

Debtor 1 Lisa Sandra Reyes  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_

Case number \_\_\_\_\_  
(If known)

- ☒ 1. There is no presumption of abuse.
- ☐ 2. The calculation to determine if a presumption of abuse applies will be made under *Chapter 7 Means Test Calculation* (Official Form 122A-2).
- ☐ 3. The Means Test does not apply now because of qualified military service but it could apply later.

☐ Check if this is an amended filing

## 12/19

## Part 1: Calculate Your Current Monthly Income

- ☒ **Not married.** Fill out Column A, lines 2-11.

- ☐ **Married and your spouse is filing with you.** Fill out both Columns A and B, lines 2-11.

- ☐ **Married and your spouse is NOT filing with you. You and your spouse are:**

- ☐ **Living in the same household and are not legally separated.** Fill out both Columns A and B, lines 2-11.

- ☐ **Living separately or are legally separated.** Fill out Column A, lines 2-11; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated under nonbankruptcy law that applies or that you and your spouse are living apart for reasons that do not include evading the Means Test requirements. 11 U.S.C. § 707(b)(7)(B).

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse								
2. <b>Your gross wages, salary, tips, bonuses, overtime, and commissions</b> (before all payroll deductions). <span style="border: 1px solid red; border-radius: 50%; padding: 2px;">3</span>	\$ <u>1,525.45</u>	\$ _____								
3. <b>Alimony and maintenance payments.</b> Do not include payments from a spouse if Column B is filled in.	\$ <u>150.00</u>	\$ _____								
4. <b>All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support.</b> Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$ <u>0.00</u>	\$ _____								
5. <b>Net income from operating a business, profession, or farm</b>	<table><tr><th>Debtor 1</th><th>Debtor 2</th></tr><tr><td>Gross receipts (before all deductions)</td><td>\$ _____</td></tr><tr><td>Ordinary and necessary operating expenses</td><td>— \$ _____</td></tr><tr><td>Net monthly income from a business, profession, or farm</td><td>\$ <u>0.00</u></td></tr></table>	Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ _____	Ordinary and necessary operating expenses	— \$ _____	Net monthly income from a business, profession, or farm	\$ <u>0.00</u>	<div>Copy here →</div> <div>\$ <u>0.00</u></div> <div>\$ _____</div>
Debtor 1	Debtor 2									
Gross receipts (before all deductions)	\$ _____									
Ordinary and necessary operating expenses	— \$ _____									
Net monthly income from a business, profession, or farm	\$ <u>0.00</u>									
6. <b>Net income from rental and other real property</b>	<table><tr><th>Debtor 1</th><th>Debtor 2</th></tr><tr><td>Gross receipts (before all deductions)</td><td>\$ _____</td></tr><tr><td>Ordinary and necessary operating expenses</td><td>— \$ _____</td></tr><tr><td>Net monthly income from rental or other real property</td><td>\$ <u>0.00</u></td></tr></table>	Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ _____	Ordinary and necessary operating expenses	— \$ _____	Net monthly income from rental or other real property	\$ <u>0.00</u>	<div>Copy here →</div> <div>\$ <u>0.00</u></div> <div>\$ _____</div>
Debtor 1	Debtor 2									
Gross receipts (before all deductions)	\$ _____									
Ordinary and necessary operating expenses	— \$ _____									
Net monthly income from rental or other real property	\$ <u>0.00</u>									
7. <b>Interest, dividends, and royalties</b>	\$ <u>0.00</u>	\$ _____								

Column A Debtor 1	Column B Debtor 2 or non-filing spouse
----------------------	--

8. **Unemployment compensation**

4

\$ 0.00 \$

Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: ↓

For you \$

For your spouse \$

9. **Pension or retirement income.** Do not include any amount received that was a benefit under the Social Security Act. Also, except as stated in the next sentence, do not include any compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If you received any retired pay paid under chapter 61 of title 10, then include that pay only to the extent that it does not exceed the amount of retired pay to which you would otherwise be entitled if retired under any provision of title 10 other than chapter 61 of that title.

\$ 0.00 \$

10. **Income from all other sources not listed above.** Specify the source and amount. Do not include any benefits received under the Social Security Act; payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism; or compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If necessary, list other sources on a separate page and put the total below.

SNAP benefits

5

\$ 241.00 \$

Child care assistance

\$ 385.00 \$

Total amounts from separate pages, if any.

+ \$ 0.00 + \$

11. **Calculate your total current monthly income.** Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.

\$ 2,301.45	+	\$	=	\$ 2,301.45
Total current monthly income				

**Part 2: Determine Whether the Means Test Applies to You**

12. **Calculate your current monthly income for the year.** Follow these steps:

12a. Copy your total current monthly income from line 11. Copy line 11 here →

\$ 2,301.45

Multiply by 12 (the number of months in a year).

x 12

12b. The result is your annual income for this part of the form.

12b.

\$ 27,617.40

13. **Calculate the median family income that applies to you.** Follow these steps:

Fill in the state in which you live.

Kentucky

Fill in the number of people in your household.

3

6

Fill in the median family income for your state and size of household. 13.

\$ 71,501.00

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

14. **How do the lines compare?**

14a. ☒ Line 12b is less than or equal to line 13. On the top of page 1, check box 1, *There is no presumption of abuse.* Go to Part 3. Do NOT fill out or file Official Form 122A-2

7

14b. ☐ Line 12b is more than line 13. On the top of page 1, check box 2, *The presumption of abuse is determined by Form 122A-2.* Go to Part 3 and fill out Form 122A-2.

Debtor 1

Lisa

Sandra

Reyes

Case number (if known)

First NameMiddle NameLast Name

Part 3: Sign Below

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct.

X Lisa S. Reyes

Signature of Debtor 1

Date 12/04/2022  
MM / DD / YYYY

X

Signature of Debtor 2

Date  
MM / DD / YYYY

If you checked line 14a, do NOT fill out or file Form 122A–2.  
If you checked line 14b, fill out Form 122A–2 and file it with this form.

## Annotations to Completed Sample Form 122A-1

1. In order to provide information about the presumption of abuse in chapter 7 and the debtor's disposable income in chapter 13, the debtor must file the appropriate versions of Official Form 122. Fed. R. Bankr. P. 1007(b)(4). Official Forms 122A-1 and 122A-2 are used in chapter 7 cases and Official Forms 122C-1 and 122C-2 are used in chapter 13 cases. Debtors who do not have primarily consumer debts or who otherwise contend that they are exempt from means testing should prepare the separate supplement, Official Form 122A-1Supp, and file it with Official Form 122A-1.

These forms, though lengthy and complicated, are largely self-explanatory. After completing Form 122A-1, chapter 7 debtors whose incomes in Part 2 are below the median income may check the box labeled "There is no presumption of abuse" at the top of the first page of Form 122A-1, and they do not need to complete the other chapter 7 means test form, Official Forms 122A-2. For a discussion of the "means test" under section 707(b), see § 13.4, *supra*. [BACK](#)

2. Part 1 of Form 122A-1 is the calculation of monthly income for the purposes of section 707(b)(7), which creates a safe harbor from the means test for lower income debtors. Form 122A-1 takes the position that both spouses' incomes must always be included in this calculation unless the spouses are separated, not filing jointly, and living in separate households for purposes other than evading the means test. Part 1 of Form 122C-1 is similar, except that it requires a non-debtor spouse's income in all cases. Obviously some debtors simply do not have such information if they are separated from their spouses, and will have to state on the form that the information is unknown. [BACK](#)
3. In preparing these sections of the forms it is important that the correct prepetition period be used for determining the debtor's income. The figures listed on the form should reflect the average monthly income for the six calendar months prior to filing the petition, ending on the last day of the month before the filing. If the debtor received different amounts of income during these months, all of these amounts for the six-month period should be totaled and then divided by six. [BACK](#)
4. The form does not take a position on whether unemployment compensation is a benefit under the Social Security Act that is excluded from the income calculation, based on the definition of "current monthly income" in section 101(10A). If the debtor does not include such benefits in the calculation, the compensation must nonetheless be disclosed in line 8 of Form 122A-1. [BACK](#)
5. Income from all sources must be included in the calculation of current monthly income, except benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. [BACK](#)

6. Part 2 of Form 122A-1 determines whether, according to the form's methodology, the section 707(b)(7) safe harbor from the means test applies. The income calculated in Part 1 of Form 122A-1 is compared to the applicable median family income for the debtor's state and household size, which can be found at [www.justice.gov](http://www.justice.gov). [BACK](#)
7. Ms. Reyes has checked the box indicating that her annual income reported in line 12b is less than or equal to the median family income for the debtor's state and household size as reported on line 13. Thus, there is no presumption of abuse. The form then instructs her to proceed to Part 3 and sign the declaration. Only debtors whose incomes are above the applicable state medians must complete the other chapter 7 means test form, Official Forms 122A-2. Chapter 7 debtors whose incomes in Part 2 are below the median income must also check the box labeled "There is no presumption of abuse" at the top of the first page of Form 122A-1. [BACK](#)