

CHAPTER 11 SUBCHAPTER V CASE-BY-CASE TRUSTEE ANNUAL REPORT INSTRUCTIONS

These instructions relate to the preparation of case-by-case trustees' Annual Report. The form is generally in the same format as the Chapter 11 Subchapter V Case-By-Case Trustee Monthly Report (Bonding section is excluded). The last tab **in the Monthly Report** is a year-to-date worksheet, and data from the year-to-date worksheet can be copied into this Annual Report. The report should be submitted within 45 days after the end of the fiscal year. The report is submitted in Microsoft Excel format, with the file name [year][trustee last name]AR.xlsx. Additional submission instructions will be provided by the United States Trustee regional or local office.

Any case administered during the fiscal year (July 1 – June 30) should be reported in the Annual Report.

Dates should be entered in the following format: 1/1/2020. Do not enter N/A in any cell of the spreadsheet.

For each case assigned or administered during the year, enter the requested case information and beginning ledger book balance, receipts, and disbursements. A preset formula computes the ending ledger book balance. The trustee should verify it matches the trustee's ledger.

If a case is transferred to another trustee, both trustees should report the case in the appropriate period the trustee is assigned.

If the Court orders that a case be transferred from one jurisdiction to another with the trustee remaining the same, only report the case once, in the final jurisdiction. If the case number changes because of the transfer, use the new case number.

In the top section of the Annual Report, the trustee reports financial activity for the trustee's administration of plan payments only – the debtor's monthly financial activity is reported through their debtor in possession ("DIP") monthly operating reports filed with the Court. Trustees report on the cash basis. If the trustee is a trustee in possession, the trustee would submit both the trustee's monthly report to the United States Trustee and file the monthly operating report with the Court.

Enter the trustee name (first and last name only) in cell C2, and year (e.g., 2022) in cell C3.

Debtor Name (Col. A): Enter the case name. If cases are jointly administered or substantively consolidated, enter all cases assigned to the trustee. If jointly administered, add [LEAD] or [CHILD] after the case name (e.g., Doe, Jane [LEAD]). If substantively consolidated, add [LEAD-Sub] or [CHILD-Sub] after the case name (e.g., Doe, John [LEAD-Sub]).

Case Number (Col. B): Enter the case number, in the format "xx-xxxxx."

Date Filed (Col. C): Enter the date the case was designated with the Court as a chapter 11 subchapter V case (e.g., Petition Date, Amended Petition Date, Conversion Date, etc.).

District Filed (Col. D): Enter the judicial district in which the case was filed. For states with a single judicial district, enter the state's postal code (e.g., Oregon entered as "OR"). For states with multiple judicial districts, enter the district's recognized acronym (e.g., Eastern District of Texas entered as "EDTX" with no spaces).

Trustee Appointment Date (Col. E): Enter the date the trustee was appointed.

Date Dismissed, Converted, Court Denied, or Debtor Withdrew Election (Col F): If the case has been dismissed, converted to another chapter, the Court denied the debtor's SBRA election, or the debtor withdrew the election, enter the date of the order of dismissal, order of conversion, Court-ordered denial, or amended petition.

Date Confirmed (Col G): If applicable, enter the date the plan was confirmed in the case.

Type of Plan Confirmation - Consensual or Non-Consensual (Col. H): If a plan is confirmed, enter Consensual if the plan was confirmed under § 1191(a) or Non-consensual if confirmed under § 1191(b).

Date of Substantial Consummation (Col. I): If the case has been determined to be substantially consummated (see § 1101(2)), enter the date the debtor files the notice of substantial consummation.

Estimated Plan Completion Date (Col. J): If a plan has been confirmed and the trustee is administering plan payments, enter the estimated date the plan will be completed. If the debtor modifies the plan with a changed plan term, the date should be changed to reflect the new estimated plan completion date.

Trustee Resignation/NDR/Final Report and Account Submission Date (Col K): Enter the date that (1) a trustee resignation is filed, (2) a Report of No Distribution (V-NDR) is filed, or (3) a Trustee's Final Report and Account (UST Form 101-11(V)-FR) is submitted to the United States Trustee. Entering a date removes the case from the count of open cases.

Reporting Trustee's Estate Banking Activity

Beginning Ledger Book Balance (Col. L): Enter the preceding year's ending ledger book balance as the current year's beginning ledger book balance. Use ledger book balance, not bank balance.

Debtor Payments Received Under Plans (Col. M): Enter any receipts from, or on behalf of, the debtor which were deposited into the trustee's estate bank account. Include pre-confirmation adequate protection payments and post-confirmation plan payments. Receipt of Court-awarded trustee compensation/expense reimbursements should only be included if deposited to the estate bank account. It should not include refunds from administrative payees or creditors.

Refunds to Debtors (Col. N): Enter the refund of any debtor payments to the debtor (do not enter these as negative numbers in Column M).

Administrative Expenses Paid, Excluding Trustee Fees/Expenses (Col. O): Enter any payments made by the trustee for professional fees or expenses or other costs of administration provided for in the plan or approved by the Court. If interest is earned, it should be recorded as a reduction in administrative expenses. Enter refunds from administrative payees and voided checks in the month received or voided.

Payments to Creditors (Col. P): Enter any payments made by the trustee to creditors pursuant to the plan or approved by the Court. Enter refunds from creditor payees or voided checks in the month received or voided.

Court Awarded Compensation/Expenses Paid to Trustee (Col. Q): Enter any payments made to the trustee for compensation or expenses approved by the Court only if the payments were made from the estate bank account to the trustee.

Ending Ledger Book Balance (Col. R): This number calculates automatically based on the entries in the preceding columns. This should be checked for accuracy against the trustee's accounting records.

Other Reportable Data

Date of Last DIP Monthly Report (Col. S): Enter the period end date of the last DIP monthly report filed with the Court. The period end date should be entered in the following format: 8/31/2022 (e.g., If the DIP files a monthly report on September 15, 2022, for the period end date August 31, 2022, this column should reflect 8/31/2022).

Direct Payments Made on Behalf of Estate (Col. T): If payments were made by an outside party, but not through the trustee's estate bank account, on behalf of the trustee pursuant to the plan or Court order, enter the total of such payments here. An example would include a sale of estate property in which creditors and administrative expenses were paid through an escrow agent. Include information concerning such payments in the Case Notes.

Case Notes

This section provides significant information concerning the status of the case, including, but not limited to, the estimated or actual date a plan will be filed, the progress towards plan confirmation, direct payments made by third parties (dates, amounts, who made the payments), sales of property to fund a plan, funds held in an escrow or IOLTA account pursuant to Court order, whether the trustee or the debtor distributes funds under a confirmed plan, estimated or actual date for filing a fee application, estimated date for filing a UST Form 101-11(V)-FR or V-NDR, or whether the trustee submitted a UST Form 101-11(V)-FR to the United States Trustee for review.

COURT AWARDED TRUSTEE FEES

The Court Awarded Trustees Fees section acts as a record reporting activity and the balance of trustee fees for cases in which fees and expenses have been awarded to the SBRA trustee pursuant to 11 U.S.C. § 330. This section reports the amount of the trustee fees and expenses awarded, the amount paid to the trustee from the debtor or from funds administered by the trustee (including retainers), fees written off by the trustee, and the balance of the fees and expenses due

to the trustee. Column J reports the net balance of any retainers held by the trustee in the case, after reflecting new retainer receipts and fees paid to the trustee.

CASE-BY-CASE TRUSTEE'S CERTIFICATION TO REPORT

Located at the bottom the Annual report, the trustee must sign the Microsoft Excel version using “/s/ trustee name” and enter the date signed for submission to the United States Trustee. In addition, the trustee should affix an original signature and the submission date to the copy of the report retained in the trustee’s files. The trustee must retain the original trustee signature page for the required period. If the Annual Report is subsequently amended, the amended report must be signed and dated as well.