

B19 (Official Form 19) (12/07) - Cont.

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NOTICE TO DEBTOR BY NON-ATTORNEY BANKRUPTCY PETITION PREPARER*[Must be filed with any document(s) prepared by a bankruptcy petition preparer.]*

I am a bankruptcy petition preparer. I am not an attorney and may not practice law or give legal advice. Before preparing any document for filing as defined in § 110(a)(2) of the Bankruptcy Code or accepting any fees, I am required by law to provide you with this notice concerning bankruptcy petition preparers. Under the law, § 110 of the Bankruptcy Code (11 U.S.C. § 110), I am forbidden to offer you any legal advice, including advice about any of the following:

- whether to file a petition under the Bankruptcy Code (11 U.S.C. § 101 et seq.);
- whether commencing a case under chapter 7, 11, 12, or 13 is appropriate;
- whether your debts will be eliminated or discharged in a case under the Bankruptcy Code;
- whether you will be able to retain your home, car, or other property after commencing a case under the Bankruptcy Code;
- the tax consequences of a case brought under the Bankruptcy Code;
- the dischargeability of tax claims;
- whether you may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;
- how to characterize the nature of your interests in property or your debts; or
- bankruptcy procedures and rights.

[The notice may provide additional examples of legal advice that a bankruptcy petition preparer is not authorized to give.]

In addition, under 11 U.S.C. § 110(h), the Supreme Court or the Judicial Conference of the United States may promulgate rules or guidelines setting a maximum allowable fee chargeable by a bankruptcy petition preparer. As required by law, I have notified you of this maximum allowable fee, if any, before preparing any document for filing or accepting any fee from you.

Signature of Debtor_____
Date_____
Joint Debtor (if any)_____
Date*[In a joint case, both spouses must sign.]*

(Added Dec. 1, 2007.)

COMMITTEE NOTES ON RULES—2005–2007

[The 2005–2007 Committee Note incorporates the Committee Notes to Forms 19A and 19B previously published in 2005.]

This form is new. It is derived from form 19B and replaces forms 19A and 19B (which forms are abrogated). The form contains the notice a bankruptcy petition preparer is required to give to a debtor under §110 of the Code as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109–8, 119 Stat. 23 (April 20, 2005), and the bankruptcy petition preparer's signed declaration (also required by §110 of the Code) that the notice was given to the debtor.

The notice states, in language mandated in the 2005 Act, that the bankruptcy petition preparer is not an attorney and must not give legal advice. The notice also includes examples of advice a bankruptcy petition pre-

parer may not give that are taken from §110(e)(2) of the Code.

Although space is provided in the declaration to list multiple documents prepared for a single filing, a new form 19 must be completed and accompany subsequent filings. For example, one form 19 listing all forms prepared by the bankruptcy petition preparer would be filed with the debtor's petition package. Another form 19 would be required if the debtor files amended schedules later in the case that were prepared by the bankruptcy petition preparer.

The form must be signed by the debtor and the bankruptcy petition preparer where indicated, and must be filed with each document for filing prepared by the bankruptcy petition preparer.

[Form 19A. Abrogated Dec. 1, 2007]

(Added Mar. 14, 1995; amended Dec. 1, 2003; Oct. 17, 2005.)

NOTES OF ADVISORY COMMITTEE ON RULES—1995

This form is new. The Bankruptcy Reform Act of 1994 requires a “bankruptcy petition preparer,” as defined in 11 U.S.C. §110, to sign any “document for filing” that the bankruptcy petition preparer prepares for compensation on behalf of a debtor, to disclose on the document certain information, and to provide the debtor with a copy of the document. This form or adaptations of this form have been incorporated into the official forms of the voluntary petition, the schedules, the statement of financial affairs, and other official forms that typically would be prepared for a debtor by a bankruptcy petition preparer. This form is to be used in connection with any other document that a bankruptcy petition preparer prepares for filing by a debtor in a bankruptcy case.

(Added Oct. 17, 2005.)

COMMITTEE NOTES ON RULES—2005

This form is new. It contains the notice a non-attorney bankruptcy petition preparer is required to give to a debtor under §110 of the Code as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005). The notice states, in language mandated in the 2005 Act, that the bankruptcy petition preparer is not

COMMITTEE NOTES ON RULES—2003 AMENDMENT

Pursuant to §110(c) of the Bankruptcy Code, the certification by a non-attorney bankruptcy petition preparer requires a petition preparer to provide the full social security number of the individual who actually prepares the document.

COMMITTEE NOTES ON RULES—2005 AMENDMENT

The certification by a non-attorney bankruptcy petition preparer in this form is renamed a “declaration” and is amended to include material mandated by amendments to §110 of the Code in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005).

[Form 19B. Abrogated Dec. 1, 2007]

an attorney and must not give legal advice. The form includes examples of advice a bankruptcy petition preparer may not give that are taken [sic] from §110(e)(2), which also was added to the Code in 2005. The notice must be signed by the debtor and by the bankruptcy petition preparer and filed with any document for filing prepared by the bankruptcy petition preparer.