

CHAPTER 13 BUSINESS QUESTIONNAIRE

Kevin R. Anderson, Esq.
Chapter 13 Trustee
405 South Main Street, Suite 600
Salt Lake City, UT 84111

NOTICE TO DEBTORS AND DEBTORS' COUNSEL

Pursuant to 11 U.S.C. § 1302(c) and Local Rule 2083-1(d), debtors must provide to the trustee, on or before the First Meeting of Creditors, a completed Chapter 13 Business Questionnaire and requested documents for each business operated by the debtor during the sixty (60) day-period preceding the petition date (a copy of the Chapter 13 Business Questionnaire is attached hereto). This requirement applies to any business in which the debtor has an ownership interest, including the following:

1. A Sub Ch. S or Sub Ch. C corporation.
2. A partnership
3. A professional corporation
4. A limited liability corporation
5. A sole proprietorship or DBA.

If the Chapter 13 Business Questionnaire and requested documents are not received by the Trustee on or before the First Meeting of Creditors, the Trustee is required by Local Rule 2083-1(c) to file with the court a Notice of Failure to Comply. This rule applies even if the required documents are mailed but not received by the Trustee prior to the First Meeting of Creditors.

Name _____

Date _____
Case Number _____

CHAPTER 13 BUSINESS QUESTIONNAIRE

As Required by 11 U.S.C. § 1302(c) and Local Rule 2083-1(b)

INSTRUCTIONS: Complete the entire form using additional pages if necessary. Please include the case number, debtor's name and the question number on all additional pages. All financial information, unless otherwise stated, is to be as of the bankruptcy filing date.

This Questionnaire must be submitted to the Trustee on or before your first scheduled Meeting of Creditors. Copies of all documents requested herein **MUST** be submitted along with the Questionnaire. The Trustee must move to dismiss your case if this Questionnaire and copies of all requested documents are not received by this deadline.

1. Name of your business: _____
2. Address or location of your business: _____
3. Is your business a sole proprietorship; C-corporation; S-corporation; professional corporation; limited liability company (LLC); partnership; Other _____
4. Do you operate your business out of your home? Yes No. If no, identify whether you or your business leases, rents, or owns the business location? _____
As of the date of your bankruptcy filing, list the amount of any delinquency on rent or mortgage payments for your business location: _____. Since filing for bankruptcy, are you current on rent or mortgage payments for your business location? Yes No.
5. List the number of employees: _____ How many employees receive an IRS Form 1099 _____
How many employees receive an IRS Form W-2 _____ If no employees, do you intend in the next 12 months to hire or lease employees, and if so when? _____
If you have employees, list them below:

| Employee Name | Position/Function | Hourly Rate | P=Part F=Full |
|---------------|-------------------|-------------|------------------|
| | | | |
| | | | |
| | | | |
| | | | |

Since your bankruptcy filing, are you current on paying employee salaries? Yes No.
 If no, state the amount of the delinquency as of your bankruptcy filing: \$ _____
 Do you maintain a trust account for depositing employee withholding taxes? Yes No.
 If no, explain why not: _____

Are you current on filing employee withholding tax returns? Yes No. If no, state the periods for which returns are due but not filed: _____

If you have employees, provide **COPIES** of IRS Form 941 and Utah form TC-96M or TC-96Q for the most recent 4 quarters prior to your bankruptcy filing.

Do you lease employees? Yes No. If yes, list the number of leased employees and the name of the employee leasing agency: _____

6. Does your business collect sales tax? Yes No. If yes, provide verification of a sales tax trust account and proof that since filing for bankruptcy, sales taxes are being deposited into the trust account and paid to the appropriate taxing authority.

7. What percentage of your business do you, your spouse, and/or children own? _____

8. On a separate page, list all other persons with an ownership interest in your business and the percentage of their ownership.

9. If the business is a corporation, list all persons with control over corporate assets and funds.

10. When did the business start? _____ If the business has closed, list the date _____

11. What is the nature of your business?

- Real estate or insurance sales
- Providing the following services: _____
- Manufacturing the following products: _____
- Independent contractor of _____
- Other _____

12. Is your business seasonal? Yes No. If yes, list the good months _____ and list the bad months _____

13. Are you leasing any personal business property or equipment? Yes No. If yes, please describe: _____

Do you intend to continue with the lease during your bankruptcy case? Yes No. If yes, attach a **COPY** of your lease agreement to this questionnaire.

14. Is your business registered with the State of Utah? Yes No. If no, explain on a separate sheet why it is not registered in Utah. If yes, is your registration current and in good standing? Yes No. If no, explain why: _____

15. Is your local business license current and in good standing? Yes No. If no, explain why: _____

* Provide **COPIES**, not the originals, of all business licenses with this Questionnaire.

16. List all other licenses you or your business is required to have. _____

* Provide **COPIES**, not the originals, of all other licenses listed above.

17. Check the boxes next to the insurance you or your business are required to carry.

- Business operation liability insurance.
- Worker's compensation insurance.
- Vehicle insurance.
- Real and/or personal property insurance.
- Other _____

* Provide **COPIES**, not the originals, of all required insurance.

18. List any insurance which you or your business carry but are not required by law or regulation to carry. _____

*Provide **COPIES**, not the originals, of proof of all insurance listed above.

19. What is the estimated market value of your business, including good will? \$ _____

- What amount of your business value is attributed to accounts receivables? \$ _____
- What amount of your business value is attributed to inventories? \$ _____
- What amount of your business value is attributed to real property? \$ _____
- What amount of your business value is attributed to tools/fixtures? \$ _____
- What amount of your business value is attributed to good will? \$ _____
- If the business has a value not accounted for in the prior five questions, list what that business value is attributed to. _____

20. On a separate page, list and describe all assets owned by your business, the original cost of each asset, the age of each asset, and the estimated current fair market value of each asset.

21. Did you or your business have any accounts receivables on the date you filed for bankruptcy? Yes No. If yes, list the estimated market value of your accounts receivables. \$ _____

22. Do you or your business have any inventories? Yes No. If yes, list the last date an inventory was taken, the value of the inventory on that date, and the estimated market value as of the day of your bankruptcy filing. _____

23. Have you or your business pledged assets, receivables, rents, profits, or cash as collateral for a loan? Yes No. If yes, list on a separate page what property has been pledged and the creditor with a security interest in the collateral.

24. Do you anticipate that you will continue to incur trade debt on a monthly basis? Yes No. If yes, such debt must be limited to 30-day trade accounts incurred in the ordinary course of business.

25. List all bank accounts to which you have access (use a separate page if necessary).

| Bank Name | Account No. | Type of Account | Purpose |
|-----------|-------------|-----------------|---------|
| | | | |
| | | | |
| | | | |
| | | | |

Are any other persons authorized to sign on the account(s)? Yes No. If yes, identify such person(s): _____

*Provide **COPIES**, not the originals, of bank statements for each account listed above for the month before you filed your Chapter 13 petition, the month in which you filed your Chapter 13 petition, and the month after you filed your Chapter 13 petition.

26. Federal Tax Returns.

Provide **COPIES** of your personal and business federal tax returns, along with all supporting schedules for the last three years. Also include copies of any W-2's or 1099's you received.

27. Are you current on personal self-employment taxes and income tax deposits? Yes No. (Such deposits are due April 15, June 15, Sept 15, and Jan 15 of the next tax year.)

28. Do you have a business record keeping system and/or do you employ a business accountant or tax preparation service? Yes No. If yes, identify and describe

29. Provide a COPY of the most recent balance sheet for this business, and subsequently submit an updated copy together with required monthly profit and loss statements.

30. Other than wages listed on Schedule I, do you now receive or expect to receive any other payments from the operation of your business such as loan repayments, return on business capital, personal loans from the business, bonuses, etc? Yes No. If yes, explain

DECLARATION UNDER PENALTY OF PERJURY BY DEBTOR

I(we) declare under penalty of Perjury that I(we) have answered all questions and provided all applicable documents pertaining to this business examination checklist in good faith and that said answers and documents are true and correct.

Name: _____

Signature: _____

Date: _____

Name: _____

Signature: _____

Date: _____

If Questionnaire if prepared by individual(s) other than Debtor(s):

Preparers' Name: _____

Preparers' Signature: _____

Date: _____

- Upon review of submitted documentation, the Trustee may request additional financial information. Any additional documentation requested must be received and reviewed by the Trustee prior to the confirmation hearing.