

Fill in this information to identify your case:

Debtor 1	<u>George</u>	<u>Winston</u>	<u>Lewis</u>
	<small>First Name</small>	<small>Middle Name</small>	<small>Last Name</small>
Debtor 2	<u>Delia</u>	<u>Marie</u>	<u>Lewis</u>
<small>(Spouse, if filing)</small>	<small>First Name</small>	<small>Middle Name</small>	<small>Last Name</small>

United States Bankruptcy Court for the: _____ District of _____

Case number _____
(If known)

Check as directed in lines 17 and 21:

According to the calculations required by this Statement:

- ☐ 1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).
- ☒ 2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).
-
- ☐ 3. The commitment period is 3 years.
- ☒ 4. The commitment period is 5 years.

☐ Check if this is an amended filing

Official Form 122C-1

Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period

10/19

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Part 1: Calculate Your Average Monthly Income

1. **What is your marital and filing status?** Check one only.

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

☒ **Married.** Fill out both Columns A and B, lines 2-11. **2**

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.

	<i>Column A Debtor 1</i>	<i>Column B Debtor 2 or non-filing spouse</i>																
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions). 3	\$ <u>4,133.33</u>	\$ <u>1,881.25</u>																
3. Alimony and maintenance payments. Do not include payments from a spouse.	\$ <u>0.00</u>	\$ <u>0.00</u>																
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Do not include payments from a spouse. Do not include payments you listed on line 3.	\$ <u>0.00</u>	\$ <u>0.00</u>																
5. Net income from operating a business, profession, or farm	<table border="0"> <tr> <td>Debtor 1</td> <td>Debtor 2</td> </tr> <tr> <td>Gross receipts (before all deductions)</td> <td>\$ <u>0.00</u> \$ <u>0.00</u></td> </tr> <tr> <td>Ordinary and necessary operating expenses</td> <td>- \$ <u>0.00</u> - \$ <u>0.00</u></td> </tr> <tr> <td>Net monthly income from a business, profession, or farm</td> <td>\$ <u>0.00</u> \$ <u>0.00</u></td> </tr> </table>	Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ <u>0.00</u> \$ <u>0.00</u>	Ordinary and necessary operating expenses	- \$ <u>0.00</u> - \$ <u>0.00</u>	Net monthly income from a business, profession, or farm	\$ <u>0.00</u> \$ <u>0.00</u>	<table border="0"> <tr> <td>Debtor 1</td> <td>Debtor 2</td> </tr> <tr> <td>Gross receipts (before all deductions)</td> <td>\$ <u>0.00</u> \$ <u>0.00</u></td> </tr> <tr> <td>Ordinary and necessary operating expenses</td> <td>- \$ <u>0.00</u> - \$ <u>0.00</u></td> </tr> <tr> <td>Net monthly income from rental or other real property</td> <td>\$ <u>0.00</u> \$ <u>0.00</u></td> </tr> </table>	Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ <u>0.00</u> \$ <u>0.00</u>	Ordinary and necessary operating expenses	- \$ <u>0.00</u> - \$ <u>0.00</u>	Net monthly income from rental or other real property	\$ <u>0.00</u> \$ <u>0.00</u>
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	Copy here → \$ <u>0.00</u>	Copy here → \$ <u>0.00</u>																

7. Interest, dividends, and royalties

4

Column A
Debtor 1

\$ 0.00

Column B
Debtor 2 or
non-filing spouse

\$ 0.00

8. Unemployment compensation

\$ 0.00

\$ 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: \downarrow

For you \$ 0.00

For your spouse \$ 0.00

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.

5

\$ 0.00

\$ 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.

\$ 0.00

\$ 0.00

\$ 0.00

\$ 0.00

Total amounts from separate pages, if any.

+ \$ 0.00

+ \$ 0.00

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

\$ 4,133.33

+ \$ 1,881.25

= \$ 6,014.58

Total average
monthly income

Part 2: Determine How to Measure Your Deductions from Income

12. **Copy your total average monthly income from line 11.** \$ 6,014.58

13. **Calculate the marital adjustment.** Check one:

- ☐ You are not married. Fill in 0 below.
- ☒ You are married and your spouse is filing with you. Fill in 0 below.
- ☐ You are married and your spouse is not filing with you.

Fill in the amount of the income listed in line 11, Column B, that was NOT regularly paid for the household expenses of you or your dependents, such as payment of the spouse's tax liability or the spouse's support of someone other than you or your dependents.

Below, specify the basis for excluding this income and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page.

If this adjustment does not apply, enter 0 below.

\$

\$

+ \$

Total

\$ 0.00

Copy here \rightarrow

6

- 0.00

14. **Your current monthly income.** Subtract the total in line 13 from line 12.

\$ 6,014.58

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

15a. Copy line 14 here → \$ 6,014.58
 Multiply line 15a by 12 (the number of months in a year). **x 12**
 15b. The result is your current monthly income for the year for this part of the form. **(7)** \$ 72,174.96

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

16a. Fill in the state in which you live. GA
 16b. Fill in the number of people in your household. 2
 16c. Fill in the median family income for your state and size of household. \$ 71,504.00
 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.

17. How do the lines compare?

- 17a. ☐ Line 15b is less than or equal to line 16c. On the top of page 1 of this form, check box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3)*. **Go to Part 3.** Do NOT fill out *Calculation of Your Disposable Income* (Official Form 122C-2).
- 17b. ☒ Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, *Disposable income is determined under 11 U.S.C. § 1325(b)(3)*. **Go to Part 3 and fill out Calculation of Your Disposable Income (Official Form 122C-2).** **(8)**
 On line 39 of that form, copy your current monthly income from line 14 above.

Part 3: Calculate Your Commitment Period Under 11 U.S.C. § 1325(b)(4)

18. Copy your total average monthly income from line 11. \$ 6,014.58
 19. **Deduct the marital adjustment if it applies.** If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13.
 19a. If the marital adjustment does not apply, fill in 0 on line 19a. — \$ 0.00
 19b. Subtract line 19a from line 18. \$ 6,014.58

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

20a. Copy line 19b. \$ 6,014.58
 Multiply by 12 (the number of months in a year). **x 12**
 20b. The result is your current monthly income for the year for this part of the form. \$ 72,174.96
 20c. Copy the median family income for your state and size of household from line 16c. \$ 71,504.00

21. How do the lines compare?

- ☐ Line 20b is less than line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 3, *The commitment period is 3 years*. Go to Part 4.
- ☒ Line 20b is more than or equal to line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 4, *The commitment period is 5 years*. Go to Part 4. **(9)**

Debtor 1 George Winston Lewis
First Name Middle Name Last Name

Case number (if known) _____

Part 4: Sign Below

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

X George Winston Lewis
Signature of Debtor 1

Date 03/02/2022
MM / DD / YYYY

X Delia Marie Lewis
Signature of Debtor 2

Date 03/22/2022
MM / DD / YYYY

If you checked 17a, do NOT fill out or file Form 122C-2.

If you checked 17b, fill out Form 122C-2 and file it with this form. On line 39 of that form, copy your current monthly income from line 14 above.

Annotations to Completed Sample Form 122

Official Form 122C1

1. In order to provide information about the presumption of abuse in chapter 7 and the debtor's disposable income and applicable commitment period 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 in a chapter 7 case 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 122C-1, chapter 13 debtors whose incomes in Part 2 are below the median income may check the box labeled "Disposable income is not determined under 11 U.S.C. § 1325(b)(3)" at the top of the first page of Form 122C-1. The Lewises income in Part 2 is above the median income, so they have checked the box labeled "Disposable income is determined under 11 U.S.C. § 1325(b)(3)," and they have also checked the box indicating: "The commitment period is 5 years." For a discussion of the "means test" under section 707(b), see § 13.4, *supra*, and for a discussion of its application in chapter 13 cases, see § 12.3.4.4, *supra*. [BACK](#)

2. Part 1 of Form 122C-1 is the calculation of debtors' current monthly income based on the definition provided in section 101(10A). 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 gross 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. Thus, the amount listed on in Part 1, line 2 of Form 122C-1 may be different than the amount listed in Part 2, line 2 of Schedule I, Form 106I. [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 122C-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 122C-1, in line 13, first permits the debtor to make a marital adjustment to the “current monthly income” that the debtor reported in Part 1. If a non-filing spouse’s income was previously included in the income calculations in Part 1, that income is subtracted, except to the extent it has been paid for household expenses of the debtor or the debtor’s dependents. [BACK](#)
7. The remainder of Part 2 of Form 122C-1 is used to determine, according to the form’s methodology, the applicable commitment period for the debtors’ plan and whether the debtors’ disposable income is determined under section 1325(b)(3). The income calculated in Part 1 of Form 122C-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. The applicable state median family income is reported in Line 16c. [BACK](#)
8. The Lewises checked the box indicating that their annual income reported in line 15b is more than or equal to the median family income for the debtors’ state and household size as reported on line 16c. Thus, they are instructed to check the box at the top of page 1 of the form labeled “Disposable income is determined under 11 U.S.C. § 1325(b)(3).” The form then instructs the debtors to proceed to Part 3. [BACK](#)
9. The Lewises checked the box indicating that their annual income reported in line 20b is more than or equal to the median family income for the debtors’ state and household size as reported on line 20c. Thus, they are instructed to check the box at the top of page 1 of the form that indicates the applicable commitment period is five years. The form then instructs the debtors to proceed to Part 4 and sign the declaration. Because the debtors checked the box in line 17b indicating that their income is above the applicable state median, the form in Part 4 instructs the debtors to complete the other chapter 13 means test form, Official Form 122C-2 and file it with Official Forms 122C-1. [BACK](#)