Case 13-50484 Doc 49

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B22A (Official Form 22A) (Chapter 7) (12/10)

Sean Dunne In re

13-50484 Case Number:

(If known)

Debtor(s)

According to the information required to be entered on this statement (check one box as directed in Part I, III, or VI of this statement):

- \Box The presumption arises.
- The presumption does not arise.
- □ The presumption is temporarily inapplicable.

CHAPTER 7 STATEMENT OF CURRENT MONTHLY INCOME AND MEANS-TEST CALCULATION

In addition to Schedules I and J, this statement must be completed by every individual chapter 7 debtor. If none of the exclusions in Part I applies, joint debtors may complete one statement only. If any of the exclusions in Part I applies, joint debtors should complete separate statements if they believe this is required by 707(b)(2)(C).

	Part I. MILITARY AND NON-CONSUMER DEBTORS					
1A	Disabled Veterans. If you are a disabled veteran described in the Declaration in this Part IA, (1) check the box at the beginning of the Declaration, (2) check the box for "The presumption does not arise" at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.					
IA	Declaration of Disabled Veteran. By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § $3741(1)$) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § $101(d)(1)$) or while I was performing a homeland defense activity (as defined in 32 U.S.C. § $901(1)$).					
1B	Non-consumer Debtors. If your debts are not primarily consumer debts, check the box below and complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.					
	Declaration of non-consumer debts. By checking this box, I declare that my debts are not primarily consumer debts.					
	Reservists and National Guard Members; active duty or homeland defense activity. Members of a reserve component of the Armed Forces and members of the National Guard who were called to active duty (as defined in 10 U.S.C. § 101(d)(1)) after September 11, 2001, for a period of at least 90 days, or who have performed homeland defense activity (as defined in 32 U.S.C. § 901(1)) for a period of at least 90 days, are excluded from all forms of means testing during the time of active duty or homeland defense activity and for 540 days thereafter (the "exclusion period"). If you qualify for this temporary exclusion, (1) check the appropriate boxes and complete any required information in the Declaration of Reservists and National Guard Members below, (2) check the box for "The presumption is temporarily inapplicable" at the top of this statement, and (3) complete the verification in Part VIII. During your exclusion period you are not required to complete the balance of this form, but you must complete the form no later than 14 days after the date on which your exclusion period ends.					
1C	Declaration of Reservists and National Guard Members. By checking this box and making the appropriate entries below, I declare that I am eligible for a temporary exclusion from means testing because, as a member of a reserve component of the Armed Forces or the National Guard					
	 a. I was called to active duty after September 11, 2001, for a period of at least 90 days and I remain on active duty /or/ I was released from active duty on, which is less than 540 days before this bankruptcy case was filed; 					
	OR					
	 b. □ I am performing homeland defense activity for a period of at least 90 days /or/ □ I performed homeland defense activity for a period of at least 90 days, terminating on, which is less than 540 days before this bankruptcy case was filed. 					

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	Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION								
	Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.								
 a. Unmarried. Complete only Column A ("Debtor's Income") for Lines 3-11. b. Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under pen "My answer and Lore logicity compreted under annihilable nen ben/marter low or my answer and Lore logicity compreted under annihilable nen ben/marter low or my answer and Lore logicity." 									
2	² "My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are liv purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code." Complete only colum								
	for Lines 3-11.							, , ,	
	c. \Box Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. C							oth Column A	
	 ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11. d. □ Married, filing jointly. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11. 								
	d. I Married, filing jointly. Complete both Co All figures must reflect average monthly income		T						
	calendar months prior to filing the bankruptcy ca	_	olumn A	Column B					
	the filing. If the amount of monthly income vari	ed du	ring the six mor				ebtor's	Spouse's	
	six-month total by six, and enter the result on the	appr	opriate line.				Income	Income	
3	Gross wages, salary, tips, bonuses, overtime, c	omm	issions.			\$		\$	
	Income from the operation of a business, profe								
	enter the difference in the appropriate column(s) business, profession or farm, enter aggregate nur								
	not enter a number less than zero. Do not includ								
4	Line b as a deduction in Part V.				_				
		<i>ф</i>	Debtor		Spouse				
	a. Gross receipts b. Ordinary and necessary business expense	\$ 5 \$			<u>\$</u> \$				
	c. Business income		btract Line b fr	om I	Line a	\$		\$	
	Rents and other real property income. Subtract					J '			
	the appropriate column(s) of Line 5. Do not enter a number less than zero. Do not include any								
~	part of the operating expenses entered on Line b as a deduction in Part V.					1			
5	a. Gross receipts	\$	Debtor		Spouse \$				
	a. Gross receipts b. Ordinary and necessary operating expense				\$				
	c. Rent and other real property income		btract Line b fr	om I	Line a	\$		\$	
6	Interest, dividends, and royalties.					\$		\$	
7	Pension and retirement income.					\$		\$	
	Any amounts paid by another person or entity, on a regular basis, for the household								
8	expenses of the debtor or the debtor's depende								
0	purpose. Do not include alimony or separate ma spouse if Column B is completed. Each regular								
	if a payment is listed in Column A, do not report					\$		\$	
	Unemployment compensation. Enter the amour	t in tl	ne appropriate c	olun	nn(s) of Line 9.				
	However, if you contend that unemployment cor								
9	benefit under the Social Security Act, do not list or B, but instead state the amount in the space be		mount of such c	comp	ensation in Column A				
	Unemployment compensation claimed to	10 .				1			
	be a benefit under the Social Security Act Deb	tor \$		Spo	ouse \$	\$		\$	
Income from all other sources. Specify source and amount. If necessary, list additional sources									
	on a separate page. Do not include alimony or s								
	spouse if Column B is completed, but include a maintenance . Do not include any benefits receiv								
maintenance. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or									
10	domestic terrorism.								
		¢	Debtor		spouse s				
	a. b.	\$ \$			\$ \$				
	Total and enter on Line 10	Ť			l ·	\$		\$	
11	Subtotal of Current Monthly Income for § 707	/(h)(7). Add Lines ?	thru	10 in Column A and it			Ý	
11	Column B is completed, add Lines 3 through 10					\$		\$	

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12	Total Current Monthly Income for § 707(b)(7). If Column B has been completed, add Line 11, Column A to Line 11, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 11, Column A.						
	Part III. APPLICATION OF § 707(b)(7) EXCLUSION						
13	Annualized Current Monthly Income for § 707(b)(7). Multiply the amount from Line 12 by the number 12 and enter the result.	\$					
14	Applicable median family income. Enter the median family income for the applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)						
	a. Enter debtor's state of residence: b. Enter debtor's household size:	\$					
15	Application of Section 707(b)(7). Check the applicable box and proceed as directed. The amount on Line 13 is less than or equal to the amount on Line 14. Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete Part VIII; do not complete Parts IV, V, VI or VII. The amount on Line 13 is more than the amount on Line 14. Complete the remaining parts of this statement.						
	Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)						

Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)					
16 Enter the amount from Line 12.					\$
17	Marital adjustment. If you checked the box at Line 2.c, enter on Line 17 the total of any income listed in Line 11 Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If you did not check box at Line 2.c, enter zero. a. \$ b. \$ c. \$				
	d.		\$		
	Total and enter on Line 17				\$
18	Current monthly income for § 707(b)(2). Subtract L	ine 17 fro	om Line 16 and enter the resu	ılt.	\$
	Part V. CALCULATION	N OF D	EDUCTIONS FROM	INCOME	
	Subpart A: Deductions under S	standard	s of the Internal Revenu	e Service (IRS)	
19A	that would currently be allowed as exemptions on your federal income tax return, plus the number of any				
19B	198 National Standards: health care. Enter in Line al below the amount from IRS National Standards for Out-of-Pocket Health Care for persons under 65 years of age, and in Line a2 the IRS National Standards for Out-of-Pocket Health Care for persons 65 years of age or older. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) Enter in Line b1 the applicable number of persons who are under 65 years of age, and enter in Line b2 the applicable number of persons who are 65 years of age or older. (The applicable number of persons in each age category is the number of any additional dependents whom you support.) Multiply Line al by Line b1 to obtain a total amount for persons 65 and older, and enter the result in Line c1. Multiply Line a2 by Line b2 to obtain a total amount for persons 65 and older, and enter the result in Line c2. Add Lines c1 and c2 to obtain a total health care amount, and enter the result in Line 19B. Persons under 65 years of age a1. Persons Persons Allowance per person b1. Number of persons b2. Number of persons				
c1. Subtotal c2. Subtotal 20A Local Standards: housing and utilities; non-mortgage expenses. Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and family size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court). The applicable family size consists of the number that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support.					\$

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20B	Local Standards: housing and utilities; mortgage/rent expense. En Housing and Utilities Standards; mortgage/rent expense for your coun available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy c the number that would currently be allowed as exemptions on your fee any additional dependents whom you support); enter on Line b the tot debts secured by your home, as stated in Line 42; subtract Line b from not enter an amount less than zero. a. IRS Housing and Utilities Standards; mortgage/rental expense b. Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42 c. Net mortgage/rental expense	nty and family size (this information is ourt) (the applicable family size consists of deral income tax return, plus the number of tal of the Average Monthly Payments for any n Line a and enter the result in Line 20B. Do	\$		
21	Local Standards: housing and utilities; adjustment. If you contend 20B does not accurately compute the allowance to which you are entited Standards, enter any additional amount to which you contend you are contention in the space below:	tled under the IRS Housing and Utilities	\$		
22A	 Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation. Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. 0 1 22 20 0 1 22 20 0 23 0 24 0 25 0 26 0 27 0 28 0 29 0 29 0 20 0 20 0 20 0 20 0 20 0 20 0 20 0 20 0 21 0 22 0 22 0 23 0 24 0 24 0 25 0 26 0 27 0 28 0 29 0 20 0 20 0 20 0 20 0 21 0 22 0 23 0 24 0 24 0 25 0 26 0 27 0 28 0 29 0 20 0 20 0 20 0 20 0 21 0 21 0 22 0 22 0 23 0 24 0 24 0 25 0 26 0 27 0 28 0 29 0 29 0 20 0 20 0 20 0 20 0 21 0 21 0 22 0 23 0 24 0 24 0 25 0 26 0 27 0 28 0 28 0 29 0				
22B	Local Standards: transportation; additional public transportation for a vehicle and also use public transportation, and you contend that you public transportation expenses, enter on Line 22B the "Public Tra Standards: Transportation. (This amount is available at <u>www.usdoj.go</u> court.)	\$			
23	Monthly Payments for any debts secured by Vehicle 1, as stated in Line 42; subtract Line b from Line a and enter the result in Line 23. Do not enter an amount less than zero. a. IRS Transportation Standards, Ownership Costs b. Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42 b. 1, as stated in Line 42				
24	c. Net ownership/lease expense for Vehicle 1 Local Standards: transportation ownership/lease expense; Vehicle the "2 or more" Box in Line 23. Enter, in Line a below, the "Ownership Costs" for "One Car" from the (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy or Monthly Payments for any debts secured by Vehicle 2, as stated in Line the result in Line 24. Do not enter an amount less than zero. a. IRS Transportation Standards, Ownership Costs b. 2, as stated in Line 42 c. Net ownership/lease expense for Vehicle 2	e IRS Local Standards: Transportation court); enter in Line b the total of the Average	\$ \$		
25	Other Necessary Expenses: taxes. Enter the total average monthly ex- state and local taxes, other than real estate and sales taxes, such as inc security taxes, and Medicare taxes. Do not include real estate or sale	xpense that you actually incur for all federal, come taxes, self employment taxes, social	\$		

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26	Other Necessary Expenses: involuntary deductions for empl deductions that are required for your employment, such as retire Do not include discretionary amounts, such as voluntary 401	ement contributions, union dues, and uniform costs.	\$			
27	27 Other Necessary Expenses: life insurance. Enter total average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.					
	Other Necessary Expenses: court-ordered payments. Enter the second sec	\$				
28	pay pursuant to the order of a court or administrative agency, su include payments on past due obligations included in Line 4	\$				
29	29 Other Necessary Expenses: education for employment or for a physically or mentally challenged child. Enter the total average monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.					
30	Other Necessary Expenses: childcare. Enter the total average childcare - such as baby-sitting, day care, nursery and preschoo		\$			
31	Other Necessary Expenses: health care. Enter the total average monthly amount that you actually expend on					
32	Other Necessary Expenses: telecommunication services. Enter the total average monthly amount that you					
33	Total Expenses Allowed under IRS Standards. Enter the tota	al of Lines 19 through 32.	\$			
	Cubneut D. Additional I	ining Ermange Deductions				
	-	iving Expense Deductions s that you have listed in Lines 19-32				
	Health Insurance, Disability Insurance, and Health Savings the categories set out in lines a-c below that are reasonably nece dependents.					
34	a. Health Insurance \$					
	b. Disability Insurance \$					
	c. Health Savings Account \$		\$			
	Total and enter on Line 34.					
	If you do not actually expend this total amount, state your ac below: \$	tual total average monthly expenditures in the space				
35	Continued contributions to the care of household or family members. Enter the total average actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.					
36	Protection against family violence. Enter the total average reasonably necessary monthly expenses that you					
37	Home energy costs. Enter the total average monthly amount, i Standards for Housing and Utilities, that you actually expend for trustee with documentation of your actual expenses, and you claimed is reasonable and necessary.	or home energy costs. You must provide your case	\$			
38	Education expenses for dependent children less than 18. En actually incur, not to exceed \$147.92 [*] per child, for attendance school by your dependent children less than 18 years of age. Ye documentation of your actual expenses, and you must explain necessary and not already accounted for in the IRS Standard	at a private or public elementary or secondary ou must provide your case trustee with in why the amount claimed is reasonable and	\$			

* Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

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39	Additional food and clothing expenses expenses exceed the combined allowar Standards, not to exceed 5% of those c or from the clerk of the bankruptcy cou reasonable and necessary.	\$		
40	Continued charitable contributions. financial instruments to a charitable or	the to contribute in the form of cash or $170(c)(1)$ -(2).	\$	
41	Total Additional Expense Deduction	s under § 707(b). Enter the total of I	Lines 34 through 40	\$
	S	ubpart C: Deductions for De	bt Payment	·
42	Future payments on secured claims. own, list the name of the creditor, iden and check whether the payment include amounts scheduled as contractually du bankruptcy case, divided by 60. If nec Average Monthly Payments on Line 42	tify the property securing the debt, an es taxes or insurance. The Average M e to each Secured Creditor in the 60 r essary, list additional entries on a sep	d state the Average Monthly Payment, ionthly Payment is the total of all nonths following the filing of the	
	Name of Creditor	Property Securing the Debt	Average Monthly Payment Does payment include taxes or insurance? \$ Dyes Duo	
	a.		\$ □yes □no Total: Add Lines	\$
43	Other payments on secured claims. I motor vehicle, or other property necess your deduction 1/60th of any amount (payments listed in Line 42, in order to sums in default that must be paid in or the following chart. If necessary, list at Name of Creditor a.			
			Total: Add Lines	\$
44	Payments on prepetition priority claipriority tax, child support and alimony not include current obligations, such	claims, for which you were liable at	by 60, of all priority claims, such as the time of your bankruptcy filing. Do	\$
	Chapter 13 administrative expenses. chart, multiply the amount in line a by			
45	 a. Projected average monthly Ch b. Current multiplier for your dis issued by the Executive Office information is available at ww the bankruptcy court.) c. Average monthly administration 	\$		
46	Total Deductions for Debt Payment.	Enter the total of Lines 42 through 45	5.	\$
	Si	ubpart D: Total Deductions f	rom Income	1
47	Total of all deductions allowed under	r § 707(b)(2). Enter the total of Lines	33, 41, and 46.	\$
	Part VI. DE	TERMINATION OF § 707()	b)(2) PRESUMPTION	
48	Enter the amount from Line 18 (Cur	rent monthly income for § 707(b)(2))	\$
49	Enter the amount from Line 47 (Tota	al of all deductions allowed under §	707(b)(2))	\$
50	Monthly disposable income under §	707(b)(2). Subtract Line 49 from Line	e 48 and enter the result.	\$
51	60-month disposable income under § result.	707(b)(2). Multiply the amount in Li	ine 50 by the number 60 and enter the	\$

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	Initial presumption determination. Check the applicable box and proceed as directed.						
52	□ The amount on Line 51 is less than \$7,025 [*] . Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII. Do not complete the remainder of Part VI.						
52	□ The amount set forth on Line 51 is more than \$11,725* Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII. Do not complete the remainder of Part VI.						
	□ The amount on Line 51 is at least \$7,025*, but not more than \$11,725*. C	Complete the remainder of Part VI (Lines 53 through 55)				
53	Enter the amount of your total non-priority unsecured debt		\$				
54	Threshold debt payment amount. Multiply the amount in Line 53 by the numb	per 0.25 and enter the result.	\$				
	Secondary presumption determination. Check the applicable box and proceed	as directed.					
55	☐ The amount on Line 51 is less than the amount on Line 54. Check the box of this statement, and complete the verification in Part VIII.	x for "The presumption does not are	ise" at the top of page				
	The amount on Line 51 is equal to or greater than the amount on Line 54. Check the box for "The presumption arises" at the t of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII.						
	of page 1 of this statement, and complete the verification in Part VIII. You may	also complete Part VII.					
	Part VII. ADDITIONAL EXPENSI	•					
56	Part VII. ADDITIONAL EXPENSE Other Expenses. List and describe any monthly expenses, not otherwise stated in	E CLAIMS in this form, that are required for th					
56	Part VII. ADDITIONAL EXPENSI	E CLAIMS in this form, that are required for th m your current monthly income un	der §				
56	Part VII. ADDITIONAL EXPENSI Other Expenses. List and describe any monthly expenses, not otherwise stated is you and your family and that you contend should be an additional deduction fro 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All	E CLAIMS in this form, that are required for th m your current monthly income un	der § • monthly expense for				
56	Part VII. ADDITIONAL EXPENSI Other Expenses. List and describe any monthly expenses, not otherwise stated is you and your family and that you contend should be an additional deduction from 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All each item. Total the expenses.	E CLAIMS in this form, that are required for th m your current monthly income un figures should reflect your average Monthly Amo \$	der § • monthly expense for				
56	Part VII. ADDITIONAL EXPENSI Other Expenses. List and describe any monthly expenses, not otherwise stated if you and your family and that you contend should be an additional deduction fro 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All each item. Total the expenses. Expense Description	E CLAIMS in this form, that are required for the myour current monthly income un figures should reflect your average Monthly Amo \$ \$	der § • monthly expense for				
56	Part VII. ADDITIONAL EXPENSI Other Expenses. List and describe any monthly expenses, not otherwise stated i you and your family and that you contend should be an additional deduction fro 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All each item. Total the expenses. Expense Description a. b. c.	E CLAIMS in this form, that are required for the myour current monthly income un figures should reflect your average Monthly Amo \$ \$ \$	der § • monthly expense for				
56	Part VII. ADDITIONAL EXPENSI Other Expenses. List and describe any monthly expenses, not otherwise stated i you and your family and that you contend should be an additional deduction fro 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All each item. Total the expenses. Expense Description a. b.	E CLAIMS in this form, that are required for the myour current monthly income un figures should reflect your average Monthly Amo \$ \$	der § • monthly expense for				

	I declare under penalt <i>must sign.</i>)	y of perjury that the information pro	ovided in this statement is the	rue and correct. (If this is a joint case, both debtors
57	Date:	May 10, 2013	Signature:	/s/ Sean Dunne
0,			_	Sean Dunne
				(Debtor)

* Amounts are subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.