

Fill in this information to identify your case:

Debtor 1 _____
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 _____
(State)

Case number _____
(if known)

Check one only as directed in lines 1, 2, 3, or 17:

According to the calculations required by this Statement:

- 1. There is no presumption of abuse.
- 2. The presumption of abuse is determined by Form 22A-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

Official Form 22A-1

Chapter 7 Statement of Your Current Monthly Income

12/13

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: Identify the Kind of Debts You Have

1. **Are your debts primarily consumer debts?** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." Make sure that your answer is consistent with the "Nature of Debts" box on page one of the *Voluntary Petition* (Official Form 1).
- No. On the top of this page, check box 1, *There is no presumption of abuse*.....Go to Part 5.
 - Yes.....Go to Part 2.

Part 2: Determine Whether Military Service Provisions Apply to You

If you are filing this case jointly and any of the exclusions in Part 2 applies to only one of you, the other person should complete a separate Chapter 7 Statement of Your Current Monthly Income (Official Form 22A-1) if you believe that this is required by 11 U.S.C. § 707(b)(2)(C).

2. **Are you a disabled veteran** (as defined in 38 U.S.C. § 3741(1))?
- No. Go to line 3.
 - Yes. Did you incur debts mostly while you were on active duty or while you were performing a homeland defense activity?
11 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1)
 - No. Go to line 3.
 - Yes. On the top of this page, check box 1, *There is no presumption of abuse*.....Go to Part 5.

3. **Are you or have you been a Reservist or member of the National Guard?**

- No. Go to Part 3.
- Yes. Were you called to active duty or did you perform a homeland defense activity? 10 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1)
 - No. Go to Part 3.
 - Yes. Check any one of the following categories that applies:

- I was called to active duty after September 11, 2001, for at least 90 days and remain on active duty.
- I was called to active duty after September 11, 2001, for at least 90 days and was released from active duty on _____, which is fewer than 540 days before I file this bankruptcy case.
- I am performing a homeland defense activity for at least 90 days.
- I performed a homeland defense activity for at least 90 days, ending on _____, which is fewer than 540 days before I file this bankruptcy case.

If you did not check any of these categories, go to Part 3.

If you checked one of the categories, go to the top of this page. Check box 3, *The Means Test does not apply now because of qualified military service but it could apply later*; then go to Part 5. You are not required to fill out the rest of this form during the exclusion period. The *exclusion period* means the time you are on active duty or are performing a homeland defense activity, and for 540 days afterward. 11 U.S.C. § 707(b)(2)(D)(ii). If your exclusion period ends before your case is closed, you may have to file an amended form later.

Part 3: Calculate Your Current Monthly Income

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

- Not married.** Fill out Column A, lines 5-14.
- Married and your spouse is filing with you.** Fill out both Columns A and B, lines 5-14.
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 5-14.
 - Living separately or are legally separated.** Fill out Column A, lines 5-14; 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 For you	Column B Debtor 2 or non-filing spouse
5. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ _____	\$ _____
6. Alimony and maintenance payments	\$ _____	\$ _____
7. 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. Also, include regular contributions from a spouse if Column B is not filled in. Do not include payments you listed on line 6.	\$ _____	\$ _____
8. Net income from operating a business, profession, or farm		
Gross receipts (before all deductions)	\$ _____	
Ordinary and necessary operating expenses	- \$ _____	
Net monthly income from a business, profession, or farm	\$ _____ Copy here →	\$ _____
9. Net income from rental and other real property		
Gross receipts (before all deductions)	\$ _____	
Ordinary and necessary operating expenses	- \$ _____	
Net monthly income from rental or other real property	\$ _____ Copy here →	\$ _____
10. Interest, dividends, and royalties	\$ _____	\$ _____
11. Unemployment compensation	\$ _____	\$ _____
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	\$ _____	
12. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act.	\$ _____	\$ _____
13. Income from all other sources not listed above. Specify the source and amount. Do not include any 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. If necessary, list other sources on a separate page and put the total on line 13c.		
13a. _____	\$ _____	\$ _____
13b. _____	\$ _____	\$ _____
13c. Total amounts from separate pages, if any.	+ \$ _____	+ \$ _____
14. Calculate your total current monthly income. Add lines 5 through 13 for each column. Then add the total for Column A to the total for Column B.	\$ _____	\$ _____
	+	=
		\$ _____
		Total current monthly income

Part 4: Determine Whether the Means Test Applies to You

15. Calculate your annual income using your total current monthly income from Part 3. Follow these steps:

15a. Copy your total current monthly income from line 14..... Copy line 14 here → 15a.

\$ _____

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

x 12

15b. The result is your annual income for this part of the form.

15b.

\$ _____

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

Fill in the state in which you live.

Fill in the number of people in your household.

Fill in the median family income for your state and size of household. 16.

\$ _____

To find that information, either go to the Means Test information at <http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm> or ask for help at the clerk's office of the bankruptcy court.

17. How do the lines compare?

17a. Line 15b is less than or equal to line 16. On the top of page 1, check box 1, *There is no presumption of abuse*. Go to Part 5.

17b. Line 15b is more than line 16. On the top of page 1, check box 2, *The presumption of abuse is determined by Form 22A-2*. Go to Part 5 and fill out Form 22A-2.

Part 5: Sign Here

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

x _____

Signature of Debtor 1

x _____

Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

If you checked 17a, do NOT fill out or file Official Form 22A-2, *Chapter 7 Means Test Calculation*.

If you checked line 17b, fill out Official Form 22A-2, *Chapter 7 Means Test Calculation* and file it with this form.