

Chapter 13 Bankruptcy Worksheet

Official Form 122C-2

Chapter 13 Calculation of Your Disposable Income

04/19

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.

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.

Chapter 13 bankruptcy worksheet is a vital tool for individuals seeking to reorganize their debts under the protection of bankruptcy law. Unlike Chapter 7 bankruptcy, which involves liquidation of assets, Chapter 13 allows debtors to retain their assets while creating a manageable repayment plan over three to five years. The chapter 13 bankruptcy worksheet serves as a comprehensive guide to help individuals assess their financial situation, organize their debts, and develop a feasible repayment plan. This article will delve into the purpose, components, and completion of a Chapter 13 bankruptcy worksheet, providing a clear understanding for those considering this option.

Understanding Chapter 13 Bankruptcy

Before diving into the specifics of the Chapter 13 bankruptcy worksheet, it is essential to understand what Chapter 13 bankruptcy entails and who it is designed for.

What is Chapter 13 Bankruptcy?

Chapter 13 bankruptcy, also known as a wage earner's plan, is designed for individuals with a regular income who wish to pay off their debts over time. This form of bankruptcy allows debtors to propose a repayment plan to make installments to creditors over a specified period.

Who Can File for Chapter 13 Bankruptcy?

To file for Chapter 13 bankruptcy, individuals must meet certain criteria:

1. **Regular Income:** The debtor must have a steady source of income, whether from employment, self-employment, or other means.
2. **Debt Limits:** There are limits on the amount of secured and unsecured debt an individual can have to qualify for Chapter 13. As of 2023, the limits are approximately \$2.75 million for secured debts and \$465,275 for unsecured debts.
3. **Credit Counseling:** Individuals must complete credit counseling from an approved agency within 180 days before filing.

The Purpose of the Chapter 13 Bankruptcy Worksheet

The Chapter 13 bankruptcy worksheet is an essential document that helps individuals organize their financial information and prepare for filing. It serves multiple purposes:

1. **Debt Assessment:** The worksheet helps individuals identify and categorize their debts, including secured and unsecured debts.
2. **Budgeting:** It allows individuals to analyze their monthly income and expenses, helping them determine how much they can afford to pay creditors each month.
3. **Repayment Plan:** The worksheet assists in formulating a feasible repayment plan that meets the requirements of the bankruptcy court.

Components of the Chapter 13 Bankruptcy Worksheet

The Chapter 13 bankruptcy worksheet typically consists of several sections that collect detailed financial information. Below are the main components:

1. Personal Information

This section includes basic information about the debtor, such as:

- Name
- Address
- Social Security number
- Employment details

2. Income Information

In this section, individuals must provide details about their income sources, including:

- Employment income (monthly gross and net income)
- Self-employment income
- Rental income
- Investment income
- Any other sources of income

3. Monthly Expenses

Individuals should list their monthly expenses, which may include:

- Housing costs (mortgage or rent)
- Utilities (electricity, water, gas)
- Transportation (car payments, insurance, fuel)
- Food and groceries
- Health care (insurance premiums, out-of-pocket expenses)
- Childcare or education costs
- Other monthly expenses (entertainment, clothing, etc.)

4. Debt Information

This section is crucial, as it requires a detailed listing of all debts, including:

- Secured Debts: Mortgages, car loans, and other debts backed by collateral.
- Unsecured Debts: Credit card debts, medical bills, personal loans, and other debts not secured by assets.

For each debt, individuals should include:

- Creditor's name
- Account number
- Amount owed
- Monthly payment amount
- Status (current, delinquent, in collections)

5. Property and Assets

Debtors must provide information about their assets, including:

- Real estate (value and mortgage balance)
- Vehicles (make, model, value, and loan balance)
- Personal property (furniture, electronics, jewelry, etc.)

- Retirement accounts and investments

6. Summary of Financial Situation

This section gives a comprehensive overview of the debtor's financial health, summarizing:

- Total monthly income
- Total monthly expenses
- Total debts
- Net disposable income (income minus expenses)

How to Complete the Chapter 13 Bankruptcy Worksheet

Completing the Chapter 13 bankruptcy worksheet may seem daunting, but it can be manageable with a systematic approach. Here are the steps to follow:

Step 1: Gather Financial Documents

Before starting the worksheet, gather all necessary financial documents, including:

- Pay stubs
- Bank statements
- Tax returns
- Credit card statements
- Loan documents

Step 2: Fill in Personal Information

Begin by entering your personal information accurately in the designated section of the worksheet.

Step 3: List Income Sources

Record all sources of income, ensuring to include gross and net amounts. Be thorough and honest about your income to avoid complications later.

Step 4: Document Monthly Expenses

Detail all monthly expenses, categorizing them as necessary. Be realistic and accurate in your estimates to reflect your true financial situation.

Step 5: Compile Debt Information

List all debts, ensuring to include all relevant details. This step is critical for understanding your overall financial obligations.

Step 6: Assess Assets

Record all assets and their values accurately. This information will help in determining the feasibility of your repayment plan.

Step 7: Analyze Your Financial Summary

Once you have filled out the worksheet, analyze your financial summary. Calculate your net disposable income and ensure that it aligns with a feasible repayment plan.

Importance of Consulting a Bankruptcy Attorney

While completing the Chapter 13 bankruptcy worksheet is essential, it is equally important to seek legal advice. A bankruptcy attorney can provide insights, help you navigate the complexities of bankruptcy law, and ensure the accuracy of your worksheet. They can also assist in drafting your repayment plan and represent you in court.

Conclusion

The Chapter 13 bankruptcy worksheet is an invaluable tool for individuals looking to reorganize their debts and regain financial stability. By collecting and analyzing financial information, debtors can create a realistic repayment plan that meets both their needs and the requirements of the bankruptcy court. While the worksheet is a crucial step in the Chapter 13 process, it is advisable to consult with a bankruptcy attorney to ensure a smooth and successful filing. By following the outlined steps and utilizing the worksheet effectively, individuals can take significant strides towards achieving financial relief and a fresh start.

Frequently Asked Questions

What is a Chapter 13 bankruptcy worksheet?

A Chapter 13 bankruptcy worksheet is a document that helps individuals organize their financial information and plan their repayment strategy under Chapter 13 bankruptcy, which allows them to restructure their debts while keeping their assets.

How do I fill out a Chapter 13 bankruptcy worksheet?

To fill out a Chapter 13 bankruptcy worksheet, you need to gather information about your income, expenses, debts, and assets. The worksheet typically includes sections for monthly income, living expenses, secured and unsecured debts, and a repayment plan.

What information is required on a Chapter 13 bankruptcy worksheet?

Required information typically includes your monthly income, all living expenses (like housing, utilities, and food), details of your debts (secured and unsecured), and a list of your assets (such as property and savings).

Can I complete a Chapter 13 bankruptcy worksheet without a lawyer?

While you can complete a Chapter 13 bankruptcy worksheet without a lawyer, it is often advisable to seek legal assistance to ensure accuracy and compliance with bankruptcy laws and to maximize your chances of a successful discharge.

What happens after I submit my Chapter 13 bankruptcy worksheet?

After submitting your Chapter 13 bankruptcy worksheet, the bankruptcy court will review your information, and a repayment plan will be proposed. You may then attend a confirmation hearing where the court will approve or modify your plan.

Are there resources available for completing a Chapter 13 bankruptcy worksheet?

Yes, many resources are available, including online templates, legal aid organizations, and bankruptcy attorney services that can provide guidance on how to complete a Chapter 13 bankruptcy worksheet effectively.

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