

Dianne C. Kerns, TRUSTEE

BUSINESS CASE QUESTIONNAIRE

Warning: Failure to Return this Questionnaire Within 30 Days May Result in the Dismissal of Your Case!

Case No: _____ Case Name: _____ Date Mailed: _____

The purpose of this form is to help us gather as much information as possible about your business activities. The completed questionnaire and all supporting documents will be reviewed prior to your first meeting of creditors to help us expedite the actual creditor meeting when it is held. Keep the following points in mind when completing this questionnaire:

- All information provided in the questionnaire must be complete and accurate. Failure to provide detailed, complete and accurate information may result in the Trustee filing a motion to dismiss the case.
- Since your case has been classified as a Chapter 13 business case, your regularly scheduled 341(a) creditor meeting may be continued to a time and date later than the date listed on the Notice of Chapter 13 Bankruptcy, Meeting of Creditors, & Deadlines, provided to you by the U.S. Bankruptcy Court.
- The questionnaire must have the original signature of all debtors engaged in the business and must be dated.
- Keep copies of the completed, signed questionnaire and of all documents provided the Trustee for future reference.

Please use additional pages if more room is needed for your responses. Be sure to reference the additional page next to the items you are answering.

* * * * *

1. **What circumstances caused you to file this Chapter 13 bankruptcy?**



2. **Give a description of the business:**

a) List the current names and all past names used by the business.



b) Describe the type of business you operate.



c) Describe the main product and/or service you provide.

d) Check the correct type of business you own:

___ Sole Proprietorship ___ Partnership ___ Corporation ___ LLC

e) Last name(s) of owners, shareholders, partners, or members:

3. **When did the current business start operating?**

4. **Location(s) where the business is operated?** 

5. **Business Leases.**

a) Are you leasing office or warehouse space? Yes No

If yes, list all leases, terms of each lease, and whether you wish to continue each lease.

b) Are you leasing any business equipment? Yes No

If yes, list all leases, terms of each lease, and whether you wish to continue each lease.

6. **Is your business seasonal?** Yes No

If yes, specify your good months and poor months and reason(s) for fluctuations.

7. **Have you pledged your receivables, rents, profits, or other cash as collateral for any loans?** Yes No

If yes, identify the assets and revenues pledged, the name of the creditor(s), and the amount of debt owed.



8. **Description of assets:**

a) On a separate page, describe each item with a value over \$500.00. Also, include (1) What you would sell the item for in its present condition and assuming a fair price; (2) How much the item cost you originally; (3) The age of each item.

b) What would you estimate the market value of your inventory to be? \$_____ 

c) What method do you use to value your inventory? 

d) What would you estimate the market value of your accounts receivable to be? \$_____

e) If you were to buy your business today, how much would you pay for your business?
 \$_____ 

9. Description of all bank accounts to which you have access:

- a) Provide copies, not originals, of bank statements for all accounts for six (6) months prior to the time of filing your Chapter 13 case. (Note: The Trustee may request copies of one or more canceled checks for this same period in order to clarify data contained in the bank statements.)
- b) Are you the only authorized signer on the accounts? ___ Yes ___ No If no, specify the other persons that are authorized signers _____

BANK ACCOUNT INFORMATION
 (Use Additional Page if Necessary)



Bank Name	Account Number	Type of Account	Account Purpose

10. Insurance

In addition to the insurance listed in the affidavit of Chapter 13 Debtors, provide copies of the policy or binder for the following:

- a) Liquor liability insurance;
- b) Worker’s compensation insurance;
- c) All other insurance for which premiums are currently being paid.

11. List all full time and part time employees:

ALL FULL TIME AND PART TIME EMPLOYEES 
 (Use Additional Page if Necessary)

Name of Employee	Position/Function	Mo. Salary	F = Full time P = Part time

12. Provide proof of payment of employee withholding taxes:

If you have employees, provide copies of proof of payment for three (3) months prior to the month your case was filed and copies of the payroll withholding reports.

13. Proof of payment of sales taxes:

If applicable, provide copies of proof of payment for three (3) months prior to the month your case was filed and copies of the sales tax reports.

14. Federal Tax Returns:

Provide a copy of your two most recent federal tax return. (Note: If business is a type-C corporation, provide copies of corporate tax returns. If a type-S corporation, provide copies of Schedule C of debtor's personal tax returns. If a partnership, provide copies of the partnership tax return and copies of the appropriate K-1 forms.)

15. Licenses:

Provide copies of the following if applicable:

- a) Business License (If a business license is not required for your business, explain why): _____
- b) Seller's permit
- c) Contractor's License
- d) List other license(s) currently used _____

* * * * *

**Return to: Dianne C. Kerns, Trustee
PMB #413
7320 N. La Cholla #154
Tucson, AZ 85741**

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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: _____

Debtor Signature

Dated: _____

Co-Debtor Signature

DIANNE C. KERNS, TRUSTEE

**INSTRUCTIONS FOR PREPARING
BUSINESS CASE QUESTIONNAIRE**

We have tried to ask questions on this Business Questionnaire in terms that should be easily understood by anyone familiar with the operation of a business. We know, however, that we may fall short of this goal. The following are explanations of terms you may find confusing. Please match the high-lighted letter code shown below with the same code shown on the questionnaire.

- A** Was there a build-up of debt that you were unable to repay? Did you experience unusual medical Expenses? Was there an unexpected loss of income? Whatever the reason, briefly, describe the Circumstances that led to your filing this Chapter 13 bankruptcy case.
- B** Let us know all of the full legal names ever used by the business. Include any fka, dba, fdba names.
- C** Did your business involve auto repairs, lawn maintenance, adult or child care services, insurance or real estate sales, the manufacture or assembly and sales of one or more products, etc. If the business was involved in the manufacture or assembly of product(s) for sale, what were the products? In other words, what does your business do?
- D** Please provide the full address of each location from which the business operates. We need street addresses and the names of the towns or cities in which you operate. Do not list post office box numbers. If your business is operated from your home, let us know.
- E** Include not only assets pledged to banks but any financial entity or individual lender, i.e., business factors, SBA lenders, private individuals, etc. At the time of your combo 341(a)/Business Investigation meeting with the Trustee, be prepared to describe the terms of any loans resulting from pledged assets.
- F** We are not interested in what an accountant may value your inventory under one of the many valuation techniques such as LIFO ("Last In, First Out"), FIFO ("First In, First Out"), etc. We are interested in your best estimate of what the inventory would sell for at this time -- assuming the terms were cash.
- G** Here we are interested in the accounting method you use to value your inventory -- LIFO, FIFO, etc.
- H** Assume a cash purchase when valuing your business. Include "Goodwill" as an asset of the business if you believe it has value. What would you pay, in cash, for the business?
- I** Do not limit your response to your use of commercial banks when responding to this question. Include any relationship your business may have with a savings bank, a credit union, or a savings and loan association. Under the heading "Type of Account", tell us whether the account(s) are checking accounts, money market accounts, certificates of deposit, etc. Under the heading "Account Purpose", tell us what each account is used for, i.e., payroll account, general operating account, etc. Also, be ready to provide mailing addresses, phone numbers, and the names of persons at these financial institutions with which you do business.
- J** Any list of employees should include your spouse if the spouse works for the business. If the spouse does not receive compensation, insert "N.A." or "0.00" in the salary field.

DIANNE C. KERNS, TRUSTEE**NOTICE OF CHAPTER 13 BUSINESS EXAMINATION MEETING**

Information contained in the documents provided to the Court and the Trustee's office indicates that you are a Chapter 13 debtor engaged in business. Therefore, unless otherwise ordered by the Court, our office is required by Law to perform an examination of your business activities. Your business examination will be conducted concurrently with your 341(a) creditor meeting. However, since a combination business examination/341(a) creditor meeting requires the review of considerably more preparation than a regular creditor meeting, we must continue (reschedule) your regularly scheduled first meeting of creditors. Your regularly scheduled first creditor meeting has been set for the following:

Date: _____ **Time:** _____ a.m.

Place: _____

To allow the additional time needed to prepare, we must reschedule this meeting to the following date, time, and place:

Date: _____ **Time:** _____ p.m.

Place: _____

You must attend this rescheduled 341(a) creditor meeting, unless there is a compelling reason otherwise, or your case will be dismissed. If you believe that you have a compelling reason for not attending this meeting, please contact your attorney and the Trustee's office. Assuming a legitimate reason for nonattendance, the Trustee will agree to only one continuance. Remember, any request you make for a continuance may delay confirmation of your Chapter 13 Plan.

Prior to the special 341(a)/business examination meeting, you must complete and return the attached Business Case Questionnaire with all of the documents requested therein. The questionnaire and documents requested must be returned to the Trustee within 30 days of the date the questionnaire was mailed to you. If you are unable to mail all required documents within the 30 day deadline, bring them with you to the rescheduled meeting.

Earlier, we sent you copies of the required Monthly Business Operating Statement. By this time, you should have filed with the Court (with a copy to the Trustee) at least one Monthly Statement. If you have not filed the required Monthly Statement(s), please do so immediately.

Your case may not be confirmed until the examination is completed. Failure to cooperate in the examination of your business may result in the dismissal or conversion of your case. It is our intentions to make your rescheduled 341(a) creditor meeting go as efficiently and smoothly as possible. To this end, your cooperation will be invaluable.

Dianne C. Kerns, Trustee

Cc: _____, Debtor's Attorney
 _____, Trustee's Staff Attorney
 _____, Trustee's Business Analyst