



Call today 251-470-0303 or e-mail isee3@aol.com

RE: Your Recent Inquiry

Dear Client:

This letter is designed to give general information concerning the effect and cost of bankruptcy. It is not intended to guarantee any result and more information on any particular case is necessary to give definitive information. You must consult counsel to make sure the information is up to date. This letter is designed to be used in electronic format with links to 3rd party internet sites. If you have a printed copy, please come in for more information or log onto our web site to access the electronic form of this letter at www.gmfpc.com.

At the end of this newsletter are forms which you may fill out and bring in to expedite the filing of our case. [Want to know what the bankruptcy court says about some of these issues? Click here.](#)

[WANT INFORMATION ON OTHER TOPICS? PLEASE VISIT OUR WEBSITE FOR INFORMATION ON LITIGATION AND OTHER TOPICS AS WELL AS IMPORTANT LINKS THROUGHOUT THE INTERNET OF INTEREST TO THE LEGAL PROFESSION \(CLICK HERE\).](#)

A FORM FOR YOU TO ENTER YOUR INFORMATION APPEARS AT THE END OF THIS INFORMATIONAL LETTER.

[Show up for all court hearings. To see the court docket click here.](#)

CREDIT COUNSELING: BEFORE FILING BANKRUPTCY WITH OUR FIRM OR ANY OTHER FIRM, IT WILL BE NECESSARY FOR YOU TO MEET WITH A CREDIT COUNSELOR IN ORDER TO BETTER UNDERSTAND THE EXTENT OF YOUR OPTIONS. THE SOUTHERN DISTRICT OF ALABAMA BANKRUPTCY COURT ACKNOWLEDGES ONE CREDIT COUNSELING SERVICE IN THE MOBILE AREA. THE ADDRESS IS LISTED BELOW. WE RECOMMEND THAT YOU CONTACT THIS AGENCY AND SCHEDULE AN APPOINTMENT. MOST COUNSELING SESSIONS LAST ABOUT AN HOUR.

WE PROVIDE INFORMATION WHICH ALLOWS FOR YOU TO DO CREDIT COUNSELING BY PHONE; ON THE INTERNET; IN PERSON OR YOU CAN DO THIS IN OUR OFFICE FOR A SLIGHT ADDITIONAL FEE.

YOU CAN DO CREDIT COUNSELING ONLINE, BY PHONE OR AT OUR OFFICE BY CLICKING THE HYPERLINK BELOW OR ENTERING THE FOLLOWING URL INTO YOUR WEB BROWSER <http://www.gmfpc.com/uploads/gmfpccreditcounselinginfoform030310.pdf>

[For a complete listing of approved counselors, click here.](#)

AS AN INVESTIGATIVE STEP WE NEED YOUR CREDIT REPORT. TO OBTAIN THIS WITHIN OR BEFORE COMING TO OUR OFFICE: AnnualCreditReport.com is the ONLY authorized

source for the free annual credit report that's yours by law. The Fair Credit Reporting Act guarantees you access to your credit report for free from each of the three nationwide credit reporting companies — Experian, Equifax, and TransUnion — every 12 months. Visit AnnualCreditReport.com, call 1-877-322-8228, or fill out the [Annual Credit Report Request form](#) and mail it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. No matter how you request your report, you have the option to request all three reports at once or to order one report at a time. By requesting the reports separately, you can monitor your credit more frequently throughout the year.

TO FILE A BANKRUPTCY YOU MUST DISCLOSE:

- 1. ALL ASSETS**
- 2. ALL LIABILITIES (credit report: www.annualcreditreport.com)**
- 3. ALL INCOME**
- 4. ALL INFORMATION REQUESTED IN THE SCHEDULES**
- 5. TWO YEARS TAX RETURNS (800-829-1040-irs contact number to obtain)**
- 6. PAY ADVICES (DOCUMENTS SHOWING INCOME OVER THE LAST 60 DAYS)**
- 7. The date of any prior filing(s) and case numbers**

Bankruptcy is a privilege and not a right and part of the price of earning that privilege is to make full disclosure whether you want the asset to be in bankruptcy or not and whether you want the creditor to know that you are in bankruptcy or not.

Please remember, we cannot process your bankruptcy without all of the following information. Please also remember that if you move it is your responsibility to let us know.

You should have insurance on anything which has a mortgage to another party. When you file, you should bring and leave with us a copy of proof of insurance on those items showing that they are insured for at least enough to cover the security interest held by whatever creditor is secured by the collateral. This insurance needs to be maintained throughout the plan and the failure to maintain it can result you losing of collateral, even if your payments are also made. Failure to provide proof of insurance within 60 days of filing results in the automatic termination of the stay and the creditor may recover their property.

Redact the following on the actual filing and on tax returns: Social security Numbers (last 4 numbers only), financial account numbers (last 4 numbers only), names of minor children (initials only), and dates of birth (year only).

The next several pages provides a fill in the blank organizer to organize your information for your initial appointment. Following the form, there is a detailed statement concerning what bankruptcy means for you.

PERSONAL INFORMATION - Please provide the following personal information for yourself (include your spouse if you are filing jointly). Please mention if you are divorced, separated, or widowed.

Full Name: _____ Maiden: _____

Other Names Used: _____ Soc. Sec. # _____

Address: _____

e-mail address(es) _____

Home Number: _____ Cell Number _____

Emergency number: (not at your home) _____ Relationship to you: _____

Occupation: _____ Employer: _____

Length of Employment: _____ Work Phone: _____

Employer Address: _____ City/State/Zip _____

SPOUSE'S INFORMATION

Full Name: _____ Maiden: _____

Other Names Used: _____ Soc. Sec. # _____

Address: _____

e-mail address(es) _____

Home Number: _____ Cell Number _____

Emergency number: (not at your home) _____ Relationship to you: _____

Occupation: _____ Employer: _____

Length of Employment: _____ Work Phone: _____

Employer Address: _____ City/State/Zip _____

DEPENDENT CHILDREN - Please list names and ages of all dependent children:

	<u>Name</u>	<u>Age</u>
1	_____	_____
2	_____	_____
3	_____	_____

PRIOR BANKRUPTCY INFORMATION

Case No.: _____ Type: _____ Date Ended _____ Result _____

Case No.: _____ Type: _____ Date Ended _____ Result _____

PERSONAL PROPERTY, REAL PROPERTY AND HOUSEHOLD GOODS - List **all real and personal property of any type** including cash, checking, savings or other accounts, safe deposit boxes, household goods and furnishings, including television, stereo, audio/video equipment, appliances, washer/dryer, computer equipment, collectibles, photographic equipment, firearms and sports equipment, jewelry, clothing, artwork, china, crystal, or any other item that you currently possess. **For vehicles:** List cars, trucks, boats, motorcycles, campers, trailers, and any other vehicles and accessories. List each with the price you feel the item would bring if you sold it today, **not** what you paid for it. Be sure to include year, make, model and condition of the vehicle in the description. Also be sure to include information on any life insurance plans, interests in any IRA, ERISA or other pension or profit sharing plans, alimony or other monetary support which you benefit from and possible claims against third parties. **For real property:** please provide description and location/address of real property (including any real estate, trailer, commercial property, or other real property), current market value (based on **your** opinion), amount still owed on the property, and the date it was acquired. This list is NOT exclusive, please see the schedules posted online for a more complete list. **In order to list all personal and real property, you will probably need to print multiple copies of page 15.**

DESCRIPTION (Type of Property & Description of Property)	VALUE & ACCOUNT INFORMATION	STILL OWE MONEY ON IT? (If so, how much and to whom?)
1. _____ _____ _____ <input type="checkbox"/> Real Property <input type="checkbox"/> Personal Property Monthly Payment (if applicable): \$ _____ Interest Rate: _____	Current Value: \$ _____ Account No.: _____ _____ Date Acquired: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No \$ Owed: \$ _____ Creditor: _____ Creditor Address: _____ _____ _____
1. _____ _____ _____ <input type="checkbox"/> Real Property <input type="checkbox"/> Personal Property Monthly Payment (if applicable): \$ _____ Interest Rate: _____	Current Value: \$ _____ Account No.: _____ _____ Date Acquired: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No \$ Owed: \$ _____ Creditor: _____ Creditor Address: _____ _____ _____
1. _____ _____ _____ <input type="checkbox"/> Real Property <input type="checkbox"/> Personal Property Monthly Payment (if applicable): \$ _____ Interest Rate: _____	Current Value: \$ _____ Account No.: _____ _____ Date Acquired: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No \$ Owed: \$ _____ Creditor: _____ Creditor Address: _____ _____ _____

<p>1. _____ _____ _____</p> <p><input type="checkbox"/> Real Property <input type="checkbox"/> Personal Property</p> <p>Monthly Payment (if applicable): \$ _____ Interest Rate: _____</p>	<p>Current Value: \$ _____</p> <p>Account No.: _____ _____</p> <p>Date Acquired: _____ _____</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>\$ Owed: \$ _____</p> <p>Creditor: _____ Creditor Address: _____ _____ _____</p>
<p>1. _____ _____ _____</p> <p><input type="checkbox"/> Real Property <input type="checkbox"/> Personal Property</p> <p>Monthly Payment (if applicable): \$ _____ Interest Rate: _____</p>	<p>Current Value: \$ _____</p> <p>Account No.: _____ _____</p> <p>Date Acquired: _____ _____</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>\$ Owed: \$ _____</p> <p>Creditor: _____ Creditor Address: _____ _____ _____</p>
<p>1. _____ _____ _____</p> <p><input type="checkbox"/> Real Property <input type="checkbox"/> Personal Property</p> <p>Monthly Payment (if applicable): \$ _____ Interest Rate: _____</p>	<p>Current Value: \$ _____</p> <p>Account No.: _____ _____</p> <p>Date Acquired: _____ _____</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>\$ Owed: \$ _____</p> <p>Creditor: _____ Creditor Address: _____ _____ _____</p>
<p>1. _____ _____ _____</p> <p><input type="checkbox"/> Real Property <input type="checkbox"/> Personal Property</p> <p>Monthly Payment (if applicable): \$ _____ Interest Rate: _____</p>	<p>Current Value: \$ _____</p> <p>Account No.: _____ _____</p> <p>Date Acquired: _____ _____</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>\$ Owed: \$ _____</p> <p>Creditor: _____ Creditor Address: _____ _____ _____</p>
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CASH AND ACCOUNTS - List the amount of cash that you have in your possession and any bank accounts that you own (i.e. checking, savings, CDS, etc.) and the amount in each account.

Checking Account # _____ Date Account Opened: _____

Amount in Checking Account: _____ Bank Name: _____

Bank Address: _____ Bank Phone: _____

Savings Account # _____ Date Account Opened: _____

Amount in Savings Account: _____ Bank Name: _____

Bank Address: _____ Bank Phone: _____

SECURITY DEPOSITS - List security deposits with public utilities, telephone companies, land lords, and others. List names and addresses and amount of deposit to each.

Name: _____ Amount: _____

Address: _____

Name: _____ Amount: _____

Address: _____

Name: _____ Amount: _____

Address: _____

LEASES & EXECUTORY CONTRACTS – On real or personal property; Please note if you are behind on any leases. If a judgment for possession has been entered against you, please bring a copy with you for your appointment.

Description of Property: _____ Location: _____

Market Value: _____ Amount Owed: _____ Date Acquired: _____

Lessor Name: _____ Account Number: _____

Lessor Address: _____

CREDITORS - We need the following information relating to every person or company to whom you owe any money at all. Information on each creditor must be filled out completely. **Please note** that this list is for creditors who do not have a security interest in any of your personal property (i.e. credit cards, loans, etc.). **Any creditors who have an interest in your personal or real property should be listed above under PERSONAL & REAL PROPERTY.** You may use a separate sheet of paper or print copies of page 17 if you run out of room.

Name: _____ Current Balance: _____

Address: _____

Account Number: _____ Date Acquired: _____

Account Type: _____ Co-debtors: _____

Name: _____ Current Balance: _____

Address: _____

Account Number: _____ Date Acquired: _____

Account Type: _____ Co-debtors: _____

Name: _____ Current Balance: _____
Address: _____
Account Number: _____ Date Acquired: _____
Account Type: _____ Co-debtors: _____

Name: _____ Current Balance: _____
Address: _____
Account Number: _____ Date Acquired: _____
Account Type: _____ Co-debtors: _____

Name: _____ Current Balance: _____
Address: _____
Account Number: _____ Date Acquired: _____
Account Type: _____ Co-debtors: _____

Name: _____ Current Balance: _____
Address: _____
Account Number: _____ Date Acquired: _____
Account Type: _____ Co-debtors: _____

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Address: _____
Account Number: _____ Date Acquired: _____
Account Type: _____ Co-debtors: _____

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Address: _____
Account Number: _____ Date Acquired: _____
Account Type: _____ Co-debtors: _____

Name: _____ Current Balance: _____
Address: _____
Account Number: _____ Date Acquired: _____
Account Type: _____ Co-debtors: _____

Name: _____ Current Balance: _____
Address: _____
Account Number: _____ Date Acquired: _____
Account Type: _____ Co-debtors: _____

TAX RETURNS: We need to file your last two years' tax returns. If these are not prepared, please bring them before your case needs to be filed. These are due absolutely within 7 days of your meeting of creditors. **One asset**

(to be listed above) is any estimated return to which you are entitled. To obtain tax returns from the government call: 800-829-1040 or visit the local IRS office on Montlimar.

INCOME - Please bring with you to your appointment, the last 60 days pay stubs, showing deductions and taxes withheld and anything else which we need to average your income over the last 6 months. We need this information before your bankruptcy can be filed. Please tell us whether your projected income over the next six (6) months will be the same as you are currently earning.

Yes ___ No ___ If you answered no to this question, please explain briefly why not and please remember to mention this to Mr. Friedlander when you come in for your visit.

CREDIT REPORTS: AS AN INVESTIGATIVE STEP WE NEED YOUR CREDIT REPORT. TO OBTAIN THIS WITHIN OR BEFORE COMING TO OUR OFFICE: AnnualCreditReport.com is the ONLY authorized source for the free annual credit report that's yours by law. The Fair Credit Reporting Act guarantees you access to your credit report for free from each of the three nationwide credit reporting companies — Experian, Equifax, and TransUnion — every 12 months. Visit AnnualCreditReport.com, call 1-877-322-8228, or fill out the Annual Credit Report Request form and mail it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. No matter how you request your report, you have the option to request all three reports at once or to order one report at a time. By requesting the reports separately, you can monitor your credit more frequently throughout the year.

INCOME - List income from employment or operation of business, please list income made so far this year and all income reported for the last two years on your Federal Tax Returns. If you are filing jointly, add the total of yours and your spouse's. **Please remember to bring in a current pay stub and let us know if you expect any drastic changes in income within the next six (6) months.**

2011 Income to Date: _____ 2010 Total Income: _____ 2009 Total Income: _____

BUDGET - We need the following information showing what you currently spend on a monthly basis. Please tell us approximately or exactly, what you spend on each of the following items **each month**: Please remember these are **monthly** calculations. **For insurance and other expenses, note that these are average amounts not deducted from pay.** You should carefully note the government amounts set out for these items and explain any deviation upward from these amounts. Government guideline amounts can be found at this link:

<http://www.justice.gov/ust/eo/bapcpa/20091101/meanstesting.htm>

Rent or Mortgage (check one): _____ Clothing: _____
Electricity/Gas: _____ Laundry & Dry Cleaning: _____
Water & Sewer: _____ Medical & Dental: _____
Telephone: _____ Transportation: _____
Cable: _____ Recreation: _____
Home Maintenance: _____ Charitable Contributions: _____
Food Expenses: _____ Child Care: _____

Homeowner's Insurance: _____ Automobile Insurance: _____
Health Insurance: _____ Other (please describe below): _____

Bankruptcy Administrative Expense: (approx 10% of plan payments): \$ _____

INCOME You may refer to your pay stub if it covers these items.

Monthly Income (average): _____ Monthly Overtime: _____

Income from operation of business or farm: _____ Income from real property: _____
Alimony, maintenance or support payments received: _____ Interest and dividends: _____
Social security or other government assistance: _____ Other: _____

Payroll Deductions (include all federal and state taxes withheld):

Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____

Your Spouse:

Monthly Income (average): _____ Monthly Overtime: _____

Income from operation of business or farm: _____ Income from real property: _____
Alimony, maintenance or support payments received: _____ Interest and dividends: _____
Social security or other government assistance: _____ Other: _____

Payroll Deductions (include all federal and state taxes withheld):

Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____

TAXES - List taxes - other than those deducted from wages or included in mortgage payment:

Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____
Type: _____ Amount: _____

INSTALLMENTS - List monthly installments on the following:

Auto Installment: _____ Storage Bill: _____
Other (describe): _____
Other (describe): _____

ALIMONY, MAINTENANCE, AND SUPPORT PAID TO OTHERS: Please give name, address, and amount paid to others for support (including parental support):

Name: _____ Amount of Support Paid: _____
Address: _____

PAYMENTS FOR SUPPORT OF ADDITIONAL DEPENDANTS - Please give name, address, and the amount paid for dependents not living with you:

Name: _____ Amount of Support Paid: _____
Address: _____

OTHER INCOME: - List any other income other than from employment or operation of business including the amount (gambling, etc.)

Type: _____ Amount: _____
Type: _____ Amount: _____

PAYMENTS TO CREDITORS - List any payments made to creditors of more than \$600 in the past **90** days. Example: Mortgage payment of \$350 multiplied by 3 months would be \$1050, thus would equal an amount more than \$600 in **90** days. Please list each with creditor's name, address, date(s) of payment(s), amount paid, amount still owing, purpose (domestic support, non-profit credit counseling payment) by either spouse. This would include any money paid to a relative and in the last 12 months if to an insider.

Creditor: _____ Amount Paid: _____
Dates Paid: _____ Address: _____

Creditor: _____ Amount Paid: _____
Dates Paid: _____ Address: _____

Creditor: _____ Amount Paid: _____
Dates Paid: _____ Address: _____

Creditor: _____ Amount Paid: _____
Dates Paid: _____ Address: _____

SUITS & GARNISHMENTS - Please list any property attached, garnished or seized within one year of filing this bankruptcy. Please list each with creditor's name, address, nature of proceeding (if suit was filed), court, case number, and location, and the current status of the case:

Creditor: _____ Status: _____
Address: _____

Nature of Proceeding: _____ Court: _____ Case No.: _____

REPOSSESSIONS/Foreclosure- Please list all property that has been repossessed by a creditor, sold at foreclosure sale, transferred through a deed instead of foreclosure or returned to seller, within the past year. Please list each with creditor's name and address, the date the property was seized, and a description of the property.

Creditor: _____ Date: _____

Address: _____

Description of Repossessed Property: _____

Assignment/Receivership-list for last 12 months if applicable.

LOSSES - Please list all losses from fire, theft and gambling made within the past year. Please list date of loss, description and value of property.

FINANCIAL ACCOUNTS - Please list all closed financial accounts, giving account numbers, names and addresses of each, date and amount of closing.

SAFE DEPOSIT BOXES - Please give location of any safe deposit boxes, names and addressed of those with access to box or depository, and description of contents.

PROPERTY HELD FOR ANOTHER - Please list any property held for someone else. Please describe it briefly, give it a value (what you think it's worth), and give the name and address of the person/people you are holding the property for.

PREVIOUS ADDRESSES - Please give previous addresses if you have moved within the past three years. List the name used and dates of occupancy.

PREVIOUS SPOUSES WITH WHOM YOU RESIDED FOR LAST 8 YEARS AND LOCATION:

IF YOU HAVE RECEIVED NOTICE OF AN ENVIRONMENTAL ISSUE, BRING THE NOTICE AND LIST IT HERE.

LIST ALL BUSINESSES IN WHICH DEBTOR IS OR WAS AN OFFICER, DIRECTOR, ETC. OR IS AN OWNER OF AT LEAST 5% WITHIN 6 YEARS BEFORE THE FILING DATE. TAX PAYER I.D., BEGINNING AND ENDING DATES.

List any right which you may have now or in the next six (6) months to receive money regardless of how esoteric it may seem or how unlikely so it may be evaluated by counsel.

List any potential law suits which you may have in particular or any claims you may have related to an estate (these should be listed above in conjunction with your list of assets).

If you have a situation where you are involved in agriculture directly or indirectly it may be possible to file under Chapter 12 of the United States Bankruptcy Code. If this is the case you need to bring it to your counsel's attention. This office would not necessarily be willing to handle a Chapter 12 unless it was a fairly significant case because these cases are better handled by someone who specializes in farm related bankruptcy proceedings and you should make sure to point that out.

The questions above are for us to begin your case. A more or less complete list of the documents required to begin and prosecute a case are as follows:

INTRODUCTION

We have prepared this information sheet to help you understand some of the possible consequences of filing a bankruptcy under Chapter 7 or Chapter 13 of the Bankruptcy Code. This information is intended to make you aware of:

- 1) the potential consequences of seeking a discharge in bankruptcy, including the effects on credit history;

- 2) the effect of receiving a discharge of debts in bankruptcy
- 3) the effect of reaffirming a debt (proof that no undue hardship is created by [new form under 524\(m\)/rule 4008](#))¹; and
- 4) your ability to file a petition under a different chapter of the Bankruptcy Code.

There are many other provisions of the Bankruptcy Code that may affect your situation. This statement contains only general principles of law and is not a substitute for legal advice. If you have any questions or need further information as to how the bankruptcy laws apply to your specific case, you should consult your lawyer.

SOME GENERAL NOTES ON THE ANTI-DEBTOR ACT OF 2005

The original Bankruptcy Act had the purpose of giving "the honest but unfortunate debtor...a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of preexisting debt." *Local Loan Co. v. Hunt*, 292 U.S. 234, 244 (1934).

In Time magazine May 15, 2000 DONALD L. BARLETT AND JAMES B. STEELE penned a well researched article entitled "Soaked by Congress" which discussed in detail how Congress was paid to enact this legislation. The lead into this article used the language "Lavished with campaign cash, lawmakers are "reforming" bankruptcy--punishing the downtrodden to catch a few cheats". This corrupt law, regardless of its benefits, is euphemistically called the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

- Debt limits for using Chapter 13 will increase: Filers may now have up to \$1,010,650 in secured debt and up to \$336,900 in unsecured debt.
- The federal homestead exemption is to \$20,200, but this is limited to 5,000 per debtor in Alabama.
- The federal exemption for vehicles is \$3,225, but Alabama limits personal property exemptions to 3,000/debtor but there are other assets which are exempt under different statutes. In particular, retirement funds are exempt. This is an example of why DEBTORS SHOULD NEVER ACT RASHLY WITH THEIR ASSETS WITHOUT CONSULTING AN ATTORNEY.
- The limits used in the "means test" to determine eligibility to use Chapter 7 hold debtors who have less than \$6,575 in disposable income will now pass the means test, and those who have more than \$10,950 in disposable income will not be able to use Chapter 7. (For more on the means test, go to the trustee site at: <http://www.justice.gov/ust/>[click here to go to the trustee program page: http://www.justice.gov/ust/](#)
- Other amounts have changed as well. To see the complete list, see this [page](#) of the Federal Register, which can be found on the website of the [Government Printing Office](#).

Administrative claims will be paid 100%. These include:

filing fees

the trustee's commission and attorney's fees

Priority debts must be paid in full including:

back alimony and child support

¹ Such an agreement must be filed within 60 days after the first date set for the meeting of creditors. A debtor who signs a reaffirmation agreement has 60 days after the agreement is filed, or until his discharge date, whichever occurs later, to change his mind

non-dischargeable tax debts (including certain state and federal income taxes). Trust fund taxes are not dischargeable

wages, salaries, or commissions you owe to employees, and contributions you owe to an employee benefit fund.

Mortgage defaults will be paid 100% if you want to keep your house.

Secured debt defaults will be paid 100% if you want to keep the property. Missed car payments fall into this category.

Unsecured debts will be paid anywhere from 0% to 100% of what you owe. The exact amount depends on:

the total value of your nonexempt property and when it was purchased

the amount of disposable income you have each month to put toward your debts, and

how long your plan lasts.

Disposable Income

Your payment plan must commit to paying any leftover disposable income (your income less certain allowed expenses and payments on secured loans, such as a mortgage or car loan) towards your unsecured debts. What allowances are allowed may vary if proof is given of why a deviation is necessary, the initial standards can be found here. Or you may cut and paste into your browser:

<http://www.justice.gov/ust/eo/bapcpa/20091101/meanstesting.htm>

Length of Payment Plan

The length of your payment plan depends on your income level. If your "current monthly income" (your average income over the six months prior to filing) exceeds the median monthly income for a household of your size in your state, your plan must last five years. If your income is less than the median, you can propose a three-year plan, even if your unsecured creditors cannot be fully repaid during that time. (To find the median income figures for your state, go to the United States Trustee's website, www.usdoj.gov/ust, and click "Means Testing Information.") Monthly income is an average, it may well be more than your actual monthly income at the time you file. For instance, if you were laid off unexpectedly three months before filing, your monthly income when you file may be quite low -- as compared to your average income over the last six months, which will have to include three months of your salary.

No Surrender of Property

If you file for Chapter 13 bankruptcy, you don't have to hand over any of your property; instead, you repay your debts out of your income, ensuring your creditors will get as much as they would get if your assets were liquidated. In exchange for getting to keep your property, your plan will have to pay your creditors at least the value of your nonexempt property. (In Chapter 7 bankruptcy, you must surrender your nonexempt property to the trustee, who can sell it and distribute the proceeds to your creditors. You do get to keep property that is exempt.)

You can use the income from the following sources to fund a Chapter 13 plan:

- regular wages or salary
- income from self-employment
- wages from seasonal work
- commissions from sales or other work
- pension payments
- Social Security benefits
- disability or workers' compensation benefits
- unemployment benefits, strike benefits, and the like
- public benefits (welfare payments)
- child support or alimony you receive
- royalties and rents, and
- proceeds from selling property, especially if selling property is your primary business.

If you are married, your income does not necessarily have to be "yours." A nonworking spouse can file alone and use money from a working spouse as a source of income. And an unemployed spouse can file jointly with a working spouse.

You do not qualify for Chapter 13 bankruptcy if your secured debts exceed \$1,010,650. (This amount is adjusted for inflation every three years; the last adjustment (upward) took effect on April 1, 2007.) A debt is secured if you stand to lose specific property if you don't make your payments to the creditor. Home loans and car loans are the most common examples of secured debts. But a debt might also be secured if a creditor -- such as the IRS -- has filed a lien (notice of claim) against your property.

In addition, for you to be eligible for Chapter 13 bankruptcy, your unsecured debts cannot exceed \$336,900. (This amount is also adjusted every three years.)

You Must Be Current on Your Income Tax Filings

To file for Chapter 13, you will have to submit proof that you filed your federal and state income tax returns for the four tax years prior to your bankruptcy filing date. **Income tax return transcripts may be obtained from the Internal Revenue Service by calling the IRS at 800-829-1040.** If you need some time to get current on your filings, the court can postpone the proceedings. Ultimately, however, if you don't produce your returns or transcripts of the returns for those four years, your Chapter 13 case will be dismissed. We must file the last two years' tax returns as well as pay advices (evidence of income). [How does the court and your creditors handle your returns? Click here.](#)

What you pay under Chapter 13

Some creditors are entitled to receive 100% of what you owe them, while others may receive a much smaller percentage (or nothing at all). Typically, Chapter 13 bankruptcy plans must provide that:

Administrative claims will be paid 100%. These include:

- your filing fee (\$274)
- the trustee's commission (3% to 10% of each monthly payment), and
- attorney's fees, if you hire an attorney for help with your Chapter 13 bankruptcy.

Priority debts will be paid 100%. These include:

- back alimony and child support
- most tax debts (including state and federal income taxes)
- wages, salaries, or commissions you owe to employees, and
- contributions you owe to an employee benefit fund.

Mortgage defaults will be paid 100% if you want to keep your house.

Other secured debt defaults will be paid 100% if you want to keep the property. Missed car payments fall into this category.

Unsecured debts will be paid anywhere from 0% to 100% of what you owe. The exact amount depends on:

- the total value of your nonexempt property
- the amount of disposable income you have each month to put toward your debts, and
- how long your plan lasts.
- The plan need not pay unsecured claims in full as long it provides that the debtor will pay all projected "disposable income" over an "applicable commitment period," and as long as unsecured creditors receive at least as much under the plan as they would receive if the

debtor's assets were liquidated under chapter 7. 11 U.S.C. § 1325. In chapter 13, 26 "disposable income" is income (other than child support payments received by the debtor) less amounts reasonably necessary for the maintenance or support of the debtor or dependents and less charitable contributions up to 15% of the debtor's gross income. If the debtor operates a business, the definition of disposable income excludes those amounts which are necessary for ordinary operating expenses. 11 U.S.C. § 1325(b)(2)(A) and (B).

Length of Payment Plan

The length of your payment plan depends on your income level. If your "current monthly income" (your average income over the six months prior to filing) exceeds the median monthly income for a household of your size in your state, your plan must last five years. If your income is less than the median, you can propose a three-year plan, even if your unsecured creditors cannot be fully repaid during that time. (To find the median income figures for your state, go to the United States Trustee's website, www.usdoj.gov/ust, and click "Means Testing Information.")

Monthly income, as calculated above, is an average, it may well be more than your actual monthly income at the time you file. For instance, if you were laid off unexpectedly three months before filing, your monthly income when you file may be quite low -- as compared to your average income over the last six months, which will have to include three months of your salary.

In Chapter 7 you must redeem or surrender your nonexempt property to the trustee, who can sell it and distribute the proceeds to your creditors.

WHAT DO YOU PAY FOR YOUR VEHICLES? 11th Circuit First To Rule On "Hanging Paragraph" Of Section 1325 **Graupner v. Nuvel Credit Corp. (In re Graupner)**, No. 07-13657 (11th Cir. August 6, 2008) ([click here for opinion](#)). In a case of first impression at the Circuit level, the Eleventh Circuit Court of Appeals examined the "hanging paragraph" that comes after 11 U.S.C. 1325(a)(9).

Recognizing, in effect, that the legislature punished debtors to the benefit of creditors, the 11th Circuit found that where purchase money for a vehicle included debt over the value of the vehicle (as a result of paying off another vehicle, absent bad faith on the part of the creditor (possibly)). This goofy result applies to all vehicle purchases within 910 days of filing the bankruptcy and to personal property of certain types within 12 months of filing. Note fraud is presumed for purchases of luxury goods over 500.00 within 90 days, cash advance over 750.00 within 70 days.

CHAPTER 13 PAYMENTS MUST BEGIN IMMEDIATELY AFTER FILING

Within 30 days after filing the bankruptcy case, even if the plan has not yet been approved by the court, the debtor must start making plan payments to the trustee. 11 U.S.C. § 1326(a)(1).

ADEQUATE PROTECTION PAYMENTS:

If any secured loan payments or lease payments come due before the debtor's plan is confirmed (typically home and automobile payments), the debtor must make adequate protection payments directly to the secured lender or lessor - deducting the amount paid from the amount that would otherwise be paid to the trustee. Id. No later than 45 days after the meeting of creditors, the bankruptcy judge must hold a confirmation hearing and decide whether the plan is feasible and meets the standards for confirmation set forth in the Bankruptcy Code. 11 U.S.C. §§ 1324, 1325. Creditors will receive 28 days' notice of the hearing and may object to confirmation. Fed. R. Bankr. P2002(b). While a variety of objections may be made, the most frequent ones are that payments offered under the plan are less than creditors would receive if the debtor's assets were liquidated or that the debtor's plan does not commit all of the debtor's projected disposable income for the three or five year applicable commitment period.

Occasionally, a change in circumstances may compromise the debtor's ability to make plan payments. For example, a creditor may object or threaten to object to a plan, or the debtor may inadvertently have failed to list all creditors. In such instances, the plan may be modified either before or after confirmation. 11 U.S.C. §§ 1323, 1329. Modification after confirmation is not limited to an initiative by the debtor, but may be at the request of the trustee or an unsecured creditor. 11 U.S.C. § 1329(a).

WHAT IS A DISCHARGE?

The filing of a Chapter 7 petition is designed to result in a discharge of most of the debts listed in your bankruptcy schedules. A discharge is a court order that says that you do not have to repay your debts, but there are a number of exceptions. Debts which usually may not be discharged in your Chapter 7 case include, for example, most taxes, child support, alimony, student loans, court-ordered fines and restitution, debts obtained through fraud or deception, debts which were not listed in your bankruptcy schedules, and personal injury debts caused by driving while intoxicated or taking drugs. Your discharge may be denied entirely if you, for example, destroy or conceal property; destroy, conceal or falsify records; or make false oath. Creditors cannot ask you to repay debts which have been discharged. You can only receive a Chapter 7 discharge once every eight(8) years.

The court will deny a discharge in a later chapter 7 case if the debtor received a discharge under chapter 7 or chapter 11 in a case filed within eight years before the second petition is filed. The court will also deny a chapter 7 discharge if the debtor previously received a discharge in a chapter 12 or chapter 13 case filed within six years before the date of the filing of the second case unless (1) the debtor paid all "allowed unsecured" claims in the earlier case in full, or (2) the debtor made payments under the plan in the earlier case totaling at least 70 percent of the allowed unsecured claims and the debtor's plan was proposed in good faith and the payments represented the debtor's best effort. A debtor is ineligible for discharge under chapter 13 if he or she received a prior discharge in a chapter 7, 11, or 12 case filed four years before the current case or in a chapter 13 case filed two years before the current case individual's.

An individual cannot file under chapter 13 or any other chapter if, during the preceding 180 days, a prior bankruptcy petition was dismissed due to the debtor's willful failure to appear before the court or comply with orders of the court or was voluntarily dismissed after creditors sought relief from the bankruptcy court to recover property upon which they hold liens. 11 U.S.C. §§ 109(g), 362(d) and(e).

WHAT ARE THE POTENTIAL EFFECTS OF A DISCHARGE?

The fact that you filed bankruptcy can appear on your credit report for as long as ten (10) years. Thus, filing a bankruptcy petition may affect your ability to obtain credit in the future. Also, you may not be excused from repaying debts that were not listed on your bankruptcy schedules or that you incurred after you filed bankruptcy. There are exceptions to this general statement. See your lawyer if you have questions.

Student loans may not be discharged unless the court finds that the debtor has not current or future ability to pay the loans. Discharges may only be partial for student loans. A separate adversary proceeding must be signed and filed to determine discharge-ability. If you have student loans, specify the loans are student loans.

Debts owed to the IRS or certain other Taxing authorities may only be discharged after a term of years (typically 3 years from the date the return was filed). Identify these "priority" types of debts and when they were incurred. Forbearance proceedings may affect the running of the 3 year period.

WHAT ARE THE EFFECTS OF REAFFIRMING A DEBT?

After you file your bankruptcy petition, a creditor may ask you to reaffirm a certain debt or you may seek to do that on your own. Reaffirming a debt means that you sign and file a legally enforceable document with the court, which states that you promise to repay all or a portion of the debt that may otherwise have been discharged in your bankruptcy case. Reaffirming agreements must generally be filed with the court sixty (60) days after the first meeting of creditors.

Reaffirmation agreements are strictly voluntary. They are not required by Bankruptcy Code or other state or federal law. You can voluntarily repay any debt instead of signing a reaffirmation agreement, but there may be valid reasons for wanting to reaffirm a particular debt. This is particularly true when property that you wish to retain is collateral for a debt.

Reaffirmation agreements must not impose an undue burden on you or your dependents, and must be in your best interest. If you decide to sign a reaffirmation agreement, you may cancel it at any time before the court issues an order of discharge or within sixty (60) days after you filed the reaffirmation agreement with the court, whichever is later.

If you reaffirm a debt and fail to make the payments as required in the reaffirmation agreement, the creditor can take action against you to recover any property that was given as security for the loan and you may remain personally liable for any deficiency. In addition, creditors may seek other remedies, such as garnishment of wages.

REFINANCING A DEBT?

In bankruptcy secured debt can be paid out in many circumstances over the life of the plan. For example, with a lease purchase of a vehicle, the lease typically needs to have any pre-petition arrearage cured within six months and any post-petition arrearage can be grounds for removal of the automatic stay.

Because of this if you want to reassume a lease you will have to note that you are assuming the lease in the plan and you will have to keep your post-petition payments current and your plan will also have to take any pre-petition arrearage and provide for a relatively short period of cure. There is a possibility of extending the cure as far as twelve months but that is typically not allowed in the Southern District of Alabama.

Where the value of a piece of property, other than real property, is less than the amount owed pursuant to the note it is possible to pay the lesser amount plus the market interest rate. Often times the market interest rate will be equal to the contract interest rate but this is not necessarily the case. In determining what your final payments will be while we can make an attempt to make those much lower than the contract payments where the value of the property is lower than the debt this is often lower than the contract payments where the value of the property is lower than the debt this is often a matter of the settlement and negotiation and hence the numbers that we put on your bankruptcy are not necessarily the

numbers that you will end up with after the negotiations with the other side and in fact the Court may actually have to determine what the fair market value, interest rate and subsequent payments are. In addition when the new bankruptcy law is passed, if it is passed, it may be impossible to refinance debt in this fashion so you should not assume that you will be able to accomplish this until after you have a confirmed plan which shows the rates which we are attempting to obtain for pay outs.

TAXES: Taxes collected by you for a government agency, if not paid, may not be discharged, but penalties (but not interest) may be stopped by a chapter 13 filing. In some cases sales taxes, excise taxes, (if the taxing authority fails to file a claim), property taxes (unsecured and over 12 months old) and payroll taxes (if the IRS fails to file a claim) can be discharged. Employment and social security taxes are almost never discharged, although settlements may be reached.

Personal taxes may be discharged if:

- a. They are for taxes more than three years old,
- b. The debtor (not the IRS) has filed a non-fraudulent return more than two years before the filing of the petition; and
- c. The tax must have been assessed more than 240 days prior to the bankruptcy petition and no offer in compromise is pending for more than 240 days. You may find this assessment by contacting the Office of the Secretary of The Treasury. The local IRS service center may provide this. Tax liens are not removed by filing bankruptcy.

OTHER BANKRUPTCY OPTIONS

You have a choice in deciding what chapter of the Bankruptcy Code will best suit your needs. Even if you have already filed for relief under Chapter 7, you may be eligible to convert your case to a different chapter.

Chapter 7 is the liquidation chapter of the Bankruptcy Code. Under Chapter 7, a trustee is appointed to collect and sell, if economically feasible, all property you own that is not exempt from these actions.

Chapter 11 is the reorganization chapter most commonly used by businesses, but is also available to individuals. Creditors vote on whether to accept or reject a plan, which also must be approved by the court. While the debtor normally remains in control of the assets, the court can order the appointment of a trustee to take possession and control of the business.

Chapter 12 offers bankruptcy relief to those who qualify as family farmers. Family farmers must propose a plan to repay their creditors over a three-to-five year period and it must be approved by the court. Plan payments are made through a chapter 12 trustee, who also monitors the debtors farming operations during the pendency of the plan.

Finally, Chapter 13 generally permits individuals to keep their property by repaying creditors out of their future income. Each Chapter 13 debtor writes a plan which must be approved by the Bankruptcy Code. The debtors must pay the Chapter 13 trustee the amount set forth in their plan. The payments must be made in full, as set out according to the plan, or the bankruptcy will be dismissed. Debtors receive a discharge after they complete their Chapter 13 repayment plan. Chapter 13 is available to individuals with regular income whose debts do not exceed \$1,000,000 (\$250,000 in unsecured and \$750,000 in secured debts).

Note that whether Chapter 13 or Chapter 7 is right for you depends on the types of debts and the amount of secured and unsecured debts. In a chapter 13, only the value in property which is secured along with interest needs to be paid. Hence, if a car has a value of \$5,000 but \$10,000 is owed, the debtor may be able to pay off the vehicle with interest on \$5,000 instead of the full balance. Also, payments may be extended over the entire 5 year term of a chapter 13, notwithstanding the fact that the original loan has a shorter term. Also, arrearages on real property may be cured over a period of time (typically 6 months). Lease holds and other executory contracts may have to be cured to reaffirm.

In the event that you change addresses, make sure that you notify us immediately and also ensure that the Court gets that notice so that you and the Court can maintain contact with one another.

If this is a Chapter 13, it also is important that the Chapter 13 Trustee has a copy of the Notice of Change of Address.

While we can send in a Notice of Change of Address, it is incumbent upon you to ensure that you also send a copy of that information to the Bankruptcy Court.

You will get notices of the Court which can include, but are not necessarily required, a motion to dismiss your case or motion for relief from automatic stay for a creditor to pursue you outside of the bankruptcy. Any notice that you get from the court has to be responded to immediately or else there is a possibility that any action which is called for in the petition will be granted. Since you are under an obligation to make all 60 payments, for example, if you fall behind in those, you can expect to get a motion to dismiss and you shouldn't expect any special treatment from this office since there is nothing we can do except to respond to your offer to cure the default. The same is true for a motion for relief from stay. While motions to dismiss and motions for relief can routinely responded to, there is nothing we can do in order to put together a response unless you come in and tell us you need to. None of these responses can be handled over the phone and each of them will require that you call our office and immediately schedule an appointment within the same week that you get the notice and within any time frames set forth in the notice. You should not rely on getting a secondary notice because secondary notices are not routinely sent in these matters.

AGAIN, PLEASE SPEAK TO YOUR LAWYER IF YOU NEED FURTHER INFORMATION OR EXPLANATION, INCLUDING HOW THE BANKRUPTCY LAWS RELATE TO YOUR SPECIFIC CASE.

BANKRUPTCY INFORMATION FORM

Ready to get started? The Bankruptcy Court requires detailed information to fill out the bankruptcy schedules. Please provide the following information as completely and as accurately as possible. If you have any questions please call Gregory M. Friedlander at our office at 470-0303.

It is important that as much of the information be brought with you at the time of your appointment as possible. This will save you a great deal of time and enable us to file your case faster, and give you better advice. Unlisted creditors or information that is not entered in the bankruptcy schedules will be an added cost to you, if added after the petition is filed.

To file a chapter 7, the attorney fee is a minimum of \$700, and increases depending on the degree of difficulty, with a filing fee of \$299 to be paid in full before your petition is filed.

To file a Chapter 13, the Bankruptcy Court charges a filing fee and costs of \$274.00, and our fees comes from the money paid to the trustee. The cost of \$274.00 must be paid before your Chapter 13 is filed. While additional amounts may be charged for unusual hearings not contemplated in the Chapter 13, this is not typical and the Court set the fee in a Chapter 13 case for the work done directly impacting the Chapter 13. This court set fee is paid out of the fees paid into the bankruptcy court pursuant to the plan filed.

After you file bankruptcy, your creditors should no longer contact you directly. However, should you receive any correspondence, whether written, or by telephone, you should obtain the name and address of the creditor, and immediately forward that information to us so that we can send a letter to that creditor informing them of the existence of that bankruptcy. Your failure to do this could result in your discharge being limited as to that creditor.

In addition, by informing us, we will see to it that creditor does not contact you directly in the future, but only through the bankruptcy court.

In a Chapter 7 Bankruptcy, your ability to repay a portion of your debt is a significant consideration.

Hence, the Court can determine that because you have the ability to repay a portion of your debt that your case should be dismissed or converted to a Chapter 13 notwithstanding an election to not pay any debt.

For any type of bankruptcy because it's a remedy of last resort, there should be some cutoff. While an arbitrary amount is impossible to come up with for all people, typically for anyone who has less than \$10,000.00 worth of debt barring some unusual circumstances, bankruptcy may not be an appropriate remedy given the ability to solve a debt over a period of years through radical lifestyle changes such as a second job or a spouse going to work or cutting out all luxury items.

Often times, even this is rendered impossible because of the loss of potential asset necessary to generate in any income such as pending car repossession.

All counsel can advise on this type of issue ultimately, it's the clients decision as to whether bankruptcy is an appropriate remedy in both cases. Because bankruptcy ruins a person's credit, it should never be considered lightly, notwithstanding the fact that it could become a very popular remedy.

For Chapter 13 cases, in 1997 the U.S. Supreme Court in the Associates vs. Rash decision determined that collateral is security for debt in the amount of the replacement value. This is the cost the debtor would incur to obtain a like asset for the same proposed use. This is the value a buyer in the debtor's trade, business or situation would pay to obtain like property from a willing seller.

In a Chapter 13, the debtor need only pay, with interest, this replacement value. This may or may not equate with the retail valuation. Hence, a car with a replacement value of \$5,000.00 and a note of 10,000 would require smaller payments in chapter 13 than otherwise because the 5,000 unsecured portion would not carry a interest charge IF IT WAS PURCHASED WITH NON-PURCHASE MONEY (E.G. A TITLE LOAN) OR IF A VEHICLE WAS PURCHASED MORE THAN 910 DAYS BEFORE THE FILING DATE. This allows the debt to be effectively refinanced. Since the question of replacement value is a

factual question, it may require a hearing in order to arrive at this value. If you shop around for prices prior to your bankruptcy hearing, you will be in a better position to identify the value of your collateral.

Chapter 13 Bankruptcy does not help unless you are able to make the Chapter 13 payments, but if you can make them there is the potential for a substantial restructuring of your debts. One thing about the plan is that it is a contract and as such it is enforceable by your creditors. If you agree to payments as part of a Chapter 13 bankruptcy plan, and later determine that you can not pay for the collateral, you are still liable to pay for the value of the collateral and that means that the collateral must remain insured and you must have the intention and follow through with paying those bankruptcy payments in the event that you provide for payment of a secured debt in your plan.

Filing a Chapter 13 Plan means attempting to work out with your creditors the refinancing of your debt over 60 months other than that debt which extends beyond 60 months such as direct payments to your mortgage company.

What this means is that your agreeing to pay 60 payments at the rate which is adjudicated by the court. While we can estimate what those plan payments should be ultimately as to what an appropriate Chapter 13 payment would be.

As a result, if you don't or are unwilling to pay 60 payments of the amount which is determined, then Chapter 13 is not an appropriate remedy.

If you have charged over \$1,000.00 on your credit cards in the past month, you must let your attorney know.

Please remember, we cannot process your bankruptcy without all of the following information. Use the spaces provided and additional sheets if necessary to provide the following:

IF YOU FILE CHAPTER 13, YOUR MORTGAGE PAYMENTS MUST BE MADE EVERY MONTH AND YOU PLAN PAYMENT MUST BE MADE EVERY MONTH.

Please remember to print or type clearly.

Items Required to Commence a Bankruptcy Case

1. Voluntary Petition - Form B1

a. Exhibit A - Required if debtor must file periodic reports with the SEC and is requesting relief under

Ch. 11 of the Bankruptcy Code.

b. Exhibit C - Required if debtor owns or has possession of any property that poses a threat of imminent

and identifiable harm to public health or safety.

c. Exhibit D - Statement of compliance with Credit Counseling Requirements. Both debtor and joint

debtor must complete and attach a separate Exhibit D.

d. Statement by a Debtor Who Resides as a Tenant of Residential Property - (page 2 of petition)
- This

section of the petition must be completed by a debtor whose landlord has a judgment for possession of the debtor's residence.¹

2. **Filing Fee** - The clerk's office can provide you with an updated [Fee Schedule](#). As of October 17, 2005, the

following fees applied to commence a bankruptcy case:

Chapter 7 \$299.00 Chapter 11 \$1,039.00

Chapter 13 \$274.00 Chapter 12 \$ 239.00

a. **Application to Pay Filing Fee in Installments (Optional)** - [Form B3A](#)

i. Use this form if you are unable to pay the full fee at the time of filing. The fee must be paid in no more than four installments within 120 days of the filing of the case.

ii. It is not necessary to submit an order (page 2 of Form 3A) with the application.

b. **Application for Waiver of Chapter 7 Filing Fee (Optional)** - [Form B3B](#)

i. If you cannot afford to pay the fee either in full at the time of filing or in installments, then you may request a waiver of the filing fee by completing this application. A judge will decide whether you have to pay the fee. By law, the judge may waive the fee only if your income is less than 150 percent of the official poverty line applicable to your family size and you are unable to pay the fee in installments.

ii. The filing fee may only be waived in Chapter 7 cases.

3. **List of Creditors (Mailing Matrix)** - Mailing list of creditors with names and address.

4. **Notice to Individual Consumer Debtor** - [Form B201](#).

5. **Statement of Social Security Number** - [Form B21](#).

6. **Certificate of Budget and Credit Counseling Course** - Must be filed with petition. The clerk's office can provide you with a list of [approved budget and credit counseling providers](#).

a. If credit counseling has not been obtained prior to filing, an automatic 30-day extension of time to

obtain such counseling will be granted if a certificate of exigent circumstances is filed with the petition. The certificate should 1) describe exigent circumstances that merit waiver of the § 109(h)(1)

credit counseling requirements and 2) state that the debtor requested counseling from an approved

agency, but was unable to obtain services "...during the 5-day period beginning on the date on which

the debtor made the request".

i. The debtor may also file a motion with the court for an additional extension up to 15 days. §109(h)(3).

b. Per §109(h)(4), an individual debtor may also file a motion with the court for a complete exemption

due to incapacity, disability, or active military duty in a military combat zone. § 109(h)(4).

Items Required at Commencement or Within 15 Days After the Initial Filing:

1. **Summary of Schedules** - [Form B6](#)

2. **Declaration Concerning Debtor's Schedules** - [Form 6 \(Decl.\)](#)

3. **Schedules:**

Schedule A: Real Property - [Form B6A](#) Schedule F: Unsecured Claims - [Form B6F](#)

Schedule B: Personal Property - [Form B6B](#) Schedule G: Executory Contracts/Unexpired Leases - [Form B6G](#)

Schedule C: Exemptions - [Form B6C](#) Schedule H: Codebtors - [Form B6H](#)

Schedule D: Secured Claims - [Form B6D](#) Schedule I: Current Income - [Form B6I](#)

Schedule E: Priority Claims - [Form B6E](#) Schedule J: Current Expenditures - [Form B6J](#)

4. Statement of Financial Affairs - [Form B7](#)

5. Payment Advices - Copies of payment advices (paycheck statements) or other evidence of payment received

by the debtor from any employer must be filed with the trustee within 60 days before filing pursuant to

§521(a) .

a. Social Security numbers and account numbers should be redacted (hidden).

b. For instances in which payment advices required to be filed are not available, an affidavit indicating

the reason why such documents are unavailable should be filed in lieu of payment records.

c. **Chapter 13 Plan - [Local Form 1](#)**

* Only required in Chapter 13 cases.

6. Statement of Current Monthly Income and Means Test Calculation

a. Chapter 7 - [Form B22A](#)

b. Chapter 13 - [Form B22C](#)

c. Chapter 11 - [Form B22B](#)

Other Required Forms and Deadlines

1. Chapter 7 Individual Debtor's Statement of Intention - [Form B8](#)

a. Only required in Chapter 7 cases.

b. Must be filed within 30 days after the initial filing and served on all creditors listed, the case trustee.

c. A copy of the statement of intention must be served (mailed) on the trustee and the creditors named

in the statement on or before the filing of the statement. Fed. R. Bankr. P. 1007(b)(2). Thus, a certificate of service should be attached to the statement of intention.

Within 30 days from the first meeting of creditors, debtor must act on the intentions show by filing a reaffirmation, surrendering the property, etc.

2. Certificate of Completion of Personal Financial Management Course - In order to receive a discharge in an individual Ch. 7 or Ch. 13 case, the debtor(s) must complete a personal financial management course.

The clerk's office can provide you with a list of [approved providers of personal financial management instructional courses](#).

a. Chapter 7 - A certificate indicating completion of an approved financial management course is due

within 45 days after the §341 meeting of creditors.

b. Chapter 13 - A certificate indicating completion of an approved financial management course is due

no later than the last payment made by the debtor as required by the plan or the filing of a motion

for entry of a discharge under § 1328(b) in a chapter 13 case.

[11 USC § 521](#). Debtor's duties

(a)The debtor shall--

(1) file--

- (A) a list of creditors; and
 - (B) unless the court orders otherwise--
 - (i) a schedule of assets and liabilities;
 - (ii) a schedule of current income and current expenditures;
 - (iii) a statement of the debtor's financial affairs and, if [section 342\(b\)](#) applies, a certificate--
 - (I) of an attorney whose name is indicated on the petition as the attorney for the debtor, or a bankruptcy petition preparer signing the petition under [section 110\(b\)\(1\)](#), indicating that such attorney or the bankruptcy petition preparer delivered to the debtor the notice required by [section 342\(b\)](#); or
 - (II) if no attorney is so indicated, and no bankruptcy petition preparer signed the petition, of the debtor that such notice was received and read by the debtor;
 - (iv) copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor;
 - (v) a statement of the amount of monthly net income, itemized to show how the amount is calculated; and
 - (vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition;
- (2) if an individual debtor's schedule of assets and liabilities includes debts which are secured by property of the estate--
- (A) within thirty days after the date of the filing of a petition under [chapter 7](#) of this title or on or before the date of the meeting of creditors, whichever is earlier, or within such additional time as the court, for cause, within such period fixes, the debtor shall file with the clerk a statement of his intention with respect to the retention or surrender of such property and, if applicable, specifying that such property is claimed as exempt, that the debtor intends to redeem such property, or that the debtor intends to reaffirm debts secured by such property;
 - (B) within 30 days after the first date set for the meeting of creditors under [section 341\(a\)](#), or within such additional time as the court, for cause, within such 30-day period fixes, the debtor shall perform his intention with respect to such property, as specified by subparagraph (A) of this paragraph; and
 - (C) nothing in subparagraphs (A) and (B) of this paragraph shall alter the debtor's or the trustee's rights with regard to such property under this title, except as provided in [section 362\(h\)](#);
- (3) if a trustee is serving in the case or an auditor serving under [section 586\(f\) of title 28](#), cooperate with the trustee as necessary to enable the trustee to perform the trustee's duties under this title;
- (4) if a trustee is serving in the case or an auditor serving under [section 586\(f\) of title 28](#), surrender to the trustee all property of the estate and any recorded information, including books, documents, records, and papers, relating to property of the estate, whether or not immunity is granted under [section 344](#) of this title ;
- (5) appear at the hearing required under [section 524\(d\)](#) of this title ;
- (6) in a case under [chapter 7](#) of this title in which the debtor is an individual, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in such personal property unless the debtor, not later than 45 days after the first meeting of creditors under [section 341\(a\)](#), either--
- (A) enters into an agreement with the creditor pursuant to [section 524\(c\)](#) with respect to the claim secured by such property; or
 - (B) redeems such property from the security interest pursuant to [section 722](#).
- (7) unless a trustee is serving in the case, continue to perform the obligations required of the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan if at the time of the commencement of the case the debtor (or any entity designated by the debtor) served as such administrator.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under [section 362\(a\)](#) is terminated with respect to the personal property of the estate or of the debtor which is affected, such property shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee filed before the expiration of such 45-day period, and after notice and a hearing, that such property is of consequential value or benefit to the estate, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee.

(b) In addition to the requirements under [subsection \(a\)](#), a debtor who is an individual shall file with the court--

(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under [section 109\(h\)](#) describing the services provided to the debtor; and

(2) a copy of the debt repayment plan, if any, developed under [section 109\(h\)](#) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).

(c) In addition to meeting the requirements under [subsection \(a\)](#), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).

(d) If the debtor fails timely to take the action specified in [subsection \(a\)\(6\)](#) of this section, or in paragraphs (1) and (2) of [section 362\(h\)](#), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under [section 522\(f\)](#), [544](#), [545](#), [547](#), [548](#), or [549](#), nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under such lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.

(e)

(1) If the debtor in a case under [chapter 7](#) or [13](#) is an individual and if a creditor files with the court at any time a request to receive a copy of the petition, schedules, and statement of financial affairs filed by the debtor, then the court shall make such petition, such schedules, and such statement available to such creditor.

(2)

(A) The debtor shall provide--

(i) not later than 7 days before the date first set for the first meeting of creditors, to the trustee a copy of the Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed; and

(ii) at the same time the debtor complies with clause (i), a copy of such return (or if elected under clause (i), such transcript) to any creditor that timely requests such copy.

(B) If the debtor fails to comply with clause (i) or (ii) of subparagraph (A), the court shall dismiss the case unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor.

(C) If a creditor requests a copy of such tax return or such transcript and if the debtor fails to provide a copy of such tax return or such transcript to such creditor at the time the debtor provides such tax return or such transcript to the trustee, then the court shall dismiss the case unless the debtor demonstrates that the failure to provide a copy of such tax return or such transcript is due to circumstances beyond the control of the debtor.

(3) If a creditor in a case under [chapter 13](#) files with the court at any time a request to receive a copy of the plan filed by the debtor, then the court shall make available to such creditor a copy of the plan--

(A) at a reasonable cost; and

(B) not later than 5 days after such request is filed.

(f) At the request of the court, the United States trustee, or any party in interest in a case under [chapter 7](#), [11](#), or [13](#), a debtor who is an individual shall file with the court--

(1) at the same time filed with the taxing authority, a copy of each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) with respect to each tax year of the debtor ending while the case is pending under such chapter;

(2) at the same time filed with the taxing authority, each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) that had not been filed with such authority as of the date of the commencement of the case and that was subsequently filed for any tax year of the debtor ending in the 3-year period ending on the date of the commencement of the case;

(3) a copy of each amendment to any Federal income tax return or transcript filed with the court under paragraph (1) or (2); and

(4) in a case under [chapter 13](#)--

(A) on the date that is either 90 days after the end of such tax year or 1 year after the date of the commencement of the case, whichever is later, if a plan is not confirmed before such later date; and

(B) annually after the plan is confirmed and until the case is closed, not later than the date that is 45 days before the anniversary of the confirmation of the plan;

a statement, under penalty of perjury, of the income and expenditures of the debtor during the tax year of the debtor most recently concluded before such statement is filed under this paragraph, and of the monthly income of the debtor, that shows how income, expenditures, and monthly income are calculated.

(g)

(1) A statement referred to in [subsection \(f\)\(4\)](#) shall disclose--

(A) the amount and sources of the income of the debtor;

(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

(2) The tax returns, amendments, and statement of income and expenditures described in [subsections \(e\)\(2\)\(A\)](#) and [\(f\)](#) shall be available to the United States trustee (or the bankruptcy administrator, if any), the trustee, and any party in interest for inspection and copying, subject to the requirements of [section 315\(c\) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005](#).

(h) If requested by the United States trustee or by the trustee, the debtor shall provide--

(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; or

(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.

(i)

(1) Subject to paragraphs (2) and (4) and notwithstanding [section 707\(a\)](#), if an individual debtor in a voluntary case under [chapter 7](#) or [13](#) fails to file all of the information required under [subsection \(a\)\(1\)](#) within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition.

(2) Subject to paragraph (4) and with respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

(3) Subject to paragraph (4) and upon request of the debtor made within 45 days after the date of the filing of the petition described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.

(4) Notwithstanding any other provision of this subsection, on the motion of the trustee filed before the expiration of the applicable period of time specified in paragraph (1), (2), or (3), and after notice and a hearing, the court may decline to dismiss the case if the court finds that the debtor attempted in good faith to file all the information required by subsection (a)(1)(B)(iv) and that the best interests of creditors would be served by administration of the case.

(j)

(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case, whichever is in the best interests of creditors and the estate.