

Fill in this information to identify your case and this filing:

Debtor 1 George Winston Lewis
First Name Middle Name Last Name

Debtor 2 Delia Marie Lewis
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Northern District of Georgia

Case number _____

☐ Check if this is an amended filing

Official Form 106A/B
Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- ☐ No. Go to Part 2.
- ☒ Yes. Where is the property?

1.1. 1453 Cedar Trace Drive **5**
Street address, if available, or other description

Ellenwood GA 30294
City State ZIP Code

Clayton
County

What is the property? Check all that apply.

- ☒ Single-family home **6**
- ☐ Duplex or multi-unit building
- ☐ Condominium or cooperative
- ☐ Manufactured or mobile home
- ☐ Land **8**
- ☐ Investment property
- ☐ Timeshare
- ☐ Other _____

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☒ Debtor 1 and Debtor 2 only **7**
- ☐ At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number: _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? **8** \$ 183,500.00

Current value of the portion you own? \$ 183,500.00

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Fee Simple **9**

☐ Check if this is community property (see instructions)

If you own or have more than one, list here:

1.2. _____
Street address, if available, or other description

City State ZIP Code

County

What is the property? Check all that apply.

- ☐ Single-family home
- ☐ Duplex or multi-unit building
- ☐ Condominium or cooperative
- ☐ Manufactured or mobile home
- ☐ Land
- ☐ Investment property
- ☐ Timeshare
- ☐ Other _____

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number: _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ _____

Current value of the portion you own? \$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

☐ Check if this is community property (see instructions)

1.3.

Street address, if available, or other description

CityStateZIP Code

County

What is the property? Check all that apply.

☐ Single-family home

☐ Duplex or multi-unit building

☐ Condominium or cooperative

☐ Manufactured or mobile home

☐ Land

☐ Investment property

☐ Timeshare

☐ Other

Who has an interest in the property? Check one.

☐ Debtor 1 only

☐ Debtor 2 only

☐ Debtor 1 and Debtor 2 only

☐ At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number:

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

☐ Check if this is community property (see instructions)

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.

\$183,500.00

Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

☐ No

☒ Yes

3.1.

Make: Honda

Model: Accord

Year: 2019

Approximate mileage: 31,000

Other information:

Who has an interest in the property? Check one.

☐ Debtor 1 only

☐ Debtor 2 only

☒ Debtor 1 and Debtor 2 only

☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

13,200.00

0.00

If you own or have more than one, describe here:

3.2.

Make:

Model:

Year:

Approximate mileage:

Other information:

Who has an interest in the property? Check one.

☐ Debtor 1 only

☐ Debtor 2 only

☐ Debtor 1 and Debtor 2 only

☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

Official Form 106A/B

Schedule A/B: Property

page 2

3.3. Make:

Model:

Year:

Approximate mileage:

Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$

\$

3.4. Make:

Model:

Year:

Approximate mileage:

Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$

\$

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories

Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

- ☒ No
- ☐ Yes

4.1. Make:

Model:

Year:

Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$

\$

If you own or have more than one, list here:

4.2. Make:

Model:

Year:

Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$

\$

5. Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here



\$

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?		Current value of the portion you own? Do not deduct secured claims or exemptions.
6. Household goods and furnishings <i>Examples:</i> Major appliances, furniture, linens, china, kitchenware		
<input type="checkbox"/> No		
<input checked="" type="checkbox"/> Yes. Describe..... Sofa, loveseat, coffee table, dining room set, 2 queen size beds, dresser, vanity, cookware, other household goods; no item worth more than \$300		\$ 2,200.00
7. Electronics <i>Examples:</i> Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games		
<input type="checkbox"/> No		
<input checked="" type="checkbox"/> Yes. Describe..... Television, 36" (8 years old), television 42" (4 years old), stereo (12 years old), cell phone (3 years old), cell phone (2 years old); no item worth than \$300		\$ 350.00
8. Collectibles of value <i>Examples:</i> Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles		
<input checked="" type="checkbox"/> No		
<input type="checkbox"/> Yes. Describe.....		\$
9. Equipment for sports and hobbies <i>Examples:</i> Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments		
<input type="checkbox"/> No		
<input checked="" type="checkbox"/> Yes. Describe..... Lawn mower, leaf blower, tools; no item worth more than \$300		\$ 650.00
10. Firearms <i>Examples:</i> Pistols, rifles, shotguns, ammunition, and related equipment		
<input checked="" type="checkbox"/> No		
<input type="checkbox"/> Yes. Describe.....		\$
11. Clothes <i>Examples:</i> Everyday clothes, furs, leather coats, designer wear, shoes, accessories		
<input type="checkbox"/> No		
<input checked="" type="checkbox"/> Yes. Describe..... Assorted casual clothing, fur coat		\$ 700.00
12. Jewelry <i>Examples:</i> Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver		
<input type="checkbox"/> No		
<input checked="" type="checkbox"/> Yes. Describe..... Wedding band; assorted costume jewelry		\$ 700.00
13. Non-farm animals <i>Examples:</i> Dogs, cats, birds, horses		
<input checked="" type="checkbox"/> No		
<input type="checkbox"/> Yes. Describe.....		\$
14. Any other personal and household items you did not already list, including any health aids you did not list		
<input checked="" type="checkbox"/> No		
<input type="checkbox"/> Yes. Give specific information.		\$
15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here		\$ 4,600.00

Part 4: Describe Your Financial Assets

Do you own or have any legal or equitable interest in any of the following?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

16. Cash

Examples: Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

☐ No

☒ Yes

Cash: \$ 75.00

17

17. Deposits of money

Examples: Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

☐ No

☒ Yes

Institution name:

17.1. Checking account: Suntrust Bank \$ 250.00

17.2. Checking account: \$

17.3. Savings account: \$

17.4. Savings account: \$

17.5. Certificates of deposit: \$

17.6. Other financial account: \$

17.7. Other financial account: \$

17.8. Other financial account: \$

17.9. Other financial account: \$

18. Bonds, mutual funds, or publicly traded stocks

Examples: Bond funds, investment accounts with brokerage firms, money market accounts

☒ No

☐ Yes

Institution or issuer name:

\$

\$

\$

19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture

☒ No

☐ Yes. Give specific information about them.

Name of entity:

% of ownership:

0% % \$

0% % \$

0% % \$

20. Government and corporate bonds and other negotiable and non-negotiable instruments

Negotiable instruments include personal checks, cashiers' checks, promissory notes, and money orders.
Non-negotiable instruments are those you cannot transfer to someone by signing or delivering them.

☒ No

☐ Yes. Give specific information about them.....

Issuer name:

\$

\$

\$

21. Retirement or pension accounts

Examples: Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans

☒ No

☐ Yes. List each account separately.

Type of account:

Institution name:

401(k) or similar plan:

\$

Pension plan:

\$

IRA:

\$

Retirement account:

\$

Keogh:

\$

Additional account:

\$

Additional account:

\$

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company
Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

☒ No

☐ Yes

Institution name or individual:

Electric:

\$

Gas:

\$

Heating oil:

\$

Security deposit on rental unit:

\$

Prepaid rent:

\$

Telephone:

\$

Water:

\$

Rented furniture:

\$

Other:

\$

23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)

☒ No

☐ Yes

Issuer name and description:

\$

\$

\$

24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

☒ No

☐ Yes Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

\$

\$

\$

25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit

☒ No

☐ Yes. Give specific information about them....\$

26. Patents, copyrights, trademarks, trade secrets, and other intellectual property

Examples: Internet domain names, websites, proceeds from royalties and licensing agreements

☒ No

☐ Yes. Give specific information about them....\$

27. Licenses, franchises, and other general intangibles

Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses

☒ No

☐ Yes. Give specific information about them....\$

Money or property owed to you?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

28. Tax refunds owed to you

☒ No

☐ Yes. Give specific information about them, including whether you already filed the returns and the tax years.

Federal: \$

State: \$

Local: \$

29. Family support

Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

☒ No

☐ Yes. Give specific information.....

Alimony: \$

Maintenance: \$

Support: \$

Divorce settlement: \$

Property settlement: \$

30. Other amounts someone owes you

Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

☒ No

☐ Yes. Give specific information.....\$

31. Interests in insurance policies

Examples: Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance

☒ No

☐ Yes. Name the insurance company of each policy and list its value. ...

Company name:

Beneficiary:

Surrender or refund value:

Anthem Blue Cross

Debtors

\$ 0.00

Allied Insurance

Debtors - Goldstar loss

\$ 0.00

Progressive Auto

Debtors

\$ 0.00

32. Any interest in property that is due you from someone who has died

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

☒ No

☐ Yes. Give specific information.

\$

18**33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment**

Examples: Accidents, employment disputes, insurance claims, or rights to sue

☐ No

☒ Yes. Describe each claim.

Potential legal claims v. Joseph Smith re to car accident Jan. 2014

\$ unknown

34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims
☒ No

☐ Yes. Describe each claim.

Potential counterclaim v. Goldstar Mortgage under FDCPA

\$ 8,000.00

19**35. Any financial assets you did not already list**
☒ No

☐ Yes. Give specific information.

\$

36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here

\$ 8,325.00

Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.**37. Do you own or have any legal or equitable interest in any business-related property?**
☒ No. Go to Part 6.

☐ Yes. Go to line 38.

Current value of the portion you own?

Do not deduct secured claims or exemptions.

38. Accounts receivable or commissions you already earned
☐ No

☐ Yes. Describe.

\$

39. Office equipment, furnishings, and supplies

Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices

☐ No

☐ Yes. Describe.

\$

40. Machinery, fixtures, equipment, supplies you use in business, and tools of your trade

☐ No

☐ Yes. Describe\$

41. Inventory

☐ No

☐ Yes. Describe\$

42. Interests in partnerships or joint ventures

☐ No

☐ Yes. Describe

Name of entity:	% of ownership:	
	%	\$
	%	\$
	%	\$

43. Customer lists, mailing lists, or other compilations

☐ No

☐ Yes. Do your lists include personally identifiable information (as defined in 11 U.S.C. § 101(41A))?

☐ No

☐ Yes. Describe\$

44. Any business-related property you did not already list

☐ No

☐ Yes. Give specific information

	\$
	\$
	\$
	\$
	\$
	\$

45. Add the dollar value of all of your entries from Part 5, including any entries for pages you have attached for Part 5. Write that number here →

\$

Part 6:

Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.
If you own or have an interest in farmland, list it in Part 1.

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?

☒ No. Go to Part 7.

☐ Yes. Go to line 47.

Current value of the portion you own?
Do not deduct secured claims or exemptions.

47. Farm animals

Examples: Livestock, poultry, farm-raised fish

☐ No

☐ Yes\$

48. **Crops—either growing or harvested**
☐ No
☐ Yes. Give specific information. _____ \$ _____

49. **Farm and fishing equipment, implements, machinery, fixtures, and tools of trade**
☐ No
☐ Yes. _____ \$ _____

50. **Farm and fishing supplies, chemicals, and feed**
☐ No
☐ Yes. _____ \$ _____

51. **Any farm- and commercial fishing-related property you did not already list**
☐ No
☐ Yes. Give specific information. _____ \$ _____

52. **Add the dollar value of all of your entries from Part 6, including any entries for pages you have attached for Part 6. Write that number here** _____ ➔ **\$** _____

Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above

53. **Do you have other property of any kind you did not already list?**
Examples: Season tickets, country club membership
☒ No
☐ Yes. Give specific information. _____ \$ _____
\$ _____
\$ _____

54. **Add the dollar value of all of your entries from Part 7. Write that number here** _____ ➔ **\$** 0.00

21

Part 8: List the Totals of Each Part of this Form

55. Part 1: Total real estate, line 2 _____ ➔	\$ <u>183,500.00</u>
56. Part 2: Total vehicles, line 5 _____	\$ <u>0.00</u>
57. Part 3: Total personal and household items, line 15 _____	\$ <u>4,600.00</u>
58. Part 4: Total financial assets, line 36 _____	\$ <u>8,325.00</u>
59. Part 5: Total business-related property, line 45 _____	\$ <u>0.00</u>
60. Part 6: Total farm- and fishing-related property, line 52 _____	\$ <u>0.00</u>
61. Part 7: Total other property not listed, line 54 _____	+\$ <u>0.00</u>
62. Total personal property. Add lines 56 through 61. _____	\$ <u>12,925.00</u> Copy personal property total ➔ +\$ <u>12,925.00</u>
63. Total of all property on Schedule A/B. Add line 55 + line 62. _____	\$ <u>196,425.00</u>

Annotations to Completed Sample Form 106

Schedule A/B

5. A basic description, including the street address for the property, is usually sufficient. For property that may not have a street or post office address, such as a vacant lot, some other description should be provided, such as a tax assessor's identification number or plat and lot number. In some districts, local practice may require the full legal description or a local property identification number. This additional information can be provided in the space provided at the bottom of each line labeled: "Other information you wish to add about this item." [BACK](#)
6. The form provides a list of different types of property and debtors are instructed to check all the boxes that describe the real property. For example, debtors may indicate that a property is a "condominium" and "investment property" by checking both boxes. Debtors may provide a description of the property under "other" if the types of property listed do not apply. The Lewises in the sample case have checked the box for "single-family home." [BACK](#)
7. In this portion of the real property question, debtors indicate their interest in the property. Using the form convention that deals with joint filings, the response should indicate that either "Debtor 1 only," "Debtor 2 only," or "Debtor 1 and Debtor 2 only" have an interest in the property. If at least one of the debtors has an interest in the property with someone else, the box noting that should be checked. The debtor does not need to identify the other person on this form, though that person would be identified on Schedule H if the debtor and the co-owner are co-borrowers on a loan secured by the property. [BACK](#)
8. The form requests that debtors state the current value of the entire property and the current value of the portion owned by the debtor (or both Debtor 1 and Debtor 2 in a joint case). For property that a debtor owns with other individuals, the debtor should list a value that represents the debtor's proportional interest. For example, if the debtor owns a house having a current value of \$100,000 equally with her brother, the debtor would list the value of her interest as \$50,000 (50% of the value of the house). It is sometimes difficult to value an undivided interest which cannot be alienated by one debtor. For example, does one of the two tenants by the entirety in a \$10,000 property have an interest worth \$5000 if that interest could not be sold by that tenant? Generally, it is best to list one-half of the value of such a property, with a note explaining that the interest could not be sold by the debtor for that much, because the trustee may partition under 11 U.S.C. § 363(h). Here both property owners are filing a joint case and their total interest is listed.

The value of the property interest should be given without deduction for any exemptions the debtor may claim or secured debts, such as mortgages. The amount of any secured

claims on the property and any unsecured portion of a creditor's secured claim are listed on Schedule D: Creditors Who Have Claims Secured by Property. The value listed for the property can be the debtor's best estimate of the property's fair market value as of the petition date. Sources for determining property value may be a recent appraisal, a broker's price opinion, tax assessment value, or an online valuation tool. Often the valuation is selected from a range of good faith choices in a manner consistent with the debtor's best interests and the overall goals of the case. The Lewises listed the value of their home at \$183,500 based on the estimate provided on Zillow, which they believe is consistent with recent sales in the neighborhood and the condition of the property. For a further discussion of valuation, see §§ 9.7.3.3.1, 11.2.2, *supra*. The property value listed on this schedule should be consistent with the value listed, if applicable, on Schedule C: The Property You Claim as Exempt and Schedule D. [BACK](#)

9. The debtor should describe the ownership interest in the blank space provided, such as "fee simple," "life estate," "tenants by the entireties" or "equitable interest under land contract." If the debtor's interest in a particular property is other than a full possessory interest in fee simple, a careful description of the debtor's actual interest should be provided. Similarly, if there are limits on the debtor's ability to dispose of or access the property, such as an affordability covenant, the nature of the limitation should be described in detail. It is more important to list the nature of the interest accurately than to fit it into the available space. A supplemental sheet should be used when necessary. The debtor must indicate whether the property is community property, by checking the applicable box. [BACK](#)
10. Part 2 of Schedule A/B is a list of all of the debtors' interests in vehicles, such as cars, vans, trucks, tractors, sport utility vehicles, and motorcycles. Vehicles that are leased are listed here and also reported on Schedule G: Executory Contracts and Unexpired Leases. The debtor must provide the make, model, year, and approximate mileage for the vehicle. The 2015 Advisory Committee Note states: "Because mileage is just a general indication of vehicle value, the debtor is not required to list the exact mileage, but instead is prompted to provide the approximate mileage." The form also provides a space for the debtor to provide any other information about the vehicle. For example, if a car is inoperable or in need of significant repairs, listing that information would help support the value given for the vehicle.

The instructions on the form note that the debtor should list any interests in vehicles, whether they are "registered or not" or if "someone else drives" them. Even property that has been repossessed or seized is property of the estate to the extent of the debtor's interest in it. If the debtor has an interest then it should be turned over under 11 U.S.C. § 542, and the debtor has a right to possession under 11 U.S.C. § 1306. See §§ 9.9, 12.8, *supra*. In addition, many transfers of property which may be claimed as exempt may be

nullified by the debtor or the trustee. See § 10.4.2, *supra*. In the case of an auto repossession, the debtor's attorney should attempt to determine if the vehicle has been sold or transferred in accordance with state law. If the debtor retains any interest in the vehicle it should be listed on Schedule A/B, particularly if the debtor intends to seek its return. [BACK](#)

11. Similar to real property interests, the debtor must indicate who has an interest in the vehicle, by stating "Debtor 1 only," "Debtor 2 only," "Debtor 1 and Debtor 2 only," or "At least one of the debtors and another." The debtor must also note whether the vehicle is community property. [BACK](#)
12. The form requests that the current value of the entire property be listed. The value of the property should be given without deduction for any exemptions or secured debts. The amount of any secured claims on the property and any unsecured portion of a creditor's secured claim are listed on Schedule D: Creditors Who Have Claims Secured by Property. The value listed for the property can be the debtors' best estimate of the property's fair market value as of the petition date. The value listed by the debtors here was obtained from an online motor vehicle industry guide. For a discussion of the statutory provisions related to valuations of motor vehicles and the determination of a creditor's allowed secured claim, see § 11.2.2.3.2, *supra*. The property value listed on this schedule should be consistent with the value listed, if applicable, on Schedule C: The Property You Claim as Exempt and Schedule D. [BACK](#)
13. The form requests that the current value of the portion owned by the debtor (or both Debtor 1 and Debtor 2 in a joint case) be listed. The Lewises have listed their interest at \$0.00 because the vehicle is leased and they do not have an ownership interest in the vehicle under the terms of the lease agreement. [BACK](#)
14. Courts vary in the specificity they require for the description of personal and household goods. There is usually no need to list every last plate, cup, and saucer. In general, a brief description of the types of items is sufficient, rather than an itemized description of each item of property. However, the debtor should list separately each major appliance or other item of significant value. The instructions that accompany the forms state that the debtor should "[s]eparately describe and list individual items worth more than \$500." See "Instructions—Bankruptcy Forms for Individuals," December 2015. Some sort of catch-all for assorted items is usually a good idea to cover all other items with values too small to warrant individual listings. The statement "no item worth more than \$500" is added in the sample schedules to be consistent with the debtors' claim on Schedule C that the items are exempt based on the Georgia exemption statute, Ga. Code Ann. § 44-13-100(a)(4). To be exempt under that statute, the debtor's interest in household goods and furnishings may not exceed \$300 in value in any particular item or \$5000 in aggregate value. [BACK](#)

15. Generally the market value for used furniture and similar household items is quite low. Clients should be asked for “garage sale” value, which is usually substantially less than the original purchase price. For some items that are potentially worth more than \$500, the final auction sale price for similar items on eBay or other popular online auction websites may be helpful in estimating value. [BACK](#)
16. The statement “no item worth more than \$300” is added in the sample schedules to be consistent with the debtors’ claim on Schedule C that the items are exempt based on the Georgia exemption statute, Ga. Code Ann. § 44-13-100(a)(4). To be exempt under that statute, the debtor’s interest in household goods and furnishings may not exceed \$300 in value in any particular item or \$5000 in aggregate value. Notes describing the age or condition of the property, such as “4 years old,” are often useful for explaining a low valuation for items that depreciate quickly, such as televisions, home computers and other electronic devices. [BACK](#)
17. If the debtor has funds in a checking or savings account, certificate of deposit, or any other financial account at a bank, credit union, or other financial institution, they must be listed as assets in line 17. The form instructs the debtor to provide the name of the institution and the amount in the account. The amount should reflect the account balance as of the petition date. Counsel should ask if the debtor has written checks that have not been cashed, as the debtor may mistakenly believe that there are less funds in the checking account on the petition. This can be a critical issue in districts in which no wildcard or other exemption is available to the debtor to exempt funds in the account. If the funds in the account cannot be exempted, then the debtor should consider delaying the filing or converting the funds to exempt property, if possible, prior to the bankruptcy. See § 10.4.1, *supra*.

The debtor must bring to the meeting of creditors copies of bank statements for the time period that includes the date of the petition. See Fed. R. Bankr. P. 4002(b)(2); § 8.4.2, *supra*. Some trustees request that the attorney provide this information before the meeting of creditors. On occasion, a trustee will request additional records of bank accounts if there is some question about a rapid, unexplained dissipation of assets. Finally, if the bank has a right to a set-off (usually based on a debt owed by the debtor to the bank) and might “freeze” the account upon filing, funds should be withdrawn from the account and a new account should be opened in another bank prior to the filing of the case, if possible.

[BACK](#)

18. The debtors’ interests in insurance policies are listed on line 31, noting for each policy the insurance company, beneficiary, and surrender or refund value. The form provides examples of the types of policies that should be listed, such as health, disability, or life insurance; health savings account (HSA); and credit, homeowner’s, or renter’s insurance. These examples include insurance products that do not have a cash surrender or refund

value, so the form apparently seeks information about all of the debtors' insurance policies. The Lewises have listed their health, homeowner's, and auto insurance policies, and listed the surrender value for each as \$0.00. [BACK](#)

19. If the debtor has any claims or potential causes of action against third parties, it is very important to list them both in line 33 of Schedule A/B and in Schedule C (if an exemption can be claimed). A potential claim should be listed here even if a lawsuit has not been filed, a demand for payment has not been made, or success of the claim seems remote. The debtor's failure to list causes of action or claims may preclude the debtor from pursuing them after bankruptcy under the doctrine of judicial estoppel. See § 10.3.4, 14.3.2.8.3, *supra*. The debtors have listed the potential tort claim that debtor Gorge Lewis has against Joseph Smith based on an auto accident.

The value of a cause of action should be discounted for the contingency of success and ultimate probability of collecting any judgment obtained. If the debtor is represented by other counsel in pursuing the cause of action, information concerning these considerations and an estimate of the claim may be obtained from that attorney. Alternatively, if the value of a claim is unknown, it is often best to simply state the value as "unknown," leaving it to the trustee and creditors to assess the claim's value on their own based on the information provided by the debtor. See § 7.3.7.2.2, *supra*. [BACK](#)

20. Any other contingent and unliquidated claims of the debtor not listed earlier should be listed in line 34. They should be listed even if the debtor expects only to use the claims defensively (for example, as an objection or by way of recoupment to a creditor's proof of claim), or as the debtor's right to setoff claims. Avoidance claims under the Bankruptcy Code can also be listed here. The Lewises have listed a potential counterclaim they have against their mortgage creditor for violation of the Fair Debt Collection Practices Act.

[BACK](#)

21. Line 53 in Part 7 is a general category in which the debtor lists any property that the debtor has an interest in that was not otherwise listed in Parts 1 through 6 of the form. If there is some property interest of the debtor that does not seem to fit in any of the other categories on the form, this is the place to list it. The instructions for the form refer to "season tickets" or "country club membership" as examples of previously unlisted property. [BACK](#)