

BUSINESS CASE QUESTIONNAIRE

Trustee Guidelines now require all Debtors that are self-employed (including Debtors acting as landlords), to complete and submit this Questionnaire to the Trustee along with all documents set forth in the Checklist which follows the signature page of the Questionnaire. The Trustee's office has reviewed your case and has determined that you must answer all items in the Questionnaire. Use a separate page if additional room is needed, but be sure to reference the additional page next to the item you are answering. All information must be complete and organized. Failure to provide detailed and accurate information may result in the Trustee filing a motion to dismiss your case.

- You must send this completed Questionnaire and all required attachments to Ronda J. Winnecour, Trustee, USX Tower – Suite 3250, 600 Grant Street, Pittsburgh, PA 15219 so that it reaches the Trustee at least 10 days prior to your first meeting of creditors. If you fail to do so, the Trustee may require your appearance at an additional meeting or file a motion to dismiss your case.
- The Questionnaire must be dated.
- The Questionnaire must contain the original signature of all Debtors in the case.
- A copy of the Questionnaire should be kept by the Debtor for future reference.
- If you have questions concerning this Questionnaire, please contact your attorney.

Debtor(s)' Name(s) _____

Chapter 13 Case # _____

Name of Business _____

List all past names used by Business _____

Location where business is operated _____

Description of Business Activities/Type of Business _____

What circumstances led you to file this bankruptcy? _____

How do you expect these circumstances to change so that you will be able to fund a Chapter 13 plan? _____

(f) Fair Market Value of Corporate Assets, including going concern value \$ _____

Basis of value _____

(g) Amount of Corporate Debts \$ _____

4. Is the business cyclical? ___ Yes ___ No

If yes, when is the busy season? _____

If yes, when is the slow season? _____

5. Do you have an accountant or bookkeeper? ___ Yes ___ No

If yes, please provide the name, address and phone number of this individual _____

Do you understand that you are required to file monthly operating reports with the Court and serve the Trustee with a copy by the 15th of each month that you are in bankruptcy?

___ Yes ___ No

6. Are all tax returns which should have been filed to this point in time filed? ___ Yes ___ No

If no, list years that are delinquent, type of returned owed and entity to which return is owed:

<u>Year</u>	<u>Entity(s) and Type of Return Due</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Do you understand that while you are in Chapter 13, you are individually responsible for keeping current with all of your post-petition business as well as personal tax obligations?

___ Yes ___ No

Do you understand that the Court in this District has entered a General Order which requires all delinquent tax returns to be filed within 60 days from the date that you filed your bankruptcy case? ___ Yes ___ No

7. Have you filed estimated quarterly income tax returns with the IRS? ___ Yes ___ No

If yes, please provide copies of the last 3 estimated returns filed, with proof of payment.

If no, explain why not _____

8. Does the business have employees? ___ Yes ___ No

If yes:

How many? _____ Are any of these persons related to you? ___ Yes ___ No

Does the business withhold from their wages? ___ Yes ___ No

If yes, where do you deposit the withholdings and how often?

i. _____

ii. _____

Please provide copies of proof of payment of employee withholding taxes for the 3 months prior to the month that your case was filed.

Do you understand that you must keep the withholding funds separate from your general operating funds? ___ Yes ___ No

If you do not withhold: how are the employees compensated? _____

Do you have subcontractors? ___ Yes ___ No

Are 1099's issued? ___ Yes ___ No

9. Is your business required to collect sales tax? ___ Yes ___ No

If yes, has your business collected and remitted sales taxes on a regular basis? ___ Yes ___ No

If no, explain why _____

Do you understand that you must keep the sales tax funds separate from your general operating funds? Yes No

Please provide copies of proof of payment of sales taxes for 3 months prior to the month your case was filed.

10. Are you leasing office space? Yes No

If yes, answer (a) - (e) below:

(a) Address of Property _____

(b) Landlord's Name and Address _____

(c) Monthly Rental Payment \$ _____

(d) Term of lease _____

(e) Do you wish to continue the lease? Yes No

11. Does the business lease business equipment or autos? Yes No

If yes, answer (a)-(e) below:

(a) Description of leased/rented items? _____

(b) Person or entity's name and address from which items are rented or leased

(c) Payment terms _____

(d) Term of lease _____

(e) Do you wish to continue the lease? Yes No

12. Does the business have any outstanding contracts? ___ Yes ___ No

If yes, please describe _____

13. If you rent real property owned by you to others, please complete the following:

<u>Address of Tenant</u>	<u>Date Lease Began</u>	<u>Date Lease Ends</u>	<u>Amt. Monthly Rent</u>

14. Is the business required to have any business licenses or permits? ___ Yes ___ No

If yes, please list: _____

If yes, are licenses/permits current? ___ Yes ___ No

15. Does the business carry the following insurance policies?

Commercial Liability? ___ Yes ___ No Policy No. _____ Exp. Date _____

Workmans Compensation? ___ Yes ___ No Policy No. _____ Exp. Date _____

Fire Building? ___ Yes ___ No Policy No. _____ Exp. Date _____

Fire Contents? ___ Yes ___ No Policy No. _____ Exp. Date _____

Automobile Coverage? ___ Yes ___ No Policy No. _____ Exp. Date _____

Liquor liability? ___ Yes ___ No Policy No. _____ Exp. Date _____

List Others _____

Are all policies current? ___ Yes ___ No

List insurance agency(s) _____

Do you know that in order to continue the operation of your business, it is your responsibility to obtain and maintain comprehensive liability insurance for the operation of your business?
___ Yes ___ No

16. Does the business keep inventory on hand? ___ Yes ___ No

If yes, what would you estimate the market value of your inventory to be? \$ _____

When was the last physical count of your inventory? _____

What was the value of the inventory at that time? \$ _____

Please provide a list of your inventory.

17. What is the balance of the business accounts receivable? \$ _____

What amount of the receivables is reasonably collectible? \$ _____

Please provide a copy of your accounts receivable ledger.

Have you pledged your receivables, rents, profits, or other cash as collateral for any loans?
___ Yes ___ No. If yes, please identify _____

Do you understand that if you have borrowed money from any creditor and as security or collateral for the loan you have pledged accounts receivables, rents, or other cash, you may not use the accounts receivables, rents or cash without express written consent from the creditor, or an order from the Bankruptcy Court allowing the use? ___ Yes ___ No

18. If you were to buy your business today, how much would you pay for it? \$ _____

I/We declare under penalty of perjury that the foregoing statement of information is true and correct to the best of My/Our knowledge, information, and belief.

Dated: _____

Male Debtor

Female Debtor

CHECKLIST

OF DOCUMENTS THAT MUST BE RETURNED WITH YOUR QUESTIONNAIRE

You must send copies of the following documents to Ronda J. Winnecour, the Trustee, along with your completed Questionnaire within 10 days prior to the date of your first meeting of creditors. Failure to do so may cause the Trustee to require your attendance at an additional meeting or file a motion to dismiss your case.

- Operating statements showing income and expenses for the business for the twelve (12) months prior to the time of filing your bankruptcy case.
- Bank statements for all accounts for the twelve (12) months prior to the time of filing your bankruptcy case.
- Federal income tax returns with all accompanying schedules for the two years prior to filing your bankruptcy case.
- State income tax returns with all accompanying schedules for the two years prior to filing your bankruptcy case.
- Appraisals or other third party valuations of real estate, equipment, inventories and other business property listed in your bankruptcy schedules.
- Financial statements furnished to third parties such as banks and trade creditors within the two (2) years prior to filing your bankruptcy case, including but not limited to the balance sheet, income statement and cash flow statement.
- Current schedule of accounts receivable and accounts payable.
- Current insurance policies that cover the assets listed in your bankruptcy schedules.
- The business's check register for the three (3) months prior to filing your bankruptcy case.
- If your business has employees, proof of payment of employee withholding taxes for the 3 months prior to the month your case was filed.
- If your business is required to collect and remit sales taxes, proof of payment of sales taxes for the 3 months prior to the month your case was filed.
- The last three federal quarterly income tax returns with proof of payment.
- Any partnership agreement that exists.
- List of your inventory and equipment.

PLEASE ATTACH (WITH STAPLES OR CLIPS) COPIES OF
OPERATING STATEMENTS (SHOWING INCOME AND EXPENSES)
FOR YOUR BUSINESS FOR THE TWELVE (12) MONTHS PRIOR TO FILING YOUR
BANKRUPTCY TO THIS SHEET AND RETURN WITH YOUR QUESTIONNAIRE TO THE TRUSTEE

If you are not attaching the document requested, please include a statement
below, why not, and return this page along with your Questionnaire.

PLEASE ATTACH (WITH STAPLES OR CLIPS) COPIES OF
BANK STATEMENTS FOR ALL ACCOUNTS
FOR THE TWELVE (12) MONTHS PRIOR TO FILING YOUR BANKRUPTCY CASE
TO THIS SHEET AND RETURN WITH YOUR QUESTIONNAIRE TO THE TRUSTEE

If you are not attaching the document requested, please include a statement below, why not, and return this page along with your Questionnaire.

DEBTOR(S)' LAST NAME: _____ CASE NO. _____

PLEASE ATTACH (WITH STAPLES OR CLIPS) COPIES
OF YOUR FEDERAL INCOME TAX RETURNS WITH ALL
ACCOMPANYING SCHEDULES FOR THE TWO YEARS PRIOR TO FILING YOUR BANKRUPTCY
CASE TO THIS SHEET AND RETURN WITH YOUR QUESTIONNAIRE TO THE TRUSTEE

If you are not attaching the document requested, please include a statement
below, why not, and return this page along with your Questionnaire.

PLEASE ATTACH (WITH STAPLES OR CLIPS) COPIES
OF YOUR STATE INCOME TAX RETURNS WITH ALL
ACCOMPANYING SCHEDULES FOR THE TWO YEARS PRIOR TO FILING YOUR BANKRUPTCY
CASE TO THIS SHEET AND RETURN WITH YOUR QUESTIONNAIRE TO THE TRUSTEE

If you are not attaching the document requested, please include a statement
below, why not, and return this page along with your Questionnaire.

PLEASE ATTACH (WITH STAPLES OR CLIPS) COPIES OF
APPRAISALS OR OTHER THIRD PARTY VALUATIONS OF REAL ESTATE,
EQUIPMENT, INVENTORIES AND OTHER BUSINESS PROPERTY LISTED IN
YOUR BANKRUPTCY SCHEDULES

If you are not attaching the document requested, please include a statement
below, why not, and return this page along with your Questionnaire.

DEBTOR(S)' LAST NAME: _____ CASE NO. _____

PLEASE ATTACH (WITH STAPLES OR CLIPS) COPIES OF
FINANCIAL STATEMENTS FURNISHED TO THIRD PARTIES SUCH AS BANKS AND
TRADE CREDITORS WITHIN THE TWO (2) YEARS PRIOR TO FILING YOUR BANKRUPTCY
CASE, INCLUDING BUT NOT LIMITED TO THE BALANCE SHEET, INCOME STATEMENT
AND CASH FLOW STATEMENT.

If you are not attaching the document requested, please include a statement
below, why not, and return this page along with your Questionnaire.

PLEASE ATTACH (WITH STAPLES OR A CLIP) A COPY OF
YOUR CURRENT SCHEDULE OF ACCOUNTS RECEIVABLE AND ACCOUNTS PAYABLE

If you are not attaching the document requested, please include a statement below, why not, and return this page along with your Questionnaire.

DEBTOR(S)' LAST NAME: _____ CASE NO. _____

PLEASE ATTACH (WITH STAPLES OR A CLIP) COPIES OF
CURRENT INSURANCE POLICIES THAT COVER THE ASSETS
LISTED IN YOUR BANKRUPTCY SCHEDULES

If you are not attaching the document requested, please include a statement below, why not, and return this page along with your Questionnaire.

PLEASE ATTACH (WITH STAPLES OR A CLIP) COPIES OF
THE BUSINESS CHECK REGISTER FOR THE THREE(3) MONTHS PRIOR TO
FILING YOUR BANKRUPTCY CASE.

If you are not attaching the document requested, please include a statement
below, why not, and return this page along with your Questionnaire.

DEBTOR(S)' LAST NAME: _____ CASE NO. _____

IF YOUR BUSINESS HAS EMPLOYEES
PLEASE ATTACH (WITH STAPLES OR CLIPS) COPIES
OF PROOF OF PAYMENT OF EMPLOYEE WITHHOLDING TAXES FOR THE
THREE MONTHS PRIOR TO FILING YOUR BANKRUPTCY CASE
TO THIS SHEET AND RETURN WITH YOUR QUESTIONNAIRE TO THE TRUSTEE

If you are not attaching the document requested, please include a statement below, why not, and return this page along with your Questionnaire.

IF YOUR BUSINESS IS REQUIRED TO COLLECT AND REMIT SALES TAX
PLEASE ATTACH (WITH STAPLES OR CLIPS) COPIES
OF PROOF OF PAYMENT OF SALES TAXES FOR THE
THREE MONTHS PRIOR TO FILING YOUR BANKRUPTCY CASE
TO THIS SHEET AND RETURN WITH YOUR QUESTIONNAIRE TO THE TRUSTEE

If you are not attaching the document requested, please include a statement
below, why not, and return this page along with your Questionnaire.

PLEASE ATTACH (WITH STAPLES OR CLIPS) COPIES
OF YOUR LAST THREE FEDERAL QUARTERLY INCOME TAX RETURNS
WITH PROOF OF PAYMENT

TO THIS SHEET AND RETURN WITH YOUR QUESTIONNAIRE TO THE TRUSTEE

If you are not attaching the document requested, please include a statement below, why not, and return this page along with your Questionnaire.

IF YOUR BUSINESS IS A PARTNERSHIP AND HAS A WRITTEN
PARTNERSHIP AGREEMENT, PLEASE ATTACH (WITH STAPLES OR CLIPS)

A COPY OF THE AGREEMENT

TO THIS SHEET AND RETURN WITH YOUR QUESTIONNAIRE TO THE TRUSTEE

If you are not attaching the document requested, please include a statement below, why not, and return this page along with your Questionnaire.

PLEASE ATTACH (WITH STAPLES OR A CLIP) A LIST OF
YOUR INVENTORY AND EQUIPMENT TO THIS SHEET
AND RETURN WITH YOUR QUESTIONNAIRE TO THE TRUSTEE

If you are not attaching the document requested, please include a statement below, why not, and return this page along with your Questionnaire.

BANKRUPTCY RULE 2015 AND SECTION 1304(c)

**DUTY OF CHAPTER 13 DEBTORS ENGAGED IN A BUSINESS
TO KEEP RECORDS, MAKE REPORTS AND GIVE NOTICE OF CASE**

Bankruptcy Rule 2015 and Section 1304(c) of the Bankruptcy Code requires debtors engaged in business that file a Chapter 13 bankruptcy petition to:

- Keep a record of receipts and the disposition of money and property received.
- File with the Court, the Trustee, and with any governmental unit charged with responsibility for collection or determination of any tax arising out of such operation, periodic reports and summaries of the operation of the business, including a statement of receipts and disbursements, which shall include a statement, if payments are made to employees, of the amounts of deductions for all taxes required to be withheld or paid for an in behalf of employees and the place where these amounts are deposited.
- As soon as possible after the commencement of the case, give notice of the case to every entity known to be holding money or property subject to withdrawal, including every bank, savings or buildings and loan association, public utility company, and the landlord with whom the debtor has a deposit, and to every insurance company which has issued a policy having a cash surrender value payable to the debtor, except that notice need not be given to any entity who has knowledge or has previously been notified of the case.