

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF TENNESSEE**

In re

Case No. 01-35351

MARK STEVEN SKINGER
TAMMY SKINGER

Debtors

MEMORANDUM AND ORDER

The Debtors commenced the above Chapter 7 case, without benefit of counsel, by the filing of a Voluntary Petition under Chapter 7 on October 31, 2001. On December 28, 2001, Virginia Jarvis, an employee of a business in Valencia, California, with the name of The Debt Solution, Inc., filed a document entitled "Certification and Signature of Non-Attorney Bankruptcy Petition Preparer (11 U.S.C. § 110)" certifying that she is "a bankruptcy petition preparer as defined in 11 U.S.C. § 110" and that she prepared the Voluntary Petition filed by the Debtors and all statements and schedules filed with the petition. Ms. Jarvis' signature, printed name and address, and Social Security number do not appear on any of the documents filed by the Debtors as required by 11 U.S.C. §§ 110(b)(1) and (c)(1).

Also on December 28, 2001, Virginia Jarvis filed a second document entitled "Disclosure of Compensation of Bankruptcy Petition Preparer (11 U.S.C. § 110(h))" disclosing that she received \$500.00 from the Debtors for "bankruptcy document preparation services" on October 24, 2001. Ms. Jarvis also states that on December 6, 2001, she refunded the Debtors the \$500.00 fee paid for her bankruptcy petition preparer services.

Bankruptcy Code § 110 defines a “bankruptcy petition preparer” as “a person, other than an attorney or an employee of an attorney, who prepares for compensation a document for filing.”

11 U.S.C. § 110(a)(1).

Bankruptcy Code § 110(b) requires in material part:

(1) A bankruptcy petition preparer who prepares a document for filing shall sign the document and print on the document the preparer’s name and address.

11 U.S.C. § 110(b).

Section 110(c) requires in material part:

(1) A bankruptcy petition preparer who prepares a document for filing shall place on the document, after the preparer’s signature, an identifying number that identifies individuals who prepared the document.

(2) For purposes of this section, the identifying number of a bankruptcy petition preparer shall be the Social Security account number of each individual who prepared the document or assisted in its preparation.

11 U.S.C. § 110(c).

Unless the preparer’s failure to comply is “due to reasonable cause,” both sections 110(b) and (c) provide that the bankruptcy petition preparer “may be fined not more than \$500.00 for each such failure” 11 U.S.C. § 110(b)(2) and (c)(3). This means that if several documents are filed in a case without the requisite preparer identity information, each document constitutes a separate violation and is subject to a fine. *See United States Trustee v. Womack (In re Paskel)*, 201 B.R. 511, 515-16 (Bankr. E.D. Ark. 1996).

In the present case, the bankruptcy petition preparer, Virginia Jarvis, prepared, for compensation, the following documents, all of which required her signature, printed name and address, and Social Security number: the Voluntary Petition, Statement of Financial Affairs, Schedules, Chapter 7 Individual Debtor's Statement of Intention, Chapter 7 Statement of Intention - Spouse's Debts, and Chapter 7 Statement of Intention - Joint Debts. The court finds irrelevant the fact that she refunded the compensation paid her after the Debtors filed their bankruptcy case.¹

Bankruptcy Code § 110(h) requires in material part:

(1) Within 10 days after the date of the filing of a petition, a bankruptcy petition preparer shall file a declaration under penalty of perjury disclosing any fee received from or on behalf of the debtor within 12 months immediately prior to the filing of the case, and any unpaid fee charged to the debtor.

11 U.S.C. § 110(h)(1). Ms. Jarvis filed her Disclosure of Compensation of Bankruptcy Petition Preparer (11 U.S.C. § 110(h)) on December 28, 2001, fifty-eight days after the Debtors filed their Voluntary Petition.

Virginia Jarvis appears to have completely ignored the legal responsibilities required of her as a bankruptcy petition preparer under the Bankruptcy Code.

The court, on its own motion, directs the following:

1. Virginia Jarvis will appear before the court on January 31, 2002, at 9:00 a.m., in Bankruptcy Courtroom 1-C, First Floor, Howard H. Baker, Jr. United States Courthouse,

¹ Ms. Jarvis apparently agrees because she refers to herself as "a bankruptcy petition preparer as defined in 11 U.S.C. § 110" in her December 28, 2001 Certification and Signature of Non-Attorney Bankruptcy Petition Preparer (11 U.S.C. § 110). As noted, a "bankruptcy petition preparer," by definition, is one who prepares a document for "compensation." 11 U.S.C. § 110(a)(1).

Knoxville, Tennessee, to show cause why she should not be fined up to \$500.00 each for her failure to sign and print her name and address on the Debtors' Voluntary Petition, Statement of Financial Affairs, Schedules, Chapter 7 Individual Debtor's Statement of Intention, Chapter 7 Statement of Intention - Spouse's Debts, and Chapter 7 Statement and Intention - Joint Debts.

2. Virginia Jarvis will appear before the court on January 31, 2002, at 9:00 a.m., in Bankruptcy Courtroom 1-C, First Floor, Howard H. Baker, Jr. United States Courthouse, Knoxville, Tennessee, to show cause why she should not be fined up to \$500.00 each for her failure to place her Social Security number on the Debtors' Voluntary Petition, Statement of Financial Affairs, Schedules, Chapter 7 Individual Debtor's Statement of Intention, Chapter 7 Statement of Intention - Spouse's Debts, and Chapter 7 Statement of Intention - Joint Debts.

SO ORDERED.

ENTER: January 9, 2002

BY THE COURT

RICHARD STAIR, JR.
UNITED STATES BANKRUPTCY JUDGE