

NON-FILING SPOUSE SELF-EMPLOYED/BUSINESS QUESTIONNAIRE

Office of the Chapter 13 Trustee

The purpose for the non-filing spouse to complete this questionnaire and submit it with other supporting documents is to assist the business case analyst for the Chapter 13 Trustee to:

- A. Determine if the filing spouse is actively involved in the non-filing spouse's business
- B. Determine if the filing spouse has an interest in profits and/or assets of the non-filing spouse's business
- C. Determine if the filing spouse is responsible, in any way for filing reports and/or paying employer and/or business taxes for the non-filing spouse's business
- D. Determine if the filing spouse is responsible, in any way for any of the business liabilities of the non-filing spouse's business
- E. Allow the business case analyst to determine if the non-filing spouse's business will be able to earn the net monthly business income as noted on Schedule I and Schedule J filed by the filing spouse.

Reminders:

1. Answer all questions that apply. Use a separate page if you need additional room.
2. Send in all reports and all required documentation.
3. You will save your filing spouse's attorney and yourself a lot of time by providing all the information requested by the date noted on the attached letter so that the business case analyst can assist the trustee in reviewing your case.
4. Failure to provide all the requested information could result in your filing spouse's case being dismissed.

1. DESCRIPTION OF BUSINESS

- a) Name of the business

b) Address of where the business is operated

c) Type of business that you operate/when did it begin operations (day, month, year)

d) Main product and/or service

e) Is your business seasonal Yes No
If yes, specify your good months and poor months.

f) Is your company a:
 sole proprietorship partnership corporation LLC

g) Full first and last names of **all** owners or partners and percentage of interest for each owner/partner.

h) Do you have a partnership agreement, Articles of Incorporation, or ownership/operating agreement?
 Yes No

1) **If yes, please provide copies of the agreement and/or Articles of Incorporation.**

i) Do you operate your business with the help of employees? Yes No

1) **If yes**, does the filing spouse work for the business? Yes No

j) Are you leasing office and/or building space?

1) If yes, is it your intention to continue with the lease(s)? [] Yes [] No

2) If yes, please provide copies of all leases for all leased office space IF your non-filing spouse has signed his/her name on the lease.

2. PROFIT AND LOSS STATEMENTS

Using the form on the next page, provide:

- a) Six (6) months prior to date of filing the bankruptcy plan
- b) Each month since date of filing.
- c) Total twelve (12) months for year prior to filing.
- d) Monthly business budget broken down by revenue and expense **line** items (e.g. Rent, Utilities, Advertising, etc). This business budget must include the same monthly income amount as noted on line 7 of Schedule I. The total monthly expense amount must be the same amount as noted on line 16 of Schedule J.

3. BALANCE SHEET -Business Only (Statement of Assets, Liabilities and Equity) As of the Date of Filing. Also, provide a balance sheet for the end of each month since date of filing bankruptcy.

Using the form on the last page, enter:

- a) The amounts of business assets you have **(Must equal those listed on Schedule A and B)**
- b) The amounts of pre-petition business liabilities
- c) The amounts of post-petition liabilities (if it can reasonably be projected. E.g. Purchased \$500 in supplies but did not receive the invoice until after you filed for Chapter 13 bankruptcy. Two other examples are taxes withheld from employees' paychecks and not yet paid to the State/IRS or unemployment taxes not yet paid to the State/IRS. These are three examples of post-petition liabilities known by the debtor at the time of filing their bankruptcy plan.)
- d) The amount of your investment, retained prior year earnings, current year earnings and owner draws.

4. Other reports and/or documentation might be requested if:

- a) It appears as though the filing spouse is involved in the operation of the business owned by the non-filing spouse
- b) It appears as though the filing spouse is responsible for filing and/or paying employer or other taxes on the business owned by the non-filing spouse
- c) It appears as though the filing spouse has a financial interest in the business owned by the non-filing spouse
- d) It appears as though the filing spouse could be responsible for any business debts for the business owned by the non-filing spouse