

Debtor(s)' Name:

Case Number:

BUSINESS EXAMINATION QUESTIONNAIRE
Office of Isabel C. Balboa, Chapter 13 Standing Trustee

The following documents **MUST BE ATTACHED** to this Questionnaire or your § 341(a) Meeting of Creditors will be continued and you will be requested to return once business documents are produced and reviewed. Please place a check mark (✓) next to each item which you have attached.

- 1. Completed and signed Business Examination Questionnaire including ALL pages, page 1 through 7.
- 2. If you lease business property, a copy of any written lease of the business property.
- 3. If you lease property to others, copies of all leases.
- 4. Copies of bank statements for the last six (6) months, for **ALL business and personal bank accounts**
- 5. If your business has employees, provide copies of payments of employer/employee withholding taxes that your business paid to State of New Jersey and Federal governments for the last two quarters.
- 6. If you are an independent contractor, provide copies of your 1099 for the last tax year. If none are available from last year, then provide copies of your last four payments received for work performed.
- 7. If your business collects sales tax, provide proofs of payment of sales & use tax for the last two quarters.
- 8. Complete copies of your Federal Income Tax Returns (**personal and corporate**, if filed separate from you), for the last two tax years. **If you and your spouse filed separately, provide complete copies of both spouse's personal tax returns for the past two tax years.**
- 9. Evidence of insurance with dates of coverage for:
 - a. business operation liability insurance
 - b. workers' compensation insurance
 - c. vehicle insurance on **ALL** vehicle(s) used by the business
 - d. liquor liability insurance
 - e. professional liability insurance****NOTE: If the insurance coverage has expired, then DO NOT send it as "proof" of insurance.**

Revised: 10/22/02

- 10. Copy of business and/or professional license(s), such as medical, legal, accountant, etc.
- 11. Profit & Loss Statements for last six months (excluding personal expenses). Please identify the months reflected by the statements.

(Profit & Loss Statement and all bank statements must cover the same six-month period).

INSTRUCTIONS: Complete all questions. If the question does not apply to your business, indicate “not applicable.” Use a separate page if you need additional room. Be sure to reference the additional page by the number you are answering.

*****Be sure to sign where indicated on Page 7 (if the bankruptcy has been filed by both husband and wife, both must sign this questionnaire even if only one spouse is involved in the bankruptcy).*****

IMPORTANT: All information must be in the form requested. Information and/or document presented in unorganized fashion will not be accepted, and will result in the examination being delayed and/or rescheduled. Please contact your attorney if you have any questions.

This checklist along with COPIES of all applicable documents requested must be provided to the Trustee at least one week prior to your scheduled 341(a) Hearing. Failure to provide the completed checklist and/or copies of all applicable documents requested may result in adjourning your 341(a) hearing and/or eventual denial of confirmation and dismissal of your bankruptcy case.

1. What circumstance(s) led you to file a Chapter 13 Bankruptcy? _____

2. DESCRIPTION OF BUSINESS

a) Name of your Business: _____

b) Type of business that you operate: _____

c) Main product and/or service: _____

d) Is your business a:

Sole proprietorship Partnership Corporation

Limited Partnership Sub-Chapter S Corporation

Professional Corporation Limited Liability Company

e) Name(s) and percentage interest of all Owner(s)

f) What date did you begin operating your business? _____

1) Was the business purchased? Yes No

2) If purchased, what was the purchase price? _____

3) If started as a new business, what were the initial start up costs?

g) If incorporated:

1) Date and state of incorporation _____

2) If a foreign corporation, date of authorization to do business in New Jersey

3) Are all corporate books up to date (i.e., annual meeting minutes, etc.) through the date the petition was filed? Yes No

4) Location of corporate books _____

h) Where is the business operated? _____

i) Is the property where the business is operated owned or leased? Owned Leased

1) If leased, is there a written lease? Yes No

2) If leased, is it your intention to continue with the lease? Yes No

3) Provide the name and address of the owner of the property and relationship, if any, to the debtor. _____

j) Are you leasing separate office space? Yes No

1) If yes, is there a written lease? Yes No

2) If yes, is it your intention to continue with the lease? Yes No

3) Provide the name and address of the owner of the property and relationship, if any, to the debtor. _____

k) Are you leasing any business equipment? Yes No

If yes, identify the type of equipment and the creditor's name _____

l) Is your business seasonal? Yes No

If yes, specify your good months and poor months: _____

m) Have you pledged your receivables, rents, profits, or other cash as collateral for any loans? Yes No

3. DESCRIPTION OF ASSETS

a) **On a separate page, describe each item with a value over \$500.00.**

In addition to the description, tell us:

- 1) What would you sell the item for in its present condition assuming a fair price? _____
- 2) How much did the item cost you originally? _____
- 3) What is the age of the equipment? _____

b) What would you estimate the market value of your inventory to be?

c) What would you estimate the market value of your accounts to be?

d) If you were to buy your business today as a going concern, how much would pay for your business? \$ _____

4. ALL BANK ACCOUNTS TO WHICH YOU HAVE ACCESS

Use a separate page if necessary.

a) Provide COPIES, not originals, of **bank statements covering the past 6 months, for all accounts (business and personal) that you and/or your spouse have access to.** (Note: Trustee may request copies of check registers and/or one or more canceled checks for this time period in order to clarify data contained on the bank statements.)

b) Are you the only authorized signatory(ies) on the account(s) Yes No

1) If no, specify who else is an authorized signer _____

Bank Name	Account Number	Type of Account	Purpose

5. **IF YOUR BUSINESS HAS EMPLOYEES, LIST ALL FULL TIME AND PART TIME EMPLOYEES (use a separate page if necessary). Otherwise, please indicate below by initialing in the space provided.**

_____ **My business does not have employees. (Please initial)**

Name of Employee	Position/Function	Mo. Salary	P=Part F=Full

***** IF YOU HAVE EMPLOYEES, YOU MUST PROVIDE COPIES OF PROOF OF PAYMENTS OF EMPLOYEE/EMPLOYER WITHHOLDING PAYROLL TAXES PAID TO THE FEDERAL AND STATE TAXING AUTHORITIES, FOR THE LAST TWO QUARTERS.*****

6. **Do you use INDEPENDENT CONTRACTORS?** Yes No
If so, provide copies of 1099s issued for the last tax year or YOUR EXPLANATION WHY YOU DID NOT REPORT PAYMENTS.
7. **Does your business collect SALES TAX??** Yes No
If so, provide copies of proof of payment of Sales & Use Taxes for the last two (2) quarters.
8. **Attach complete copies of your FEDERAL TAX RETURNS (personal and business/corporate returns) for the last two (2) years. Husbands/wives filing separate returns must provide complete copies of both spouses' tax returns for the last two (2) years.**
9. **PROOF OF INSURANCE**
 If applicable, provide COPIES, not originals, of proof of the following:
 a) business operation liability insurance b) worker's compensation insurance
 c) vehicle insurance d) liquor liability insurance e) real and/personal property insurance
 f) professional liability insurance g) other _____
10. **LICENSES**
 If applicable to your business, provide COPIES, not originals, of the following:
 a) Business License (if a business license is not required for your business explain why) _____
 b) Seller's Permit c) Contractor's License d) Other _____
11. **PROFIT AND LOSS STATEMENT ***NOTE: A Profit & Loss Statement MUST be provided.*** Please complete and provide a Profit & Loss Statement for the last six (6) months. (If you need an example of this statement, contact the Trustee's Office for a copy.)**

12. **FINANCIAL STATEMENTS**

If your business has completed and provided any financial statements to others (i.e., banks, lending institutions, etc.) **within the two years preceding the filing of the petition** including, but not limited to, balance sheets, income statements, and cash flow statements, **please provide copies of those statements.**

* Please indicate the name of the third party which received copies of these financial statements and why financial statements were provided to them.

13. **PENSION, 401(k), PROFIT-SHARING OR OTHER RETIREMENT PLANS: If you have employees, does your business have a pension, 401(k), profit-sharing or other retirement plan(s)?** Yes No

If yes, please complete the following information:

- 1) Type of plan _____
- 2) Name(s) of the trustee(s) of the plan _____
- 3) Name(s) of the plan administrator _____
- 4) Location of funds _____
- 5) Results of any audit _____

PLEASE READ THE FOLLOWING INFORMATION AND THEN SIGN AND DATE WHERE INDICATED:

YOUR RESPONSIBILITY AS A BUSINESS DEBTOR

- If you have borrowed money from any creditor and as security or collateral for the loan you have pledged accounts, rents, or other cash, you may not use the accounts receivables, rents or cash without express written consent from the creditor, or an Order from the Court allowing the use. Failure to obtain creditor consent or an Order from the Court before using these assets may likely result in severe penalties.
- During the course of your Chapter 13 Petition, it is your responsibility to pay any state and federal taxes on time. Failure to do so may result in severe penalties.
- There are strict laws governing the use and disposal of toxic materials and wastes. The filing of your bankruptcy case does not eliminate your responsibility to comply with these laws, you and only you will be held fully liable and responsible. If you are now in violation of these laws, you must immediately cease and desist any continued violation, and immediately correct any violations. If you are aware of any problems or violations, or potential problems or violations in this area, you must immediately notify the United States Trustee, the Chapter 13 Trustee, and your attorney.

- In order to continue the operation of your business, it is your responsibility to obtain and maintain comprehensive liability insurance for the operation of your business.
- If you are leasing commercial space, you must assume or reject your lease through the U. S. Bankruptcy Court within sixty (60) days after you filed your petition for bankruptcy, or your lease will be terminated automatically by operation of law.
- It is your responsibility to keep accurate records for your business and to provide the Trustee with such information as the Trustee may require both before and after confirmation.

If you have not already discussed the above issues with your attorney, immediately contact your attorney as these matters are extremely important. Do not contact the Trustee's office.

I/we have read and acknowledge receipt of the information regarding business debtor(s)' responsibilities. I/we certify that the foregoing information and attached documentation is true and correct to the best of my/our knowledge and belief. If this information is willfully false, I/we understand that I am/we are subject to punishment.

Date: _____

Debtor (Husband & wife must both sign if this is a joint bankruptcy case.)

Date: _____

Debtor