

**CHECKLIST OF DOCUMENTS TO BE DELIVERED TO
ATTORNEY TO PREPARE BANKRUPTCY CASE**

1. **Certificate of credit counseling.** See attached card.
2. Client Questionnaire, **fully and accurately completed.**
3. All evidence of income received within **6 months** before the bankruptcy filing.
4. **All your bills,** collections and court papers (only the most recent please)
5. Most recent **3 months** of bank and investment account statements, including 401k or 403b accounts.
6. Complete tax returns or transcripts for **2022 and 2023,** including state and federal returns, all schedules, and W-2s and 1099s.
7. All **deeds** to real estate, **most recent mortgage statement,** and most recent appraisal of real estate.
8. **Registration or Certificate of title** for each vehicle, each vehicle loan contract, and most recent payoff statement or bill from each vehicle lender.
9. A copy of your **photo identification** and a copy of your **social security card** or other proof of your social security number such as a W2 or 1099.
10. “Can I Keep My Car?” form (Chapter 7 cases only).
11. **Credit Authorization.**
12. **Required Disclosures.**
13. Fees: **CHAPTER 7**
Pay all fees in advance = \$1,600
OR
Pay **\$375 for the filing fee/credit report, and then \$125/month** for one year = \$1,875
\$375 or \$1,600 due prior to filing

CHAPTER 13

\$5,000 Attorney Fees, but you only pay \$1,000 prior to filing

\$313 Filing Fee

\$1,313 total due prior to filing

Fisher-Sandler, LLC

Fairfax Office

3977 Chain Bridge Road, Suite 2

Fairfax, VA 22030

(703) 691-1642 (Office)

Woodbridge Office

12801 Darby Brooke Court, Suite 201

Woodbridge, VA 22192

(703) 494-3323 (Office)

INITIAL CONSULTING QUESTIONNAIRE

Please complete this form neatly to allow us to help you. **Do not leave answers blank.** Write none or N/A where necessary. Round off to the nearest dollar. Estimate amounts if you are unsure. The information is strictly confidential.

DATE: _____

HOW DID YOU HEAR ABOUT US (circle)?

Referral / Internet / Direct Mail / Other _____

PERSONAL INFORMATION

Full name: _____

Street Address: _____

City, State, Zip: _____

Cell Phone: _____ Alternative Phone: _____

Email Address: _____ County You Live In: _____

SSN: _____ Date of Birth: _____

Marital Status: Married _____ Divorced _____ Separated _____ Single _____

Spouse's Full Name: _____

SSN (if filing jointly): _____ Date of Birth: _____

Have you ever filed Bankruptcy? Yes _____ No _____ When _____

Has your spouse filed Bankruptcy? Yes _____ No _____ When _____

If you have filed BK before, what state/county were you living in at that time? _____

Dependents (Names & Ages): _____

How many people live in your household? _____

How long have you lived at your current address? _____

List All Previous Addresses for the past 3 years (and the dates you lived there):

1.) _____

2.) _____

3.) _____

Occupation: _____

How long with your employer? _____

Employer: (Name) _____

(Address) _____

Do you have a part-time or second job? _____ Where? _____

Spouse's Occupation: _____

How long with their employer? _____

Employer: (Name) _____

(Address) _____

Do they have a part-time or second job? _____ Where? _____

ASSET INFORMATION

It is **Extremely Important** to disclose all of your existing assets. This allows us to make sure all of your property is protected. If we don't know about it we can't protect it or advise you if it is at risk. For real estate, list all properties owned including those owned in foreign countries.

1. REAL ESTATE:

Do you rent or own your home? Rent _____ Own _____ Live with family _____

Property #1

Date Purchased: _____ Address: _____

Value \$ _____ Redfin/Zillow \$ _____ Tax Assessment \$ _____

Mortgage Company? _____

Balance \$ _____ Monthly Payment \$ _____ Current/Arrearage? \$ _____

Second Mortgage/HELOC? _____

Balance \$ _____ Monthly Payment \$ _____ Current/Arrearage? \$ _____

Property #2

Date Purchased: _____ Address: _____

Value \$ _____ Redfin/Zillow \$ _____ Tax Assessment \$ _____

Mortgage Company? _____

Balance \$ _____ Monthly Payment \$ _____ Current/Arrearage? \$ _____

Second Mortgage/HELOC? _____

Balance \$ _____ Monthly Payment \$ _____ Current/Arrearage? \$ _____

2. FINANCIAL ACCOUNTS:

Bank: _____

Checking Account Balance _____ Savings Account Balance _____

Bank: _____

Checking Account Balance _____ Savings Account Balance _____

Bank: _____

Checking Account Balance _____ Savings Account Balance _____

Debit card from work or the government? Name _____ Balance _____

Crypto Currency Like Bitcoin? _____ Type and Current Value _____

Paypal or other Online Accounts? _____ Type and Current Value _____

Do you own any Investment Accounts? (Stocks, Bonds, etc.) Yes No

Type _____ Company _____ Balance _____

Type _____ Company _____ Balance _____

Description: _____

Do you have a Retirement Account? Yes _____ No _____

Account Provider: _____

Plan Type: _____ Balance: \$ _____

Account Provider: _____

Plan Type: _____ Balance: \$ _____

Account Provider: _____

Plan Type: _____ Balance: \$ _____

Do you have any Life Insurance Policies? _____

Life Insurance Co.: _____ Is this Term Life Insurance? _____

If this is not a term life insurance policy, what is the cash surrender value? _____

Life Insurance Co.: _____ Is this Term Life Insurance? _____

If this is not a term life insurance policy, what is the cash surrender value? _____

Life Insurance Co.: _____ Is this Term Life Insurance? _____

If this is not a term life insurance policy, what is the cash surrender value? _____

Tax Refunds:

Have you filed your tax return for last year? Yes _____ No _____

Did you already receive a refund? Yes _____ No _____

How much was your Federal Refund? _____ State Refund? _____

Are you still due a refund? Yes _____ No _____

3. Motor Vehicles: List all vehicles you have an ownership interest in.

1. Year _____ Make _____ Model _____ Miles _____

Balance _____ Payment _____ Lender _____

2. Year _____ Make _____ Model _____ Miles _____

Balance _____ Payment _____ Lender _____

3. Year _____ Make _____ Model _____ Miles _____

Balance _____ Payment _____ Lender _____

4. Year _____ Make _____ Model _____ Miles _____

Balance _____ Payment _____ Lender _____

5. Year _____ Make _____ Model _____ Miles _____

Balance _____ Payment _____ Lender _____

4. **Wearing Apparel Value:** \$ _____

5. **Jewelry and Furs Value:** Identify specifically any item of jewelry or furs that you own with a value of more than \$500.00. Wedding/Engagement rings should be listed separately. For items of lesser value, provide a general description. _____

6. **Household Goods:** Put a number in each space indicating how many of each item that you own, and then put in the YARD SALE value of that item in the column to the right.

| <u>Item</u> | <u>How many?</u> | <u>Value</u> |
|----------------------|------------------|--------------|
| Stove | _____ | \$ _____ |
| Dishwasher | _____ | \$ _____ |
| Freezer/Refrigerator | _____ | \$ _____ |
| Washer/Dryer | _____ | \$ _____ |
| Microwave | _____ | \$ _____ |
| Dining Set | _____ | \$ _____ |
| Kitchen Table/Chairs | _____ | \$ _____ |
| China Closet/Armoire | _____ | \$ _____ |
| Entertainment Center | _____ | \$ _____ |
| Sofa/Loveseat | _____ | \$ _____ |
| Coffee Table | _____ | \$ _____ |
| End Table | _____ | \$ _____ |
| Lamps | _____ | \$ _____ |
| Chairs/Recliners | _____ | \$ _____ |
| Beds | _____ | \$ _____ |
| Dressers | _____ | \$ _____ |
| Night Stands | _____ | \$ _____ |
| Desk | _____ | \$ _____ |
| TV | _____ | \$ _____ |
| VCR/DVD Player | _____ | \$ _____ |
| Stereo/Radio | _____ | \$ _____ |
| Computer/Tablet | _____ | \$ _____ |
| Cell Phone | _____ | \$ _____ |
| Game System | _____ | \$ _____ |
| Other | _____ | \$ _____ |

7. **Collections:** Do you have any collections of value? If so, describe:
Examples may include books, paintings, stamps, coins, stamps, memorabilia, etc.

_____ Value \$ _____
 _____ Value\$ _____
 _____ Value\$ _____

8. Sports & Hobby Equipment: Do you own Sports & Hobby Equipment? If so, describe: Examples may include **guns**, video or photographic equipment, exercise equipment, hunting & fishing equipment, tools, etc.

_____ Value \$ _____

9. Pets:

_____ Value \$ _____

10. Miscellaneous Items:

List other valuable assets not listed elsewhere:

_____ Value \$ _____

_____ Value\$ _____

_____ Value\$ _____

11. Does any owe you money? If so, who owes you and how much is owed?

12. Are you currently suing, or can you sue anyone for anything in the future? Job, car accident, etc. If you can, IT MUST BE LISTED IN YOUR BANKRUPTCY FORMS!

**** _____ ****

**** _____ ****

13. Are you inheriting, or do you expect to inherit any property within the next year? _____

DEBT INFORMATION:

Student Loans:

Owed To: _____ Loan Balance \$ _____ Payment \$ _____

Name of any Co-signor: _____

Owed To: _____ Loan Balance \$ _____ Payment \$ _____

Name of any Co-signor: _____

Do you pay Child Support or Alimony? Yes _____ No _____

Payee: _____ **Monthly Payment \$** _____

Behind on your support payments? Yes _____ No _____ **How much? \$** _____

Name and Address of parent/person to whom support is paid:

Do you owe Taxes? For example the IRS, State of Virginia, or County Taxes

| Government Entity | Tax Year | Amount Due |
|--------------------------|-----------------|-------------------|
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |

Unsecured Debts (credit cards, personal loans, payday loans, old landlords, repossessions, utilities or medical bills; DO NOT LIST DEBTS FOR WHICH YOU ARE PROVIDING STATEMENTS). IF it is a collection company please note the original creditor.

| Owed To | Type of Debt | Creditor Address | Last 4 Acct. # | Balance |
|--------------|--------------|------------------|----------------|----------|
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | \$ _____ |
| Total | _____ | | | \$ _____ |

(We will add it up if you do not have a calculator)

MONTHLY INCOME

Husband's take home pay: \$ _____
Wife's take home pay: \$ _____
Child Support/Alimony: \$ _____
Retirement Income: \$ _____
Self-Employment/Business: \$ _____
Government Assistance: \$ _____
Social Security: \$ _____
Other (describe): \$ _____
TOTAL MONTHLY INCOME \$ _____

MONTHLY EXPENSES

Rent/Mortgage: \$ _____ 2nd Mortgage \$ _____

Utilities: Elect. \$ _____ Gas \$ _____ Water \$ _____ Sewer/Trash \$ _____
 Tel. \$ _____ Cell \$ _____ Cable \$ _____ Internet \$ _____

HOA \$ _____
Home Maintenance: \$ _____
Food & Household Items: \$ _____
Day Care/Child Education \$ _____
Clothing/Laundry/Dry Clean. \$ _____
Personal Grooming: \$ _____
Newspapers/Magazines: \$ _____
Medical & Dental: \$ _____
Auto Operating Costs: \$ _____
Recreation: \$ _____
Charitable Contributions: \$ _____
Auto Insurance: \$ _____
Life Insurance: \$ _____
Other Insurance: \$ _____
Child or Spousal Support: \$ _____
Storage: \$ _____
Pet Care: \$ _____
Tobacco: \$ _____
1st Auto Payment \$ _____
2nd Auto Payment \$ _____
Other Installment Payment \$ _____
Student Loans \$ _____
Property Taxes \$ _____
Tax Arrearages \$ _____
Other Living Expenses \$ _____

Total Monthly Expenses \$ _____

MISCELLANEOUS

1. What was your gross income for the year to date and the previous two years?

2024(ytd)\$ _____ (wife) \$ _____

2023: \$ _____ (wife) \$ _____

2022: \$ _____ (wife) \$ _____

2. Have you been self-employed or have you had any ownership interest in a company in the last 6 years?

Yes _____

No _____

If so, give details:

Name of Business: _____

EIN Number: _____

Address: _____

What did this business do? _____

Dates in Business: _____

Accountant: _____

Does this business presently have any assets? If so, describe: _____

Name of Business: _____

EIN Number: _____

Address: _____

What did this business do? _____

Dates in Business: _____

Accountant: _____

Does this business presently have any assets? If so, describe: _____

Have you given anyone a financial statement for any businesses in the past 4 years? If so, who?

3. Have you been involved in a divorce in the past three years? Yes _____ No _____

Have you entered into a Property Settlement Agreement in the past three years?

Yes _____ No _____

If so, give details including transfers: For Example, was ownership of the marital home or any other large asset transferred pursuant to your Property Settlement Agreement?

4. Have you paid any creditor \$600 or more in the past 3 months? Yes or No
Details _____

5. Have you repaid any family member in the past year? Yes or No
Details _____

6. Have you transferred or sold any of your property to anyone in the past two years?
Yes or No

Details _____

7. Have you given any of your property away within the past year? Yes or No
Details _____

8. Any cash charitable contributions or gifts within the past 2 years. Yes or No
Details _____

9. Has any property been returned by you or repossessed by a lender within the past year?
Yes or No

Details _____

10. Have you suffered any losses from fire, theft or gambling in the past year?
Yes or No
If so, give details including any insurance proceeds received _____

11. Do you have any storage units or safe deposit boxes? Yes or No

Details _____

12. Have you closed any bank accounts in the past year? Yes or No

Details _____

13. Do you have any leases or active contracts to be completed? Yes or No

Details _____

14. Have you obtained any judgments against third parties? Yes or No

Details _____

15. Have you owned real estate in the past other than real estate you currently own? List addresses and describe when and how the property came out of your name (For example, sale, foreclosure, short sale, quitclaim deed, etc.) Yes or No

Details _____

LEGAL ACTIONS IN THE PAST YEAR

Garnishments? ___ Yes ___ No Amount \$ _____

Creditor _____ Court _____

___ Yes ___ No Amount \$ _____

Creditor _____ Court _____

Lawsuits? ___ Yes ___ No Amount \$ _____

Creditor _____ Court _____

___ Yes ___ No Amount \$ _____

Creditor _____ Court _____

Judgements? ___ Yes ___ No Amount \$ _____

Creditor _____ Court _____

___ Yes ___ No Amount \$ _____

Creditor _____ Court _____

Foreclosures? ___ Yes ___ No Collateral _____

Creditor _____ Date _____

___ Yes ___ No Collateral _____

Creditor _____ Date _____

Repossessions? ___ Yes ___ No Collateral _____

Creditor _____ Date _____

___ Yes ___ No Collateral _____

Creditor _____ Date _____

Can I Keep My Car?

For many people considering bankruptcy, this is one of their top concerns. Every person who files bankruptcy and has lived in Virginia the past two years gets a \$6,000 vehicle exemption on one vehicle. That means if your vehicle is worth \$6,000 or less over what is owed, we can protect it. In addition, if your vehicle has more than \$6,000 equity, we can typically use a \$5,000 wildcard exemption as well. If you have more than one vehicle with equity, we need to talk about that.

What if it is financed?

Before they changed the bankruptcy laws in 2005, you could simply elect to keep the vehicle and continue making payments. However, under the new law, you cannot officially do that. You must either surrender the vehicle, redeem (pay off what it is worth in a lump sum), or reaffirm. Most people want to keep their car, not surrender, and very few have thousands of dollars to redeem. Does that mean they must reaffirm?

Reaffirming only helps the car lenders.

Reaffirming basically means you are agreeing to be held to the terms of your original contract...same interest rate, monthly payments, amount due, etc. Once in a blue moon the finance company will agree to a better interest rate or lower the balance, but that is extremely rare.

The problem with reaffirming is that you are once again agreeing to be personally liable for the car loan. That means if you can't make the payments after your case is closed, the finance company can repossess the car, sell it for peanuts, and come after you for the difference. You'll have a repossession on your credit, even after bankruptcy had wiped it clean, and then it will take that much longer to re-establish good credit. The finance company will likely get a judgment against you and garnish your pay, and this is after you've already gone through bankruptcy!!

So what happens if you do not reaffirm? Look at your financing contract. If it says that the car company considers the filing a bankruptcy a breach of contract (and most contracts say that), technically they can demand the car be returned without a reaffirmation agreement. However, I've spoken to many other bankruptcy attorneys, and no one knows of a company actually doing this except for Ford. Think about it. Why would a car company want to repossess your car and get almost nothing at auction when you are making your monthly payments? That would be bad for business. If you simply continue making your payments and keep the vehicle, but don't sign the reaffirmation agreement, the finance company will probably not repossess the vehicle, and you can keep the car without the potential liability of a reaffirmation agreement.

Why do some people insist on reaffirming?

The main reason is usually this: they are more afraid of losing their car than the liability they are accepting – "But it's the only car I have to get to work."

I suggest going to several used car dealerships and finding out for yourself that even if the finance company does pick up your vehicle, which again, is extremely unlikely, you'll still be able to get a better car for a lower monthly payment anyway.

So what should you do?

My recommendation to you is not to reaffirm. If you want to keep your vehicle, I suggest you keep making the payments, but don't sign a reaffirmation agreement. But you must decide for yourself. If you do reaffirm, you have 60 days after you sign to change your mind.

Vehicle: _____ I WILL / WILL NOT reaffirm this loan. (Circle one)
Vehicle: _____ I WILL / WILL NOT reaffirm this loan. (Circle one)
Vehicle: _____ I WILL / WILL NOT reaffirm this loan. (Circle one)

Client _____ Date _____
Client _____ Date _____



CIN LEGAL DATA SERVICES CONSUMER AUTHORIZATION AND RELEASE FORM

CIN Legal Account Number: A12417

Account Name: A12417 - The Law Offices of Michael J. O. Sandler, PLLC

SUBJECT TO THE TERMS, CONDITIONS AND DISCLOSURES SET OUT ON PAGES 2 AND 3 HEREIN, I INSTRUCT AND AUTHORIZE CIN LEGAL DATA SERVICES ("CIN") TO DO THE FOLLOWING (PLEASE SELECT ALL THAT APPLY):

Bankruptcy Credit Report™

Access my Credit Profile one time to compile, merge, and format the credit data and data elements into the Bankruptcy Credit Report ("BCR"); provide a copy of the BCR to my attorney via CIN's Internet portal or other secure electronic means; make data elements of the BCR available for electronic import into my attorney's bankruptcy forms preparation software program or automated bankruptcy filing system; and provide a copy of the BCR to me via electronic posting to my secure MyHorizon® account.

Credit Assurance Report™

Access my Credit Profile one time in the 60 to 90 days following the discharge of my bankruptcy case to compile, merge, and format the credit data and data elements into the Credit Assurance Report™ ("CAR"); provide a copy of the CAR to my attorney via CIN's Internet portal or other secure electronic means; and provide a copy of the CAR to me via posting to my secure MyHorizon® account.

MyHorizon® Credit Monitoring Program

Access my Credit Profile daily for 12 months beginning on the date the MyHorizon Credit Monitoring Program ("MHT Monitoring") is ordered to provide credit monitoring, credit scoring, and/or credit score monitoring and tracking products to me via email, instant message, and/or text message.

Identity Verification

Access my Credit Profile one time on the order date of any BCR, CAR or MHT Monitoring product to confirm my identity and avoid fraudulent transactions in my name. THIS IS A REQUIREMENT FOR ANY CREDIT PRODUCT ORDER.

PLEASE SUBMIT COMPLETED FORM WITH PHOTO IDS FOR PRIMARY APPLICANT AND CO-APPLICANT (IF JOINT APPLICATION) BY FAX TO 866-307-1003 OR BY EMAIL TO FORMS@CINLEGAL.COM. THANK YOU.

| | |
|---|---|
| <p>PRIMARY APPLICANT</p> <p>NAME _____</p> <p>SSN _____</p> <p>SIGNATURE _____</p> <p>DATE _____</p> | <p style="text-align: center;">Photo ID</p> |
| <p>CO-APPLICANT (IF JOINT APPLICATION)</p> <p>NAME _____</p> <p>SSN _____</p> <p>SIGNATURE _____</p> <p>DATE _____</p> | <p style="text-align: center;">Photo ID</p> |

DISCLOSURE #1: IMPORTANT INFORMATION ABOUT BANKRUPTCY & ALTERNATIVES TO BANKRUPTCY, 11 U.S.C. § 527(b)

IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER

If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney.

THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST.

1. Ask to see the contract before you hire anyone. The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.
2. Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations.
3. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a “trustee” and by creditors.
4. If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.
5. If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.
6. If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.
7. Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.

DISCLOSURE #2: PURPOSES, BENEFITS & COSTS OF BANKRUPTCY, §§ 527(a)(1) & 342(b)(1)

The US Constitution provides a method whereby individuals, burdened by excessive debt, can obtain a fresh financial start and pursue newly productive lives unimpaired by past financial problems. It is an important alternative for persons mired deep in financial difficulty. Anyone considering this course of action is encouraged to seek the advice and assistance of an attorney specializing in bankruptcy law.

The Bankruptcy code is divided into chapters. The chapters which usually apply to consumer debtors are chapter 7, known as a Liquidation, and chapter 13, known as an Adjustment of the Debtors of an Individual with Regular Income (a.k.a. wage-earner plan).

An important feature applicable to all types of bankruptcy filings is the automatic stay. The automatic stay means that the mere request for bankruptcy protection automatically “stays” or forces an abrupt halt to the repossessions, foreclosures, evictions, garnishments, attachments, utility shut-offs, and debt collection harassment. It offers debtors a breathing spell by giving the debtor and the trustee assigned to the case time to review the situation and develop an appropriate plan. Creditors cannot take any further action against the debtor or the property without permission from the bankruptcy court.

NOTICE TO CONSUMER DEBTOR(S) UNDER §342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice. Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a joint case (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing. In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$335 total court fees plus legal fees and costs)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a “means test” designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may

have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$310.00 total court fees plus legal fees and costs)

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1717 total court fees plus legal fees and costs)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$275 total court fees plus legal fees and costs)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy

case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, Bankruptcy Rules, and local rules of the court.

DISCLOSURE #3: FULL DISCLOSURE & ACCURACY, 11 U.S.C. § 527(a)(2)

If you file bankruptcy:

- A. The information that you provide to your attorney, the bankruptcy trustee, and the court in the course of your bankruptcy, both before and after you file your bankruptcy petition, must be complete, accurate and truthful.
- B. All of your assets (everything you own that has value, such as real estate, personal items, vehicles, money, etc.) and all of your liabilities (all of your debts) are required to be completely and accurately disclosed in the documents filed to start your case, and the replacement value of each asset must be stated in those documents where requested after reasonable inquiry to establish their value. The value should be your best understanding of how much it would cost you to replace the item in the same or similar condition.
- C. You must provide your attorney with a monthly budget, including your current monthly income, all of your regular expenses, and the amount of your income that is left over after deduction of expenses. In listing your income and expenses, try to avoid guessing or estimating, and do your best effort to be accurate and truthful.

For income, you are required to provide information about all sources of your income, including your employment, any government assistance you may receive, social security, pension or other retirement income, income from side jobs, investment income, and similar sources.

- D. The information that you provide to your bankruptcy attorney, the bankruptcy trustee, or the bankruptcy judge may be audited and will be available for inspection by the office of the US Trustee, which is a branch of the US Department of Justice.

If you fail to honestly and fully provide information about your property, income, expenses, and other financial circumstances, your case could be dismissed, and you could be subject to criminal sanctions.

DISCLOSURE #4: FRAUD & CONCEALMENT PROHIBITED, 11 U.S.C. § 342(b)(2)(A) & (B)

Debtor's Duties in Bankruptcy

If you decide to file bankruptcy, it is important that you understand the following:

1. Some or all of the information you provide in connection with your bankruptcy will be filed with the bankruptcy court on forms or documents that you will be required to sign and declare as true under penalty of perjury.
2. A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a bankruptcy case shall be subject to fine, imprisonment, or both. 11 U.S.C. § 342(b)(2)(A).
3. All information you provide in connection with your bankruptcy case is subject to examination by the Attorney General. 11 U.S.C. § 342(b)(2)(B).

ACKNOWLEDGMENT OF RECEIPT OF DISCLOSURES #1, 2, 3, and 4 OUTLINED BELOW:

Initial:

_____ DISCLOSURE #1: IMPORTANT INFORMATION ABOUT BANKRUPTCY &
ALTERNATIVES TO BANKRUPTCY, 11 U.S.C. § 527(b)

_____ DISCLOSURE #2: PURPOSES, BENEFITS & COSTS OF BANKRUPTCY, §§ 527(a)(1)
& 342(b)(1)

_____ DISCLOSURE #3: FULL DISCLOSURE & ACCURACY, 11 U.S.C. § 527(a)(2)

_____ DISCLOSURE #4: FRAUD & CONCEALMENT PROHIBITED, 11 U.S.C. § 342(b)(2)(A)
& (B)

The undersigned acknowledges that the Stuart Law Firm, LLC has given me/us a copy of Disclosures #1, 2, 3, and 4 initialed and outlined above, as required by Bankruptcy Code §§ 527(b), (a)(1) & 342(b)(1), 527(a)(2), and 342(b)(2)(A) & (B).

Dated: _____

X _____
Signature

Print Your Name Above

Dated: _____

X _____
Signature

Print Your Name Above