

## Documents Required Prior to Completion of Bankruptcy Petition

Thank you for meeting with us. To fully explain your options in bankruptcy at your next appointment, we need you to bring in the items marked with an "X" below.

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| <ul style="list-style-type: none"><li><input type="checkbox"/> Pay stubs, a payroll print-out, or other evidence of ANY income received from _____ to _____*</li><li><input type="checkbox"/> Federal and state income tax returns or transcripts for the following years: _____</li><li><input type="checkbox"/> Bank and other financial account statements for the past 90 days**</li><li><input type="checkbox"/> Copy of the deed or title policy for all real estate titled in your name</li><li><input type="checkbox"/> Mortgage statement (showing monthly payment, balance due, maturity date, and arrears, if any)</li><li><input type="checkbox"/> Current homeowners insurance policy (declaration page)</li><li><input type="checkbox"/> Recent real estate tax bill</li><br/><li><input type="checkbox"/> Information about the sale of ANY real estate in the past 10 years (settlement statement showing sale price and amount you received)</li><li><input type="checkbox"/> Recent appraisal or market analysis for any real estate or mobile home you own</li><li><input type="checkbox"/> Lease or rental agreement(s), including any eviction notices</li><br/><li><input type="checkbox"/> Copies of any stocks or bonds (including those held for a minor child)</li><li><input type="checkbox"/> Information about any bank or other financial account you have closed in the past year</li><li><input type="checkbox"/> Current appraisal of each vehicle owned</li><li><input type="checkbox"/> Loan or lease statement for each vehicle you own (showing monthly payment, balance due, and maturity date)</li><li><input type="checkbox"/> Copy of the title to each vehicle you own</li></ul> | <ul style="list-style-type: none"><li><input type="checkbox"/> Current automobile insurance policy (declaration page)</li><li><input type="checkbox"/> Copy of divorce decree and property settlement agreement or support order</li><li><input type="checkbox"/> Recent statements for all 401(k), pension, annuity, other retirement plans</li><li><input type="checkbox"/> Recent statements for any educational IRAs or state-qualified tuition plans</li><li><input type="checkbox"/> Term life insurance (declaration pages showing premiums and death benefit)</li><li><input type="checkbox"/> Whole life insurance (statement showing premiums, current cash value, and death benefit)</li><li><input type="checkbox"/> Self-Employed: Breakdown of all business income and expenses from _____ to _____</li><li><input type="checkbox"/> Current student loan statement</li><br/><li><input type="checkbox"/> All unpaid bills you can find, including collections and attorney letters and medical bills</li><li><input type="checkbox"/> Copies of any pending lawsuits, wage garnishments, wage assignments, or other legal actions, including foreclosure lawsuits pertaining to real estate</li><li><input type="checkbox"/> Copies of any judgments obtained against you</li><li><input type="checkbox"/> Documents regarding any workman's compensation or personal injury claim</li><li><input type="checkbox"/> Certificate of credit counseling</li><li><input type="checkbox"/> Power of Attorney for _____</li><br/><li><input type="checkbox"/> _____</li></ul> |
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\* We need pay stubs up to the date your case is filed with the court. Please save all new pay stubs you receive. If you are filing by yourself, we will need pay information for your non-filing spouse for the same time period. In addition to pay stubs, bring all other documentation of household income such as child support, Social Security, pension, disability, unemployment, public assistance, etc.

\*\* Make sure that you also provide us with bank statements for any accounts that you hold jointly (spouse, parent, child, etc.)

## BANKRUPTCY INFORMATION SHEET

**BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET PROVIDES YOU WITH GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.**

### WHEN YOU FILE BANKRUPTCY

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

Chapter 7 - A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the State where you live and applicable federal laws.

Chapter 13 - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 - Like chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 - This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for-

- most taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### WHAT IS A REAFFIRMATION AGREEMENT?

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements-

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

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## **How Ordering Your Credit Report Can Help You in Bankruptcy**

Our firm recommends that each of our clients filing for bankruptcy obtain a credit report for the reasons listed below. If you are married, we recommend obtaining credit reports for both you and your spouse.

You will receive a printed copy of the report in the mail for your review.

1. Obtaining the credit report helps us get accurate creditor names, addresses, types of debt, balances due, and account numbers.
2. Through your credit report, we may find creditors whom you have overlooked. For a debt to be discharged, it must be listed in your bankruptcy pleadings, so it's important that we find out about all debts.
3. Credit reports can alert us to judgments against you.
4. Credit reports can alert us to liens against your property, and the need to seek lien avoidance under §522(f), thus helping you protect your property in some cases.
5. We may find out about co-signers to some of your debts, which are important to list in a bankruptcy.
6. If you are married, there may be surprising items on your credit report or your spouse's, and the reports can help us determine whether you should file individually or jointly.
7. We may find out about debts created by a former spouse, who may have forged your signature to obtain credit.
8. Credit reports can alert us to mistakes on your credit record. The report will list the names and addresses of all three major credit bureaus whom you can contact to correct any mistakes or provide updated information.
9. Credit reports often contain the names and addresses of collection agencies representing creditors, and we can notify these collection agencies about the bankruptcy so that collection efforts stop.
10. If the IRS has a tax lien on your property, the credit report will alert us so that it can be dealt with properly.
11. Knowing what is on your credit report can help you get credit approval for important purchases after your debts are discharged.

**Not every creditor reports debts to a credit bureau, so your credit report will not list all debts. You should be sure to let your attorney know about all debts you are aware of.**