**Chapter 12 Eligibility Test**

Updated on April 1, 2022

Bankruptcy Case No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Debtor(s) Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Select the Checklist Group that applies for this case:**

# Eligibility Checklist for Individual Farmers

|  |  |  |
| --- | --- | --- |
| **REQUIREMENTS** | **YES** | **NO** |
| 1. Individual or individual and spouse Family Farmer -**11 U.S.C. 101(19)** |  |  |
| 2. Engaged in a farming operation on date of filing -**11 U.S.C. 101(21)** |  |  |
| 3. Aggregate debts are less than **$11,097350** (4/1/22) **11 U.S.C 101(18)** |  |  |
| 4. Not less than 50% of debts (excluding residence) arise out of a farming operation |  |  |
| 5. More than 50% of gross income arises from farming operation in the taxable year before filing, **OR…** |  |  |
| - More than 50% of the gross income arises from farming operation in each of the 2d and 3d taxable years preceding filing |  |  |

**Eligibility Checklist for Corporate or Partnership Farmers**

# (Note: Not based on income at all)

|  |  |  |
| --- | --- | --- |
| **REQUIREMENTS** | **YES** | **NO** |
| 1. More than 50% of o/s stock or equity is held by one family, or by one family and the relatives of the members of such family |  |  |
| 2. Such family or such relatives conduct the farming operation |  |  |
| 3. More than 80% of the value of the assets consists of assets related to the farming operation |  |  |
| 4. Aggregate debts are less than **$11,097,350** (4/1/22) 11 U.S.C. 101(18) |  |  |
| 5. Not less than 50% of aggregate noncontingent, liquidated debts (excluding dwelling used by shareholder or partner as principal residence) arise out of a farming operation |  |  |
| 6. If a corporation issues stock, the stock is not publicly traded |  |  |

# Eligibility Checklist for Individual Family Fisherman

|  |  |  |
| --- | --- | --- |
| **REQUIREMENTS** | **YES** | **NO** |
| 1. Individual or individual and spouse engaged in a commercial fishing operation **[11 U.S.C. 101 (7A)]** |  |  |
| 2. Aggregate debts do not exceed **$2,268,550** (4/1/22) **11 U.S.C. 101(19)(A)** |  |  |
| 3. Not less than 80% of debts (excluding principal residence) arise out of commercial fishing operation owned or operated by debtor |  |  |
| 4. More than 50% of gross income for the taxable year preceding filing arise from the commercial fishing operation |  |  |

**Eligibility Checklist for Corporate or Partnership Fishermen**

**(Note: Not based on income at all)**

|  |  |  |
| --- | --- | --- |
| **REQUIREMENTS** | **YES** | **NO** |
| 1. 50% or more of the o/s stock is held by 1 family that conducts the fishing operation, **OR…** |  |  |
| 2. One family and the relatives of the members of such family, and such family or relatives conduct the fishing operation, **AND…** |  |  |
| 3. More than 80% of the value of its assets consists of assets related to the commercial fishing operation, **AND…** |  |  |
| 4. Aggregate debts do not exceed **$2,258,550** (4/1/22) **11 U.S.C. 101(19)(A)** |  |  |
| 5. Not less than 80% of debts are related to the commercial fishing operation. |  |  |
| 6. If a corporation, none of the stock is publicly traded |  |  |