



# Law Offices of Monte Alan Rich LLC

Attorneys at Law

[www.monterichlaw.com](http://www.monterichlaw.com)

Monte Alan Rich  
Birthe S. Goswick

## BANKRUPTCY GUIDEBOOK

Recently you contacted my office inquiring about bankruptcy. I recognize the significant decision you are facing and would like to provide you with my guidebook on bankruptcy. Please take a few moments to read through it and fill out the forms included for the bankruptcy petition.

Many clients are concerned about the potential after effects of the bankruptcy. Will it destroy your credit forever; will you be able to get a job; rent an apartment; buy a home? Most people think of bankruptcy as the end of the road. **This is simply not true.**

We do not deny that declaring bankruptcy is a big step. However, at the point where you are considering it, chances are you are ready for it. I ask potential clients the following when they are trying to decide what to do. *Do you think you can spend your way to good credit over the next two years, or do you think that you will be in the same place as you are now?* It takes between 18 months and two (2) years to fully recover from the bankruptcy petition process. Some have done it much faster; however, I think the exception proves the rule.

We will provide you with certain steps to follow, to help you reestablish your credit. If you follow some simple suggestions, chances are that, over a short period of time, your credit will have been sufficiently rehabilitated to obtain quality loans from lenders.

We will walk you through the bankruptcy process, assist you in determining how to save the assets in your estate, and represent you when creditors call. We are a full service firm and will do my best to make the bankruptcy process as painless as possible.

Our fees are based on my experience and my ability. My firm is not the least expensive nor the most expensive, we strive to be the very best. There are no hidden fees; you will be advised of your costs at our first meeting.

I look forward to representing you!

Sincerely,

LAW OFFICES OF MONTE ALAN RICH, LLC

Monte Alan Rich  
Attorney at Law

302 W. Willis Street, Suite 100, Prescott, Arizona 86301  
Phone: (928) 778-4438 / (928) 636-0718 / (928) 772-7730 / Fax: (928) 443-9338

This packet is intended only as a general guide. It is not designed to take the place of a consultation with competent, licensed counsel. Always consult with a licensed and experienced attorney before making any legal decision.

### **WHAT IS A CHAPTER 7 BANKRUPTCY?**

When you file a Chapter 7 Bankruptcy, you are asking the court to give a "discharge" of your debts. You will be asking for relief from as much of your debt as possible. If the court grants the discharge, many of your debts will be eliminated. There are certain financial obligations you will have to repay.

Chapter 7 is only one of several different chapters of the bankruptcy code. There are different Chapters for different needs. Chapter 7 is commonly referred to as a "fresh start" bankruptcy. Here is how it works: in return for eliminating your debts, you agree to turn over your *non-exempt* PROPERTY. Most of my clients fall into either a Chapter 7 or Chapter 13. Chapter 13 is called "reorganization". You, the debtor, agree to pay off a portion or all of your debt over a period of time, generally 36 to 60 months. Chapter 11 applies to business reorganization and Chapter 12 applies to farmers. I practice mainly in Chapter 7 and Chapter 13.

Once your bankruptcy petition has been uploaded electronically with the Bankruptcy Court, a trustee is assigned to your case and will forward to you a packet requesting information to be provided by you, such as, titles, pay stubs, and tax returns. Upon receipt of this packet, you **must** provide that information to the trustee immediately. Send the information to my office. I will review it and forward it to the trustee.

Other than the instructions stated above, **DO NOT CONTACT THE TRUSTEE IN WRITING OR BY TELEPHONE FOR ANY REASON DURING THE PENDENCY OF YOUR BANKRUPTCY!!!** Any questions or concerns that you may have regarding your bankruptcy should be directed to me.

### **BUT WAIT, I WANT TO KEEP MY HOUSE!**

While the Bankruptcy Code allows non-exempt property to be sold off to creditors, the intent of the legislators who passed the bankruptcy code was to allow you to retain your property to assure that you or your family's future is protected in bankruptcy, such as your house, tools of trade, car, etc. This property cannot be taken away by creditors, which is what "exempt" means. Of course, there are limits to what can be exempted and how much can be exempted. Your attorney is the person to discuss your exemption limits with.

## **HOW DO I GET STARTED?**

The first thing is to gather all of your financial information. Everything from utility bills, most recent credit card statements and mortgage balance. Under the code, you have a duty to report all of your debt. You will also be required to disclose your monthly budget and account for how you spend your money. This is not a difficult task and can be handled relatively easily by your attorney. However, it is important to bring as much information as possible to your attorney so that she or he can assist you in the processing of your petition. A general rule of thumb is to bring everything that might be remotely related to your financial situation. It is better to have brought it to your consultation and not be used than to have never brought it at all.

After you have assembled all of your information and met with your attorney, my office will prepare your petition. Much of the groundwork will have been completed after your initial consultation, but some additional calculations and exemptions will have to be assembled by me. Quite often, I will send you a completed draft of the petition for your review and signatures. This will be your opportunity to review the petition and make any changes you think necessary.

After you have approved your petition, I will file the documents with the court. Depending on where you live will determine where you will file. Once your case has been filed, you will be under the protection of what is called the *automatic stay*, meaning that your creditors are not allowed by law to write or call you about the money you owe them. Your creditors will know not to contact you because the Bankruptcy Court will automatically send a notice to your creditors advising them of your petition and the automatic stay. If they do contact you, tell them you filed for Chapter 7 Bankruptcy and refer them directly to your attorney. Most creditors will be cooperative and contact your attorney. If you have a persistent creditor, **immediately** contact my office and I will deal with the problem directly.

## **WHAT HAPPENS IF I GET SERVED BY A PROCESS SERVER**

This is the first indication that you are being sued by a creditor. You need to read this document thoroughly. It is important to note the Court in which the law suit is being filed. You will have twenty (20) days in which to file an “Answer” to the Summons from the date it was served if you so choose. Our office does not represent you as a bankruptcy client in any pending law suit from a creditor. You should take an opportunity to get your affairs in order for a bankruptcy consultation if you wish to avoid a potential *Garnishment Of Wages* from your employer(s) or *Levy of Funds* from your bank account(s). You may visit the law library in your County for assistance in preparing an *Answer* for you to file in response to the original *Summons*. If you have already fully retained this law office to represent you in a pending bankruptcy, bring the document into our office so we may add it to your file.

## **DO I HAVE TO GO TO COURT?**

Approximately one month after your case is filed, you will attend a *Meeting of Creditors* or a *341 Meeting*. This is where you will meet the U.S. Trustee, an employee of the Department of Justice. The Chapter 7 Trustee's job is to make sure you and your creditors are treated according to the rules and procedures established in the Bankruptcy Code. The Trustee protects the rights of all parties in a case.

The 341 Meeting is the opportunity for creditors to discuss with you your intentions as to some of your debts. My office will be present at the meeting with you in most instances. It is rare for creditors to appear at the meeting, although it does occasionally happen. More often than not, the Trustee will ask you a few questions and then close the meeting. The entire meeting takes only a few minutes.

In a normal case, this is generally the only court appearance you will have to make. Your discharge order will come approximately 60 days after the meeting of creditors. The *Discharge Order* is a document that sets forth the fact that the debts you correctly and appropriately listed have been discharged and you are no longer liable for them.

Shortly after the receipt of the discharge order, barring any objections and/or adversary proceedings, the case will close and the process will be over.

## **I WANT TO PAY SOME OF THE DEBT I OWE**

Generally, I recommend that you discharge all debts that can be discharged. The opportunity to get a fresh start only comes along every eight (8) years. Seize the opportunity! However, there are certain instances where you will want to keep your debt. There are options for doing this in a bankruptcy. It is important to understand the different types of debt that are out there.

## **WHAT IS UNSECURED DEBT?**

Unsecured creditors are creditors whose debts are not secured by property or other collateral. This applies to mostly credit card debts, medical bills, service bills, etc. These are debts which are easily discharged in a Chapter 7 Bankruptcy.

## **WHAT IS SECURED DEBT?**

A secured creditor is one who loans you money after you have agreed that if you do not meet your obligations to repay the loan, some of your property will be taken away from you and used to repay the lender. Most home loans, car loans, and some lines of credit are secured loans. Some stores (like Sears) may have a secured interest in an item you bought at the store with the store credit card. Examples are your refrigerator, television or expensive jewelry. The important thing to remember is that with a secured debt, you have given the lender your word that they can take back the property if you do not pay.

There are several options when choosing to retain your secured debt:

***Return or surrender the property:*** You can always give the property back to the original lender without any further obligation due. Your obligation to pay the remaining balance due is now an 'unsecured' debt and is fully dischargeable.

***Redeem the Property:*** You have the right to redeem an item of personal property, which is intended for personal family or household use by paying the secured creditor the value of the property. This is typically the Fair Market Value at the time of the bankruptcy. I will negotiate with your creditor for an agreed price. If an agreed price cannot be reached, I can go before the bankruptcy judge to have them determine the appropriate redemption value. After you have paid the agreed amount, you may keep the property and have no further obligation on the debt.

***Continue to pay your debt:*** If you are current in your payments despite your bankruptcy, in some areas of the country, you may be able to keep the property and continue making regular payments to the secured creditor according to your loan agreement without redeeming or reaffirming your debt. This option is not always available and a consultation with your attorney is necessary.

***Reaffirmation:*** This is the most common way to continue to make your payments to a secured creditor in a bankruptcy situation. A reaffirmation agreement is typically a document supplied by the creditor asking you to continue to be legally obligated to pay the debt. For such debts as your home and vehicle, it can be a valid application. Remember though, it has to be in your best interest to pay the debt, you must be able to pay the debt, and the payment will not impose an undue hardship on you or your family. A consultation and discussion with your attorney is of the utmost importance in this situation. If you do sign the reaffirmation agreement and then later change your mind, you may rescind that reaffirmation at any time prior to discharge or within 60 days after the agreement is filed with the court, whichever is later.

## **WHAT TYPES OF DEBTS CAN BE DISCHARGED?**

The better question is what types of debt cannot be discharged. Some debts are not discharged by bankruptcy, which means that you will still owe them even after you receive your discharge. Some of these debts include:

- Most taxes (**consult with your attorney**)
- Alimony
- Student Loans
- Debts incurred while Driving Under the Influence
- Debts for fraud

## **HOW LONG DOES THE BANKRUPTCY PROCESS TAKE?**

Because of the Bankruptcy Reform Act, you will need to provide required information before I can file your petition. It can take anywhere from **three to four months** for you to provide that information. **I will not file your petition until I have all of the required information and your legal fee has been paid in full.** Please refer to the Rules for Filing Bankruptcy Notice required under 11 U.S.C. Section 527(a) enclosed in this packet. If you follow the rules, you will have a very successful filing. After you have provided all the required information and completed your payment, your petition will be filed.

Your meeting of creditors will take place about 30 days after the petition is filed. I will represent you at this meeting if you so desire. The final discharge order is usually granted 60 days after the Meeting of Creditors. The entire process usually takes about 120 days.

## **YOU SAID “USUALLY GRANTED AFTER 60 DAYS”... WHAT ELSE COULD HAPPEN?**

Potential obstacles are a motion to dismiss for substantial abuse or a complaint to determine dischargeability. I will make all attempts to prevent any of these motions being filed, but they do occasionally happen.

**Motion to dismiss for substantial abuse:** Under the Bankruptcy Code, if you earn too much money each month, then you may have sufficient disposable income to complete a Chapter 13 plan. When you first meet with me, I will sit down and determine exactly what your budget is and if you might fall into this category. If I see the potential issue arise, I will alert you to the situation.

**Complaint to determine dischargeability:** This is a lawsuit filed by the creditor because they are asserting that you were not truthful when you acquired your debt from them. In essence, you have committed some type of fraud. These actions are rare. They usually occur if an individual has run up his/her credit card with the knowledge that they would be discharging it in a bankruptcy action. For example, if you decided to declare bankruptcy then took your credit card and went to Las Vegas.

Before your petition is filed, your attorney should ask you several questions about your spending usage prior to the petition preparation. I can assist you in steering around any potential lawsuits that may arise.

## **WHAT HAPPENS AFTER THE BANKRUPTCY?**

Once your bankruptcy has been discharged, the listed creditors are forever barred from attempting to collect on the debt owed to them. They can take no further action against you, and if they do, will be in violation of the discharge order.

The bankruptcy case will remain on your credit report anywhere from seven to ten years. However, this does not mean you cannot rebuild your credit right away.

### **HOW DO I REBUILD MY CREDIT AFTER THE BANKRUPTCY?**

All is not lost after you declare bankruptcy. The myth that your life is over is just that, a myth. As soon as your bankruptcy is completed, you will be flooded with offers of new credit. Think of it this way, now that you have declared bankruptcy, you cannot do it again for another eight years, hence, you are a good credit risk! Sound crazy? It is, but credit card companies will send you offers for new credit cards almost immediately.

Generally, I believe it takes about 18 to 24 months to sufficiently rebuild your credit. Some will do it faster, others slower. I will advise you on how you can rebuild your credit quickly and efficiently. I will also provide you with some guidelines on how to manage your credit so that you retain your excellent credit rating.

### **CONCLUSION**

Bankruptcy is not the end of the world. You can have a life again after your bankruptcy. Many of my clients have reported back to us that they are purchasing a house or a new car just a few short years after coming to see us originally. I cannot guarantee the same results for everybody, a lot of it is up to you and how you manage your accounts after the bankruptcy. But, it is possible to recover successfully and quickly from the filing of your petition.

A last piece of advice - DO NOT WAIT UNTIL IT IS TOO LATE! Sometimes, it is possible to hold onto the house or car. Sometimes, you simply have no assets left and cannot afford the bankruptcy process itself. This is a judgment call **you** must make, but a consultation with my office can assist you in making the determination.

**Still need more information:** What, I have not told you enough yet? You can find out more information about my firm and bankruptcy in general by contacting the Bankruptcy Court in your area for more additional information or the local Bar Association or the law library may be able to assist you. I encourage you to do your own investigation and talk to as many people as possible before making this decision. When you ask around, please remember that not everyone you speak to will have your best interest in mind. Many will want you to act according to their own personal beliefs or prejudices, none of that should effect your decision. You should view yourself as a corporation and make a solid business decision to better your financial situation, not an emotional one.

*Working with the* **LAW OFFICES OF MONTE ALAN RICH, LLC**

I deal with personal bankruptcies. It makes up my entire practice. I want to let you know in advance what will happen and how your file will be processed as well as my policies.

Communication: I have on average over 150 active clients that I am assisting with some type of legal matter. This means that I frequently get more than one hundred phone calls to return every single day, as well as several hundred emails etc. Because of my many responsibilities I ask you to cooperate with me as much as possible in communicating with you. If you have a simple question or minor matter, please attempt to resolve with my assistant. If you must speak with me, I urge you to try my email first. My email address is [monterich@monterichlaw.com](mailto:monterich@monterichlaw.com) I will try to respond to you generally within a 48 hour period. IF you must speak to me by phone I will attempt to call you back, but that may take much longer.

Please understand that time spent communicating with you is time I cannot spend working on your case.

#### *Paralegals and Attorney Assistants*

These will be the individuals responsible for the day to day administration of your case. We operate on a team system. Every person in this office is responsible for taking action in regard to your case.

The staff is not authorized to give legal advice, **but can answer many of your questions** about forms, notices, etc. If they cannot answer your questions, **then they will refer the question to the attorney who will contact you as soon as possible** to address your issue.

#### *Fees*

The Bankruptcy fees are set at a fixed rate, currently, \$299.00 for filing a Chapter 7 bankruptcy and \$274.00 for filing a Chapter 13. The day you come into my office to file your bankruptcy is the day the filing fee is due. Besides the filing fees, I do not quote additional costs and/or fees over the telephone for my services. It is necessary to meet with you and evaluate your situation before quoting you a price to you for my services. My view of the fees is that, you get what you pay for. You may very likely find someone who is cheaper than myself, but remember you will get what you pay for. I offer my fees at the amount they are because of the way I do business. Most of my clients are individuals and couples whose money situation is tight. I recognize this fact and charge accordingly.

Your case will be overseen from beginning to end. You will usually interview with me at a time convenient for the both of us. If a consultation cannot be scheduled timely, you will receive a call from me to further discuss your case.

My fees cover the consultation, the preparation of the petition, contact with your creditors, and the first Meeting of Creditors. My regular fee contemplates a Chapter 7 no asset case. Additional work is billed at my regular hourly rate.

Most of my cases stay at the regular flat rate. If, after meeting with you, I determine that some additional work may be necessary, I can let you know what that is and provide you with an estimate. It is my goal to try and minimize any additional work up front in the initial consultation.

### *Filing Fee*

As I mentioned above, as of April 9, 2006 the Bankruptcy Court charges a \$274.00 filing fee for a Chapter 13 and a \$299.00 filing fee for a Chapter 7. This is a fee, which is paid directly to the Bankruptcy Court and covers the cost of the trustee's fees, court administration fees, and Chapter 7 creditors meeting. In certain districts, the filing fee may be paid in installments. In others, it must be paid upon the filing of the petition. As of January 1, 2005, the United States Bankruptcy Court requires that the filing fee be paid electronically at the time the bankruptcy petition is filed. You can make a check or money order out to my office or provide the filing fee in cash form. I will meet with you a second time upon the filing of your petition. On that date scheduled, I request that the filing fee be brought with you; I do not want it any sooner than that. None of the filing fee will go to me.

### *Additional Costs*

**On-site Credit Report** We require each client to have a current tri-merge report for a cost of \$38.00 individual or \$58.00 joint report. We find that this alleviates your aggravation in obtaining information pertaining to your debts.

**It is still very important that you provide us the correct addresses for your creditors.** When the petition is filed, the bankruptcy court will forward a notice to each of your creditors. If the address provided is incorrect and your schedules need to be amended along with the creditors list, it is an additional \$126.00 to amend each schedule. The \$126.00 is an additional charge that is paid to the court. It is an additional \$100.00 per amendment to cover my time for gathering and entering the additional required information.

### *Additional phone contact with my office*

I understand that you will have questions throughout the course of your bankruptcy. Chances are that you can refer back to this pamphlet to answer your question, or I will be able to answer your questions for you. **An additional consultation or telephone time with me is billed at my regular hourly rate of TWO HUNDRED SEVENTY FIVE DOLLARS per hour (\$275.00).** If you do need to talk with me, I ask that you arrange a time to consult with me, have your questions prepared and have a notepad and pen available to write down the answers to your questions.

### *Additional consultations with my office*

Generally, I try to address all of your needs right away in the first consultation, but my experience has been that you will usually need to return to review the petition with me and sign off at a second consultation prior to the filing. There is no charge for this time with me; it is part of our contemplated bankruptcy service. Additional meetings with me will be billed at my regular hourly rate in the amount mentioned above.

### *Working with me through mail or e-mail*

Often I have clients who find that mail is a better method of communication. You may choose to work with me through the mail. **Generally, but not always, I do not charge for my time to respond via e-mail.** If you would like, I can e-mail or mail your petition for review, can answer your questions, etc. I use the latest technology to make access to remote regions easy and convenient. It also allows me to work with clients who may not be located near my office. Please contact me to find out more about these options.

### *Changes to your petition after filing*

Sometimes my clients have missed a few creditors and need to add them in after the filing of the bankruptcy petition. This is not a problem, and is actually allowed under the Bankruptcy Code right up to the day before discharge. I do charge for my time to process and file an amendment to your petition and the bankruptcy court will charge an amendment filing fee. My billing rate is my regular hourly rate. Depending on what you need to add, my average time ranges from about one half hour to two hours. Obviously, it is better to get all of your information in the first time, but if I need to make changes after filing, I certainly can for a filing fee of \$126.00.

### *Creditors that may contact you during your bankruptcy*

From the instant you retain my services under a *Fee Agreement* with a minimum balance towards your legal fee of \$1,000.00 I become a firewall between you and your creditors. Your creditors can contact my office as many times as they want, there will be no additional charge to you. Most creditors will be entirely cooperative and cease and desist contacting you. If they continue to do so, write down the time of the call, who the person was that contact you and the creditor they represent. Include the account number and how much money you owe to that creditor. Provide this information periodically to my staff and we will contact that creditor to verify representation. If the contacts are numerous, as in three or more per day or your creditor is contacting you at work, contact me and provide the same information as listed above. I will contact the creditor as soon as possible.

After your petition has been filed, you will be under the protection of what is called the automatic stay. All of your creditors are required to give you 'breathing room' until the discharge of your case. Of course, since your debt will be discharged, they will not be contacting you after that either. **Any contact from the creditor is considered a violation of the automatic stay.** If the creditors contact you after the filing of your bankruptcy, then let me know as soon as possible.

If creditors continue to send you a monthly statement reflecting the past due balance, simply forward the information to me and I will send a letter. I generally do not act on continued billing as an offense to the automatic stay since there is probably not any intentional action behind it. However, collection notices, lawsuits, summons and complaints will all get immediate attention. If you receive such a document, the best approach for you to take is to write a letter to me and forward the information to our office. A *Supplemental Fee Agreement* may be signed post-filing to pursue such offenses

### *Conclusion*

The following pages are the petition forms we need to complete your bankruptcy petition. Bankruptcy is a big decision and one that should not be entered into lightly. I do not recommend bankruptcy for everyone and in fact, have created some unique and creative alternatives for some of my clients. However, I cannot tell you what is right for you until I sit down with you and discuss your options. I look forward to working with you and assisting your needs. Thank you for taking the time to read the information enclosed and if you have any questions, do not hesitate to contact me.

## BANKRUPTCY INFORMATION SHEET FORM

Please fill out the following pages as completely as possible. **All of the requested information is necessary to a quick and efficient filing of your bankruptcy.** Sections which are not complete will only delay in the filing of your petition and increase our fees and your costs.

Use a pencil or make an extra copy of this form before filling it out. Make sure you list **EVERYTHING** the first time around. If there is not enough space, attach additional blank sheets (8.5" x 11") and label the question number you are answering on the blank sheet. If a section does not apply to you, please write "N/A".

Changes to your information after filing can result in additional charges to you. You can avoid these fees by making sure you have provided to me all of the information before your bankruptcy is filed. Thank you for your interest and I look forward to meeting you.

### I. PERSONAL INFORMATION

Debtor's Full Name: \_\_\_\_\_ Soc. Sec. No. \_\_\_\_\_  
List other names you go by: \_\_\_\_\_ Debtor's Birth date: \_\_\_\_\_  
Debtor's DL Number: \_\_\_\_\_  
Debtor's Spouse: \_\_\_\_\_ Soc. Sec. No. \_\_\_\_\_  
**List all** other names spouse goes by: (i.e., maiden name) \_\_\_\_\_  
Debtor's Spouse Birth date: \_\_\_\_\_ Debtor's Spouse DL #: \_\_\_\_\_

### II. CURRENT ADDRESS AND OTHER INFORMATION

Debtor's Residence Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_  
Home Telephone No.: \_\_\_\_\_ Work Telephone No.: \_\_\_\_\_  
Debtor's Spouse Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_  
Home Telephone No.: \_\_\_\_\_ Work Telephone No.: \_\_\_\_\_

If mailing address is different from Residence address, please provide the following:

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

Have you been living in this area for the past 2 years? (circle) Yes No If no, where? \_\_\_\_\_

Have you ever declared bankruptcy before? (circle) Yes No If yes, when/where? \_\_\_\_\_

Marital Status:       Married       Divorced       Separated       Widowed

**NOTE:** If your divorce occurred within ten (10) years we need a copy of your divorce decree. If you do not have a copy in your records, one can be obtained at the court house where your divorce was filed.

Do you have a Social Security Card? (circle) Yes No If you answered yes, please provide us with a copy.  
Do you have a driver's license? (circle) Yes No If you answered yes, please provide us with a copy.  
Do you have any prior bankruptcies? (circle) Yes No If you answered yes, what year did you file and what Chapter? \_\_\_\_\_  
Have you ever been convicted of a felony? (circle) Yes No If you answered yes, please explain: \_\_\_\_\_

III. ASSETS

PLEASE PROVIDE **ANY AND ALL** ORIGINAL STATEMENT AS PERTAINS TO THIS SECTION OF THE PACKET.

Real Property

PLEASE PROVIDE US WITH A **COPY OF THE DEED(S)** AND/OR RENTAL AGREEMENT(S)

\_\_\_\_\_ I/We own no interest in any real estate, residence or mobile home and I/we are not entered into any lease of purchase option on any real estate

\_\_\_\_\_ I/We own interest in the following real property:  
Property description and address: \_\_\_\_\_  
Value of the property? Fair Market Value: \_\_\_\_\_ Tax Assessed Value: \_\_\_\_\_  
How much do you owe on this property (mortgage): \_\_\_\_\_  
Mortgage Company Name and Address: \_\_\_\_\_  
Mortgage Account Number: \_\_\_\_\_

\_\_\_\_\_ I/We own interest in the following real property:  
Property description and address: \_\_\_\_\_  
Value of the property? Fair Market Value: \_\_\_\_\_ Tax Assessed Value: \_\_\_\_\_  
How much do you owe on this property (mortgage): \_\_\_\_\_  
Mortgage Company Name and Address: \_\_\_\_\_  
Mortgage Account Number: \_\_\_\_\_

\_\_\_\_\_ I/we are not entered into a lease agreement on any real estate

\_\_\_\_\_ I/we are entered into a lease agreement in the following real property:  
Property description and address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cash on Hand

I/We have the following amount of cash on hand: \$ \_\_\_\_\_

Bank accounts, saving, checking and other:

**NOTE:** You must inform us of any bank account(s) that has/have your name on it and you must provide with six (6) months of bank statements on each account. Also, you must inform us of any bank account(s) you have opened or closed within the last six (6) months and the branch location(s) of your current bank account(s). If any account was closed in the last two (2) years, please refer to section VII paragraph 12 of this packet. **Do not assume an account is closed because the bank no longer sends you statements.**

\_\_\_\_\_ I/We have no bank accounts (including checking and saving), credit union account, c.d.'s or shares of ownership in any bank, savings and loan, credit union, pension fund, brokerage house, homestead association, etc.

\_\_\_\_\_ I/We have the following bank accounts:

Name of Bank/Credit Union: \_\_\_\_\_  
Branch Address: \_\_\_\_\_  
Account No.: \_\_\_\_\_  
Amount in account: \_\_\_\_\_

Name of Bank/Credit Union: \_\_\_\_\_  
Branch Address: \_\_\_\_\_  
Account No.: \_\_\_\_\_  
Amount in account: \_\_\_\_\_

Name of Bank/Credit Union: \_\_\_\_\_  
Branch Address: \_\_\_\_\_  
Account No.: \_\_\_\_\_  
Amount in account: \_\_\_\_\_

Name of Bank/Credit Union: \_\_\_\_\_  
Branch Address: \_\_\_\_\_  
Account No.: \_\_\_\_\_  
Amount in account: \_\_\_\_\_

Security Deposits with Utilities, Telephone, Landlords:

\_\_\_\_\_ I/We have no security deposits.

\_\_\_\_\_ I/We have the following deposits:

Person or Company holding deposit: \_\_\_\_\_  
Address: \_\_\_\_\_  
Purpose: \_\_\_\_\_  
Amount of deposit: \_\_\_\_\_

Household goods, furnishings, audio, video, computers:

If I/we were to take everything in our home from table, chairs, sofas, bedroom sets, kitchen supplies, to garage tools, bathroom supplies, etc. and sell it today in a garage sale, our household goods would be worth approximately: \$ \_\_\_\_\_

Collectibles

\_\_\_\_\_ I/We have no collectibles.

\_\_\_\_\_ I/We have a collection of \_\_\_\_\_

The value of my collectibles, if I/we were to sell them today at a garage sale would be:  
\$ \_\_\_\_\_

Wearing Apparel

My/Our used clothes, coats, etc., are worth approximately \$ \_\_\_\_\_ if I were to sell them at a garage sale today.

Furs and Jewelry

\_\_\_\_\_ I/We have no furs or jewelry.

\_\_\_\_\_ My/Our furs and/or jewelry are worth approximately \$ \_\_\_\_\_ if I/we were to sell them today.

Firearms, sports, hobby equipment

**NOTE:** ANY NON-DISCLOSURE OF INFORMATION MAY RESULT IN FIVE (5) YEARS IN PRISON. Also, it is required that you take your firearms to a professional appraiser to get a formal appraisal of the value. Please, bring the appraisal to this office for your file. (You may also use a resource such as [www.gunbroker.com](http://www.gunbroker.com) for the current value(s).

\_\_\_\_\_ I/We have no firearms, sports, photographic, or hobby equipment.

\_\_\_\_\_ I/We have \_\_\_\_\_

The value of these, if I/we sold them at a garage sale today would be: \$ \_\_\_\_\_

Automobiles, trucks, trailers, campers, aircraft, other vehicles

Please, provide us with the make, model, year, mileage, registration, proof of insurance and title or purchase agreement on all vehicles and inform us as to whether or not you intend to surrender those vehicles. We need this information even if the vehicle(s) is / are paid for. If you do not hold the title to your vehicle and there is a lien on it, **You the client are responsible for checking with the MVD for confirming the lien holder name at (800) 251-5866. Have your lien holder name and VIN # ready when calling.**

We also need a list of all vehicles that have been repossessed, if any. **If you have been issued handicap tags for any of your vehicles, please bring this to the attention of the attorney.**

\_\_\_\_\_ I/We have no automobiles, trucks, trailers, or other vehicles

\_\_\_\_\_ I/We have the following vehicles:

Year \_\_\_\_\_ Make and Model: \_\_\_\_\_ Value: \$ \_\_\_\_\_  
Amount owed on vehicle: \$ \_\_\_\_\_ Who holds lien: \_\_\_\_\_  
Account No. of lien holder: \_\_\_\_\_  
Address of lien holder: \_\_\_\_\_

Year \_\_\_\_\_ Make and Model: \_\_\_\_\_ Value: \$ \_\_\_\_\_  
Amount owed on vehicle: \$ \_\_\_\_\_ Who holds lien: \_\_\_\_\_  
Account No. of lien holder: \_\_\_\_\_  
Address of lien holder: \_\_\_\_\_

Year \_\_\_\_\_ Make and Model: \_\_\_\_\_ Value: \$ \_\_\_\_\_  
Amount owed on vehicle: \$ \_\_\_\_\_ Who holds lien: \_\_\_\_\_  
Account No. of lien holder: \_\_\_\_\_  
Address of lien holder: \_\_\_\_\_

Boats, Motors, other accessories

\_\_\_\_\_ I/We have no boats, motors, or other accessories

\_\_\_\_\_ I/We have the following boats, motors, and other accessories:

Year \_\_\_\_\_ Make and Model: \_\_\_\_\_ Value: \$ \_\_\_\_\_  
Amount owed on vehicle: \$ \_\_\_\_\_ Who holds lien: \_\_\_\_\_  
Account No. of lien holder: \_\_\_\_\_  
Address of lien holder: \_\_\_\_\_

Business machinery, equipment, furnishings and supplies

\_\_\_\_\_ I/We no business machinery, furnishings, and/or supplies.

\_\_\_\_\_ I/We have the following:

Description of supplies: \_\_\_\_\_ Value: \$ \_\_\_\_\_

Inventory

\_\_\_\_\_ I/We no inventory.

\_\_\_\_\_ I/We have the following:

Description of Inventory: \_\_\_\_\_ Value: \$ \_\_\_\_\_

Farming equipment, implements, supplies, crops, feed, or chemicals

\_\_\_\_\_ I/We no farming equipment, implements, supplies, crops, feed or chemicals.

\_\_\_\_\_ I/We have the following:

Description: \_\_\_\_\_ Value: \$ \_\_\_\_\_

Partnerships, joint ventures, Sole proprietorships, Corporations, patents, copyrights, franchises, Inc., LLC., LLP., PLLC. Etc.

Please inform this office prior to your office consultation whether or not you are or have been

involved in any business including sole proprietorship within the last six years. If you are, you are required to complete a *Corporate Checklist* as well.

\_\_\_\_\_ I/We no partnerships, joint ventures, patents, copyrights, franchises, etc.

\_\_\_\_\_ I/We have the following:

Description: \_\_\_\_\_ Value: \$ \_\_\_\_\_

Employer Identification Number: \_\_\_\_\_

Stocks, bonds, promissory notes, checks and business interests

\_\_\_\_\_ I/We no stocks, bonds, promissory notes, checks and business interests.

\_\_\_\_\_ I/We have the following:

Description: \_\_\_\_\_ Value: \$ \_\_\_\_\_

Annuities and insurance policies

\_\_\_\_\_ I/We no annuities or insurance policies which have a cash surrender or refund value.

\_\_\_\_\_ I/We have the following:

Description: \_\_\_\_\_ Value: \$ \_\_\_\_\_

Policy No.: \_\_\_\_\_

Address of Company: \_\_\_\_\_

Livestock, poultry, pets and other animals

\_\_\_\_\_ I/We have no livestock, poultry, pets or other animals.

\_\_\_\_\_ I/We have the following:

Description: \_\_\_\_\_ Value: \$ \_\_\_\_\_

Retirement plans, pensions, profit sharing, IRA's 401(k), etc.

\_\_\_\_\_ I/We have no retirement plans, pensions, profit sharing, IRA's or 401(k)'s etc.

\_\_\_\_\_ I/We have the following:

Description: \_\_\_\_\_ Value: \$ \_\_\_\_\_

Family/Child/Spousal support to which you are entitled. (We require a copy of your Child Support Obligation for your file)

\_\_\_\_\_ I/We have no Family/Child/Spousal support owed to me.

\_\_\_\_\_ I/We have the following:

Description: \_\_\_\_\_ Monthly payment \$ \_\_\_\_\_

Total Award: \$ \_\_\_\_\_ Amount of Arrearage \$ \_\_\_\_\_.

IV. DEBTS

PLEASE PROVIDE **ANY AND ALL** ORIGINAL BILLS/BILLING STATEMENTS WITH THIS PACKET.

You **must** list all of your loans, including mortgage and auto loans, even if you want to reaffirm

the debt and continue making payments.

Family/Child/Spousal support that you owe. (We require a copy of your Child Support Obligation for your file.)

\_\_\_\_\_ I/We pay the following amount of Child support \$ \_\_\_\_\_  
\_\_\_\_\_ I /We are behind by the following amount on Child Support \$ \_\_\_\_\_  
\_\_\_\_\_ I/We owe no child support.

Secured debt (house, car, television, furniture, etc.)

\_\_\_\_\_ I/We have no secured debt.  
\_\_\_\_\_ Home mortgage  
Lender: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Account No.: \_\_\_\_\_ Amount Owed: \$ \_\_\_\_\_  
Interest Rate: \_\_\_\_\_% I intend to \_\_\_\_\_ surrender my home \_\_\_\_\_ keep my home.  
Monthly payment: \$ \_\_\_\_\_ When did you purchase your home? \_\_\_\_\_  
How much did you pay? \$ \_\_\_\_\_ What is the value now? \$ \_\_\_\_\_  
Fair Market Value: \_\_\_\_\_ Tax Assess Value: \_\_\_\_\_

\_\_\_\_\_ Auto Loan (1)  
Lender: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Account No.: \_\_\_\_\_ Amount Owed: \$ \_\_\_\_\_  
Interest Rate: \_\_\_\_\_% I intend to \_\_\_\_\_ surrender my auto \_\_\_\_\_ keep my auto.  
Monthly payment: \$ \_\_\_\_\_ When did you purchase your auto? \_\_\_\_\_  
How much did you pay? \$ \_\_\_\_\_ What is the value now? \$ \_\_\_\_\_  
Blue Book Value: \$ \_\_\_\_\_ How many miles: \_\_\_\_\_

\_\_\_\_\_ Auto Loan (2)  
Lender: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Account No.: \_\_\_\_\_ Amount Owed: \$ \_\_\_\_\_  
Interest Rate: \_\_\_\_\_% I intend to \_\_\_\_\_ surrender my auto \_\_\_\_\_ keep my auto.  
Monthly payment: \$ \_\_\_\_\_ When did you purchase your auto? \_\_\_\_\_  
How much did you pay? \$ \_\_\_\_\_ What is the value now? \$ \_\_\_\_\_  
Blue Book Value: \$ \_\_\_\_\_ How many miles: \_\_\_\_\_

\_\_\_\_\_ Other Secured Loan  
Description: \_\_\_\_\_  
Lender Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Account No.: \_\_\_\_\_ Amount Owed: \$ \_\_\_\_\_  
Interest Rate: \_\_\_\_\_% I intend to \_\_\_\_\_ surrender \_\_\_\_\_ keep.  
Monthly Payment: \$ \_\_\_\_\_ When did you purchase your property? \_\_\_\_\_  
How much did you pay? \$ \_\_\_\_\_ What is the value now? \$ \_\_\_\_\_

\_\_\_\_\_ Other Secured Loan  
Description: \_\_\_\_\_  
Lender Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Account No.: \_\_\_\_\_ Amount Owed: \$ \_\_\_\_\_  
Interest Rate: \_\_\_\_\_% I intend to \_\_\_\_\_ surrender \_\_\_\_\_ keep. (continued)  
Monthly Payment: \$ \_\_\_\_\_ When did you purchase your property? \_\_\_\_\_  
How much did you pay? \$ \_\_\_\_\_ What is the value now? \$ \_\_\_\_\_

Unsecured Loans (Credit cards, bills, etc.)

1. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

2. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

3. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

4. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

5. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_

Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

6. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

7. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

8. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

9. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

10. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

11. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

12. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

13. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

14. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

15. Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_ Account No.: \_\_\_\_\_  
Balance Owed: \$ \_\_\_\_\_ Date incurred: \_\_\_\_\_  
Type of loan: \_\_\_\_\_ revolving credit \_\_\_\_\_ medical bills \_\_\_\_\_ charge card \_\_\_\_\_  
Other: \_\_\_\_\_

16. Have you used any credit card in the last ONE HUNDRED TWENTY (120) days?  
(circle) Yes No If you answered yes, please list each card that has been used: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were any of the purchases of more than THREE HUNDRED DOLLARS (\$300.00) on a single card? (circle) Yes No If you answered yes, which card? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. Have you paid or given any property to any friend or family member in the last year for any reason.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

V. PERSONAL

PLEASE PROVIDE **ALL** PAYSTUBS OR OTHER EARNINGS STATEMENTS FOR THE LAST SIX (6) MONTHS OF ANY AND ALL HOUSEHOLD MEMBERS AND ATTACH TO THIS PACKET.

Occupation: \_\_\_\_\_ How long? \_\_\_\_\_  
 Employer Name and Address: \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Occupation (Spouse): \_\_\_\_\_ How long? \_\_\_\_\_  
 Employer Name and Address: \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

HOUSEHOLD MEMBERS NAME	AGE	RELATIONSHIP
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

VI. PERSONAL BUDGET

PLEASE PROVIDE **ANY AND ALL** ORIGINAL STATEMENTS AS PERTAINS TO THIS SECTION OF THE PACKET

Estimate your payments not including your current unsecured bill payments. This budget is for what you will be paying after the bankruptcy petition. Please be as complete as possible. If a section does not apply, please write "N/A".

A. <u>Monthly Income</u>	You	Spouse
Gross Monthly Income from employment of business:	\$ _____	\$ _____
Estimated Overtime: Hrs. _____ Rate: \$ _____	\$ _____	\$ _____
Income from SSI, L&I, Gov. Assistance, etc.:	\$ _____	\$ _____
Child Support received:	\$ _____	\$ _____
Alimony or Maintenance received:	\$ _____	\$ _____
Less Payroll taxes and social security deductions: \$ _____	\$ _____	\$ _____
Insurance deductions:	\$ _____	\$ _____
Union Dues:	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Contribution of other household members	\$ _____	\$ _____

B. Monthly Expenses

Please provide us with two (2) months of original utility statements

Rent or Mortgage Payment:	\$ _____	\$ _____
Lot Rental on Mobile Home:	\$ _____	\$ _____
Are Real Estate Taxes Included? YES ____ NO ____		
Are Property Taxes Included? YES ____ NO ____		
Utilities-Electricity	\$ _____	\$ _____
Water and Sewer:	\$ _____	\$ _____
Telephone:	\$ _____	\$ _____
Cable:	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Home Maintenance (Repairs and Upkeep):	\$ _____	\$ _____
Food:	\$ _____	\$ _____
Clothing:	\$ _____	\$ _____
Laundry and Dry cleaning:	\$ _____	\$ _____
Medical and Dental expenses:	\$ _____	\$ _____
Transportation (gas and maintenance):	\$ _____	\$ _____
Recreation (clubs, movies, magazines, newspaper subscriptions, etc.):	\$ _____	\$ _____
Charitable Contributions:	\$ _____	\$ _____
Insurance: (not deducted from wages)		
- Homeowners or Renters Insurance	\$ _____	\$ _____
- Life Insurance	\$ _____	\$ _____
- Health Insurance	\$ _____	\$ _____
- Auto Insurance	\$ _____	\$ _____
- Other Insurance: _____	\$ _____	\$ _____
Tax Payments (not property taxes):	\$ _____	\$ _____
Auto Installment Payments:	\$ _____	\$ _____
Other Installment Payments:	\$ _____	\$ _____
Alimony, maintenance and Support paid to others:	\$ _____	\$ _____
Payment for additional dependants not living with you:	\$ _____	\$ _____
Other payments i.e., (daycare, pet food, etc.):	\$ _____	\$ _____
(please be specific with type of expense)		

VII. STATEMENT OF AFFAIRS

PLEASE PROVIDE **ANY AND ALL** ORIGINAL STATEMENTS AS PERTAINS TO THIS SECTION OF THE PACKET

1. INCOME OVER THE PAST THREE (3) YEARS FROM WAGES:

Debtor:

List how much money you have made this year: \$ \_\_\_\_\_ Source: \_\_\_\_\_

List how much money you made in \_\_\_\_: \$ \_\_\_\_\_ Source: \_\_\_\_\_

List how much money you made in \_\_\_\_: \$ \_\_\_\_\_ Source: \_\_\_\_\_

Debtor's Spouse:

List how much money you have made this year: \$ \_\_\_\_\_ Source: \_\_\_\_\_

List how much money you made in \_\_\_\_: \$ \_\_\_\_\_ Source: \_\_\_\_\_

List how much money you made in \_\_\_\_: \$ \_\_\_\_\_ Source: \_\_\_\_\_

2. INCOME OVER THE PAST THREE (3) YEARS FROM SSI, BENEFITS, ETC.:

Debtor:

List how much money you have made this year: \$ \_\_\_\_\_ Source: \_\_\_\_\_

List how much money you made in \_\_\_\_: \$ \_\_\_\_\_ Source: \_\_\_\_\_

List how much money you made in \_\_\_\_: \$ \_\_\_\_\_ Source: \_\_\_\_\_

Debtor's Spouse:

List how much money you have made this year: \$ \_\_\_\_\_ Source: \_\_\_\_\_

List how much money you made in \_\_\_\_: \$ \_\_\_\_\_ Source: \_\_\_\_\_

List how much money you made in \_\_\_\_: \$ \_\_\_\_\_ Source: \_\_\_\_\_

3. BUSINESS IN THE PAST TWO (2) YEARS:

Please inform this office prior to your office consultation whether or not you are involved in any business. If you are, you are required to complete a *Corporate Checklist* as well.

\_\_\_\_\_ I/We have not been any of the following within the past two (2) years: officer, director, managing executive, or owner of more than 5 percent of the voting securities of a corporation, a partner in a business, a sole proprietor or otherwise self-employed.

\_\_\_\_\_ I/We have been engaged in business in the past two (2) years as described (attach separate sheet to explain).

4. PAYMENTS OVER \$600.00 IN THE PAST NINETY (90) DAYS:

I/We have \_\_\_\_\_ have not \_\_\_\_\_ paid a single creditor more than \$600.00 in the past ninety (90) days.

Name of Creditor: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Date of Payment: \_\_\_\_\_ Amount Paid: \$ \_\_\_\_\_

Amount Owing: \$ \_\_\_\_\_

5. PAYMENTS TO RELATIVES, PARTNERS OR OTHER ASSOCIATES:

I/We have \_\_\_\_\_ have not \_\_\_\_\_ made any payments in the past year to creditors who are relatives, partners or other business associates.

Name of Creditor: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Date of Payment: \_\_\_\_\_ Amount Paid: \$ \_\_\_\_\_

Amount Owing: \$ \_\_\_\_\_

6. LAWSUITS, EXECUTIONS, GARNISHMENTS AND ATTACHMENTS IN THE PAST YEAR:

I/We have \_\_\_\_\_ have not \_\_\_\_\_ been a party to any lawsuit during the past year and have not had any property attached, garnished or seized under any legal proceeding.

Name of Creditor/Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Date of Garnishment: \_\_\_\_\_  
Property Description: \_\_\_\_\_

7. REPOSSESSION, RETURNS AND FORECLOSURES DURING THE PAST YEAR:

I/We have \_\_\_\_\_ have not \_\_\_\_\_ had any property repossessed or sold at foreclosure, and have not returned any property to any creditor or given any deeds in lieu of foreclosure during the past year.

Name of Creditor: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Date of Foreclosure: \_\_\_\_\_  
Property Description: \_\_\_\_\_

8. ASSIGNMENTS, RECEIVERSHIPS DURING THE PAST (2) YEARS:

I have \_\_\_\_\_ have not \_\_\_\_\_ made any assignments for the benefit of creditors or had any property placed in the hands of a custodian, receiver, or court-appointed official during the past year.

Name of Creditor: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Assignment date: \_\_\_\_\_  
Property Description: \_\_\_\_\_

9. GIFTS OF MONEY OR PROPERTY DURING THE PAST (2) YEARS:

I have \_\_\_\_\_ have not \_\_\_\_\_ made any gifts during the past year except ordinary and usual gifts to family members totaling less than \$100.00 in value per individual family member and charitable contributions totaling less than \$100.00 per recipient.

Name of Creditor: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Gift date: \_\_\_\_\_  
Gift Description/Value: \_\_\_\_\_

10. LOSSES DURING THE PAST (2) YEARS:

I have \_\_\_\_\_ have not \_\_\_\_\_ suffered any losses from fire, theft, or gambling.

Description of lost property: \_\_\_\_\_

Value: \_\_\_\_\_

Type of loss: \_\_\_\_\_

Amount covered by insurance: \$ \_\_\_\_\_

Date of loss: \_\_\_\_\_

11. PAYMENTS RELATED TO DEBT COUNSELING OR BANKRUPTCY IN THE PAST YEAR:

I have \_\_\_\_\_ have not \_\_\_\_\_ paid any money or transferred any property to any persons for assistance with debt consolidation or bankruptcy during the past year, except for the Law Office of Monte Alan Rich.

Name of organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Date of payment: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

12. CLOSED BANK ACCOUNTS, ETC. IN THE PAST (2) YEARS:

I have \_\_\_\_\_ have not \_\_\_\_\_ closed any bank accounts or credit union accounts or sold any certificates of deposit, shares in credit unions, pension funds, or financial institutions in the past year.

Name of Bank/Institution: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Type of account: \_\_\_\_\_ Account Number: \_\_\_\_\_

Amount: \$ \_\_\_\_\_ Date of closing: \_\_\_\_\_

13. SAFE DEPOSIT BOXES:

I have \_\_\_\_\_ have not \_\_\_\_\_ had a safe deposit or other depository with case, securities or other valuables in it during the past year.

Name of Bank/Institution: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Description of contents: \_\_\_\_\_

Value: \_\_\_\_\_

14. HOLDING PROPERTY FOR ANOTHER:

I am \_\_\_\_\_ am not \_\_\_\_\_ holding property for another.

Person: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Description and value: \_\_\_\_\_

Location: \_\_\_\_\_

15. PRIOR ADDRESS FOR THE PAST TWO YEARS:

I have \_\_\_\_\_ have not \_\_\_\_\_ lived in the same residence as my current address for the past two years.

Prior Address (back two years): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Same name used, if not, what name did you use: \_\_\_\_\_

Move in date: \_\_\_\_\_ Move out date: \_\_\_\_\_

16. SPECIAL CIRCUMSTANCES:

**PLEASE NOTE:** The following questions may seem odd or unimportant: they are not. How you answer these questions can profoundly affect my advice to you and how we proceed in defending your legal rights. It is important to be honest. There are no right or wrong answers here, just truthful ones.

1. Is your debt primarily business debt of personal debt, or both? \_\_\_\_\_
2. Do you reasonably anticipate an increase in income in the next six months? \_\_\_\_\_
3. Do you reasonably anticipate a decrease in income in the next six months? \_\_\_\_\_
4. Have you participated in a debt negotiation program or debt consolidation program or other debt management plan? \_\_\_\_\_.

**IF DEBTOR WAS INVOLVED WITH ANY TYPE OF BUSINESS, CORPORATION, PARTNERSHIP, ETC., PLEASE COMPLETE THE FOLLOWING DOCUMENTS: CORPORATE CHECKLIST AND CORPORATE QUESTIONNAIRE.**

Thank you for filling out this form. Please place this form somewhere safe until your appointment with me is arranged. At the consultation, I will go over this form with you and assist you in developing a plan for your bankruptcy.

**YOU DO NOT WANT THE DEPARTMENT OF JUSTICE TO INVESTIGATE YOUR CASE!**

So, double check now and make sure. Did you list everything? If yes, sign below.

I certify, **under penalty of perjury** that I have disclosed all of my assets and all of my liabilities as well as a complete statement of my financial affairs.

_____	_____	_____	_____
<b>Client</b>	<b>Date</b>	<b>Joint Client</b>	<b>Date</b>

**Please call and schedule an appointment. In order for us to review your case further, you will need to retain our services. Thank you for being thorough and paying attention to the details. It makes our service much more valuable to you.**

**Refer to Page 12 of this packet. KEEP THIS EXTRA FORM HANDY FOR  
WHEN YOU TAKE YOUR CREDIT COUNSELING COURSE. ALSO  
HAVE ON HAND YOUR CREDIT REPORT**

Estimate your payments not including your current unsecured bill payments. This budget is for what you will be paying after the bankruptcy petition. Please be as complete as possible. If a section does not apply, please write "N/A".

**A. Monthly Income**

	You	Spouse
Gross Monthly Income from employment of business:	\$ _____	\$ _____
Estimated Overtime: Hrs. _____ Rate: \$ _____	\$ _____	\$ _____
Income from SSI, L&I, Gov. Assistance, etc.:	\$ _____	\$ _____
Child Support received:	\$ _____	\$ _____
Alimony or Maintenance received:	\$ _____	\$ _____
Less Payroll taxes and social security deductions: \$ _____	\$ _____	\$ _____
Insurance deductions:	\$ _____	\$ _____
Union Dues:	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Contribution of other household members	\$ _____	\$ _____

**B. Monthly Expenses**

Rent or Mortgage Payment:	\$ _____	\$ _____
Lot Rental on Mobile Home:	\$ _____	\$ _____
Are Real Estate Taxes Included? YES ____ NO ____		
Are Property Taxes Included? YES ____ NO ____		
Utilities-Electricity	\$ _____	\$ _____
Water and Sewer:	\$ _____	\$ _____
Telephone:	\$ _____	\$ _____
Cable:	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Home Maintenance (Repairs and Upkeep):	\$ _____	\$ _____
Food:	\$ _____	\$ _____
Clothing:	\$ _____	\$ _____
Laundry and Dry cleaning:	\$ _____	\$ _____
Medical and Dental expenses:	\$ _____	\$ _____
Transportation (gas and maintenance):	\$ _____	\$ _____
Recreation (clubs, movies, magazines, newspaper subscriptions, etc.):	\$ _____	\$ _____
Charitable Contributions:	\$ _____	\$ _____
Insurance: (not deducted from wages)		
- Homeowners or Renters Insurance	\$ _____	\$ _____
- Life Insurance	\$ _____	\$ _____
- Health Insurance	\$ _____	\$ _____
- Auto Insurance	\$ _____	\$ _____
- Other Insurance: _____	\$ _____	\$ _____
Tax Payments (not property taxes):	\$ _____	\$ _____
Auto Installment Payments:	\$ _____	\$ _____
Other Installment Payments:	\$ _____	\$ _____
Alimony, maintenance and Support paid to others:	\$ _____	\$ _____
Payment for additional dependants not living with you:	\$ _____	\$ _____

Other payments (daycare, etc.):

\$ \_\_\_\_\_ \$ \_\_\_\_\_

## **BANKRUPTCY CLIENT CHECK LIST**

### **I. TRUSTEE'S ROLE**

\_\_\_\_\_A. I understand that the trustee's role is to liquidate assets, distribute funds if available and to otherwise process the estate for the benefit of all of the creditors.

\_\_\_\_\_B. I understand that it is the trustee's role to conduct the 341 creditors meeting and to investigate the petition.

\_\_\_\_\_C. I understand that the trustee will be requesting documents directly from me and that I am to provide those documents to the trustee without delay.

\_\_\_\_\_D. I understand that if I do not comply with the trustee's requests my bankruptcy can be dismissed.

\_\_\_\_\_E. I understand that I am NOT to contact the trustee at any time during the pendency of my bankruptcy. I understand that should I contact the trustee, I will be charged an additional fee.

\_\_\_\_\_F. I understand that I must maintain records of all income and expenses for a six (6) month period prior to filing and also any and all receipts for a minimum of 90 days prior to filing for the Trustee's review.

### **II. CREDIT COUNSELING**

\_\_\_\_\_A. The telephone numbers for the credit counseling have been provided to me. It is my responsibility to contact them and complete the initial counseling before filing and the financial management counseling before I can receive a discharge.

\_\_\_\_\_B. I understand that the counseling is an extra expense and is based on my income and that amount is NOT included in the attorney's fees, but an out-of-pocket expense that is my responsibility to pay.

### **III. CREDITORS MEETING (341)**

\_\_\_\_\_A. I understand that a creditors meeting will be held usually within the month after the petition is filed. I must attend the creditors meeting and if a joint petition is filed so must my spouse.

\_\_\_\_\_B. The purpose of the meeting is to have sworn testimony regarding the debts and the debtor's intent in resolving those debts.

\_\_\_\_\_C. I understand that the trustee or any creditors that choose to attend, may ask questions regarding my estate and my debts.

## ADVERSARY ACTIONS

\_\_\_\_\_A. I understand that any creditor can file an adversarial action objecting to the bankruptcy discharge. This can occur for many reasons and is not the result of any failure on my attorney's part.

### **IV. WAGES**

\_\_\_\_\_A. I understand that the trustee can collect earned wages that have not yet been paid. I further understand that I must work with my attorney to file at an advantageous time when I have little or no accumulated wages.

\_\_\_\_\_B. I understand and have been advised that if my income goes up significantly after filing the bankruptcy that the trustee can object to my discharge. I could be forced into a chapter 13 bankruptcy or even have my discharge revoked.

\_\_\_\_\_C. I understand and have been advised that I must provide each and every pay stub and or identify and disclose any and all sources of income to my attorney, who must in turn disclose it to the trustee. I further understand that my bankruptcy will not be filed until I have provided this information, because if I do not provide it and the bankruptcy is filed my case will be dismissed and I will not be eligible to file another bankruptcy for at least another two years and possible as much as in another eight years.

### **V. BANK ACCOUNTS**

\_\_\_\_\_A. I understand that any amount over \$150.00 in a single case or \$300 in a joint case, in any bank account at the time I file will be garnished by the trustee and used to pay creditors. I must keep less than that amount in my bank account and am allowed to keep only one bank account open under federal bankruptcy law.

\_\_\_\_\_B. I understand that if I have any accounts with Wells Fargo or JP Morgan Chase that I have been advised to close these accounts.

### **VI. TAX RETURNS**

\_\_\_\_\_A. I understand that if I file a bankruptcy I must send the next years tax return to the trustee. Further if I am entitled to a tax refund that amount will be garnished by the trustee and used to pay creditors.

\_\_\_\_\_B. I understand and I have been advised that I must provide filed tax returns for the four years previous to filing my bankruptcy and if I do not my attorney cannot and will not file my bankruptcy.

**VII. SECURED PROPERTY/REAFFIRMATIONS**

\_\_\_\_\_A. I understand that all secured property must be either reaffirmed, surrendered or, in some cases, redeemed. It is my responsibility to sign and return the reaffirmation to the creditor or to arrange the surrender of the property.

\_\_\_\_\_B. I understand that it is my responsibility to check with the MVD on a vehicle in which I do not hold title to and confirm the name of the lien holder. By calling the MVD at (800) 251-5866 and providing them with the VIN# I can obtain this information.

**VIII. ADDRESS CHANGES**

\_\_\_\_\_A. I understand that it is my responsibility to keep my attorney informed as to my current address. The court, the trustee and my attorney must all know my address at all times in order to properly move the case to discharge.

**IX. COMMUNICATION**

\_\_\_\_\_A. I understand that it is my duty to keep my attorney properly informed as to the status of my estate and all other particulars regarding my case. My attorney is relying on me for the facts and will accept what I tell him as the truth.

\_\_\_\_\_B. I understand that all of my assets and debts must be disclosed in the petition, even the one's I want to keep.

\_\_\_\_\_C. I understand that Arizona is a community property state. Any debts or assets acquired while married are considered to be at least half mine. I understand that this is true even if certain debts and assets were distributed according to any separation or dissolution.

\_\_\_\_\_D. I understand that I have been instructed in my initial consultation that I must provide documentation of expenses, pay stubs, etc. to The Law Offices of Monte Alan Rich, LLC every month until my bankruptcy is filed. If I do not provide the required documents, I understand that my bankruptcy will not be filed.

**X. TITLES**

\_\_\_\_\_A. I understand and have been advised that anything titled to me is considered to belong to me and could be subject to liquidation by the trustee.

\_\_\_\_\_B. I understand and have been advised that anything not titled to me cannot be exempted. Example: You are operating an LLC named ACME INC., and you have a vehicle titled to ACME INC., if you want to keep this vehicle it must be properly removed from the corporation or LLC in order to be exempted by you personally.

\_\_\_\_\_  
CLIENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CLIENT

\_\_\_\_\_  
DATE

## **CLIENT INSTRUCTIONS**

Pursuant to 11 U.S.C. Section 342(b)

### **Types of Bankruptcy**

#### **CHAPTER 7 – LIQUIDATION**

Chapter 7 is designed for debtors who are having financial difficulties and are not able to repay their debts.

If your current monthly income is above the State Median Income you will be required to perform a Means Test to determine if you are eligible for this type of bankruptcy relief. If you do not meet the requirements of the Means Test then you may be precluded from filing a Chapter 7 and have the option of converting to Chapter 13 or filing a Chapter 13.

Under Chapter 7 a Trustee takes possession of all your property. You may claim certain property as exempt under Arizona law. A copy of the Arizona Exemption Law is attached to this notice. You can only exempt the value of property that IS NOT subject to the liens of your creditors. The Trustee then liquidates the non-exempt property and uses the proceeds to pay off your creditors according to priorities of the Bankruptcy Code.

The purpose of filing a Chapter 7 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, your discharge may be denied by the Court, and the purpose for which you filed the bankruptcy petition will be defeated.

Even if you received a discharge, there are some debts that are NOT discharged under the law. Therefore, you may still be responsible for such debts as certain taxes and student loans, alimony and support payments, criminal restitution, and debts for death or personal injury caused by driving while intoxicated with alcohol or drugs.

Under certain circumstances you may be able to keep property that you have purchased subject to a valid security interest. Some of these options include what is called redemption and the renewal or reaffirmation of an existing pre-bankruptcy debt. Your attorney can explain the options that are available to you.

#### **CHAPTER 13 – REPAYMENT OF ALL OR PART OF THE DEBTS OF AN INDIVIDUAL WITH REGULAR INCOME**

Chapter 13 is designed for individuals with a regular and stable source of income who are temporarily unable to pay their debts but who desire to use their best efforts and good faith to pay them in installments over a period of time subject to the protections afforded by the Chapter 13 rules. You are only eligible for Chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under Chapter 13 you MUST file a plan with the Court to repay your creditors all or part of the money that you owe them, using your future earnings or by the disposition and/or abandonment of certain collateral such as land and motor vehicles. You are protected from your creditors in most cases upon the filing of your case but your plan must be approved by the Court before it can take effect.

Under Chapter 13, unlike Chapter 7, you may keep all of your property, both exempt and non-exempt, as long as you continue to make payments under the plan.

After completion of payments under the plan, your debts are discharged except for any domestic support obligations, student loans, and certain taxes, among others.

### **CHAPTER 11 – REORGANIZATION**

Chapter 11 is designed primarily for the reorganization of businesses but is also available to consumer debtors. Its provisions are quite complicated, and any decision for an individual to file a Chapter 11 petition should be reviewed with an attorney. Most Chapter 11 cases are simply too expensive for the great majority of consumer debtors. Most individuals are aware of the high profile Chapter 11 cases that have been filed in recent years by many of the commercial airlines.

### **CHAPTER 12 – FAMILY FARMER**

Chapter 12 is designed to permit family farmers and fisherman to repay their debts over a period of time from future earnings and is in many ways similar to a Chapter 13. The eligibility requirements are restrictive, limiting its use to those who whose income arises primarily from family owned farms or fisheries.

### **CREDIT COUNSELING**

Reputable credit counselors can advise you on managing your money and your debts. They may also be able to develop a plan to repay your debts. But, most credit counselors are not reputable and charge high fees and contributions that will cause you to fall deeper into debt. Furthermore, many misrepresent their non-profit status and/or their affiliations with religious or charitable organizations. The Law Offices of Monte Alan Rich, LLC only recommends that a person seek the credit counseling services of a group that has been approved by the United States Trustee Department or the Bankruptcy Administrator.

### **HONESTY IS REQUIRED**

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under the bankruptcy code shall be subject to fine, imprisonment, or both and all information supplied by a debtor in connection with a case under this title is subject to examination by the Attorney General.

### **RULES FOR FILING BANKRUPTCY**

Notice required under 11 U.S.C. Section 527(a)

**If you do not follow these rules you could be subject to Criminal Sanctions including JAIL and FINES. If you do not follow these rules your case will be dismissed and you may not be able to re file your case.**

**Rule #1** – The information you give to an attorney, a staff member of the law firm, the Bankruptcy Trustee, or the Bankruptcy Court that is provided with your petition and during the case must be complete, accurate, and truthful.

**Rule #2** – Everything you own and every debt you own must be completely and accurately disclosed in the documents filed to commence this case. Bankruptcy is not a “pick and choose” proceeding. You do not leave some debts in and leave some debts out. Everything must be included. You must value each item you own at the rate it would cost you to replace the item with one of the same condition, age and usefulness.

**Rule #3** – You will be required to complete a current monthly budget. This will be performed with your attorney. This budget will be based on your Current Monthly Income and your regular expenses. This Current Monthly Income is more than just that paid to you by your employer and will include any income received in the past six (6) months commencing with the first full month before your bankruptcy filing. This could include government assistance, social security, unemployment, or side jobs or any other sources. The regular expense should be as close as possible and should be based on a reasonable inquiry.

**Rule #4** – The Bankruptcy Code requires you to perform certain tasks including filing certain documents with the Court. Your attorney will notify you of the need and time limits for performing these tasks. If you fail to meet these deadlines your case will automatically be dismissed and you may be barred from re filing a case.

**All of the information you provide will be subject to audit by the United States Department of Justice. If you fail to provide this information your case may be dismissed. If you act dishonestly you may be subject to criminal sanctions.**

*These rules are given as a warning and not as an attempt to scare you from filing bankruptcy. Bankruptcy is a right provided to you under federal law. These rules are only given to prevent people from intentionally abusing this by cheating and being dishonest. This notice is required by law under the Bankruptcy Reform Act enacted by Congress under intense lobbying by the credit industry and should not intimidate you from filing bankruptcy. Over the years, our office has assisted people with filing bankruptcy. During that period of time, our Office has observed that almost all of our clients are honest and hardworking people who due to circumstances beyond their control cannot repay their debts.*

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

-If you decide to seek bankruptcy relief, you should be advised that you can represent yourself in all matters connected with the bankruptcy.

-If you decide to seek bankruptcy relief, you should be advised that you can hire an attorney to represent you.

-If you decide to seek bankruptcy relief, you should be advised that in some areas you may hire a bankruptcy petition preparer who is not an attorney.

**THE LAW REQUIRES AN ATTORNEY TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY WILL DO FOR YOU AND HOW MUCH IT WILL COST. ASK TO SEE THIS CONTRACT BEFORE YOU HIRE AN ATTORNEY.**

Although bankruptcy cases can be complex, many of the procedures and cases are routine. Before filing a bankruptcy case, 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 beneficial to 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 is filed, you will have to attend a first meeting of creditors where you will be questioned under oath by a court official called a “trustee”. At this meeting you may also be questioned by your creditors.

If you chose to file a Chapter 7 case, you may be asked 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 chose to file a Chapter 13 case in which you repay your creditors what you can afford over a 3 to 5 years, you may also want help with preparing your Chapter 13 plan and with the confirmation hearing on your plan which will be before a Federal 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. **BE AWARE-** Only an attorney can give you legal advice and can represent you in court.

## **CLIENT INSTRUCTIONS**

Pursuant to 11 U.S.C. Section 527(c)

### **DEFINITIONS**

1. **Replacement Value** – Certain sections of the Bankruptcy Code will require you to determine the value of your personal and real property. We will provide you assistance with this calculation but we are required under law to provide a written explanation of this term. For personal, family and household purposes the replacement value is the value a retail merchant selling the item would charge considering the age and condition of the item. The code does not define the term retail merchant.

**Example:** Assume that you have a DVD player that is 3 years old. You have been using the DVD player regularly and it works. The replacement value for this item would be what a used store or flea market would *price* the item. In doing this calculation, you do not have to be precise, just reasonable. The Law Offices of Monte Alan Rich, LLC will assist you with any inquires as to valuing your household items.

2. **Current Monthly Income** – Under certain sections of the Bankruptcy Code you will be required to calculate your Current Monthly Income. This is more than what you receive every time you get a pay check. This includes all income you have received over the last 6 months divided by 6. This means that if you lost your job last month your total income for that month would be almost zero. This calculation does not take into account many government benefits including social security. This income even includes income that is not taxable.

3. **Calculations** – If you file a Chapter 13 plan you will be required to submit a budget that calculates disposable income left over when you deduct your monthly expenses from you monthly income. These expenses do not include you payments on unsecured debts. An attorney will assist you with these calculations. If your Current Monthly Income is higher that the State Median Income for your household size you will be subject to a Means Test. This Means Test adds up your total expenses as defined by the Bankruptcy Code and other deductions including regular charitable donations (up to 15% of your income), school expenses, payments on 401(k)/IRA loans, and health insurance. If you are subject to this calculation an attorney will help you perform

this task.

4. **Creditor Matrix** – If you file a Chapter 13 case, you will be required to prepare and submit a master mailing matrix in a format approved by the Court that includes the names and addresses of all of your creditors. The matrix must be in three columns and in alphabetical order. You must also list any persons who have co-signed or guaranteed loans for you. In addition, the law requires that you list the following parties even in you owe them no money: the Internal Revenue Service, the City or County tax authority in your place of residence, the Office of the United States Attorney, and the Office of the Arizona Department of Justice.

All creditors have designated specific address for the receipt of notices of bankruptcy and in connection therewith you must use the address designated on 2 of the most recent statements received from each creditor within the 90 day period before the filing of your case. If you matrix is not filed in the proper format, you case may be subject to dismissal by the Court.

5. **Exemptions** – In order to protect your property you will need to claim applicable exemptions provided by State or Federal Law. The Law Offices of Monte Alan Rich, LLC will assist and advise you on the proper exemptions to claim for your case.

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge that attorney Monte Alan Rich has given to me and reviewed with me a copy of the Definitions as required by Bankruptcy Code Sections 342(b), 527(a), 527(b) and 527(c).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MONTE ALAN RICH

\_\_\_\_\_  
CLIENT SIGNATURE

\_\_\_\_\_  
CLIENT SIGNATURE

## CHECKLIST FOR MANDATORY DOCUMENTS

Your Name(s): \_\_\_\_\_ **X=Attached** N/A= Not Applicable

### A. INCOME/DEDUCTIONS:

1. \_\_\_\_\_ (Last 6 months) Paycheck stubs and any year to date. The stubs should have the following information. If they do not then we will need documents showing each of the following.  
Retirement or pension plan contributions  
Retirement loan currently owed.  
Insurance that is being deducted from your paycheck.  
Any mandatory or voluntary deduction from your pay.  
Any wage garnishment order.  
Commissions or bonuses received in
2. \_\_\_\_\_ (Last 6 months) Unemployment, child or spousal benefits received.
3. \_\_\_\_\_ (Any) Soc. Sec. or SS Disability payments received by anyone in household.
4. \_\_\_\_\_ (Last 6 months) Pension or retirement benefits received.
5. \_\_\_\_\_ (Last 6 months) Bank interest or stock dividend income
6. \_\_\_\_\_ (Current) Lease or rental income received.
7. \_\_\_\_\_ If you have your own business please complete the *Corporate Questionnaire and Corporate Checklist paperwork.*

### B. FINANCIAL:

1. \_\_\_\_\_ Credit Reports. We obtain a specific format of your credit report on-site for you during your consultation for a cost of \$38.00 individual or \$58.00 joint. You can request these in advance of your consultation if you wish by pre-paying.
2. \_\_\_\_\_ Credit Counseling Certificate [www.PersonalFinanceEducation.com](http://www.PersonalFinanceEducation.com)
3. \_\_\_\_\_ (Last 4 years) Tax returns (both federal and state).
4. \_\_\_\_\_ (Last 6 months) monthly statements from all financial accounts. (If you closed any account in the last 6 months, the date closed and the ending balance is needed.)
5. \_\_\_\_\_ (Last 2 months) statements for every bill you owe.
6. \_\_\_\_\_ (Last 2 months) Utility bills.
7. \_\_\_\_\_ (Last 2 months) vehicle and mortgage statements.
8. \_\_\_\_\_ (Last 2 statements) for any IRA, 401K or medical savings plan.
9. \_\_\_\_\_ Education IRA, Education Savings Account or tuition program
10. \_\_\_\_\_ (Within 8 years) Case number for any bankruptcy you
11. \_\_\_\_\_ (Last 90 days) Save every receipt up till day of filing.

### C. MISC. INSURANCE: Declarations page for the following insurances:

1. \_\_\_\_\_ Articles
2. \_\_\_\_\_ Health and Dental
3. \_\_\_\_\_ Homeowners (property)/Earthquake or Renter's

**D. VEHICLES: (Cars, boats, quads, motorcycles, motor homes etc.)**

1. \_\_\_\_\_ (Current 4 years) Contracts and leases
2. \_\_\_\_\_ Registrations for each vehicle, motor home or mobile home.
3. \_\_\_\_\_ Insurance – proof of insurance card or declarations page

**E. REAL PROPERTY: (Homes, Mobile Homes, Time Shares, Vacant Land, Burial)**

1. \_\_\_\_\_ (Last 2 years) Deeds of Property owned or transfer papers
2. \_\_\_\_\_ (Most recent) Property Tax bill for current ownership.
3. \_\_\_\_\_ (Last 2 years) Information regarding refinancing.
4. \_\_\_\_\_ (Last 1 year) Foreclosures, repossessions, garnishments.

**F. PERSONAL PROPERTY:**

1. \_\_\_\_\_ Documents concerning any personal property that has cash value.
2. \_\_\_\_\_ (Last 1 year) Any document evidencing a Secured Transaction (Secured Transaction is any loan secured by property of any kind.)

**G. DISSOLUTION PROBLEMS:**

1. \_\_\_\_\_ Orders of Support or letter from family law attorney as to potential.
2. \_\_\_\_\_ Dissolution Agreements or Stipulations
3. \_\_\_\_\_ (Last 6 months) evidence of payment of Support Obligations.
4. \_\_\_\_\_ Support you owe that is secured by a lien on your home or other security.
5. \_\_\_\_\_ If you are intending on a separation or pending divorce following your bankruptcy filing, I require a Marital Waiver to be signed by you both and in place in your file before we may proceed. Please request this paperwork from my staff.

**H. MISCELLANEOUS:**

1. \_\_\_\_\_ (Last 2 years) Face page from any ongoing lawsuit.
2. \_\_\_\_\_ (Any) Felony conviction information.
3. \_\_\_\_\_ (Any) Distribution from an estate or trust,
4. \_\_\_\_\_ (Any) Papers regarding any potential inheritance.

**I. IDENTIFICATION:**

1. \_\_\_\_\_ (Current) Driver's License, ID, or Passport (Must be current and valid)
2. \_\_\_\_\_ A copy of your social security card.

We require original documentation whenever possible.  
Internet copies typically do not include the full account info.

## **33 DON'TS in preparing to file a Chapter 7 Bankruptcy**

- Don't leave out bank, checking, savings, brokerage, credit union accounts.
- Don't file if your income is greater than your expenses.
- Don't use your credit cards.
- Don't take credit card cash advances.
- Don't use convenience checks.
- Don't do balance transfers.
- Don't pay money to family.
- Don't pay money to friends.
- Don't tell a creditor that you intend to pay.
- Don't leave assets off of your paperwork.
- Don't file if you are about to receive a tax return or inheritance. Instead, discuss the timing with your attorney.
- Don't fail to tell your attorney about your small business, sole proprietorship, partnership, LLC, LLP, LC, corporation, or hobby.
- Don't purchase a home shortly before filing bankruptcy without consulting your attorney.
- Don't give or gift property to anyone.
- Don't pay more than \$600 on any past due bill.
- Don't transfer property to anyone.
- Don't cash out retirement plans or 401k's.
- Don't take out a second mortgage.
- Don't gamble.
- Don't hide assets or debts.
- Don't take out "payday loans"
- Don't put your money in your kids' bank accounts.
- Don't omit or "save" a credit card for after your bankruptcy.
- Don't fail to list debt to family or other "insiders".
- Don't write bad checks.
- Don't borrow money.

- Don't forget to tell your attorney about liens you may have on your home or unpaid judgments so they can be avoided.
- Don't make major financial decisions without talking to your attorney.
- Don't get married before filing if your spouse has a high income.
- Don't misrepresent facts to your attorney.
- Don't run up your credit cards in advance of filing bankruptcy.
- Don't fail to appear at State court hearings, trials or proceedings; coordinate with your attorney.
- Don't hide from your attorney. Keep them up to date with your address, phone number and email address.

**You DO NOT want the DEPARTMENT OF JUSTICE to investigate your case!**

I/we certify, **under penalty of perjury** that I/we have read and understand the Thirty-Three Don'ts in preparing to file a Chapter 7 bankruptcy.

\_\_\_\_\_

**Client**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Joint Client**

\_\_\_\_\_

**Date**

# LAW OFFICES OF MONTE ALAN RICH, LLC

302 W. WILLIS STREET, SUITE 100, PRESCOTT, ARIZONA 86301

PHONE: (928) 778-4438 / (928) 636-0718 / (928) 772 7730 / FAX: (928) 443-9338

## **BANKRUPTCY REFORM ACT INTRODCUTION**

As you know, the new bankruptcy law became effective on October 17, 2005. The information contained below is intended to advise you of your obligations under the new law and to help ensure compliance with the law. Please read all of the information carefully and follow all the instructions to the best of your ability.

There is some important documentation that **must** be provided to the Court in order to get you a bankruptcy discharge. A list of such documentation is listed below. If you do not provide this information, without gaps **I cannot and will not file your bankruptcy**. Please begin gathering the necessary information listed below for our initial consult. If you have the complete information for the past months, it will certainly speed up the process.

After you have come in and consulted with me, we will need to get you into pre-filing counseling. Please wait until my office instructs you to take this course as it can expire and need to be retaken. I have selected a counselor for your use that I am confident is capable and will keep your best interest in mind. You must complete this counseling prior **before** filing the bankruptcy petition. If you do not complete the counseling as required under the new law, your case cannot be filed or **will automatically be dismissed with extremely negative consequences for you**. After we file the petition for bankruptcy, but before you get the discharge there is follow up counseling that you must also complete. You may complete this counseling over the phone or via the internet.

In order to comply with the new bankruptcy law and to effectively complete this evaluation you will need to supply as much of the following information as possible:

**IDENTIFICATION**. The new bankruptcy law requires that you provide proof that you are who you say you are. Please bring with you to your consultation an official photo ID (i.e., a driver's license) and your Social Security Card.

**PROOF OF INCOME**. The new bankruptcy law requires that you provide proof of your average monthly gross income from all sources for the **last six (6) months beginning with the first month before your scheduled office consultation**. Please bring with you to the consultation all available pay stubs or other records of income for the past seven (7) months to include records or receipts from employment income, tips, bonuses, commissions, child support, spousal support, support from someone paying or sharing your living expenses, rental income, unemployment compensation, social security, retirement, pension, interest, dividends, or income from any other source. If you are filing with a spouse than you will need to provide this information for both you and your spouse.

**DEDUCTIONS TO INCOME.** The new bankruptcy law requires that you provide proof of any deductions from your income (to include) federal and state taxes, retirement plan contributions, retirement plan loan repayments, insurance, court-ordered payments, garnishments, and all other deductions whether voluntary or involuntary. If you are self employed, you must provide a complete listing of all of your monthly business expenses including a year-to-date or recent monthly Profit & Loss Statement for your business, if possible. Please bring with you to the consultation as much documentation as you have available for the **last seven (7) months**.

**BANKING RECORDS.** Please provide monthly statements from your bank, credit union, or other financial institution for the **last seven (7) months**.

**INCOME TAX RECORDS.** The new bankruptcy law requires that you provide proof of your annual gross income for the **last four (4) years** and proof that you filed tax returns for these years. Please bring with you to the consultation copies of your filed income tax returns for the **last four (4) years**. If you have not filed any of these tax returns please begin the process as soon as possible, as we will not be able to file a bankruptcy until those tax returns are filed.

**HOUSEHOLD EXPENSES.** The new bankruptcy law requires a listing of your monthly household expenses including those for mortgage or rent, utility services (electricity, gas, fuel oil, propane, water and sewage), telephone service, cable or satellite television service, home maintenance, food, clothing, laundry and dry cleaning, medical and dental, transportation, recreation, clubs, entertainment, charitable contributions, insurance (homeowner or renter, life, health, auto), property taxes, alimony, maintenance, child support, etc. Please bring with you to the consultation as much documentation as you have available for the **last (7) months**.

**CREDIT REPORT.** On your behalf we will obtain a tri-merge credit report at our office for a cost of \$38.00 individual or \$58.00 joint. You will need to complete a form and we will provide you with your report at the time of your office visit. We find that this alleviates your aggravation in obtaining information pertaining to your debts.

**ACCOUNT STATEMENTS.** The new bankruptcy law requires a listing of **all your debts** including those for credit cards, medical bills, personal loans, auto loans, furniture loans, jewelry loans, lawsuits, etc. Please bring with you to the consultation as much documentation as you have available for the **last ninety (90) days** on all such debts.

**PROPERTY DOCUMENTS.** The new bankruptcy law requires documentation of all contracts and security agreements including those for mortgages and leases, refinancing, transfers of ownership, time shares, stocks, car loans and leases, furniture rental and leases, jewelry loans, etc. Please bring with you to the consultation as much documentation as you have available for the **last four (4) years**.

**PROOF OF INSURANCE.** The new bankruptcy law requires proof of insurance on all property secured by a lien including homeowner's insurance, automobile insurance, etc. Please bring to the consultation as much documentation as you have available.

**DOMESTIC SUPPORT OBLIGATIONS.** If you pay any child support, alimony or support, you will need to bring all documents associated with such payments. You must provide some proof that you are current on these obligations and provide the name and address where those documents are required to be sent.

**OTHER DOCUMENTS.** The production of other documents as required by the new bankruptcy law includes those for any bankruptcy you filed during the **last eight (8) years**, a list of all of your addresses for the **last three (3) years**, documentation of any felony conviction, money or property received from a trust or probate estate, Educational IRAs or tuition programs, etc. Please bring with you to the consultation as much documentation as you have available.

If you do not have any of the above information available for the consultation then you may need to contact your employer, human resources officer, income tax preparer, bank or credit union, service providers or other sources to request this information. **PLEASE DO NOT CANCEL YOUR APPOINTMENT FOR YOUR CONSULTATION SIMPLY BECAUSE YOU DO NOT HAVE THESE RECORDS.** We may be able to assist you in retrieving these records.

I look forward to seeing you very soon.

Sincerely,

LAW OFFICES OF MONTE ALAN RICH, LLC

Monte Alan Rich  
Attorney at Law

MAR/lmb