

ADVERSARY PROCEEDING COVER SHEET

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 some of the property or property rights of the estate. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, 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 1040 as part of the filing process. When completed, the cover sheet summarizes basic information about the adversary proceeding which the clerk of court needs to process it and to prepare required statistical reports on court activity.

Instructions for completing Form 1040 appear on the form.