

BANKRUPTCY ADMINISTRATOR WESTERN DISTRICT OF NORTH CAROLINA

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Position Announcement for Small Business Reorganization Act Trustees

The Bankruptcy Administrator for the Western District of North Carolina seeks resumes from individuals wishing to be considered for appointment as case trustees to administer cases filed under the Small Business Reorganization Act of 2019 (Subchapter V), which amended chapter 11 of title 11 of the United States Code (Bankruptcy Code).

The Coronavirus Aid, Relief and Economic Security (CARES) Act signed into law on March 27, 2020, amends 11 U.S.C. § 1182(1) so that persons and businesses with not more than \$7,500,000 in aggregate non-contingent liquidated secured and unsecured debts are generally able to proceed under subchapter V of chapter 11. These provisions of the CARES Act will sunset 1 year after the date of enactment.¹

The cases are filed in the United States Bankruptcy Court for the Western District of North Carolina and include court locations of Asheville/Bryson City, Charlotte, Shelby, and Statesville. Applicants must be willing to serve for a minimum one-year period, if selected. Subchapter V trustees are to receive compensation in each case in which they serve pursuant to 11 U.S.C. § 330.

To be eligible to be appointed as a Subchapter V case trustee, an applicant must possess strong administrative, financial, and interpersonal skills. Those with business, managerial, consulting, mediation, and operational experience are encouraged to apply. Persons with bankruptcy experience will be given preference over other applicants. Candidates for consideration must:

1. Possess integrity and good moral character;
2. Be physically and mentally able to satisfactorily perform a trustee's duties;
3. Be courteous and accessible to all parties with reasonable inquiries or comments about a case for which such individual is serving as trustee;

¹ If these provisions are not extended prior to the current sunset, fewer subchapter V pool members may be necessary.

4. Be free of prejudices against any individual, entity, or group of individuals or entities;
5. Not be related by affinity or consanguinity within the degree of first cousin to any judge, the U.S. Bankruptcy Administrator, or any employee of the court or the office of the Bankruptcy Administrator for the district in which he or she is applying;
6. Possess the following minimum qualifications:
 - a. Be a member in good standing of the North Carolina State Bar; or
 - b. Be a certified public accountant; or
 - c. Hold a bachelor's degree from a full four-year course of study (or the equivalent) of an accredited college or university with a major in a business-related field of study or at least 20 semester-hours of business-related courses; or hold a master's or doctoral degree in a business-related field of study from a college or university of the type described above; or
 - d. Have equivalent experience as deemed acceptable by the Bankruptcy Administrator; and,
7. Provide regular financial reports to the Bankruptcy Administrator.

A successful applicant will be required to undergo a background check and must qualify to be bonded. Subchapter V trustees are not federal employees.

Applicants may apply by forwarding a letter of interest and detailed resume to trusteeapplications@ncwba.uscourts.gov. Priority consideration will be given to applications received before Friday, April 23, 2021.

No phone calls, please. Only those who are asked to interview will be contacted.