Person Who Received Transfer _____ Number Street _____ City State ZIP Code _____ Person's relationship to you _____	_____ _____ _____	_____ _____ _____

Debtor 1 Barbara Albyline Gibbs Case number (if known) _____
First Name Middle Name Last Name

19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called asset-protection devices.)

- ☒ No
☐ Yes. Fill in the details.

Name of trust	Description and value of the property transferred	Date transfer was made
_____	_____	_____

Part 8: List Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units

20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred?
Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.

- ☒ No
☐ Yes. Fill in the details.

Name of Financial Institution	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
Number Street City State ZIP Code	XXXX-____	☐ Checking ☐ Savings ☐ Money market ☐ Brokerage ☐ Other _____	_____	\$ _____
Name of Financial Institution Number Street City State ZIP Code	XXXX-____	☐ Checking ☐ Savings ☐ Money market ☐ Brokerage ☐ Other _____	_____	\$ _____

21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

- ☒ No
☐ Yes. Fill in the details.

Name of Financial Institution	Who else had access to it?	Describe the contents	Do you still have it?
Number Street City State ZIP Code	Name Number Street City State ZIP Code	_____	☐ No ☐ Yes

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Case number (if known) _____

22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

- ☒ No
☐ Yes. Fill in the details.

Who else has or had access to it?		Describe the contents	Do you still have it?
Name of Storage Facility	Name		☐ No ☐ Yes
Number Street	Number Street		
	City/State ZIP Code		
City State ZIP Code			

Part 9: Identify Property You Hold or Control for Someone Else

23. Do you hold or control any property that someone else owns? Include any property you borrowed from, are storing for, or hold in trust for someone.

- ☒ No
☐ Yes. Fill in the details.

Where is the property?		Describe the property	Value
Owner's Name			\$ _____
Number Street	Number Street		
	City State ZIP Code		
City State ZIP Code			

Part 10: Give Details About Environmental Information

For the purpose of Part 10, the following definitions apply:

- **Environmental law** means any federal, state, or local statute or regulation concerning pollution, contamination, releases of hazardous or toxic substances, wastes, or material into the air, land, soil, surface water, groundwater, or other medium, including statutes or regulations controlling the cleanup of these substances, wastes, or material.
- **Site** means any location, facility, or property as defined under any environmental law, whether you now own, operate, or utilize it or used to own, operate, or utilize it, including disposal sites.
- **Hazardous material** means anything an environmental law defines as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, contaminant, or similar term.

Report all notices, releases, and proceedings that you know about, regardless of when they occurred.

24. Has any governmental unit notified you that you may be liable or potentially liable under or in violation of an environmental law?

- ☒ No
☐ Yes. Fill in the details.

Governmental unit	Environmental law, if you know it	Date of notice
Name of site		
Number Street		
City State ZIP Code		
City State ZIP Code		

Debtor 1 **Barbara** **Albytime** **Gibbs**
First Name Middle Name Last Name

Case number (if known) _____

25. Have you notified any governmental unit of any release of hazardous material?

☒ No

☐ Yes. Fill in the details.

Governmental unit		Environmental law, if you know it	Date of notice
Name of site	Governmental unit		
Number Street	Number Street		
City State ZIP Code	City State ZIP Code		

26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

☒ No

☐ Yes. Fill in the details.

Case title	Court or agency	Nature of the case	Status of the case
	Court Name		☐ Pending
	Number Street		☐ On appeal
Case number	City State ZIP Code		☐ Concluded

Part 11: Give Details About Your Business or Connections to Any Business

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- ☐ A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
- ☐ A member of a limited liability company (LLC) or limited liability partnership (LLP)
- ☐ A partner in a partnership
- ☐ An officer, director, or managing executive of a corporation
- ☐ An owner of at least 5% of the voting or equity securities of a corporation

☒ No. None of the above applies. Go to Part 12.

☐ Yes. Check all that apply above and fill in the details below for each business.

Describe the nature of the business		Employer identification number Do not include Social Security number or ITIN.
Business Name		EIN: _____
Number Street		Dates business existed
	Name of accountant or bookkeeper	From _____ To _____
City State ZIP Code		Employer identification number Do not include Social Security number or ITIN.
Business Name		EIN: _____
Number Street		Dates business existed
	Name of accountant or bookkeeper	From _____ To _____
City State ZIP Code		

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Case number (if known) _____

Business Name _____		Describe the nature of the business _____ _____ _____	Employer Identification number Do not include Social Security number or ITIN. EIN: _____ - _____
Number _____ Street _____			Dates business existed From _____ To _____
City _____ State _____ ZIP Code _____		Name of accountant or bookkeeper _____ _____ _____	

28. Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties.

- ☐ No
☐ Yes. Fill in the details below.

Date issued _____

Name _____ MM / DD / YYYY

Number _____ Street _____

City _____ State _____ ZIP Code _____

Part 12: Sign Below

I have read the answers on this *Statement of Financial Affairs* and any attachments, and I declare under penalty of perjury that the answers are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

x Barbara A. Gibbs x
Signature of Debtor 1

Signature of Debtor 2

Date _____

Date _____

Did you attach additional pages to *Your Statement of Financial Affairs for Individuals Filing for Bankruptcy* (Official Form 107)?

- ☒ No
☐ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out bankruptcy forms?

- ☒ No
☐ Yes. Name of person _____

Attach the *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

Fill in this information to identify your case and this filing:

Debtor 1 Barbara Albytime Gibbs
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the Northern District of Georgia

Case number _____

☐ Check if this is an amended filing

Official Form 106A/B

Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- ☐ No. Go to Part 2.
☒ Yes. Where is the property?

1.1. 3108 Hidden Falls Drive
Street address, if available, or other description

Buford GA 30519
City State ZIP Code

Gwinnett
County

What is the property? Check all that apply.

- ☒ Single-family home
☐ Duplex or multi-unit building
☐ Condominium or cooperative
☐ Manufactured or mobile home
☐ Land
☐ Investment property
☐ Timeshare
☐ Other _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ 525,000.00
Current value of the portion you own? \$ 250,000.00

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

fee simple

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☒ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Other information you wish to add about this item, such as local property identification number: _____

If you own or have more than one, list here:

1.2. 4257 Monterey Drive
Street address, if available, or other description

Florence SC 29501
City State ZIP Code

Florence
County

What is the property? Check all that apply.

- ☒ Single-family home
☐ Duplex or multi-unit building
☐ Condominium or cooperative
☐ Manufactured or mobile home
☐ Land
☐ Investment property
☐ Timeshare
☐ Other _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ 500,000.00
Current value of the portion you own? \$ 250,000.00

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

fee simple

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☒ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Other information you wish to add about this item, such as local property identification number: _____

Debtor 1

Barbara

Albyline

Gibbs

Case number (if known)

First Name

Middle Name

Last Name

1.3.

Street address, if available, or other description

City

State

ZIP Code

County

What is the property? Check all that apply.

- ☐ Single-family home
- ☐ Duplex or multi-unit building
- ☐ Condominium or cooperative
- ☐ Manufactured or mobile home
- ☐ Land
- ☐ Investment property
- ☐ Timeshare
- ☐ Other _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$

\$

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Other information you wish to add about this item, such as local property identification number: _____

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.>

\$

500,000.00

Part 2: Describe Your VehiclesDo you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

- ☐ No
- ☒ Yes

3.1. Make: Mercedes

Model: S550

Year: 2012

Approximate mileage: 45000

Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☒ At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$

20,000.00

\$

10,000.00

☐ Check if this is community property (see instructions)

If you own or have more than one, describe here:

3.2. Make: Mercedes

Model: S500

Year: 2003

Approximate mileage: 140000

Other information:

Who has an interest in the property? Check one.

- ☒ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$

3,000.00

\$

3,000.00

☐ Check if this is community property (see instructions)

Debtor 1

Barbara

Albyrne

Gibbs

Case number (if known)

First Name

Middle Name

Last Name

3.3. Make: _____
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$ _____

\$ _____

3.4. Make: _____
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$ _____

\$ _____

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories

Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

- ☒ No
☐ Yes

4.1. Make: _____
 Model: _____
 Year: _____
 Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$ _____

\$ _____

If you own or have more than one, list here:

4.2. Make: _____
 Model: _____
 Year: _____
 Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$ _____

\$ _____

5. Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here _____

\$ 13,000.00

Debtor 1

Barbara

Albyrne

Gibbs

Case number (if known)

First Name

Middle Name

Last Name

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own?

Do not deduct secured claims or exemptions.

6. Household goods and furnishings

Examples: Major appliances, furniture, linens, china, kitchenware

☐ No☒ Yes. Describe..... Furniture, linens, major appliances, china, kitchenware

\$ 6,000.00

7. Electronics

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

☐ No☒ Yes. Describe..... Televisions, computer, printer, cell phone

\$ 2,000.00

8. Collectibles of value

Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

☐ No☒ Yes. Describe..... Pictures, prints

\$ 1,500.00

9. Equipment for sports and hobbies

Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

☐ No☒ Yes. Describe..... Exercise equipment, bicycle

\$ 500.00

10. Firearms

Examples: Pistols, rifles, shotguns, ammunition, and related equipment

☐ No☒ Yes. Describe..... Pistol

\$ 500.00

11. Clothes

Examples: Everyday clothes, furs, leather coats, designer wear, shoes, accessories

☐ No☒ Yes. Describe..... Everyday clothes, shoes, accessories

\$ 3,000.00

12. Jewelry

Examples: Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver

☐ No☒ Yes. Describe..... Everyday jewelry, wedding rings

\$ 1,500.00

13. Non-farm animals

Examples: Dogs, cats, birds, horses

☒ No☐ Yes. Describe.....

\$

14. Any other personal and household items you did not already list, including any health aids you did not list☒ No☐ Yes. Give specific information.

\$

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here

\$ 15,000.00

Debtor 1.

Barbara

Albyline

Grubs

Case number (if known)

First Name

Middle Name

Last Name

Part 4: Describe Your Financial Assets

Do you own or have any legal or equitable interest in any of the following?

Current value of the
portion you own?Do not deduct secured claims
or exemptions.**16. Cash**

Examples: Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

☒ No☐ Yes

Cash: \$

17. Deposits of money

Examples: Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

☐ No☒ Yes

Institution name:

17.1. Checking account:

Wells Fargo

\$ 500.00

17.2. Checking account:

\$ 40,000.00

17.3. Savings account:

Wells Fargo

\$

17.4. Savings account:

\$

17.5. Certificates of deposit:

\$

17.6. Other financial account:

\$

17.7. Other financial account:

\$

17.8. Other financial account:

\$

17.9. Other financial account:

\$

18. Bonds, mutual funds, or publicly traded stocks

Examples: Bond funds, investment accounts with brokerage firms, money market accounts

☒ No☐ Yes

Institution or issuer name:

\$

\$

\$

19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture☒ No☐ Yes. Give specificInformation about
them

Name of entity:

% of ownership:

0% %

\$

0% %

\$

0% %

\$

Debtor 1

Barbara

Albytime

Gibbs

Case number (if known)

First Name

Middle Name

Last Name

20. Government and corporate bonds and other negotiable and non-negotiable instruments

Negotiable instruments include personal checks, cashiers' checks, promissory notes, and money orders.
Non-negotiable instruments are those you cannot transfer to someone by signing or delivering them.

☒ No☐ Yes. Give specific information about them.....

Issuer name:

\$ _____
 \$ _____
 \$ _____

21. Retirement or pension accounts

Examples: Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans

☒ No☐ Yes. List each account separately.

Type of account:

Institution name:

401(k) or similar plan:

Pension plan:

IRA:

Retirement account:

Keogh:

Additional account:

Additional account:

\$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company
Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

☒ No☐ Yes.....

Institution name or individual:

Electric:

Gas:

Heating oil:

Security deposit on rental unit:

Prepaid rent:

Telephone:

Water:

Rented furniture:

Other:

\$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____

23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)☒ No☐ Yes.....

Issuer name and description:

\$ _____
 \$ _____
 \$ _____

Debtor 1

Barbara

Albyline

Gibbs

Case number (if known)

First Name

Middle Name

Last Name

24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1):

☒ No☐ Yes Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

_____ \$ _____

_____ \$ _____

_____ \$ _____

25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit☒ No☐ Yes: Give specific information about them....

_____ \$ _____

26. Patents, copyrights, trademarks, trade secrets, and other intellectual property

Examples: Internet domain names, websites, proceeds from royalties and licensing agreements

☒ No☐ Yes: Give specific information about them....

_____ \$ _____

27. Licenses, franchises, and other general intangibles

Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses

☒ No☐ Yes: Give specific information about them....

_____ \$ _____

Money or property owed to you?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

28. Tax refunds owed to you☒ No☐ Yes: Give specific information about them, including whether you already filed the returns and the tax years.

Federal: \$ _____

State: \$ _____

Local: \$ _____

29. Family support

Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

☒ No☐ Yes: Give specific information.....

Alimony: \$ _____

Maintenance: \$ _____

Support: \$ _____

Divorce settlement: \$ _____

Property settlement: \$ _____

30. Other amounts someone owes you

Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

☒ No☐ Yes: Give specific information.....

_____ \$ _____

Debtor 1

Barbara

Albyline

Grobs

Case number (if known)

First Name

Middle Name

Last Name

31. Interests in insurance policies

Examples: Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance

☒ No☐ Yes. Name the insurance company of each policy and list its value. ...

Company name:

Beneficiary:

Surrender or refund value:

\$

\$

\$

32. Any interest in property that is due you from someone who has died

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

☒ No☐ Yes. Give specific information.....

\$

33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment

Examples: Accidents, employment disputes, insurance claims, or rights to sue

☒ No☐ Yes. Describe each claim.

\$

34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims☒ No☐ Yes. Describe each claim.

\$

35. Any financial assets you did not already list☒ No☐ Yes. Give specific information.....

\$

36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here

\$

40,500.00

Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.**37. Do you own or have any legal or equitable interest in any business-related property?**☒ No. Go to Part 6.☐ Yes. Go to line 38.**Current value of the portion you own?**

Do not deduct secured claims or exemptions.

38. Accounts receivable or commissions you already earned☐ No☐ Yes. Describe.....

\$

39. Office equipment, furnishings, and supplies

Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices

☐ No☐ Yes. Describe.....

\$

Debtor 1

Barbara

Albytime

Grobs

Case number (if known)

First Name

Middle Name

Last Name

40. Machinery, fixtures, equipment, supplies you use in business, and tools of your trade☐ No☐ Yes. Describe.....

\$

41. Inventory☐ No☐ Yes. Describe.....

\$

42. Interests in partnerships or joint ventures☐ No☐ Yes. Describe.....

Name of entity:

% of ownership:

%

\$

%

\$

%

\$

43. Customer lists, mailing lists, or other compilations☐ No☐ Yes. Do your lists include personally identifiable information (as defined in 11 U.S.C. § 101(41A))?☐ No☐ Yes. Describe.....

\$

44. Any business-related property you did not already list☐ No☐ Yes. Give specific information

\$

\$

\$

\$

\$

\$

45. Add the dollar value of all of your entries from Part 5, including any entries for pages you have attached for Part 5. Write that number here

\$

0.00

Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.
If you own or have an interest in farmland, list it in Part 1.**46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?**☒ No. Go to Part 7.☐ Yes. Go to line 47:**Current value of the portion you own?**

Do not deduct secured claims or exemptions.

47. Farm animals

Examples: Livestock, poultry, farm-raised fish

☐ No☐ Yes.....

\$

Debtor 1

Barbara

Albyrne

Grobs

Case number (if known)

First Name

Middle Name

Last Name

48. Crops—either growing or harvested

☐ No☐ Yes. Give specific information.....

\$

49. Farm and fishing equipment, implements, machinery, fixtures, and tools of trade

☐ No☐ Yes.....

\$

50. Farm and fishing supplies, chemicals, and feed

☐ No☐ Yes.....

\$

51. Any farm- and commercial fishing-related property you did not already list

☐ No☐ Yes. Give specific information.....

\$

52. Add the dollar value of all of your entries from Part 6, including any entries for pages you have attached for Part 6. Write that number here

\$ 0.00

Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above

53. Do you have other property of any kind you did not already list?

Examples: Season tickets, country club membership

☒ No☐ Yes. Give specific information.....

\$

\$

\$

54. Add the dollar value of all of your entries from Part 7. Write that number here

\$ 0.00

Part 8: List the Totals of Each Part of this Form

55. Part 1: Total real estate, line 2 \$ 500,000.00

56. Part 2: Total vehicles, line 5 \$ 13,000.00

57. Part 3: Total personal and household items, line 15 \$ 15,000.00

58. Part 4: Total financial assets, line 36 \$ 40,500.00

59. Part 5: Total business-related property, line 45 \$ 0.00

60. Part 6: Total farm- and fishing-related property, line 52 \$ 0.00

61. Part 7: Total other property not listed, line 54 +\$ 0.00

62. Total personal property. Add lines 56 through 61. \$ 68,500.00 Copy personal property total → +\$ 68,500.00

63. Total of all property on Schedule A/B. Add line 55 + line 62. \$ 568,500.00

Fill in this information to identify your case.

Debtor 1	Barbara	Albytime	Gibbs
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name

United States Bankruptcy Court for the: Northern District of Georgia

Case number
(If known):

☐ Check if this is an amended filing

Official Form 106D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

1. Do any creditors have claims secured by your property?

- ☐ No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- ☒ Yes. Fill in all of the information below.

Part 1: List All Secured Claims

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim	Column C Unsecured portion If any
\$ 465,000.00	\$ 500,000.00	\$ 0.00

2.1 Nationstar Mortgage/Mr. Cooper

Describe the property that secures the claim:

Creditor's Name
Lake Vista 4
Number Street
800 State Highway 121 Bypass
Lewisville TX 75067
City State ZIP Code

4257 Monterey Drive
Florence, SC 29501

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☒ Unliquidated
☒ Disputed

Nature of lien. Check all that apply.

- ☒ An agreement you made (such as mortgage or secured car loan)
☐ Statutory lien (such as tax lien, mechanic's lien)
☒ Judgment lien from a lawsuit
☐ Other (including a right to offset)

Who owes the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☒ At least one of the debtors and another

☐ Check if this claim relates to a community debt

Date debt was incurred 01/20/2006

Last 4 digits of account number 7 1 3 5

2.2 Wintrust Mortgage

Describe the property that secures the claim:

Creditor's Name
9701 W Higgins Road
Number Street
Rosemont IL 60018
City State ZIP Code

3108 Hidden Falls Drive
Buford, GA 30519

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☒ Unliquidated
☐ Disputed

Nature of lien. Check all that apply.

- ☒ An agreement you made (such as mortgage or secured car loan)
☐ Statutory lien (such as tax lien, mechanic's lien)
☐ Judgment lien from a lawsuit
☐ Other (including a right to offset)

Who owes the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☒ At least one of the debtors and another

☐ Check if this claim relates to a community debt

Date debt was incurred

Last 4 digits of account number 4 0 2 5

Add the dollar value of your entries in Column A on this page. Write that number here:

\$ 857.00

Debtor 1 Barbara Albytime Gibbs Case number (if known) _____
First Name Middle Name Last Name

	Additional Page	Column A	Column B	Column C	
Part 1:	After listing any entries on this page, number them beginning with 2.3, followed by 2.4, and so forth.	Amount of claim Do not deduct the value of collateral.	Value of collateral that supports this claim	Unsecured portion If any	
☐	Describe the property that secures the claim: _____ Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Who owes the debt? Check one. ☐ Debtor 1 only ☐ Debtor 2 only ☐ Debtor 1 and Debtor 2 only ☐ At least one of the debtors and another ☐ Check if this claim relates to a community debt Date debt was incurred _____	As of the date you file, the claim is: Check all that apply. ☐ Contingent ☐ Unliquidated ☐ Disputed Nature of lien. Check all that apply. ☐ An agreement you made (such as mortgage or secured car loan) ☐ Statutory lien (such as tax lien, mechanic's lien) ☐ Judgment lien from a lawsuit ☐ Other (including a right to offset) _____ Last 4 digits of account number _____	\$ _____	\$ _____	\$ _____
☐	Describe the property that secures the claim: _____ Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Who owes the debt? Check one. ☐ Debtor 1 only ☐ Debtor 2 only ☐ Debtor 1 and Debtor 2 only ☐ At least one of the debtors and another ☐ Check if this claim relates to a community debt Date debt was incurred _____	As of the date you file, the claim is: Check all that apply. ☐ Contingent ☐ Unliquidated ☐ Disputed Nature of lien. Check all that apply. ☐ An agreement you made (such as mortgage or secured car loan) ☐ Statutory lien (such as tax lien, mechanic's lien) ☐ Judgment lien from a lawsuit ☐ Other (including a right to offset) _____ Last 4 digits of account number _____	\$ _____	\$ _____	\$ _____
☐	Describe the property that secures the claim: _____ Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Who owes the debt? Check one. ☐ Debtor 1 only ☐ Debtor 2 only ☐ Debtor 1 and Debtor 2 only ☐ At least one of the debtors and another ☐ Check if this claim relates to a community debt Date debt was incurred _____	As of the date you file, the claim is: Check all that apply. ☐ Contingent ☐ Unliquidated ☐ Disputed Nature of lien. Check all that apply. ☐ An agreement you made (such as mortgage or secured car loan) ☐ Statutory lien (such as tax lien, mechanic's lien) ☐ Judgment lien from a lawsuit ☐ Other (including a right to offset) _____ Last 4 digits of account number _____	\$ _____	\$ _____	\$ _____

Add the dollar value of your entries in Column A on this page. Write that number here: \$ _____

If this is the last page of your form, add the dollar value totals from all pages. Write that number here: \$ _____

Debtor 1 Barbara Albytime Gibbs
First Name Middle Name Last Name

Case number (if known) _____

Part 2: List Others to Be Notified for a Debt That You Already Listed

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

☐

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

☐

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

☐

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

☐

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number 7 1 3 5

☐

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

☐

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

Fill in this information to identify your case:			
Debtor 1	Barbara	Albyline	Gibbs
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: Northern District of Georgia			
Case number (if known)			

☐ Check if this is an amended filing

Official Form 106Dec

Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person _____

Attach Bankruptcy Petition Preparer's Notice, Declaration, and
Signature (Official Form 119).

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

x Barbara A. Gibbs x
Signature of Debtor 1

Signature of Debtor 2

Date 03/26/2019
MM / DD / YYYY

Date _____
MM / DD / YYYY

Fill in this information to identify your case:

Debtor 1 Barbara Albytime Gibbs
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Northern District of Georgia

Case number
(if known)

Check as directed in lines 17 and 21:

According to the calculations required by this Statement:

- ☐ 1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).
- ☒ 2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).
- ☐ 3. The commitment period is 3 years.
- ☒ 4. The commitment period is 5 years.

☐ Check if this is an amended filing

Official Form 122C-1

**Chapter 13 Statement of Your Current Monthly Income
and Calculation of Commitment Period**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Part 1: Calculate Your Average Monthly Income

1. What is your marital and filing status? Check one only.

- ☐ Not married. Fill out Column A, lines 2-11.
- ☐ Married. Fill out both Columns A and B, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ 0.00	\$ 0.00
3. Alimony and maintenance payments. Do not include payments from a spouse.	\$ 0.00	\$ 0.00
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Do not include payments from a spouse. Do not include payments you listed on line 3.	\$ 0.00	\$ 0.00
5. Net income from operating a business, profession, or farm	Debtor 1 \$ 0.00	Debtor 2 \$
Gross receipts (before all deductions)	\$ 0.00	\$
Ordinary and necessary operating expenses	-\$ 0.00	-\$
Net monthly income from a business, profession, or farm	\$ 0.00	\$ 0.00
6. Net income from rental and other real property	Debtor 1 \$ 0.00	Debtor 2 \$
Gross receipts (before all deductions)	\$ 0.00	\$
Ordinary and necessary operating expenses	-\$ 0.00	-\$
Net monthly income from rental or other real property	\$ 0.00	\$ 0.00

Debtor 1 **Barbara** **Albytime** **Gibbs**
First Name Middle Name Last Name

Case number (if known)

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
7. Interest, dividends, and royalties	\$ 0.00	\$ 0.00
8. Unemployment compensation	\$ 0.00	\$ 0.00
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: $\downarrow$		
For you.....	\$ 0.00	
For your spouse.....	\$ 0.00	
9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act.	\$ 4,500.00	\$ 0.00
10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total below.	\$ 0.00	\$ 4,000.00
Disability		
Total amounts from separate pages, if any.	+\$	+\$
11. Calculate your total average monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.	\$ 4,500.00	\$ 4,000.00
	+	= \$ 8,500.00
		Total average monthly income

Part 2: Determine How to Measure Your Deductions from Income

12. Copy your total average monthly income from line 11. \$ 8,500.00

13. Calculate the marital adjustment. Check one:

☐ You are not married. Fill in 0 below.

☐ You are married and your spouse is filing with you. Fill in 0 below.

☒ You are married and your spouse is not filing with you.

Fill in the amount of the income listed in line 11, Column B, that was NOT regularly paid for the household expenses of you or your dependents, such as payment of the spouse's tax liability or the spouse's support of someone other than you or your dependents.

Below, specify the basis for excluding this income and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page.

If this adjustment does not apply, enter 0 below.

	\$ 0.00
	\$ 0.00
	+\$ 0.00
Total.....	\$ 0.00

Copy here $\rightarrow$ 0.00

14. Your current monthly income. Subtract the total in line 13 from line 12. \$ 8,500.00

15. Calculate your current monthly income for the year. Follow these steps:

15a. Copy line 14 here $\rightarrow$ \$ 8,500.00

Multiply line 15a by 12 (the number of months in a year). x 12

15b. The result is your current monthly income for the year for this part of the form. \$ 102,000.00

Debtor 1 **Barbara** **Albyline** **Gibbs**
First Name Middle Name Last Name

Case number (if known) _____

16. Calculate the median family income that applies to you. Follow these steps:

16a. Fill in the state in which you live.

Georgia

16b. Fill in the number of people in your household.

2

16c. Fill in the median family income for your state and size of household.

\$ 61,000.00

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

17. How do the lines compare?

17a. ☐ Line 15b is less than or equal to line 16c. On the top of page 1 of this form, check box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3). Go to Part 3. Do NOT fill out Calculation of Your Disposable Income (Official Form 122C-2).*

17b. ☒ Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, *Disposable income is determined under 11 U.S.C. § 1325(b)(3). Go to Part 3 and fill out Calculation of Your Disposable Income (Official Form 122C-2).* On line 39 of that form, copy your current monthly income from line 14 above.

Part 3: Calculate Your Commitment Period Under 11 U.S.C. § 1325(b)(4)

18. Copy your total average monthly income from line 11.

\$ 8,500.00

19. Deduct the marital adjustment if it applies. If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13.

19a. If the marital adjustment does not apply, fill in 0 on line 19a.

\$ 0.00

19b. Subtract line 19a from line 18.

\$ 8,500.00

20. Calculate your current monthly income for the year. Follow these steps:

20a. Copy line 19b.

\$ 8,500.00

Multiply by 12 (the number of months in a year).

x 12

20b. The result is your current monthly income for the year for this part of the form.

\$ 102,000.00

20c. Copy the median family income for your state and size of household from line 16c.

\$ 61,000.00

21. How do the lines compare?

☐ Line 20b is less than line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 3, *The commitment period is 3 years. Go to Part 4.*

☒ Line 20b is more than or equal to line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 4, *The commitment period is 5 years. Go to Part 4.*

Part 4: Sign Below

By signing here, under penalty of perjury I declare that the information on this statement and in any attachments is true and correct.

x Barbara A. Gibbs

Signature of Debtor 1

x

Signature of Debtor 2

Date 03/26/2019

MM / DD / YYYY

Date _____

MM / DD / YYYY

If you checked 17a, do NOT fill out or file Form 122C-2.

If you checked 17b, fill out Form 122C-2 and file it with this form. On line 39 of that form, copy your current monthly income from line 14 above.

Fill in this information to identify your case:

Debtor 1	Barbara	Albytime	Gibbs
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name

United States Bankruptcy Court for the: Northern District of Georgia ☐

Case number
(if known) _____

☐ Check if this is an amended filing

Official Form 122C-2

Chapter 13 Calculation of Your Disposable Income

04/16

To fill out this form, you will need your completed copy of *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 122C-1).

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Part 1: Calculate Your Deductions from Your Income

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 6-15. To find the IRS standards, go online using the link specified in the separate instructions for this form. This information may also be available at the bankruptcy clerk's office.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not include any operating expenses that you subtracted from income in lines 5 and 6 of Form 122C-1, and do not deduct any amounts that you subtracted from your spouse's income in line 13 of Form 122C-1.

If your expenses differ from month to month, enter the average expense.

Note: Line numbers 1-4 are not used in this form. These numbers apply to information required by a similar form used in chapter 7 cases.

5. The number of people used in determining your deductions from income

Fill in the number of people who could be claimed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support. This number may be different from the number of people in your household.

2.00

National Standards

You must use the IRS National Standards to answer the questions in lines 6-7.

6. Food, clothing, and other items: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items.

\$ 1288

7. Out-of-pocket health care allowance: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories—people who are under 65 and people who are 65 or older—because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

Debtor 1

Barbara Albytime Gibbs
First Name Middle Name Last Name

Case number (if known)

People who are under 65 years of age

7a. Out-of-pocket health care allowance per person \$

7b. Number of people who are under 65 X

7c. Subtotal. Multiply line 7a by line 7b.

\$

Copy here →

\$

People who are 65 years of age or older

7d. Out-of-pocket health care allowance per person \$

7e. Number of people who are 65 or older X 1

7f. Subtotal. Multiply line 7d by line 7e.

\$ 114.00

Copy here →

+ \$ 114.00

7g. Total. Add lines 7c and 7f. \$ 114.00 Copy here → \$ 114.00

Local Standards

You must use the IRS Local Standards to answer the questions in lines 8-15.

Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:

- Housing and utilities – Insurance and operating expenses
- Housing and utilities – Mortgage or rent expenses

To answer the questions in lines 8-9, use the U.S. Trustee Program chart. To find the chart, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

8. Housing and utilities – Insurance and operating expenses: Using the number of people you entered in line 5, fill in the dollar amount listed for your county for insurance and operating expenses. \$ 2,430.00

9. Housing and utilities – Mortgage or rent expenses:

9a. Using the number of people you entered in line 5, fill in the dollar amount listed for your county for mortgage or rent expenses. \$ 3,750.00

9b. Total average monthly payment for all mortgages and other debts secured by your home.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Next divide by 60.

Name of the creditor	Average monthly payment
Winstar Mortgage	\$ 2,000.00
Nationstar Mortgage	\$ 2,200.00

+ \$

9b. Total average monthly payment

\$ 4,200.00

Copy here →

– \$ 4,200.00 Repeat this amount on line 33a.

9c. Net mortgage or rent expense:

Subtract line 9b (total average monthly payment) from line 9a (mortgage or rent expense). If this number is less than \$0, enter \$0.

\$ 0.00

Copy here →

\$ 0.00

10. If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing is incorrect and affects the calculation of your monthly expenses, fill in any additional amount you claim.

\$

Explain why:

Debtor 1

Barbara

Albyline

Gibbs

Case number (if known)

11. Local transportation expenses: Check the number of vehicles for which you claim an ownership or operating expense.

- ☐ 0. Go to line 14.
☐ 1. Go to line 12.
☒ 2 or more. Go to line 12.

12. Vehicle operation expense: Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the *Operating Costs* that apply for your Census region or metropolitan statistical area.

\$ 480.00

13. Vehicle ownership or lease expense: Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments on the vehicle. In addition, you may not claim the expense for more than two vehicles.

Vehicle 1 Describe Vehicle 1: _____

13a. Ownership or leasing costs using IRS Local Standard \$ 0.00

13b. Average monthly payment for all debts secured by Vehicle 1.
Do not include costs for leased vehicles.

To calculate the average monthly payment here and on line 13e, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Name of each creditor for Vehicle 1

Average monthly payment

+ \$ _____

Total average monthly payment

\$ 0.00

Copy here →

— \$ 0.00

Repeat this amount on line 33b.

13c. Net Vehicle 1 ownership or lease expense

Subtract line 13b from line 13a. If this number is less than \$0, enter \$0.

\$ 0.00

Copy net Vehicle 1 expense here →

\$ 0.00

Vehicle 2 Describe Vehicle 2: _____

13d. Ownership or leasing costs using IRS Local Standard \$ 0.00

13e. Average monthly payment for all debts secured by Vehicle 2.
Do not include costs for leased vehicles.

Name of each creditor for Vehicle 2

Average monthly payment

+ \$ 0.00

Total average monthly payment

\$ 0.00

Copy here →

— \$ 0.00

Repeat this amount on line 33c.

13f. Net Vehicle 2 ownership or lease expense

Subtract line 13e from 13d. If this number is less than \$0, enter \$0.

\$ 0.00

Copy net Vehicle 2 expense here →

\$ 0.00

14. Public transportation expense: If you claimed 0 vehicles in line 11, using the IRS Local Standards, fill in the *Public Transportation* expense allowance regardless of whether you use public transportation.

\$ 0.00

15. Additional public transportation expense: If you claimed 1 or more vehicles in line 11 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for *Public Transportation*.

\$ 0.00

Debtor 1 **Barbara** **Albytime** **Gibbs**
First Name Middle Name Last Name

Case number (if known)

Other Necessary Expenses

In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

16. **Taxes:** The total monthly amount that you actually pay for federal, state and local taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. You may include the monthly amount withheld from your pay for these taxes. However, if you expect to receive a tax refund, you must divide the expected refund by 12 and subtract that number from the total monthly amount that is withheld to pay for taxes. Do not include real estate, sales, or use taxes. \$ 500.00
17. **Involuntary deductions:** The total monthly payroll deductions that your job requires, such as retirement contributions, union dues, and uniform costs. Do not include amounts that are not required by your job, such as voluntary 401(k) contributions or payroll savings. \$ 0.00
18. **Life insurance:** The total monthly premiums that you pay for your own term life insurance. If two married people are filing together, include payments that you make for your spouse's term life insurance. Do not include premiums for life insurance on your dependents, for a non-filing spouse's life insurance, or for any form of life insurance other than term. \$ 0.00
19. **Court-ordered payments:** The total monthly amount that you pay as required by the order of a court or administrative agency, such as spousal or child support payments. Do not include payments on past due obligations for spousal or child support. You will list these obligations in line 35. \$ 0.00
20. **Education:** The total monthly amount that you pay for education that is either required:
☐ as a condition for your job, or
☐ for your physically or mentally challenged dependent child if no public education is available for similar services. \$ 0.00
21. **Childcare:** The total monthly amount that you pay for childcare, such as babysitting, daycare, nursery, and preschool. Do not include payments for any elementary or secondary school education. \$ 0.00
22. **Additional health care expenses, excluding insurance costs:** The monthly amount that you pay for health care that is required for the health and welfare of you or your dependents and that is not reimbursed by insurance or paid by a health savings account. Include only the amount that is more than the total entered in line 7. Payments for health insurance or health savings accounts should be listed only in line 25. \$ 300.00
23. **Optional telephones and telephone services:** The total monthly amount that you pay for telecommunication services for you and your dependents, such as pagers, call waiting, caller identification, special long distance, or business cell phone service, to the extent necessary for your health and welfare or that of your dependents or for the production of income, if it is not reimbursed by your employer. Do not include payments for basic home telephone, internet or cell phone service. Do not include self-employment expenses, such as those reported on line 5 of Form 122C-1, or any amount you previously deducted. + \$ 0.00
24. **Add all of the expenses allowed under the IRS expense allowances.** Add lines 6 through 23. **\$ 5,112.00**

Additional Expense Deductions

These are additional deductions allowed by the Means Test.
Note: Do not include any expense allowances listed in lines 6-24.

25. **Health insurance, disability insurance, and health savings account expenses.** The monthly expenses for health insurance, disability insurance, and health savings accounts that are reasonably necessary for yourself, your spouse, or your dependents.

Health insurance \$

Disability insurance \$

Health savings account + \$

Total \$ 0.00

Copy total here → \$ 0.00

Do you actually spend this total amount?

☐ No. How much do you actually spend? \$

☒ Yes

26. **Continuing contributions to the care of household or family members.** The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. These expenses may include contributions to an account of a qualified ABLE program. 26 U.S.C. § 529A(b). \$ 0.00

27. **Protection against family violence.** The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply. \$ 0.00

By law, the court must keep the nature of these expenses confidential.

Debtor 1 **Barbara** **Albyrne** **Gibbs**
First Name Middle Name Last Name

Case number (if known)

28. Additional home energy costs. Your home energy costs are included in your insurance and operating expenses on line 8.

If you believe that you have home energy costs that are more than the home energy costs included in expenses on line 8, then fill in the excess amount of home energy costs.

\$ 0.00

You must give your case trustee documentation of your actual expenses, and you must show that the additional amount claimed is reasonable and necessary.

29. Education expenses for dependent children who are younger than 18. The monthly expenses (not more than \$160.42* per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school.

\$ 0.00

You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 6-23.

* Subject to adjustment on 4/01/19, and every 3 years after that for cases begun on or after the date of adjustment.

30. Additional food and clothing expense. The monthly amount by which your actual food and clothing expenses are higher than the combined food and clothing allowances in the IRS National Standards. That amount cannot be more than 5% of the food and clothing allowances in the IRS National Standards.

\$ 0.00

To find a chart showing the maximum additional allowance, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

You must show that the additional amount claimed is reasonable and necessary.

31. Continuing charitable contributions. The amount that you will continue to contribute in the form of cash or financial instruments to a religious or charitable organization. 11 U.S.C. § 548(d)(3) and (4).

+ \$ 0.00

Do not include any amount more than 15% of your gross monthly income.

32. Add all of the additional expense deductions.

Add lines 25 through 31.

\$ 0.00

Deductions for Debt Payment

33. For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33e.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

	Average monthly payment
Mortgages on your home	
33a. Copy line 9b here.....→	\$ 4,200.00
Loans on your first two vehicles	
33b. Copy line 13b here.....→	\$ 0.00
33c. Copy line 13e here.....→	\$ 0.00
33d. List other secured debts:	

Name of each creditor for other secured debt

Identify property that secures the debt

Does payment include taxes or insurance?

☐ No
☐ Yes

\$

☐ No
☐ Yes

\$

☐ No
☐ Yes

+ \$

33e. Total average monthly payment. Add lines 33a through 33d.

\$ 4,200.00

Copy total here→

\$ 4,200.00

Debtor 1 **Barbara** **Albyline** **Gibbs**
First Name Middle Name Last Name

Case number (if known) _____

34. Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?

☒ No. Go to line 35.

☐ Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 33, to keep possession of your property (called the *cure amount*). Next, divide by 60 and fill in the information below.

Name of the creditor	Identify property that secures the debt	Total cure amount	Monthly cure amount
_____	_____	\$ _____ + 60 =	\$ _____
_____	_____	\$ _____ + 60 =	\$ _____
_____	_____	\$ _____ + 60 =	\$ _____

Total

\$ _____

Copy total here →

\$ _____

35. Do you owe any priority claims—such as a priority tax, child support, or alimony—that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507.

☒ No. Go to line 36.

☐ Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 19.

Total amount of all past-due priority claims. _____ \$ _____ ÷ 60 \$ _____

36. Projected monthly Chapter 13 plan payment

\$ _____

Current multiplier for your district as stated on the list issued by the Administrative Office of the United States Courts (for districts in Alabama and North Carolina) or by the Executive Office for United States Trustees (for all other districts).

To find a list of district multipliers that includes your district, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

x 5

Average monthly administrative expense

\$ 4,200.00

Copy total here →

\$ 4,200.00

37. Add all of the deductions for debt payment. Add lines 33e through 36.

\$ 4,200.00

Total Deductions from Income

38. Add all of the allowed deductions.

Copy line 24, All of the expenses allowed under IRS expense allowances \$ 5,112.00

Copy line 32, All of the additional expense deductions \$ 0.00

Copy line 37, All of the deductions for debt payment + \$ 4,200.00

Total deductions \$ 9,312.00

Copy total here →

\$ 9,312.00

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Case number (if known) _____

Part 2: Determine Your Disposable Income Under 11 U.S.C. § 1325(b)(2)

39. Copy your total current monthly income from line 14 of Form 122C-1, Chapter 13
Statement of Your Current Monthly Income and Calculation of Commitment Period. \$ 8,500.00

40. Fill in any reasonably necessary income you receive for support for dependent children. The monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I of Form 122C-1, that you received in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child. \$ 0.00

41. Fill in all qualified retirement deductions. The monthly total of all amounts that your employer withheld from wages as contributions for qualified retirement plans, as specified in 11 U.S.C. § 541(b)(7) plus all required repayments of loans from retirement plans, as specified in 11 U.S.C. § 362(b)(19). \$ 0.00

42. Total of all deductions allowed under 11 U.S.C. § 707(b)(2)(A). Copy line 38 here → \$ 9,312.00

43. Deduction for special circumstances. If special circumstances justify additional expenses and you have no reasonable alternative, describe the special circumstances and their expenses. You must give your case trustee a detailed explanation of the special circumstances and documentation for the expenses.

Describe the special circumstances

Amount of expense

_____ \$ _____

_____ \$ _____

_____ + \$ _____

Total

\$ 0.00

Copy here →

+ \$ 0.00

44. Total adjustments. Add lines 40 through 43. \$ 0.00 Copy here → - \$ 0.00

45. Calculate your monthly disposable income under § 1325(b)(2). Subtract line 44 from line 39.

\$ 8,500.00

Part 3: Change in Income or Expenses

46. Change in income or expenses. If the income in Form 122C-1 or the expenses you reported in this form have changed or are virtually certain to change after the date you filed your bankruptcy petition and during the time your case will be open, fill in the information below. For example, if the wages reported increased after you filed your petition, check 122C-1 in the first column, enter line 2 in the second column, explain why the wages increased, fill in when the increase occurred, and fill in the amount of the increase.

Form	Line	Reason for change	Date of change	Increase or decrease?	Amount of change
☐ 122C-1	_____	_____	_____	☐ Increase	\$ _____
☐ 122C-2	_____	_____	_____	☐ Decrease	\$ _____
☐ 122C-1	_____	_____	_____	☐ Increase	\$ _____
☐ 122C-2	_____	_____	_____	☐ Decrease	\$ _____
☐ 122C-1	_____	_____	_____	☐ Increase	\$ _____
☐ 122C-2	_____	_____	_____	☐ Decrease	\$ _____
☐ 122C-1	_____	_____	_____	☐ Increase	\$ _____
☐ 122C-2	_____	_____	_____	☐ Decrease	\$ _____

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Case number (if known) _____

Part 4: Sign Below

By signing here, under penalty of perjury you declare that the information on this statement and in any attachments is true and correct.

x Barbara A. Gibbs
Signature of Debtor 1

x _____
Signature of Debtor 2

Date 03/26/2019
MM / DD / YYYY

Date _____
MM / DD / YYYY

U. S. BANKRUPTCY COURT / NORTHERN DISTRICT OF GEORGIA / ATLANTA DIVISION

RECEIPT #01255231 (OJ) OF 03/27/2019

ITEM	CODE	CASE	QUANTITY	AMOUNT	BY
1	13N	19-54809	1	\$ 310.00	Currency
		Judge - unknown at time of receipt			
		Debtor - BARBARA ALBYTINE GIBBS			

TOTAL: \$ 310.00

Amount Tendered: \$ \$ 320.00

Change Returned: \$ \$ 10.00

FROM: Barbara Albyttine Gibbs
3108 Hidden Falls Drive
Buford, GA 30519

Voluntary Petition Page 46 of 46

Case Number: 19-54809

Name: Gibbs

Chapter: 13

Please submit the following original documents to the Court for filing so that the case will proceed timely. If you would like to have a filed-stamped copy of the documents, please submit an extra copy along with a self-addressed stamped envelope.

☒ Individual - Series 100 Forms

☐ Non-Individual - Series 200 Forms

MISSING DOCUMENTS DUE WITHIN 7 DAYS

- ☒ Complete List of Creditors (names and addresses of all creditors)
☐ Pro Se Affidavit (due within 7 days, signature must be notarized, or witnessed by a Court Intake Clerk, accompanied by a picture I.D.)
☐ Signed Statement of SSN (due within 7 days)

MISSING DOCUMENTS DUE WITHIN 14 DAYS

- ☐ Statement of Financial Affairs
☒ Schedules: C/E/F G H I J ☐ J-2 (different address for Debtor 2)
☒ Summary of Assets and Liabilities
☐ Declaration About Debtor(s) Schedules
☐ Attorney Disclosure of Compensation
☐ Petition Preparer's Notice, Declaration and Signature (Form 119)
☐ Disclosure of Compensation of Petition Preparer (Form 2800)
☐ Chapter 13 Current Monthly Income
☐ Chapter 7 Current Monthly Income
☐ Chapter 11 Current Monthly Income
☐ Certificate of Credit Counseling (Individuals only)
☐ Pay Advices (Individuals only) (2 Months)
☒ Chapter 13 Plan, complete with signatures (local form)
☐ Corporate Resolution (Business Ch. 7 & 11)

Ch.11 Business

- ☐ 20 Largest Unsecured Creditors
☐ List of Equity Security Holders
☐ Small Business - Balance Sheet
☐ Small Business - Statement of Operations
☐ Small Business - Cash Flow Statement
☐ Small Business - Federal Tax Returns

MISSING DOCUMENTS DUE WITHIN 30 DAYS

- ☐ Statement of Intent - Ch. 7 (Individuals only)

Petition Deficiencies:

- ☐ Last 4 digits of SSN
☐ Address ☐ County
☐ Type of Debtor
☐ Chapter
☐ Nature of Debts
☐ Statistical Estimates
☐ Venue
☐ Attorney Bar Number

Case filed via:

- ☒ Intake Counter by:
☐ Attorney
☒ Debtor - verified ID
☐ Other - copy of ID: (843) 610-0674
☐ Mailed by:
☐ Attorney
☐ Debtor
☐ Other: _____

History of Case Association

Prior cases within 2 years: None.

Signature: Barbara A. Gibbs
 Acknowledgment of receipt of check list

Official and Local Bankruptcy Forms are available on the Court's website at: www.ganb.uscourts.gov. If filing bankruptcy without an attorney, please read the information regarding *Filing Bankruptcy without an Attorney* at: www.uscourts.gov/services-forms/bankruptcy/filing-without-attorney.

FILING FEE INFORMATION - if the required filing fees are not paid in full at the time of case filing, an Order will be forthcoming:

- ☒ Paid \$ 310.00 ☐ 2g-Order Granting ☐ 3g-Order Granting 10-day (initial payment of \$ _____ due within 10 days)
☐ 2d-Order Denying with filing fee of \$ _____ due within 10 days ☐ IFP filed (Ch.7 Individuals Only)
☐ No Application to Pay in Installments, Order Regarding Unpaid Case Filing Fee.

You may mail documents and filing fee payments (no personal checks accepted - cashier's check or money orders only) to the address below.
All fee payments and documents filed with the Court must show the debtor's name and bankruptcy case number.

****Failure to Comply may result in the dismissal of your case.****

UNITED STATES BANKRUPTCY COURT
 75 Ted Turner Drive, SW, Room 1340
 Atlanta, Georgia 30303
 404-215-1000

Intake Clerk: O. Jones, III

Date: 3/27/19

Case Opener:

Date:

EXHIBIT B

Fill in this information to identify your case and the filing:

Entered 04/04/19 16:40:10 Desc Main

Document Page 1 of 46

Debtor 1 Barbara Albyrne Gibbs
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Northern District of Georgia

Case number 19-54809-WLH

☒ Check if this is an amended filing

Official Form 106A/B

Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- ☐ No. Go to Part 2.
☒ Yes. Where is the property?

1.1. 3108 Hidden Falls Drive
Street address, if available, or other description

Buford GA 30519
City State ZIP Code

Gwinnett County
County

What is the property? Check all that apply.

- ☒ Single-family home
☐ Duplex or multi-unit building
☐ Condominium or cooperative
☐ Manufactured or mobile home
☐ Land
☐ Investment property
☐ Timeshare
☐ Other

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☒ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number:

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*:

Current value of the entire property? \$ 525,000.00
Current value of the portion you own? \$ 525,000.00

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.
Fee simple

☐ Check if this is community property

If you own or have more than one, list here:

1.2. 4257 Monterery Drive
Street address, if available, or other description

Florence SC 29501
City State ZIP Code

Florence County
County

What is the property? Check all that apply.

- ☒ Single-family home
☐ Duplex or multi-unit building
☐ Condominium or cooperative
☐ Manufactured or mobile home
☐ Land
☐ Investment property
☐ Timeshare
☐ Other

Who has an interest in the property? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number:

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ 500,000.00
Current value of the portion you own? \$ 500,000.00

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.
Fee simple

☐ Check if this is community property (see instructions)

1. _____

Street address, if available, or other description

City State ZIP Code

County

What is the property? Check all that apply.

- ☐ Single-family home
☐ Duplex or multi-unit building
☐ Condominium or cooperative
☐ Manufactured or mobile home
☐ Land
☐ Investment property
☐ Timeshare
☐ Other _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? **Current value of the portion you own?**

\$ _____ \$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Other information you wish to add about this item, such as local property identification number:

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here. _____

\$ 1,025,000.00

Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

- ☐ No
☒ Yes

3.1. Make: Mercedes Benz

Model: S500

Year: 2003

Approximate mileage: 140000

Other information:

Condition: Good

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☒ At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? **Current value of the portion you own?**

\$ 3,000.00 \$ 3,000.00

☐ Check if this is community property (see instructions)

If you own or have more than one, describe here:

3.2. Make: Mercedes Benz

Model: S550

Year: 2012

Approximate mileage: 43000

Other information:

Condition: Good

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☒ At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? **Current value of the portion you own?**

\$ 20,000.00 \$ 20,000.00

☐ Check if this is community property (see instructions)

Make: _____

Model: _____

Year: _____

Approximate mileage: _____

Other information:

Make: _____

Model: _____

Year: _____

Approximate mileage: _____

Other information:

Who has an interest in the property? Check one.

☐ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this is community property (see instructions)Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ _____

Current value of the portion you own? \$ _____

Who has an interest in the property? Check one.

☐ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this is community property (see instructions)Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ _____

Current value of the portion you own? \$ _____

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories

Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

☒ No☐ Yes

4.1. Make: _____

Model: _____

Year: _____

Other information:

Who has an interest in the property? Check one.

☐ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this is community property (see instructions)Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ _____

Current value of the portion you own? \$ _____

If you own or have more than one, list here:

4.2. Make: _____

Model: _____

Year: _____

Other information:

Who has an interest in the property? Check one.

☐ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this is community property (see instructions)Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ _____

Current value of the portion you own? \$ _____

5. Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here →

\$ 23,000.00

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

6. Household goods and furnishings

Examples: Major appliances, furniture, linens, china, kitchenware

☐ No

☒ Yes. Describe.....

Furniture, linens, major appliances, china, kitchenware

\$ 6,000.00

7. Electronics

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

☐ No

☒ Yes. Describe.....

Televisions, computer, printer, cell phone

\$ 2,000.00

8. Collectibles of value

Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

☐ No

☒ Yes. Describe.....

Pictures, prints.

\$ 1,500.00

9. Equipment for sports and hobbies

Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

☐ No

☒ Yes. Describe.....

Exercise equipment, bicycle

\$ 500.00

10. Firearms

Examples: Pistols, rifles, shotguns, ammunition, and related equipment

☐ No

☒ Yes. Describe.....

Pistol

\$ 500.00

11. Clothes

Examples: Everyday clothes, furs, leather coats, designer wear, shoes, accessories

☐ No

☒ Yes. Describe.....

Everyday clothes, shoes, accessories

\$ 3,000.00

12. Jewelry

Examples: Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver

☐ No

☒ Yes. Describe.....

Everyday jewelry, wedding rings

\$ 1,500.00

13. Non-farm animals

Examples: Dogs, cats, birds, horses

☒ No

☐ Yes. Describe.....

\$ 0.00

14. Any other personal and household items you did not already list, including any health aids you did not list

☒ No

☐ Yes. Give specific information.....

\$ 0.00

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here →

\$ 15,000.00

Part 4: Describe Your Financial Assets

Do you own or have any legal or equitable interest in any of the following?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

16. Cash

Examples: Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

☒ No

☐ Yes Cash: \$

17. Deposits of money

Examples: Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

☐ No

☒ Yes Institution name:

17.1. Checking account: Wells Fargo \$ 500.00

17.2. Checking account: \$

17.3. Savings account: Wells Fargo \$ 40,000.00

17.4. Savings account: \$

17.5. Certificates of deposit: \$

17.6. Other financial account: \$

17.7. Other financial account: \$

17.8. Other financial account: \$

17.9. Other financial account: \$

18. Bonds, mutual funds, or publicly traded stocks

Examples: Bond funds, investment accounts with brokerage firms, money market accounts

☒ No

☐ Yes

Institution or issuer name:

\$

\$

\$

19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture

☒ No

☐ Yes. Give specific information about them.

Name of entity:

% of ownership:

% \$

% \$

% \$

20. Government and corporate bonds and other negotiable and non-negotiable instruments

Negotiable instruments include personal checks, cashiers' checks, promissory notes, and money orders.
Non-negotiable instruments are those you cannot transfer to someone by signing or delivering them.

- ☒ No
☐ Yes. Give specific information about them.

Issuer name:

_____	\$ _____
_____	\$ _____
_____	\$ _____

21. Retirement or pension accounts

Examples: Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans

- ☒ No
☐ Yes. List each account separately. Institution name: _____
 Type of account: _____

401(k) or similar plan: _____	\$ _____
Pension plan: _____	\$ _____
IRA: _____	\$ _____
Retirement account: _____	\$ _____
Keogh: _____	\$ _____
Additional account: _____	\$ _____
Additional account: _____	\$ _____

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company.
Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

- ☒ No
☐ Yes Institution name or individual: _____

Electric: _____	\$ _____
Gas: _____	\$ _____
Heating oil: _____	\$ _____
Rental unit: _____	\$ _____
Prepaid rent: _____	\$ _____
Telephone: _____	\$ _____
Water: _____	\$ _____
Rented furniture: _____	\$ _____
Other: _____	\$ _____

23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)

- ☒ No
☐ Yes Issuer name and description: _____

_____	\$ _____
_____	\$ _____
_____	\$ _____

24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

☒ No

☐ Yes Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

\$ _____

\$ _____

\$ _____

25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit

☒ No

☐ Yes. Give specific information about them...

\$ 0.00

26. Patents, copyrights, trademarks, trade secrets, and other intellectual property

Examples: Internet domain names, websites, proceeds from royalties and licensing agreements

☒ No

☐ Yes. Give specific information about them...

\$ 0.00

27. Licenses, franchises, and other general intangibles

Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses

☒ No

☐ Yes. Give specific information about them...

\$ 0.00

Money or property owed to you?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

28. Tax refunds owed to you

☒ No

☐ Yes. Give specific information about them, including whether you already filed the returns and the tax years.

Federal: \$ 0.00
State: \$ 0.00
Local: \$ 0.00

29. Family support

Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

☒ No

☐ Yes. Give specific information.

Alimony: \$ 0.00
Maintenance: \$ 0.00
Support: \$ 0.00
Divorce settlement: \$ 0.00
Property settlement: \$ 0.00

30. Other amounts someone owes you

Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

☒ No

☐ Yes. Give specific information.

\$ 0.00

31. Interests in insurance policies

Examples: Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance

☒ No

☐ Yes. Name the insurance company of each policy and list its value. ...

Company name:

Beneficiary:

Surrender or refund value:

\$ _____

\$ _____

\$ _____

32. Any interest in property that is due you from someone who has died

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

☒ No

☐ Yes. Give specific information.

\$ 0.00

33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment

Examples: Accidents, employment disputes, insurance claims, or rights to sue

☒ No

☐ Yes. Describe each claim.

\$ 0.00

34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims

☒ No

☐ Yes. Describe each claim.

\$ 0.00

35. Any financial assets you did not already list

☒ No

☐ Yes. Give specific information.

\$ 0.00

36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here →

\$ 40,500.00

Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.

37. Do you own or have any legal or equitable interest in any business-related property?

☒ No. Go to Part 6.

☐ Yes. Go to line 38.

Current value of the portion you own?

Do not deduct secured claims or exemptions.

38. Accounts receivable or commissions you already earned

☐ No

☐ Yes. Describe.

\$ _____

39. Office equipment, furnishings, and supplies

Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices

☐ No

☐ Yes. Describe.

\$ _____

40. Machinery, fixtures, equipment, supplies you use in business, and tools of your trade☐ No☐ Yes. Describe.....

\$

41. Inventory☐ No☐ Yes. Describe.....

\$

42. Interests in partnerships or joint ventures☐ No☐ Yes. Describe.....

Name of entity:

% of ownership:

%

\$

%

\$

%

\$

43. Customer lists, mailing lists, or other compilations☐ No☐ Yes. Do your lists include personally identifiable information (as defined in 11 U.S.C. § 101(41A))?☐ No☐ Yes. Describe.....

\$

44. Any business-related property you did not already list☐ No☐ Yes. Give specific information

\$

\$

\$

\$

\$

\$

45. Add the dollar value of all of your entries from Part 5, including any entries for pages you have attached for Part 5. Write that number here

\$ 0.00

Part 6:**Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.**
If you own or have an interest in farmland, list it in Part 1.**46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?**☒ No. Go to Part 7.☐ Yes. Go to line 47.**Current value of the portion you own?**

Do not deduct secured claims or exemptions.

47. Farm animals

Examples: Livestock, poultry, farm-raised fish

☐ No☐ Yes.....

\$

48. Crops—either growing or harvested

☐ No

☐ Yes. Give specific information.

\$

49. Farm and fishing equipment, implements, machinery, fixtures, and tools of trade

☐ No

☐ Yes.

\$

50. Farm and fishing supplies, chemicals, and feed

☐ No

☐ Yes.

\$

51. Any farm- and commercial fishing-related property you did not already list

☐ No

☐ Yes. Give specific information.

\$

52. Add the dollar value of all of your entries from Part 6, including any entries for pages you have attached for Part 6. Write that number here

\$ 0.00

Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above

53. Do you have other property of any kind you did not already list?

Examples: Season tickets, country club membership

☒ No

☐ Yes. Give specific information.

54. Add the dollar value of all of your entries from Part 7. Write that number here

\$ 0.00

Part 8: List the Totals of Each Part of this Form

55. Part 1: Total real estate, line 2

\$ 1,025,000.00

56. Part 2: Total vehicles, line 5

\$ 23,000.00

57. Part 3: Total personal and household items, line 15

\$ 15,000.00

58. Part 4: Total financial assets, line 36

\$ 40,500.00

59. Part 5: Total business-related property, line 45

\$ 0.00

60. Part 6: Total farm- and fishing-related property, line 52

\$ 0.00

61. Part 7: Total other property not listed, line 54

+ \$ 0.00

62. Total personal property. Add lines 56 through 61

\$ 78,500.00

Copy personal property total → + \$ 78,500.00

63. Total of all property on Schedule A/B. Add line 55 + line 62

\$ 1,103,500.00

Fill in this information to identify your case:

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the Northern District of Georgia

Case number 19-54809-WLH
(If known)

☐ Check if this is an amended filing

Official Form 106Dec

Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person _____ Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119).

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ Barbara Albyline Gibbs

Signature of Debtor 1

X

Signature of Debtor 2

Date 04/03/2019

MM / DD / YYYY

Date

MM / DD / YYYY

Fill in this information to identify your case:

Debtor 1 Barbara Albyline Gibbs
 First Name Middle Name Last Name

Debtor 2
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Northern District of Georgia

Case number (If known) 19-54809-WLH

Check as directed in lines 17 and 21:

According to the calculations required by this Statement:

☐ 1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).

☒ 2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).

☐ 3. The commitment period is 3 years.

☒ 4. The commitment period is 5 years.

☒ Check if this is an amended filing

Official Form 122C-1

Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Part 1: Calculate Your Average Monthly Income

1. What is your marital and filing status? Check one only.
- ☐ Not married. Fill out Column A, lines 2-11.
- ☒ Married. Fill out both Columns A and B, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$0.00	\$0.00
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.	\$0.00	\$0.00
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$0.00	\$0.00
5. Net income from operating a business, profession, or farm	Debtor 1	Debtor 2
Gross receipts (before all deductions)	\$0.00	\$0.00
Ordinary and necessary operating expenses	-\$0.00	-\$0.00
Net monthly income from a business, profession, or farm	\$0.00	\$0.00
	Copy here →	\$0.00
6. Net income from rental and other real property	Debtor 1	Debtor 2
Gross receipts (before all deductions)	\$0.00	\$0.00
Ordinary and necessary operating expenses	-\$0.00	-\$0.00
Net monthly income from rental or other real property	\$0.00	\$0.00
	Copy here →	\$0.00

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
7. Interest, dividends, and royalties	\$ 0.00	\$ 0.00
8. Unemployment compensation	\$ 0.00	\$ 0.00
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: $\downarrow$		
For you	\$ 0.00	
For your spouse	\$ 0.00	
9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act.	\$ 4,900.00	\$ 0.00
10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total on line 10c.		
10a. Disability	\$ 0.00	\$ 1,300.00
10b. Disability	\$ 0.00	\$ 3,300.00
10c. Total amounts from separate pages, if any.	+ \$ 0.00	+ \$ 0.00
11. Calculate your total average monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.	\$ 4,900.00	+ \$ 4,600.00 = \$ 9,500.00
		Total average monthly income

Part 2: Determine How to Measure Your Deductions from Income

12. Copy your total average monthly income from line 11. \$ 9,500.00

13. Calculate the marital adjustment. Check one:

☐ You are not married. Fill in 0 in line 13d.

☐ You are married and your spouse is filing with you. Fill in 0 in line 13d.

☒ You are married and your spouse is not filing with you.

Fill in the amount of the income listed in line 11, Column B, that was NOT regularly paid for the household expenses of you or your dependents, such as payment of the spouse's tax liability or the spouse's support of someone other than you or your dependents.

In lines 13a-c, specify the basis for excluding this income and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page.

If this adjustment does not apply, enter 0 on line 13d.

13a.	\$ 0.00
13b.	\$ 0.00
13c.	+ \$ 0.00
13d. Total	\$ 0.00

Copy here. $\rightarrow$ 13d. - 0.00

14. Your current monthly income. Subtract line 13d from line 12. 14. \$ 9,500.00

15. Calculate your current monthly income for the year. Follow these steps:

15a. Copy line 14 here $\rightarrow$ 15a. \$ 9,500.00

Multiply line 15a by 12 (the number of months in a year). x 12

15b. The result is your current monthly income for the year for this part of the form. 15b. \$ 114,000.00

Debtor 1 Barbara Albytime Gibbs Document Page 14 of 46 Case number (if known) 19-54809-WLH
First Name Middle Name Last Name

16. Calculate the median family income that applies to you. Follow these steps:

- 16a. Fill in the state in which you live. GA
- 16b. Fill in the number of people in your household. 2
- 16c. Fill in the median family income for your state and size of household. 16c. \$ 63,303.00
To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

17. How do the lines compare?

- 17a. ☐ Line 15b is less than or equal to line 16c. On the top of page 1 of this form, check box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3). Go to Part 3.* Do NOT fill out *Calculation of Your Disposable Income* (Official Form 122C-2).
- 17b. ☒ Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, *Disposable income is determined under 11 U.S.C. § 1325(b)(3). Go to Part 3 and fill out Calculation of Your Disposable Income* (Official Form 122C-2). On line 39 of that form, copy your current monthly income from line 14 above.

Part 3: Calculate Your Commitment Period Under 11 U.S.C. §1325(b)(4)18. Copy your total average monthly income from line 11. 18. \$ 9,500.00

19. Deduct the marital adjustment if it applies. If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13d.

If the marital adjustment does not apply, fill in 0 on line 19a:

19a. \$ 0.00

Subtract line 19a from line 18.

19b. \$ 9,500.00

20. Calculate your current monthly income for the year. Follow these steps:

20a. Copy line 19b. 20a. \$ 9,500.00

Multiply by 12 (the number of months in a year).

x 1220b. The result is your current monthly income for the year for this part of the form. 20b. \$ 114,000.0020c. Copy the median family income for your state and size of household from line 16c. \$ 63,303.00

21. How do the lines compare?

- ☐ Line 20b is less than line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 3, *The commitment period is 3 years.* Go to Part 4.
- ☒ Line 20b is more than or equal to line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 4, *The commitment period is 5 years.* Go to Part 4.

Part 4: Sign Below

By signing here, under penalty of perjury I declare that the information on this statement and in any attachments is true and correct.

X /s/ Barbara Albytime Gibbs

Signature of Debtor 1

X

Signature of Debtor 2

Date 04/03/2019
MM / DD / YYYYDate _____
MM / DD / YYYY

If you checked 17a, do NOT fill out or file Form 122C-2.

If you checked 17b, fill out Form 122C-2 and file it with this form. On line 39 of that form, copy your current monthly income from line 14 above.

Fill in this information to identify your case:

Debtor 1 Barbara Albyne Gibbs
 First Name Middle Name Last Name
 Debtor 2
 (Spouse, if filing) First Name Middle Name Last Name
 United States Bankruptcy Court for the Northern District of Georgia
 Case number 19-54809-WLH
 (if known)

☒ Check if this is an amended filing

Official Form 122C-2

Chapter 13 Calculation of Your Disposable Income

4/19

To fill out this form, you will need your completed copy of *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 122C-1).

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Part 1: Calculate Your Deductions from Your Income

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 6-15. To find the IRS standards, go online using the link specified in the separate instructions for this form. This information may also be available at the bankruptcy clerk's office.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not include any operating expenses that you subtracted from income in lines 5 and 6 of Form 122C-1, and do not deduct any amounts that you subtracted from your spouse's income in line 13 of Form 122C-1.

If your expenses differ from month to month, enter the average expense.

Note: Line numbers 1-4 are not used in this form. These numbers apply to information required by a similar form used in chapter 7 cases.

5. The number of people used in determining your deductions from income

Fill in the number of people who could be claimed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support. This number may be different from the number of people in your household.

2

National Standards You must use the IRS National Standards to answer the questions in lines 6-7.

6. **Food, clothing, and other items:** Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items.

\$1,202.00

7. **Out-of-pocket health care allowance:** Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories—people who are under 65 and people who are 65 or older—because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

Debtor 1

Barbara Albyline Gibbs

Document Page 16 of 46

Case number (if known) 19-54809-WLH

People who are under 65 years of age

7a. Out-of-pocket health care allowance per person \$ 52.00

7b. Number of people who are under 65 X

7c. Subtotal. Multiply line 7a by line 7b.

\$ 0.00

Copy line
7c here → \$ 0.00**People who are 65 years of age or older**

7d. Out-of-pocket health care allowance per person \$ 114.00

7e. Number of people who are 65 or older X 2

7f. Subtotal. Multiply line 7d by line 7e.

\$ 228.00

Copy line
7f here → + \$ 228.00

7g. Total. Add lines 7c and 7f.

\$ 228.00

Copy total
here →

\$ 228.00

**Local
Standards**

You must use the IRS Local Standards to answer the questions in lines 8-15.

Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:

■ **Housing and utilities – Insurance and operating expenses**■ **Housing and utilities – Mortgage or rent expenses**

To answer the questions in lines 8-9, use the U.S. Trustee Program chart. To find the chart, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

8. **Housing and utilities – Insurance and operating expenses:** Using the number of people you entered in line 5, fill in the dollar amount listed for your county for insurance and operating expenses.

\$ 582.00

9. **Housing and utilities – Mortgage or rent expenses:**

9a. Using the number of people you entered in line 5, fill in the dollar amount listed for your county for mortgage or rent expenses.

\$ 1,226.00

9b. Total average monthly payment for all mortgages and other debts secured by your home.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Next divide by 60.

Name of the creditor

Average monthly
payment

Nationstar Mortgage/Mr. Cooper

\$ 2,200.00

Wintrust Mortgage

\$ 1,960.00

See cont. sheet

+ \$ 95.00

9b. Total average monthly payment

\$ 4,255.00

Copy line
9b here → - \$ 4,255.00Repeat this amount
on line 33a.

9c. Net mortgage or rent expense.

Subtract line 9b (total average monthly payment) from line 9a (mortgage or rent expense). If this number is less than \$0, enter \$0.

\$ 0.00

Copy 9c here →

\$ 0.00

10. If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing is incorrect and affects the calculation of your monthly expenses, fill in any additional amount you claim.

\$ 0.00

Explain why:

Debtor 1:

Barbara Albyttine Gibbs

First Name

Middle Name

Last Name

11. Local transportation expenses: Check the number of vehicles for which you claim an ownership or operating expense.

- ☐ 0. Go to line 14.
☐ 1. Go to line 12.
☒ 2 or more. Go to line 12.

12. Vehicle operation expense: Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the *Operating Costs* that apply for your Census region or metropolitan statistical area.

\$ 452.00

13. Vehicle ownership or lease expense: Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments on the vehicle. In addition, you may not claim the expense for more than two vehicles.

Vehicle 1 Describe Vehicle 1: _____

13a. Ownership or leasing costs using IRS Local Standard

13a. \$ 497.00

13b. Average monthly payment for all debts secured by Vehicle 1.

Do not include costs for leased vehicles.

To calculate the average monthly payment here and on line 13e, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Name of each creditor for Vehicle 1:

Average monthly payment

\$ 0.00

+ \$ 0.00

Total average monthly payment

\$ 0.00

Copy here →

— \$ 0.00

Repeat this amount on line 33b.

13c. Net Vehicle 1 ownership or lease expense

Subtract line 13b from line 13a. If this number is less than \$0, enter \$0.

\$ 0.00

Copy net Vehicle 1 expense here →

\$ 0.00

Vehicle 2 Describe Vehicle 2: _____

13d. Ownership or leasing costs using IRS Local Standard

\$ 497.00

13e. Average monthly payment for all debts secured by Vehicle 2.

Do not include costs for leased vehicles.

Name of each creditor for Vehicle 2:

Average monthly payment

\$ 0.00

+ \$ 0.00

Total average monthly payment

\$ 0.00

Copy here →

— \$ 0.00

Repeat this amount on line 33c.

13f. Net Vehicle 2 ownership or lease expense

Subtract line 13e from 13d. If this number is less than \$0, enter \$0.

\$ 0.00

Copy net Vehicle 2 expense here →

\$ 0.00

14. Public transportation expense: If you claimed 0 vehicles in line 11, using the IRS Local Standards, fill in the *Public Transportation* expense allowance regardless of whether you use public transportation.

\$ 0.00

15. Additional public transportation expense: If you claimed 1 or more vehicles in line 11 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for *Public Transportation*.

\$ 0.00

Debtor 1

Barbara Albyrne Gibbs

Document Page 18 of 46

Case number (if known) 19-54809-WLH

First Name Middle Name Last Name

Other Necessary Expenses

In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

16. **Taxes:** The total monthly amount that you actually pay for federal, state and local taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. You may include the monthly amount withheld from your pay for these taxes. However, if you expect to receive a tax refund, you must divide the expected refund by 12 and subtract that number from the total monthly amount that is withheld to pay for taxes. \$ 0.00
Do not include real estate, sales, or use taxes.
17. **Involuntary deductions:** The total monthly payroll deductions that your job requires, such as retirement contributions, union dues, and uniform costs. \$ 0.00
Do not include amounts that are not required by your job, such as voluntary 401(k) contributions or payroll savings.
18. **Life insurance:** The total monthly premiums that you pay for your own term life insurance. If two married people are filing together, include payments that you make for your spouse's term life insurance. \$ 0.00
Do not include premiums for life insurance on your dependents, for a non-filing spouse's life insurance, or for any form of life insurance other than term.
19. **Court-ordered payments:** The total monthly amount that you pay as required by the order of a court or administrative agency, such as spousal or child support payments. \$ 0.00
Do not include payments on past due obligations for spousal or child support. You will list these obligations in line 35.
20. **Education:** The total monthly amount that you pay for education that is either required: \$ 0.00
☐ as a condition for your job, or
☐ for your physically or mentally challenged dependent child if no public education is available for similar services.
21. **Childcare:** The total monthly amount that you pay for childcare, such as babysitting, daycare, nursery, and preschool. \$ 0.00
Do not include payments for any elementary or secondary school education.
22. **Additional health care expenses, excluding insurance costs:** The monthly amount that you pay for health care that is required for the health and welfare of you or your dependents and that is not reimbursed by insurance or paid by a health savings account. Include only the amount that is more than the total entered in line 7. \$ 0.00
Payments for health insurance or health savings accounts should be listed only in line 25.
23. **Optional telephones and telephone services:** The total monthly amount that you pay for telecommunication services for you and your dependents, such as pagers, call waiting, caller identification, special long distance, or business cell phone service, to the extent necessary for your health and welfare or that of your dependents or for the production of income, if it is not reimbursed by your employer. + \$ 0.00
Do not include payments for basic home telephone, internet or cell phone service. Do not include self-employment expenses, such as those reported on line 5 of Form 22C-1, or any amount you previously deducted.
24. **Add all of the expenses allowed under the IRS expense allowances.** \$2,464.00
Add lines 6 through 23.

Additional Expense Deductions

These are additional deductions allowed by the Means Test.

Note: Do not include any expense allowances listed in lines 6-24.

25. **Health insurance, disability insurance, and health savings account expenses.** The monthly expenses for health insurance, disability insurance, and health savings accounts that are reasonably necessary for yourself, your spouse, or your dependents.

Health insurance	\$ 0.00	
Disability insurance	\$ 0.00	
Health savings account	+ \$ 0.00	
Total	\$ 0.00	

Copy total here → \$ 0.00

Do you actually spend this total amount?

☐ No. How much do you actually spend? \$☒ Yes

26. **Continuing contributions to the care of household or family members.** The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. These expenses may include contributions to an account of a qualified ABLE program. 26 U.S.C. § 529A(b). \$ 0.00
27. **Protection against family violence.** The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply. \$ 0.00
By law, the court must keep the nature of these expenses confidential.

Debtor 1.

Barbara Albytime Gibbs

First Name

Middle Name

Last Name

28. **Additional home energy costs.** Your home energy costs are included in your non-mortgage housing and utilities allowance on line 8.

If you believe that you have home energy costs that are more than the home energy costs included in the non-mortgage housing and utilities allowance, then fill in the excess amount of home energy costs.

\$0.00

You must give your case trustee documentation of your actual expenses, and you must show that the additional amount claimed is reasonable and necessary.

29. **Education expenses for dependent children who are younger than 18.** The monthly expenses (not more than \$170.83* per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school.

\$0.00

You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 6-23.

* Subject to adjustment on 4/01/22, and every 3 years after that for cases begun on or after the date of adjustment.

30. **Additional food and clothing expense.** The monthly amount by which your actual food and clothing expenses are higher than the combined food and clothing allowances in the IRS National Standards. That amount cannot be more than 5% of the food and clothing allowances in the IRS National Standards.

\$0.00

To find a chart showing the maximum additional allowance, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

You must show that the additional amount claimed is reasonable and necessary.

31. **Continuing charitable contributions.** The amount that you will continue to contribute in the form of cash or financial instruments to a religious or charitable organization. 11 U.S.C. § 548(d)3 and (4).

+ 0.00

Do not include any amount more than 15% of your gross monthly income.

32. **Add all of the additional expense deductions.**

\$0.00

Add lines 25 through 31.

Deductions for Debt Payment

33. **For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33g.**

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

	Average monthly payment
Mortgages on your home	
33a. Copy line 9b here.....→	\$ 4,255.00
Loans on your first two vehicles	
33b. Copy line 13b here.....→	\$ 0.00
33c. Copy line 13e here.....→	\$ 0.00
33d. List other secured debts:	

Name of each creditor for other secured debt

Identify property that secures the debt.

Does payment include taxes or insurance?

☐ No
☐ Yes

\$0.00

☐ No
☐ Yes

\$0.00

☐ No
☐ Yes

+ \$0.00

33e. Total average monthly payment. Add lines 33a through 33d.

\$4,255.00

Copy total here→

\$4,255.00

Debtor 1

Barbara Albytime Gibbs

First Name

Middle Name

Last Name

34. Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?

☐ No. Go to line 35.

☒ Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 33, to keep possession of your property (called the *cure amount*). Next, divide by 60 and fill in the information below.

Name of the creditor	Identify property that secures the debt	Total cure amount	Monthly cure amount
Nationstar Mortgage/N	4257 Monterery Drive	\$ 145,200.00	÷ 60 = \$ 2,420.00
Wintrust Mortgage	3108 Hidden Falls Drive	\$ 0.00	÷ 60 = \$ 0.00
See cont. sheet	See cont. sheet	\$ 0.00	÷ 60 = + \$ 0.00

Total \$ 2,420.00

Copy total here → \$ 2,420.00

35. Do you owe any priority claims—such as a priority tax, child support, or alimony—that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507.

☒ No. Go to line 36.

☐ Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 19.

Total amount of all past-due priority claims. \$ 0.00 ÷ 60 \$ 0.00

36. Projected monthly Chapter 13 plan payment

\$ 2,660.00

Current multiplier for your district as stated on the list issued by the Administrative Office of the United States Courts (for districts in Alabama and North Carolina) or by the Executive Office for United States Trustees (for all other districts).

x 6.5%

To find a list of district multipliers that includes your district, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

Average monthly administrative expense

\$ 172.90

Copy total here → \$ 172.90

37. Add all of the deductions for debt payment. Add lines 33g through 36.

\$ 6,847.90

Total Deductions from Income

38. Add all of the allowed deductions.

Copy line 24, All of the expenses allowed under IRS expense allowances..... \$ 2,464.00

Copy line 32, All of the additional expense deductions..... \$ 0.00

Copy line 37, All of the deductions for debt payment..... + \$ 6,847.90

Total deductions

\$ 9,311.90

Copy total here → \$ 9,311.90

Debtor 1

Barbara Albyline Gibbs

Document Page 21 of 46

Case number (if known) 19-54809-WLH

First Name Middle Name Last Name

Part 2: Determine Your Disposable Income Under 11 U.S.C. § 1325(b)(2)

39. Copy your total current monthly income from line 14 of Form 122C-1, Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period. \$9,500.00

40. Fill in any reasonably necessary income you receive for support for dependent children.

The monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I of Form 122C-1, that you received in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child.

\$ 0.00

41. Fill in all qualified retirement deductions. The monthly total of all amounts that your employer withheld from wages as contributions for qualified retirement plans, as specified in 11 U.S.C. § 541(b)(7) plus all required repayments of loans from retirement plans, as specified in 11 U.S.C. § 362(b)(19).

\$ 0.00

42. Total of all deductions allowed under 11 U.S.C. § 707(b)(2)(A). Copy line 38 here → \$9,311.90

43. Deduction for special circumstances. If special circumstances justify additional expenses and you have no reasonable alternative, describe the special circumstances and their expenses. You must give your case trustee a detailed explanation of the special circumstances and documentation for the expenses.

Describe the special circumstances

Amount of expense

\$

\$

+ \$

Total

\$ 0.00

Copy here

+ \$ 0.00

44. Total adjustments. Add lines 40 through 43. → \$9,311.90 Copy total here → - \$9,311.90

45. Calculate your monthly disposable income under § 1325(b)(2). Subtract line 44 from line 39.

\$188.10

Part 3: Change in Income or Expenses

46. Change in income or expenses. If the income in Form 122C-1 or the expenses you reported in this form have changed or are virtually certain to change after the date you filed your bankruptcy petition and during the time your case will be open, fill in the information below. For example, if the wages reported increased after you filed your petition, check 22C-1 in the first column, enter line 2 in the second column, explain why the wages increased, fill in when the increase occurred, and fill in the amount of the increase.

Form	Line	Reason for change	Date of change	Increase or decrease?	Amount of change
☐ 22C-1				☐ Increase	\$
☐ 22C-2				☐ Decrease	
☐ 22C-1				☐ Increase	\$
☐ 22C-2				☐ Decrease	
☐ 22C-1				☐ Increase	\$
☐ 22C-2				☐ Decrease	
☐ 22C-1				☐ Increase	\$
☐ 22C-2				☐ Decrease	

Debtor 1

Barbara Albyline Gibbs

Document Page 22 of 46

Case number (if known) 19-54809-WLH

First Name Middle Name Last Name

Part 4: Sign Below

By signing here, under penalty of perjury you declare that the information on this statement and in any attachments is true and correct.

X /s/ Barbara Albyline Gibbs

Signature of Debtor 1

X

Signature of Debtor 2

Date 04/03/2019
MM / DD / YYYYDate _____
MM / DD / YYYY

Form 22 Continuation Sheet

Income Month 1			Income Month 2		
Gross Wages, Salary & Tips			Gross Wages, Salary & Tips		
Rents & Real Property Income			Rents & Real Property Income		
Interest & Dividends			Interest & Dividends		
Pension & Retirement			Pension & Retirement		
Contributions to Household Exp			Contributions to Household Exp		
Unemployment			Unemployment		
Other Income			Other Income		

Income Month 3			Income Month 4		
Gross Wages, Salary & Tips			Gross Wages, Salary & Tips		
Rents & Real Property Income			Rents & Real Property Income		
Interest & Dividends			Interest & Dividends		
Pension & Retirement			Pension & Retirement		
Contributions to Household Exp			Contributions to Household Exp		
Unemployment			Unemployment		
Other Income			Other Income		

Income Month 5			Income Month 6		
Gross Wages, Salary & Tips			Gross Wages, Salary & Tips		
Rents & Real Property Income			Rents & Real Property Income		
Interest & Dividends			Interest & Dividends		
Pension & Retirement			Pension & Retirement		
Contributions to Household Exp			Contributions to Household Exp		
Unemployment			Unemployment		
Other Income			Other Income		

Additional Items as Designated (if any)

9b : Westbrook Phase IV Homeowners Association - \$10.00
4257 Monterery Drive

9b : Hidden Falls HOA, Inc - \$85.00
3108 Hidden Falls Drive

34 : Westbrook Phase IV Homeowners Association - \$10.00
4257 Monterery Drive

34 : Hidden Falls HOA, Inc - \$85.00
3108 Hidden Falls Drive

Fill in this information to identify your case:

Debtor 1	Barbara Albyrne Gibbs		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: Northern District of Georgia			
Case number (If known)	19-54809-WLH		

☐ Check if this is an amended filing

Official Form 106C

Schedule C: The Property You Claim as Exempt

4/19

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one, only, even if your spouse is filing with you.

- ☒ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
☐ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own Copy the value from <i>Schedule A/B</i>	Amount of the exemption you claim Check only one box for each exemption	Specific laws that allow exemption
Brief description: 3108 Hidden Falls Drive Line from <i>Schedule A/B</i> : 1.1 2012 Mercedes Benz S550	\$ 525,000.00	☒ \$ 43,000.00 ☐ 100% of fair market value, up to any applicable statutory limit	Ga. Code Ann. § 44-13-100 (a)(1)
Brief description: Line from <i>Schedule A/B</i> : 3.2 Household goods - Furniture, linens, major appliances, china, kitchenware	\$ 20,000.00	☒ \$ 5,000.00 ☐ 100% of fair market value, up to any applicable statutory limit	Ga. Code Ann. § 44-13-100 (a)(3)
Brief description: Line from <i>Schedule A/B</i> : 6	\$ 6,000.00	☒ \$ 5,000.00 ☐ 100% of fair market value, up to any applicable statutory limit	Ga. Code Ann. § 44-13-100 (a)(4)

3. Are you claiming a homestead exemption of more than \$170,350?

(Subject to adjustment on 4/01/22 and every 3 years after that for cases filed on or after the date of adjustment.)

- ☒ No
☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?
☐ No
☐ Yes

Debtor

First Name

Middle Name

Last Name

Part 2: Additional Page

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own Copy the value from Schedule A/B	Amount of the exemption you claim Check only one box for each exemption	Specific laws that allow exemption
Jewelry - Everyday jewelry, wedding rings Brief description: Line from Schedule A/B: 12	\$ 1,500.00	☒ \$ 1,000.00 ☐ 100% of fair market value, up to any applicable statutory limit	Ga. Code Ann. § 44-13-100 (a)(6)
Jewelry - Everyday jewelry, wedding rings Brief description: Line from Schedule A/B: 12	\$ 1,500.00	☒ \$ 500.00 ☐ 100% of fair market value, up to any applicable statutory limit	Ga. Code Ann. § 44-13-100 (a)(5)
Wells Fargo (Checking) Brief description: Line from Schedule A/B: 17.1	\$ 500.00	☒ \$ 200.00 ☐ 100% of fair market value, up to any applicable statutory limit	Ga. Code Ann. § 44-13-100 (a)(6)
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	
Brief description: Line from Schedule A/B:	\$	☐ \$ ☐ 100% of fair market value, up to any applicable statutory limit	

Fill in this information to identify your case:

Debtor Barbara Albyline Gibbs
First Name Middle Name Last Name
Debtor 2
(Spouse if filing) _____
First Name Middle Name Last Name
United States Bankruptcy Court for the Northern District of Georgia
Case number 19-54809-WLH
(if known)

☐ Check if this is an amended filing

Official Form 106G

Schedule G: Executory Contracts and Unexpired Leases

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the additional page, fill it out, number the entries, and attach it to this page. On the top of any additional pages, write your name and case number (if known).

1. Do you have any executory contracts or unexpired leases?

- ☒ No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.
☐ Yes. Fill in all of the information below even if the contracts or leases are listed on *Schedule A/B: Property* (Official Form 106A/B).

2. List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

Person or company with whom you have the contract or lease

State what the contract or lease is for

2.1	Name _____ Street _____ City _____ State _____ ZIP Code _____	
2.2	Name _____ Street _____ City _____ State _____ ZIP Code _____	
2.3	Name _____ Street _____ City _____ State _____ ZIP Code _____	
2.4	Name _____ Street _____ City _____ State _____ ZIP Code _____	
2.5	Name _____ Street _____ City _____ State _____ ZIP Code _____	

Fill in this information to identify your case:

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Northern District of Georgia

Case number 19-54809-WLH
(if known)

☐ Check if this is an amended filing

Official Form 106H

Schedule H: Your Codebtors

12/15

Codebtors are people or entities who are also liable for any debts you may have. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, and number the entries in the boxes on the left. Attach the Additional Page to this page. On the top of any Additional Pages, write your name and case number (if known). Answer every question.

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)

☐ No
☒ Yes

2. Within the last 8 years, have you lived in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

☒ No. Go to line 3.
☐ Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?

☐ No
☐ Yes. In which community state or territory did you live? _____ Fill in the name and current address of that person.

Name of your spouse, former spouse, or legal equivalent

Number Street

City State ZIP Code

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

3.1 Melvin Gibbs
Name
3108 Hidden Falls Drive
Street
Buford GA 30519
City State ZIP Code

☒ Schedule D, line 2.4
☐ Schedule E/F, line _____
☐ Schedule G, line _____

3.2
Name
Street
City State ZIP Code

☐ Schedule D, line _____
☐ Schedule E/F, line _____
☐ Schedule G, line _____

3.3
Name
Street
City State ZIP Code

☐ Schedule D, line _____
☐ Schedule E/F, line _____
☐ Schedule G, line _____

Fill in this information to identify your case:

Debtor 1 Barbara Albyrne Gibbs
First Name Middle Name Last Name
Debtor 2
(Spouse, if filing) First Name Middle Name Last Name
United States Bankruptcy Court for the: Northern District of Georgia
Case number 19-54809-WLH
(If known)

Check if this is:

- ☐ An amended filing
☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

☐ Employed
☒ Not employed

Occupation

Employer's name

Employer's address

Number Street

City State ZIP Code

How long employed there?

Debtor 2 or non-filing spouse

☐ Employed
☒ Not employed

Number Street

City State ZIP Code

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$	\$
3. Estimate and list monthly overtime pay.	+\$	+\$
4. Calculate gross income. Add line 2 + line 3.	\$	\$

Debtor 1

First Name Middle Name Last Name

Case number (if known)

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here..... → 4.	\$	\$
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	5a. \$	\$
5b. Mandatory contributions for retirement plans	5b. \$	\$
5c. Voluntary contributions for retirement plans	5c. \$	\$
5d. Required repayments of retirement fund loans	5d. \$	\$
5e. Insurance	5e. \$	\$
5f. Domestic support obligations	5f. \$	\$
5g. Union dues	5g. \$	\$
5h. Other deductions. Specify: _____	5h. + \$	+ \$
	\$	\$
	\$	\$
	\$	\$
6. Add the payroll deductions. Add lines 5a + 5b + 5c + 5d + 5e + 5f + 5g + 5h.	6. \$	\$
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$	\$
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ 0.00	\$ 0.00
8b. Interest and dividends	8b. \$ 0.00	\$ 0.00
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ 0.00	\$ 0.00
8d. Unemployment compensation	8d. \$ 0.00	\$ 0.00
8e. Social Security	8e. \$ 1,600.00	\$ 700.00
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: _____	8f. \$ 0.00	\$ 4,600.00
8g. Pension or retirement income	8g. \$ 4,900.00	\$ 0.00
8h. Other monthly income. Specify: _____	8h. + \$ 0.00	+ \$ 0.00
9. Add all other income. Add lines 8a + 8b + 8c + 8d + 8e + 8f + 8g + 8h.	9. \$ 6,500.00	\$ 5,300.00
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ 6,500.00 +	\$ 5,300.00 = \$ 11,800.00
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify: _____		
	11. + \$	0.00
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the <i>Summary of Your Assets and Liabilities and Certain Statistical Information</i> , if it applies	12.	\$ 11,800.00 Combined monthly income
13. Do you expect an increase or decrease within the year after you file this form? ☒ No. ☐ Yes. Explain: _____		

Fill in this information to identify your case:

Debtor 1	Barbara Albyline Gibbs		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: Northern District of Georgia (State)			
Case number (If known)	19-54809-WLH		

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

- ☒ No. Go to line 2.
- ☐ Yes. Does Debtor 2 live in a separate household?

☐ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household of Debtor 2*.

2. Do you have dependents?

☒ No

☐ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents?

- ☒ No
- ☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I).

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

Your expenses

\$ 1,960.00

If not included in line 4:

4a. Real estate taxes

\$ 330.00

4b. Property, homeowner's, or renter's insurance

\$ 165.00

4c. Home maintenance, repair, and upkeep expenses

\$ 100.00

4d. Homeowner's association or condominium dues

\$ 85.00

Debtor 1 Barbara Albyline Gibbs
 First Name Middle Name Last Name

Case number (if known) 19-54809-WLH

	<u>Your expenses</u>
5. Additional mortgage payments for your residence , such as home equity loans	5. \$ <u>0.00</u>
6. Utilities:	
6a. Electricity, heat, natural gas	6a. \$ <u>300.00</u>
6b. Water, sewer, garbage collection	6b. \$ <u>60.00</u>
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$ <u>450.00</u>
6d. Other. Specify: <u>security</u>	6d. \$ <u>30.00</u>
7. Food and housekeeping supplies	7. \$ <u>400.00</u>
8. Childcare and children's education costs	8. \$ <u>0.00</u>
9. Clothing, laundry, and dry cleaning	9. \$ <u>200.00</u>
10. Personal care products and services	10. \$ <u>200.00</u>
11. Medical and dental expenses	11. \$ <u>100.00</u>
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$ <u>400.00</u>
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13. \$ <u>0.00</u>
14. Charitable contributions and religious donations	14. \$ <u>0.00</u>
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.	
15a. Life insurance	15a. \$ <u>0.00</u>
15b. Health insurance	15b. \$ <u>0.00</u>
15c. Vehicle insurance	15c. \$ <u>300.00</u>
15d. Other insurance. Specify: _____	15d. \$ <u>0.00</u>
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____	16. \$ <u>0.00</u>
17. Installment or lease payments:	
17a. Car payments for Vehicle 1	17a. \$ <u>0.00</u>
17b. Car payments for Vehicle 2	17b. \$ <u>0.00</u>
17c. Other. Specify: <u>Additional Car Payments</u>	17c. \$ <u>1,400.00</u>
17d. Other. Specify: _____	17d. \$ <u>0.00</u>
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18. \$ <u>0.00</u>
19. Other payments you make to support others who do not live with you. Specify: _____	19. \$ <u>0.00</u>
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.	
20a. Mortgages on other property	20a. \$ <u>0.00</u>
20b. Real estate taxes	20b. \$ <u>0.00</u>
20c. Property, homeowner's, or renter's insurance	20c. \$ <u>0.00</u>
20d. Maintenance, repair, and upkeep expenses	20d. \$ <u>0.00</u>
20e. Homeowner's association or condominium dues	20e. \$ <u>0.00</u>

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Case number (if known) 19-54809-WLH

21. Other. Specify: _____
SC Mortgage

21. +\$ 0.00
+\$ 2,260.00
+\$

22. Calculate your monthly expenses.

22a. Add lines 4 through 21.

22a. \$ 8,740.00

22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2 22c. Add line 22a and 22b. The result is your monthly expenses.

22b. \$

22c. \$ 8,740.00

23. Calculate your monthly net income.

23a. Copy line 12 (your combined monthly income) from Schedule I.

23a. \$ 11,800.00

23b. Copy your monthly expenses from line 22c above.

23b. -\$ 8,740.00

23c. Subtract your monthly expenses from your monthly income.
The result is your *monthly net income*.

23c. \$ 3,060.00

24. Do you expect an increase or decrease in your expenses within the year after you file this form?

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

☒ No.

☐ Yes.

Explain here:

Fill in this information to identify your case:

Debtor 1 Barbara Albytime Gibbs
First Name Middle Name Last Name
Debtor 2
(Spouse, if filing) First Name Middle Name Last Name
United States Bankruptcy Court for the: Northern District of Georgia
Case number 19-54809-WLH
(If known)

☐ Check if this is an amended filing.

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information 12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

	Your assets Value of what you own
1. <i>Schedule A/B: Property</i> (Official Form 106A/B)	
1a. Copy line 55, Total real estate, from <i>Schedule A/B</i>	\$ <u>1,025,000.00</u>
1b. Copy line 62, Total personal property, from <i>Schedule A/B</i>	\$ <u>78,500.00</u>
1c. Copy line 63, Total of all property on <i>Schedule A/B</i>	\$ <u>1,103,500.00</u>

Part 2: Summarize Your Liabilities

	Your liabilities Amount you owe
2. <i>Schedule D: Creditors Who Have Claims Secured by Property</i> (Official Form 106D)	
2a. Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of <i>Schedule D</i>	\$ <u>684,724.00</u>
3. <i>Schedule E/F: Creditors Who Have Unsecured Claims</i> (Official Form 106E/F)	
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of <i>Schedule E/F</i>	\$ <u>0.00</u>
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of <i>Schedule E/F</i>	+ \$ <u>282.00</u>
Your total liabilities	\$ <u>685,006.00</u>

Part 3: Summarize Your Income and Expenses

4. <i>Schedule I: Your Income</i> (Official Form 106I) Copy your combined monthly income from line 12 of <i>Schedule I</i>	\$ <u>11,800.00</u>
5. <i>Schedule J: Your Expenses</i> (Official Form 106J) Copy your monthly expenses from line 22c of <i>Schedule J</i>	\$ <u>8,740.00</u>

Barbara Albyline Gibbs

Document Page 34 of 46

19-54809-WLH

Debtor 1

First Name

Middle Name

Last Name

Case number (if known)

Part 4: Answer These Questions for Administrative and Statistical Records**6. Are you filing for bankruptcy under Chapters 7, 11, or 13?**

- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes

7. What kind of debt do you have?

- ☒ **Your debts are primarily consumer debts.** Consumer debts are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☐ **Your debts are not primarily consumer debts.** You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

8. From the Statement of Your Current Monthly Income: Copy your total current monthly income from Official Form 122A-1 Line 11; OR, Form 122B Line 11; OR, Form 122C-1 Line 14.

\$ 9,500.00

9. Copy the following special categories of claims from Part 4, line 6 of Schedule E/F:**Total claim**

From Part 4 on Schedule E/F, copy the following:

9a. Domestic support obligations (Copy line 6a.)	\$ 0.00
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ 0.00
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ 0.00
9d. Student loans. (Copy line 6f.)	\$ 0.00
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ 0.00
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+ \$ 0.00
9g. Total. Add lines 9a through 9f.	\$ 0.00

Fill in this information to identify your case:

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the Northern District of Georgia

Case number 19-54809-WLH
(if known)

☐ Check if this is an amended filing

Official Form 106Dec

Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both, 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person _____ Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119).

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ Barbara Albyline Gibbs

Signature of Debtor 1

X

Signature of Debtor 2

Date 04/03/2019
MM / DD / YYYY

Date _____
MM / DD / YYYY

Fill in this information to identify your case:

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Northern District of Georgia

Case number 19-54809-WLH
(If known)

☐ Check if this is an amended filing

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information 12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

	Your assets Value of what you own
1. <i>Schedule A/B: Property</i> (Official Form 106A/B)	
1a. Copy line 55, Total real estate, from <i>Schedule A/B</i>	\$ <u>1,025,000.00</u>
1b. Copy line 62, Total personal property, from <i>Schedule A/B</i>	\$ <u>78,500.00</u>
1c. Copy line 63, Total of all property on <i>Schedule A/B</i>	\$ <u>1,103,500.00</u>

Part 2: Summarize Your Liabilities

	Your liabilities Amount you owe
2. <i>Schedule D: Creditors Who Have Claims Secured by Property</i> (Official Form 106D)	
2a. Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of <i>Schedule D</i>	\$ <u>684,724.00</u>
3. <i>Schedule E/F: Creditors Who Have Unsecured Claims</i> (Official Form 106E/F)	
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of <i>Schedule E/F</i>	\$ <u>0.00</u>
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of <i>Schedule E/F</i>	+ \$ <u>114.00</u>
Your total liabilities	\$ <u>684,838.00</u>

Part 3: Summarize Your Income and Expenses

4. <i>Schedule I: Your Income</i> (Official Form 106I)	
Copy your combined monthly income from line 12 of <i>Schedule I</i>	\$ <u>11,800.00</u>
5. <i>Schedule J: Your Expenses</i> (Official Form 106J)	
Copy your monthly expenses from line 22c of <i>Schedule J</i>	\$ <u>9,140.00</u>

Debtor 1

First Name Middle Name Last Name

Case number (if known)

19-54809-WLH

Part 4: Answer These Questions for Administrative and Statistical Records

6. Are you filing for bankruptcy under Chapters 7, 11, or 13?

- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes

7. What kind of debt do you have?

- ☒ Your debts are primarily consumer debts. *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☐ Your debts are not primarily consumer debts. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

8. From the *Statement of Your Current Monthly Income*: Copy your total current monthly income from Official Form 122A-1 Line 11; OR, Form 122B Line 11; OR, Form 122C-1 Line 14.

\$ 9,500.00

9. Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*:

Total claim

From Part 4 on *Schedule E/F*, copy the following:

9a. Domestic support obligations (Copy line 6a.)	\$ 0.00
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ 0.00
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ 0.00
9d. Student loans. (Copy line 6f.)	\$ 0.00
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ 0.00
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+ \$ 0.00
9g. Total. Add lines 9a through 9f.	\$ 0.00

Fill in this information to identify your case:

Debtor 1 Barbara Albyline Gibbs
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the Northern District of Georgia

Case number 19-54809-WLH
(If known)

☐ Check if this is an amended filing

Official Form 106Dec

Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person _____ Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119).

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ Barbara Albyline Gibbs

Signature of Debtor 1

X

Signature of Debtor 2

Date 04/03/2019
MM / DD / YYYY

Date _____
MM / DD / YYYY

United States Bankruptcy Court
NORTHERN DISTRICT OF GEORGIA - ATLANTA DIVISION

In re Barbara Albyttine Gibbs
Debtor(s)

Case No. 19-54809-WLH
Chapter 13

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	<u>\$ 5,000.00</u>
Prior to the filing of this statement I have received	<u>\$ 1,000.00</u>
Balance Due \$	<u>\$ 4,000.00</u>

2. \$ 310.00 of the filing fee has been paid.

3. The source of the compensation paid to me was:

☒ Debtor ☐ Other (specify):

4. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify):

5. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

a. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;

b. [Other provisions as needed]

Exhibit "A" - Base Fee Services

Helping client obtain Pre-filing credit briefing

Pay advices and tax transcripts/returns

Initial Intake, etc.

Pre-confirmation turn-over proceedings/Stop creditor action

Motion to Extend or to Impose

Certificate of Exigent Circumstances

EDO

341 hearing and reset 341 hearing

In re Barbara Albyttine Gibbs
Debtor(s)

Case No. 19-54809-WLH
Chapter 13

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)
(Continuation Sheet)

Confirmation hearing and reset confirmation hearing
Modifications necessary to confirm plan
Lien avoidances necessary to confirm plan
Objections to claim necessary to confirm plan
Bar date review (and all resulting/related pleadings)
Pre-discharge financial counseling certificate
Pre-discharge DSO certification

7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

Exhibit "B" - Non-Base Fees Services/A La Carte Items:
Post-Confirmation Modification to Add and Treat
Creditor \$300.00
Post-Confirmation Modification -
Change in Income/Employment \$300.00
Post-Bar Date Review Lien Avoidance \$300.00
Other Post-Bar Date Review Modifications \$300.00
Post-Confirmation MFRS for Non-Payment or No Insurance \$300.00
Post-Confirmation MFRS re: Payment Disputes \$300.00
Motion to Suspend Plan Payments/Excuse Default \$300.00
Motion to Sell Property of the Estate \$300.00
Motion to Approve Compromise \$300.00
Application to Employ Professional \$300.00
Motions to Refinance/Modify/Incur Debt \$300.00
Post-Bar Date Review Trustee Motion to Dismiss \$300.00
Hardship discharge motions \$00.00
Trustee or Creditor Motions to Modify Plan \$300.00
362(k) Stay Violations \$300.00
Objections to Late Claims (Post-Bar Date Review) \$300.00
Motion to Sever/Dismiss as to One Joint Debtor \$300.00
Motion to Reopen Case or Vacate Dismissal \$300.00
Motion to Re-Impose Stay \$300.00
Motion to Retain Funds \$300.00
Motion to Ratify Retention of Funds \$300.00

If Client wishes to retain Attorney to represent Client in any Adversary Proceeding or Appellate Proceeding that arises in or is related to this case, Client and Attorney shall execute a separate contract setting forth the fee and scope of representation for that proceeding.

In re Barbara Albyline Gibbs
Debtor(s)

Case No. 19-54809-WLH
Chapter 13

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)
(Continuation Sheet)

If the case is converted to another chapter or dismissed prior to confirmation of the plan, Debtor directs the Trustee to pay fees to Debtor's attorney from the funds available of \$2,500.00. If the case is converted after confirmation of the plan, Debtor directs the Trustee to pay to Debtor's attorney from the funds available, any allowed fees which are unpaid.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding. Pursuant to General Order No. 9, I certify that I provided to the debtor(s) a copy of the "Rights and Responsibilities Statement Between Chapter 13 Debtors and Their Attorneys." I certify that a copy of each of the notices required by 11 U.S.C. Section 342(b), Section 527(a)(2), and Section 527(b) has been provided to, and discussed with, the debtor(s).

April 3, 2019

Date

/s/ Michael R. Rethinger

Michael R. Rethinger, GA Bar No. 301215

Signature of Attorney

Law Offices of Michael R. Rethinger, LLC

241 Mitchell Street, SW

Atlanta, GA 30303

Phone: 770.922.0066

Fax: 866.656.4321

michael@rethingerlaw.com

Name of law firm

Date April 3, 2019

Signature /s/ Barbara A. Gibbs

Barbara A. Gibbs

Debtor

Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

This notice is for you if:

- ☒ **You are an individual filing for bankruptcy, and**
- ☒ **Your debts are primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as “incurred by an individual primarily for a personal, family, or household purpose.”

The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under one of four different chapters of the Bankruptcy Code:

- ☒ Chapter 7 — Liquidation
- ☒ Chapter 11 — Reorganization
- ☒ Chapter 12 — Voluntary repayment plan for family farmers or fishermen
- ☒ Chapter 13 — Voluntary repayment plan for individuals with regular income

You should have an attorney review your decision to file for bankruptcy and the choice of chapter.

Chapter 7: Liquidation

	\$245	filing fee
	\$75	administrative fee
+	\$15	trustee surcharge
	\$335	total fee

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their non-exempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts; and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

- ☒ most taxes;
- ☒ most student loans;
- ☒ domestic support and property settlement obligations;

- most fines, penalties, forfeitures, and criminal restitution obligations; and
- certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

- fraud or theft;
- fraud or defalcation while acting in breach of fiduciary capacity;
- intentional injuries that you inflicted; and
- death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form—the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

Chapter 11: Reorganization

	\$1,167	filing fee
+	\$550	administrative fee
	\$1,717	total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

Read These Important Warnings

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Chapter 12: Repayment plan for family farmers or fishermen

	\$200	filing fee
+	\$75	administrative fee
	\$275	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

Chapter 13: Repayment plan for individuals with regular income

	\$235	filing fee
+	\$75	administrative fee
	\$310	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- ☐ domestic support obligations,
- ☐ most student loans,
- ☐ certain taxes,
- ☐ debts for fraud or theft,
- ☐ debts for fraud or defalcation while acting in a fiduciary capacity,
- ☐ most criminal fines and restitution obligations,
- ☐ certain debts that are not listed in your bankruptcy papers,
- ☐ certain debts for acts that caused death or personal injury, and
- ☐ certain long-term secured debts.

Warning: File Your Forms on Time

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:

http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Bankruptcy crimes have serious consequences

- If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.
- All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

Make sure the court has your mailing address

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

Understand which services you could receive from credit counseling agencies

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from:

http://justice.gov/ust/eo/hapcpa/ccde/cc_approved.html.

In Alabama and North Carolina, go to:

<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.