

Documents Needed For Bankruptcy

You will need to bring the following documents to our office when you come in to go over your completed worksheet. It is very important that you bring these items with you:

Use this page as a checklist as you gather the documents

1. Certificate of Credit Counseling.
2. Copies of any promissory notes, Deeds of Trust, property tax statements, or contracts on any real estate you own or are buying.
3. Copies of any notes or retail installment contracts from banks, credit unions, finance companies or other lenders. Also, any security agreements or other documents listing your property as collateral for the purchase of cars, furniture, mobile homes, other personal property, or cash loans.
4. Current statements and bills from all creditors for which we do not have information. If we have pulled your credit report and entered your creditors in your case, they will be printed in this packet. Review the information for accuracy and use the additional forms to add creditors, if needed. Remember, creditors with a zero balance may not need to be included; check with your attorney.
5. Tax returns for last four (4) years and corresponding state income tax returns for the same period.
6. Pay stubs for the last six (6) months from all employers.
7. Proof of Insurance. If the policy is new, please provide the “binder” which is issued until the policy is in full force. If the policy is not new, then please provide the declarations page. Insurance information must state, at a minimum, the names of the insureds (you and other drivers in the case of car insurance), the policy number, the collateral that is insured, and the loss payee (the company(ies) that have liens on the property).
8. All legal documents pertaining to divorces or lawsuits which are pending or which have been finalized in the past 12 months.
9. Copies of all life insurance policies that have a cash value. You do not need to bring copies of term life policies.
10. All judgments or court orders entered against you or in your favor.
11. All executory contracts; for instance, leases, contracts for sale or deed and lease-purchase contracts.

Documents to be provided to the Attorney by the Debtor(s) - Immediately

Most of my debts are related to problems... (check one):

- regarding a business I now operate or did operate
- regarding taxes
- a lawsuit against me regarding an accident or injury
- mostly credit card or medical debt, car loans, or home loans.

I expect my income to [go up go down stay about the same] in the next month or so.

Documents Regarding Income (Check when provided):

- Paycheck stubs for both husband and wife for the last seven months, including the most recent paycheck stubs
- Papers showing commissions or bonuses received during the last seven months
- Papers regarding any unemployment benefits received during the last seven months
- Papers regarding any child support or spousal support received during the last seven months
- Papers regarding any Social Security payments received by any member of your household who is contributing to household expenses
- Papers regarding any bank interest income or (stock) dividend income received during the last seven months
- Papers regarding any retirement benefits received during the last seven months
- Papers regarding any rental income from any house or land or other real property you own
- A listing of money contributed to your living expenses by other members of your household, including your spouse if he/she is not filing the bankruptcy with you

Documents Regarding Deductions from Your Income (Check when provided):

- Papers regarding any retirement plan contributions you have made during the last seven months
- Papers regarding any retirement loan currently owed
- Papers regarding any insurance that is being paid from your paycheck
- Papers showing any other deduction from your paycheck which is required or mandatory--not voluntary
- From your payroll department at work, get copies of any wage garnishment orders or voluntary automatic deductions from your paycheck
- Any court orders setting child support or spousal support amounts that you should be paying, including the order setting regular ongoing monthly amounts and also setting any monthly amounts for catching up on past-due support
- Is any support you owe secured by a lien on your home or other security interest?
- If you have your own business, a complete listing of all your monthly business expenses, including a year-to-date or recent monthly Profit & Loss Statement for your business, if possible.

Documents Regarding Your Finances (Check when provided):

- Monthly statements for all your bank, credit union & other similar accounts for the last seven months
- A recent credit report
- Papers from any bankruptcy you filed during the last eight years
- A list of all your addresses for the last three years
- Tax returns (both state and federal) for the last four years or W-2s, 1099s, etc. for those years
- Papers regarding any real property you now own or have owned within the last ____ years, including
 - a. Information about refinancing within the last ____ years and current mortgage billing statements
 - b. Transfers of ownership within the last ____ years and deeds on all property owned
- Papers regarding all other personal and real property you own (for example, vehicle registration papers, stock value statements, cash value life insurance policy documents, time-share unit documents, etc.)
- Have you been convicted of a felony? If so, locate any documents stating the type of conviction
- If you did or may receive any money or property from a trust or probate estate, get documents regarding it
- Education IRA or tuition program documentation
- Bills, statements, receipts for any normal living expenses during the last six months--utility bills, food or clothing bills, insurance bills, etc.
- All statements, bills, notices, letters received in the last three months--regarding all your debts, credit cards, medical bills, lawsuits, personal loans, car loans, furniture loans, jewelry loans, etc.
- Contracts (with all the attachments) for all car loans purchased within the last four years, and for furniture and jewelry loans for items purchased within the last two years
- Proof of insurance for any vehicle for which you still owe money

The new federal bankruptcy law requires that you produce this information, which is necessary before an attorney can advise you about filing bankruptcy.

Check	When	Document
<input type="checkbox"/>	First visit	Debt Relief Agency--Consultation Agreement [must sign] Should sign Addendum to Consultation Agreement & Contract for Bankruptcy Services
<input type="checkbox"/>	First visit	Addendum to Consultation Agreement & Contract for Bankruptcy Services [must sign]
<input type="checkbox"/>	First visit	Debt Relief Agency--Section 527(b) Statement [must sign]
<input type="checkbox"/>	First visit	Tax Information Authorization or Power of Attorney forms (8821, 4506-T, 4506, or 2848) and equivalent for state income tax agency [should sign]
<input type="checkbox"/>	First visit	General authorization to obtain financial information on behalf of client [should sign]
<input type="checkbox"/>	At petition signing	Debt Relief Agency--Contract for Bankruptcy Services [must sign]
<input type="checkbox"/>	At petition signing	Receipt of Court's 342(b) notice [must sign]
<input type="checkbox"/>	At petition signing	If homestead over \$125,000 claimed, a declaration regarding Sec. 522(p) [should sign]
<input type="checkbox"/>	At petition signing	Coversheet for Credit Counseling Certificate or plan [must sign]

Section 527(b) Notice

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 locations 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.** 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.

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. 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.

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.

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 preparing your Chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

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.

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 your legal advice.

Section 342(b) Notice of Available Chapters

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.

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.

1. **The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**
 - A. **Chapter 7: Liquidation** (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

- a. 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, creditors have the right to file a motion requesting that the court dismiss.
- b. 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.
- c. 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.
- d. 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 non-dischargeable 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.

B. Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

- a. 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.
- b. 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.
- c. 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.

C. Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

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.

D. Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee:

Total fee \$239)

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.

2. **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, the Bankruptcy Rules, and the local rules of the court.

Section 341 Meeting of Creditors

You **MUST APPEAR** at a Meeting of Creditors and **present** your proof of photo identification (Drivers License, Military ID) and Social Security Card to the Chapter 7 Trustee before the meeting can be held. Please bring these items with you to the meeting. You will have 45 days after the meeting to do the Debtor's Education in order to receive a Discharge Certificate for your case. **If you fail to attend this meeting, the Chapter 7 Trustee will not agree to reschedule this meeting except in dire circumstances and will file a Motion to Dismiss your Chapter 7 case.**