

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

DATE: \_\_\_\_\_  
IN RE: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**REQUIREMENTS FOR FILING AN ADVERSARY PROCEEDING**

A proceeding to object to or revoke a discharge (other than an objection under Bankruptcy Code §§727(a)(8), (a)(9), or 1328(f)) or to determine the dischargeability of a debt is commenced by filing the following:

- Properly captioned and signed complaint (original plus one copy);
- Completed adversary proceeding cover sheet (original only);\* and
- Filing fee of \$2JH00 payable by cash, money order, or cashier's check made payable to: Clerk, U.S. Bankruptcy Court. Checks drawn on debtor's bank accounts **will not** be accepted. If the United States or a debtor is the plaintiff, no fee is required.

See Federal Rule of Bankruptcy Procedure 7001.

Attached is a copy of the objection submitted by you. The original objection has been "Received/Filed" stamped and placed in the main case file. Notice is hereby given that the court will take no action concerning your objection until you comply with the requirements set forth above.

A Summons and Notice of Status Conference will be issued by the Clerk's Office when the complaint is filed. Please include a self-addressed stamped envelope for return of the issued summons, endorsed copy of the complaint, Notice of Availability of BDRP, Order to Confer on Initial Disclosures and Setting of Dates, and copy of General Order 98-5.

Clerk's Office staff is precluded by law from giving legal advice. Legal questions should therefore be directed to competent legal counsel.

By: \_\_\_\_\_  
Deputy Clerk

\* Enclosed  
cc: Case File

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only)
<b>PLAINTIFFS</b>		<b>DEFENDANTS</b>
<b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.)		<b>ATTORNEYS</b> (If Known)
<b>PARTY</b> (Check One Box Only) Debtor                      U.S. Trustee/Bankruptcy Admin Creditor                    Trustee                      Other		<b>PARTY</b> (Check One Box Only) Debtor                      U.S. Trustee/Bankruptcy Admin Creditor                    Trustee                      Other
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)		
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with the lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<p><b>FRBP 7001(1) – Recovery of Money/Property</b>                      11 - Recovery of money/property - § 542 turnover of property                      12 - Recovery of money/property - § 547 preference                      13 - Recovery of money/property - § 548 fraudulent transfer                      14 - Recovery of money/property - other</p> <p><b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b>                      21 - Validity, priority or extent of lien or other interest in property</p> <p><b>FRBP 7001(3) – Approval of Sale of Property</b>                      31 - Approval of sale of property of estate and of a co-owner - § 363(h)</p> <p><b>FRBP 7001(4) – Objection/Revocation of Discharge</b>                      41 - Objection/revocation of discharge - § 727(c), (d), (e)</p> <p><b>FRBP 7001(5) – Revocation of Confirmation</b>                      51 - Revocation of confirmation</p> <p><b>FRBP 7001(6) – Dischargeability</b>                      66 - Dischargeability - § 523(a)(1), (14), (14A) priority tax claims                      62 - Dischargeability - § 523(a)(2), flase pretenses, false representation, actual fraud                      67 - Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny                      (continued next column)</p>	<p><b>FRBP 7001(6) – Dischargeability (continued)</b>                      61 - Dischargeability - § 523(a)(5), domestic support                      68 - Dischargeability - § 523(a)(6), willful and malicious injury                      63 - Dischargeability - § 523(a)(8), student loan                      64 - Dischargeability - § 523(a)(15), divorce or separation obligation (other than domestic support)                      65 - Dischargeability - other</p> <p><b>FRBP 7001(7) – Injunctive Relief</b>                      71 - Injunctive relief - imposition of stay                      72 - Injunctive relief - other</p> <p><b>FRBP 7001(8) – Subordination of Claim or Interest</b>                      81 - Subordination of claim or interest</p> <p><b>FRBP 7001(9) – Declaratory Judgment</b>                      91 - Declaratory judgment</p> <p><b>FRBP 7001(10) – Determination of Removed Action</b>                      01 - Determination of removed claim or cause</p> <p><b>Other</b>                      SS-SIPA Case - 15 U.S.C. §§ 78aaa <i>et. seq.</i>                      02 - Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)</p>	<p>Check if this case involves a substantive issue of state law</p> <p>Check if this is asserted to be a class action under FRCP 23</p>
Check if a jury trial is demanded in complaint		Demand \$
Other Relief Sought		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR		BANKRUPTCY CASE NO.
DISTRICT IN WHICH CASE IS PENDING	DIVISION OFFICE	NAME OF JUDGE
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)	

## INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.