

Best Practices for Consumer Bankruptcy Cases

Retainer Agreement

The attorney should provide the debtor with a plain-English written retainer agreement in every case, setting forth the duties and obligations of the attorney and the client, no later than the time when the initial fee payment is made or, if the petition is filed before payment of a fee, prior to the petition being filed. The agreement should clearly state the attorney's fees and terms of payment, as well as, in general terms, the scope of services that are covered and not covered by the fees stated. Ordinarily, the agreement should provide, at a minimum, that the attorney will prepare the petition, statements and schedules, as well as the plan in a chapter 13 case, that the attorney will provide representation at the section 341(a) meeting, and that the attorney will provide advice and counseling throughout the predictable events in the case. In addition, the agreement may provide for other services that will be necessary in the particular case, and should describe an hourly rate or other method of payment for unanticipated services that may be necessary.

Commentary

Especially in cases of consumer debtors, who are inexperienced in dealing with attorneys and legal matters, it is important to clearly spell out the services the attorney will provide, the fees for the services, and the debtor's responsibilities. An attorney should not attempt to "unbundle" the basic services in a bankruptcy case, for example, by entering into an agreement to prepare the initial papers and do nothing more, because almost all consumer debtors are incapable of adequately representing themselves throughout the remainder of the case. There may be a variety of ways for attorneys to obtain payment of their fees, depending on state law, including for example the debtor's grant of a lien on an anticipated tax refund or other property. Some courts have specified lists of duties that attorneys must agree to perform in order to qualify for a "no look" automatic approval of a specified fee. Unanticipated events, such as motions for stay relief or dischargeability complaints, can occur in any case, so the debtor should be advised if such events are not covered by the stated fee and informed of how fees for additional necessary services will be calculated.

Investigating the Facts

The debtor client is, of necessity, the primary source of information in a consumer bankruptcy case and the client's statement of the facts, obtained in a thorough and probing interview, should be presumed to be true absent particular circumstances that give rise to a suspicion that it is not. The debtor's attorney should also obtain all documents reasonably available that are necessary to complete the petition, statement and schedules as fully and accurately as is reasonably possible. The debtor, should be advised that all information presented to the court must be truthful and complete.

Commentary

As in almost any other kind of legal matter, the client is the primary source of an attorney's information. *See* 2. JAMES WM. MOORE ET AL., MOORE'S FEDERAL PRACTICE ¶11.11[2] (3d Ed.) ("An attorney may rely on objectively reasonable representations of his or her client.") There is no reason to believe that consumer bankruptcy debtors are any less honest than other clients, although due to lack of education or financial sophistication some may have less understanding of their legal and financial dealings. For example, debtors may have no expertise in valuing property, so that they may, quite innocently, greatly overvalue or undervalue property they own. Generally, information should be elicited from the debtor through use of detailed questions that go beyond simply the information to be included in the schedules and statements, using a written questionnaire¹ that should be reviewed carefully in an interview to ensure that the debtor understands the questions. It is generally good practice to have the debtor sign any completed questionnaire or other document recording the debtor's responses, indicating that the responses are true and complete, in order to avoid any later misunderstanding. In virtually every case there will exist various types of documents, such as bills, collection letters, loan papers, paystubs, tax returns, public records, and the like which can provide more detail. A credit report and a check of electronic court files for prior bankruptcy cases are examples of documents that are easily obtainable at little or no cost and should be obtained in every case. If other evidence, or other statements of the debtor, appear to contradict information given by the debtor, or if the debtor's answers seem implausible, the attorney should ask probing questions to ensure that the debtor understands the information that is being sought. If the debtor's responses still do not comport with other known facts or the attorney's general experience, further investigation is necessary. Ultimately, however, unless the debtor's statements are clearly not supportable in light of other known evidence obtained through reasonable investigation, the debtor is entitled to present his or her version of the facts to the court.

Emergency Bankruptcy Case Filings

When a bankruptcy petition must be filed very quickly to forestall imminent harm to a client, the debtor's attorney should gather as much information as possible before filing the case. The attorney should 1) conduct as much of the normal client interview as possible, 2) make reasonable attempts to contact the attorney for the party that is taking action against the debtor, 3) check the electronic case dockets for prior bankruptcy filings by the debtor, 4) if possible, obtain a credit report on the client, and 5) obtain a prompt prebankruptcy credit counseling briefing for the client or otherwise comply with section 109(h).

Commentary

Emergency bankruptcy filings present special and difficult issues for a debtor's counsel. By definition, the attorney cannot obtain all of the information that would ordinarily be obtained before filing and must act quickly to forestall serious harm to the debtor, such as a foreclosure sale of the debtor's home. Nonetheless, the attorney must determine everything that is reasonably possible to assure that the filing is in the client's best interest and that it is not an

¹ An example of such a questionnaire, developed by legal services programs and the National Consumer Law Center, is attached as an example, not intended to be exhaustive. Many of the questions are intended to lead to further inquiry by a practitioner, depending upon the response.

abuse of the bankruptcy system. Although the client may not have all of the information that would normally be obtained through an interview and necessary follow-up, conducting as much of the ordinary interview as possible is usually the best source of most information. Both because there may be some way to delay impending harmful action and because it may present a different version of the facts of which debtor's counsel should be aware, a telephone call to the attorney for the creditor or other party taking action against the client is also important. However, it may not always be possible to reach that party. Obviously, if there are factual discrepancies, they should be investigated further to the extent possible. In addition, because debtors with emergency bankruptcy filings are somewhat more likely to be abusive than others, the electronic record of prior bankruptcy filings (PACER) by the debtor should be checked to verify the information provided by the client. Prior filings may also limit or eliminate the applicability of the automatic stay and possibly require prompt action in that regard. Finally, because debtors who do not come in until the last minute are more likely to be confused or disorganized, a credit report, which will list not only debts but also court proceedings, should ordinarily be obtained electronically with the cooperation of the client, who must of course authorize it.

Preparing the Schedules and Statements

An attorney preparing the schedules and statements required in a consumer bankruptcy case must set forth the required information in a way that is as clear and accurate as possible given the practical limitations on the information that can be gathered. These limitations arise from a lack of all the relevant contracts and other documents, debtors' inability to give precise information with respect to many facts, the costs of obtaining precise information, and the general uncertainties and instabilities in debtors' financial situations.

With respect to listing liabilities, the amount of a claim may be taken from a bill or collection letter received by the debtor, but with the understanding that it is not likely to be precisely accurate, and therefore can be listed as estimated or disputed or even unknown. The address for the creditor should be ascertained as accurately as possible from the papers presented by a client, or from a credit report. The consideration for credit card debts incurred for a variety of purposes may be listed as "credit card debt", "consumer goods and services" or some similar general phrase. If debts were incurred over a period of time, the dates of the transaction may be listed as "various dates." It is usually advisable, but not required, to list additional contacts such as attorneys or collection agents collecting the debt so that they will have notice of the bankruptcy and cease collection activities. All possible liabilities of the debtor should be listed, but if a debtor does not have actual knowledge of a liability it should be listed as disputed.

Assets should be listed as described by the debtor, but in light of the attorney's experience. Unless there is some basis for suspicion that the debtor is not disclosing significant assets, there is no need to investigate the debtor's assets by obtaining an appraisal or visiting the debtor's residence. However, the values given by the debtor should be questioned by the attorney if they seem too high or too low based on the attorney's experience or information that is readily available, such as industry valuation guides or readily accessible information about recent property sales in the debtor's neighborhood.

The debtor's listing of current expenditures should include projected expenses going forward, rather than past expenses, and include necessities that may have been neglected before the bankruptcy. Numbers provided by a debtor may have to be questioned in light of the attorney's experience and it is not impermissible for an attorney to suggest that a debtor adjust either actual expenditures going forward or a debtor's unrealistic estimate of expenses. However, the number ultimately listed should be the debtor's best estimate with the advice of counsel. It is also not improper to list expenses that are greater than a debtor's income, since that may be the reality. It is also appropriate to include a modest amount for miscellaneous expenses that are not itemized and a "cushion" for unexpected expenses. A detailed statement of business expenses should be attached if the debtor's primary income is from a business with substantial expenses, but need not be attached for a debtor with minimal self employment income and few, if any, business expenses.

Commentary

Reconstructing a debtor's financial information is at best an imprecise exercise. Debtors rarely have complete documentation of their debts and assets and often do not have a complete understanding of their finances. Because precision is not required with respect to the issues that usually arise in bankruptcy case, and because the costs of obtaining precise information would make bankruptcy unaffordable for most debtors, attorneys should be as complete and accurate as possible with the information they can readily obtain.

The precise amount owed on particular debts is almost impossible to determine with accuracy. Additional interest and charges may have accrued since the date of any statement the debtor has provided. Consumer credit agreements, even if the debtor has them, may have been amended by bill stuffers the attorney does not have. Calculating the interest and charges on credit cards and mortgages can be extremely complex and, because there have sometimes been errors in creditors' calculations, even those cannot be relied upon. Therefore, attorneys should do their best to be accurate, but recognize and inform those reviewing the schedules that the amounts are estimates, disputed, or unknown. In most cases, the amounts of debts listed on the schedules are immaterial to the bankruptcy. Generally, in chapter 7 they are discharged, or not discharged, regardless of the amount, although the total amount of unsecured debt may occasionally be relevant under section 707(b)(2). In chapter 13, the amounts of claims to be paid is determined by the creditor's proof of claim, and any objection thereto, not by the amount listed in the schedules. Similarly, it is impractical to list every credit card transaction, even if the attorney could obtain the records that would make that possible.

Every conceivable liability should be listed to maximize the effect of the debtor's discharge, including for example debts of a corporation of which the debtor was a principal even if there is no reason to believe the corporate veil can be pierced. Often debtors have received mail stating that a debt has been purchased by another entity. Because debtors have no actual knowledge that confirms that this has occurred, they may dispute the entity's claim to be a creditor.

Listing the debtor's expenses is of necessity an exercise in estimation. Most debtors do

not have clear records of what they spend and many have been juggling obligations, not paying expenses regularly, and going without necessities in the months preceding a bankruptcy. Because the primary purpose of the listing is to determine what, if anything, a debtor can afford to pay creditors in the future, it makes the most sense to list a reasonable budget going forward, taking into account the family's needs, even if they have not always been met in the recent past. For example, eye and dental care may have been neglected before bankruptcy due to lack of funds. Similarly, home or car maintenance may have been deferred. Debtors who have not been paying such expenses may not report them as expenses initially, and there is nothing improper in an attorney suggesting they are necessary. Similarly, in light of many debtors' lack of knowledge of their own budgets, an attorney may suggest that amounts stated by a client are unrealistically high or low. Because it is simply impossible to list every minor expense or account for the contingencies that might cause unexpected expenses, an amount should be listed for miscellaneous expenses and a "cushion". The budget should include debt payments a debtor will have to make after bankruptcy, both to secured creditors and creditors holding nondischargeable claims, but should not include unsecured debts that will be discharged. It may be that the total expenses exceed a debtor's income, but if that is the reality, it should be reflected. Bankruptcy does not automatically render debtors able to pay all of their reasonable expenses.

Bankruptcy Questionnaire

This questionnaire is also available in English and Spanish versions, in both Microsoft Word and Adobe Acrobat (PDF) format, on this manual's companion website. Use the PDF format if you wish to reprint the questionnaire, and the Word format if you want to edit the document using your word-processing program.

Bankruptcy is a right provided by law to people who are deeply in debt and in need of a fresh start. Bankruptcy will discharge many of your debts and you will not have to pay them, except that mortgages and other liens may still need to be paid if you want to keep the secured property.

The law allows you to keep some money and most types of necessary property in bankruptcy. To receive this protection, it is necessary that you list all items asked for in the following questions: if you do not list an item, that item will not be protected in bankruptcy.

You must also list everyone to whom you owe money. If you leave out one of your creditors, you may have to pay the money owed to that creditor or you may lose your right to a bankruptcy discharge. It may also be considered a crime if you intentionally give false information or leave out information.

If you have any questions about whether you can keep certain property or whether you should list a debt, write that question down and remember to ask the lawyer. We know this questionnaire is long. Preparing your bankruptcy papers properly takes a significant amount of time and a great deal of information. If we work together to do so, we can protect your family from great hardship and give you the new start the law intends you to have.

There is a filing fee of \$306 which must be paid to the court in chapter 7 cases, and \$281 if your case is filed under chapter 13. If you do not have the money at the time you file, the court may allow you up to four months to pay the fee in installments. If you are unable to pay the filing fee even in installments, you may request that the court waive the filing fee. This right to request a filing fee waiver applies only in chapter 7 cases. Some of the information requested on this questionnaire will be needed to prepare a request to waive the filing fee. If you do not request a filing fee waiver or the court does not approve your request, you must pay the filing fee to get a discharge.

You must also receive budget and credit counseling from an approved credit counseling agency within 180 days before your case is filed. It is usually a good idea for you to meet with us before you receive the credit counseling. We can provide you with a list of approved credit counseling agencies. Different agencies provide the counseling in-person, by telephone, or over the Internet. You should fill out this questionnaire before meeting with the credit counseling agency and refer to it as needed. You will need to get from the agency a certificate showing that you received the counseling before your bankruptcy case was filed, unless the agency provides the certificate to us directly.

Most approved agencies charge between \$20–\$50 for the pre-filing counseling. However, the law requires approved agencies to provide bankruptcy counseling and the necessary certificates without considering an individual's ability to pay. If you cannot afford the fee, you should ask the agency to provide the counseling free of charge or at a reduced fee.

After your case is filed, you will need to attend a meeting with the bankruptcy trustee and you may have to appear at a court hearing. Before the court will give you a discharge, you must also complete an approved course in personal finances. This course will take approximately two hours to

complete. We will give you a list of organizations that provide approved courses. In a chapter 7 case, you should sign up for the course soon after your case is filed. If you file a chapter 13 case, we will discuss with you later when you should take the course.

(1) Fill out every question on all of the pages. Wherever you are given a choice of YES or NO on these forms, check either YES or NO, whichever is correct. Please fill out these pages as well as you can. We will help with any questions you don't understand.

(2) Write clearly or typewrite your answers. We must be able to read them.

(3) Wherever the name of a person or firm is asked for, give the full address. Make the address accurate. Your discharge from each debt depends upon your giving a complete and correct address.

(4) If you do not know the exact amount you owe, fill in a HIGH estimate. Do not leave the amount blank and do not say "don't know." If you dispute owing a debt or the amount claimed, still list the debt and note that it is disputed.

(5) Wherever you need more room, turn the page over and put the information on the back together with the number of the question.

(6) List every creditor and everybody that has had anything to do with your debts, including cosigners. Please include accurate account numbers. If a bill you owe has been sent to a collection agency or any attorney, list both the person you originally owed and the collection agency or any attorney, giving the full address of each. If the collection agency has an attorney, list the person you originally owed, the collection agency, and the attorney, giving the full address of each.

(7) Whenever a question asks you to be prepared to give details, gather all papers concerning the matter, including bills and collection letters, and bring them with you when you return this form. In any event, be sure to bring with you the following items (unless they don't apply to you):

(a) Picture identification card and Social Security card or other document containing your social security number;

(b) Deeds and mortgages on your house or other real estate, including any agreements you later entered into to modify any mortgage loans;

(c) Any insurance policies;

(d) Any papers relating to past bankruptcies you or your spouse have filed or that concerned any of your property, including chapter 13 cases;

(e) Copies of your tax returns for the past four years;

(f) Copies of your pay check stubs for the last sixty days (and you should keep all pay stubs you receive until your bankruptcy case is over) and any proof of your income and your spouse's income for the past six months (such as pay stubs for the entire period, pay stubs which list year-to-date income, or W-2 statements);

(g) Copies of your last several statements for each bank, credit union, and investment or brokerage account, and copies of statements for any retirement or savings accounts, including IRAs, Roth IRAs, education IRAs, 401(k)s, tuition credit programs and medical savings plans (and you should

keep the first bank statement you receive after your case is filed as we may need to provide it to the trustee);

(h) Legal papers, lawsuits, foreclosure notices, tax sale notices, repossession notices, garnishment notices, eviction notices, divorce papers, separation agreements, alimony orders, and child support orders;

(i) Notices of federal tax lien, notices of levy, or other collection notices from the Internal Revenue Service (IRS) or state or local taxing authorities;

(j) If your mortgage is in foreclosure, any notices you received from your mortgage company or its attorney showing the total amount you owe, the amount needed to get current, and the date of any scheduled foreclosure sale;

(k) Any notices informing you that a new company has taken over the ownership or servicing of your mortgage;

(l) Any appraisals or tax assessment papers;

(m) Any other papers you have concerning any of your debts;

(n) Any lease or installment sale (“lease purchase” or “rent-to-own”) agreements for housing (apartment, house, mobile home) or other property (cars, televisions, etc.) that you have signed and that are still in effect or not fully paid; and

(o) Any documents showing that someone else regularly contributes to your household expenses.

Complete All Questions. If you and your spouse are not living together, and there is no possibility that your spouse will file bankruptcy along with you, you don't have to answer the questions about your spouse.

1. Name and Residence Information:

A. Your full name: _____

Your spouse's full name: _____

B. Your Social Security Number: _____

Your spouse's Social Security Number: _____

C. Your date of birth and age: _____

Your spouse's date of birth and age: _____

D. List any other names used by you or your spouse (including maiden name), or other ways you have signed your names to papers and checks during the last eight years:

E. Current Address: _____

(Street)

(City)

(County)

(Zip Code)

F. Telephone Number: _____

G. List all addresses you have had in the last three years, the dates when you lived there, and the name you used while living there. If you and your spouse are filing bankruptcy together, list addresses for each for the last three years (include street, town, and zip code).

<i>Addresses</i>	<i>Date Moved In</i>	<i>Date Moved Out</i>	<i>Name Used</i>
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. Prior Bankruptcy: Have you or your spouse ever been involved before in a bankruptcy (chapter 7, 11, 12, or 13)? YES___ NO___. If YES, bring *all* papers from the case(s) to our office.

<i>What Chapter?</i>	<i>Date Case Filed</i>	<i>Did You Get a Discharge?</i>	<i>If Yes, List Date of Discharge</i>	<i>If Dismissed, List Date and Reason Why Dismissed</i>
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

3. Other Bankruptcies: Have there been any other bankruptcies filed by someone other than you or your spouse to stop a foreclosure on your home? YES _____ NO _____. If YES, give details: _____

4. Occupation and Income:

A. Usual type of work: _____

B. Name and address of current employer: _____

C. Spouse's usual type of work: _____

D. Name and address of spouse's current employer: _____

E. How long have you been at your current job? _____ Your spouse? _____

F. List all income received in the last six months by you and your spouse (do not list your spouse's income if you are not filing bankruptcy together and you are legally separated):

(Bring a copy with you to our office of all pay stubs or other records from your employer of all pay received within the past sixty days.)

<i>Income Received</i> (Give gross income)	<i>Source</i> (Names and addresses of employers or specify social security, welfare, unemployment, child support, self-employment, investments, etc.)	<i>By Whom</i> (Self or Spouse)
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1 month ago: _____

2 months ago: _____

3 months ago: _____

4 months ago: _____

5 months ago: _____

6 months ago: _____

List all income received so far this year and in the last two years by you or your spouse:

Income Received
(Give gross income as reported on tax returns)

Source (Names and addresses of employers or specify social security, welfare, unemployment, child support, self-employment, investments, etc.)

By Whom
(Self or spouse)

So far this year: _____

Last year: _____

Year before last: _____

G. Have you or your spouse been in business by yourself or with others during the last six years?

YES ___ NO ___. If yes, give the dates, name of the business, its address, and the names of others in business with you or your spouse. _____

H. Are there any debts from your former business? YES ___ NO ___. If YES, list them in questions 32 and 33 and give details here: _____

I. (1) If you employed anyone (such as regular employees, cleaning people, gardeners, babysitters), do you still owe them wages? YES ___ NO ___. If YES, give name and address of employee, dates worked, amount owed, and work done. _____

(2) Has anyone given you money to purchase property or services that you were unable to provide?

YES ___ NO ___. If YES, give details: _____

J. Have you ever been on welfare within the past two years? YES ___ NO ___. Has anyone in your immediate family? YES ___ NO ___. If YES to either question, specify the persons, dates, amounts received, and places (if state welfare, name the state; if local welfare, name the city or county).

K. Have you ever received or been told you have received more money from the government than you were supposed to (such as social security, welfare, unemployment compensation, food stamps, etc.)?

YES ___ NO ___. If YES, give details: _____

L. Do you have any vacation time that is due you from your employer? YES ___ NO ___. If YES, how much is due? _____

M. Do you have an IRA (including Roth or education IRA) or any other pension plan? YES ____ NO _____. If YES, give details: _____

N. Have you paid or contributed any funds to a tax-exempt tuition program, or purchased any tuition credits or certificates? YES ____ NO _____. If YES, give details: _____

O. Are you the beneficiary of a trust or future interest? YES ____ NO _____. If YES, give details: _____

P. Do you expect to receive more than a small amount of money or property at any time in the near future by way of gift or life insurance proceeds? YES ____ NO _____. If YES, give details: _____

Q. (1) Do you expect to inherit any money or property in the near future? YES ____ NO _____.
If YES, give details: _____

(2) Has anyone died and left you anything (including insurance benefits)? YES ____ NO _____.
If YES, give details: _____

5. Taxes: (Bring a copy of your W-2 forms and any tax returns you have filed within the past year with you to our office.)

A. Have you received any tax refunds this year? YES ____ NO _____. State \$ _____ Federal \$ _____

B. What income tax refunds do you expect to receive this year? State \$ _____ Federal \$ _____

C. Does this amount include an Earned Income Credit? YES ____ NO _____.

D. Have you already filed for the refund? YES ____ NO _____.

E. When do you expect to receive the tax refund? _____

F. Do you know if anyone intends to take or intercept your tax refund? YES ____ NO _____. If YES, give details. _____

G. Did you sign an agreement or refund anticipation loan with a tax preparer to get your refund early?
YES ____ NO _____.

H. (1) Is any other person (such as your spouse) entitled to part of your refund? YES ____ NO _____.

(2) Have you filed income tax returns every year for the last seven years? YES ____ NO _____.

(3) Do you have copies of your income tax returns filed in the last four years? YES ____ NO _____. If NO, state the years for which you do not have copies: _____

(4) Do you owe any taxes to the United States? YES ____ NO _____. If YES, give the name and address of the department or agency to which the tax is owing, the kind of tax that is owing, and the years for which the tax is owing: _____

(5) Do you owe any taxes to any states? YES ____ NO _____. If YES, give the name of the state and the department or agency therein, the address of the department or agency, the kind of tax that is owing, and the years for which the tax is owing: _____

(6) Do you owe any taxes to a county, district, or city? YES ____ NO _____. If YES, give the name of the county, district, or city, the kind of tax that is owing, and the years for which the tax is owing:

(7) Besides taxes, do you owe any other money to any branch of the United States Government (e.g., FHA, VA, repossessions or loans, withholding taxes [if you were in business], or money owed Small Business Administration)? YES ____ NO _____. If YES, give the name of the branch, its address, the amount owing, and why it is owed: _____

6. Debts Repaid:

A. If you have made any payments totaling more than \$600 to a creditor within the last ninety days, give the name of the creditor and the dates and amount of the payments:

<i>Creditor's Name & Address</i>	<i>Is the Creditor a Relative?</i>	<i>Payment Dates</i>	<i>Amount of Payment</i>
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Please make sure to bring any payment books you have with you.

B. Have you made any payments within the last year to creditors who are or were insiders (relatives or business partners)? YES ____ NO _____. If YES, give details:

C. (1) Have you ever had a student loan or cosigned for someone else's student loan? YES ___ NO ___.

If YES to either question, please state:

(2) Who lent you the money? _____

(3) What school was the loan for? _____

(4) Did the student finish the course of study at the school? YES ____ NO _____. If NO, why not?

(6) Who is trying to collect the debt? _____

(7) How much have you paid on the debt (include any tax refund intercepts)? _____

(8) Has anyone else made payments on the debt? YES ____ NO _____. How much? \$ _____

7. Suits: (Bring in all papers relating to any suits or criminal cases.)

A. Have you ever been sued by any person, company, or organization? YES ___ NO ___ . If YES, state:

<i>Case Name</i>	<i>Case No.</i>	<i>Court's Name and Address</i>	<i>Type of Case</i>	<i>Result of Case</i>
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B. Have any court suits resulted in a lien being placed on your property? YES ____ NO ____.

C. Have you ever sued any person, company, or organization? YES ____ NO ____ . If yes, state:

<i>Case Name</i>	<i>Case No.</i>	<i>Court's Name and Address</i>	<i>Type of Case</i>	<i>Result of Case</i>
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D. Do you have any criminal charges or convictions? YES ____ NO ____ . If yes, state:

<i>Case No.</i>	<i>Court's Name</i>	<i>Charges</i>	<i>Result of Case</i>	<i>Do You Owe Fines, Restitution, or Any Other Money?</i>
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E. Have you been involved in any administrative agency cases (unemployment compensation, worker's compensation, etc.) in the past 12 months? YES ____ NO ____ . If yes, state:

<i>Case Name</i>	<i>Case No.</i>	<i>Agency's Name and Address</i>	<i>Type of Case</i>	<i>Result of Case</i>
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F. Do you have any possible reason for suing someone for damage to your property or for injuries to yourself or other members of your family? YES ____ NO ____ . If YES, who could you sue, how much money is involved, and why could you sue? _____

8. Garnishment, Attachment, and Sheriff's Sale:

A. Have you ever had any property listed for or sold at a foreclosure, tax sale, or sheriff's sale, or levied upon? YES ____ NO ____ . If YES, bring any papers concerning those actions to the office and state:

<i>What Property Was Sold or Listed for Sale</i>	<i>Value of Property</i>	<i>Date</i>	<i>Name and Address of Creditor</i>
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B. Has money from your pay check or bank account been garnished, or taken or frozen by a creditor, including your bank or credit union, because of a debt? YES ____ NO ____ . If YES, give the following:

<i>Name and Address of Creditor</i>	<i>Who Received the Money</i>	<i>Amount Taken</i>	<i>Dates</i>
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9. Repossessions and Returns:

A. Have you had any property or merchandise repossessed during the last two years? YES ____ NO ____.

If YES, bring all papers including all letters telling you of the repossession or sale.

<i>Description of Property</i>	<i>Month & Year of Repossession</i>	<i>Who Repossessed Item (Name, Address)</i>	<i>Value of Property When Repossessed</i>
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B. Have you voluntarily returned any property or merchandise to the seller in the past two years?

YES ____ NO ____ . If YES, state:

<i>Description of Property</i>	<i>Month & Year of Return to Seller</i>	<i>Seller's Name and Address</i>	<i>Value of Property at Time of Return</i>
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10. Property of Yours Held by Someone Else:

A. Does any other person have any of your property? (This includes any check you may have given to a payday lender or check cashing service.) YES ____ NO ____ . If YES, list the following:

<i>Type of Property</i>	<i>Value</i>	<i>Being Held By (Name and Address)</i>	<i>Why Is This Person Holding the Property?</i>
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B. Have you given or made an assignment of any of your property for the benefit of your creditors or any settlements with your creditors within the past two years? YES ____ NO ____ . If YES, give the name and address of the creditor and the terms and conditions under which you gave the property to the creditor or made an agreement with the creditor: _____

C. Is any of your property in the hands of a court-appointed person (a receiver), or in the hands of a person who is holding it for your benefit and use (a trustee)? If YES, give details: _____

D. Is any of your property in the possession of a pawnbroker, storage company or repairman?

YES ____ NO ____ . If YES, describe and give its value: _____

11. Gifts and Transfers:

A. Have you made sales of property, mortgages, gifts, or transfers of any substantial property or cash within the last four years? YES ____ NO ____ . If YES, give the following:

<i>Name of Person Who Received Property</i>	<i>Description of Property</i>	<i>Month and Year of Gift or Sale</i>	<i>Was Sale or Gift to a Relative?</i>

B. Have you used any money from the sale or transfer of any property within the past ten years to purchase or improve your current home, or to pay down the mortgage? YES _____ NO _____. If YES, give the following:

<i>Description of Property Sold or Transferred</i>	<i>Month and Year of Sale or Transfer</i>	<i>Amount You Got from Sale or Transfer</i>	<i>How Much of This Amount Was Used to Buy or Improve Your Home?</i>

12. Losses:

A. Did you lose any substantial amount of money as a result of fire, theft, or gambling during the last year? YES _____ NO _____. If YES, state the following:

<i>What Caused the Loss?</i>	<i>Value of the Money or Property That Was Lost</i>	<i>Date of the Loss</i>

B. Did insurance pay for any part of the loss? YES__ NO__. If YES, what was date of payment? _____
How much was paid? \$ _____

13. Payments or Transfers to Attorneys, Credit Counselors, or Debt Consultants:

A. Give the date, name, and address of any attorney or bankruptcy consultant (petition preparer, typing service, document preparation service, independent paralegal) you have consulted during the past year:

B. Give the reason for which you consulted the attorney or bankruptcy consultant:

C. How much have you paid the attorney or bankruptcy consultant? \$ _____

D. Did you promise to pay money to the attorney or bankruptcy consultant? YES _____ NO _____. If YES, give the amount and terms of the agreement: _____

E. Give the name and address of any credit counseling agency or debt settlement company you have consulted during the past year and the date when you consulted them: _____

- F.** Did the agency have you sign up for a plan to repay or settle your debts? YES ____ NO _____. If YES, give the amount and terms of the plan (*and bring a copy of the plan with you to our office*): _____
-
- G.** How much have you paid the agency or company? \$ _____
- H.** Have you consulted anyone else about your debts in the past year? YES ____ NO _____. If YES, give name, address, and amount(s) paid for the service: _____
-
- I.** Did any of your debts result from a refinancing or a consolidation loan? YES ____ NO _____. If YES, which ones? _____
-

Please be sure to bring all papers for these loans with you.

14. Closed Bank Accounts:

Have you or your spouse had your name on any bank account (such as savings, checking, certificates of deposit) during the past 12 months that is now closed? YES ___ NO ___. If YES, state:

<i>Bank's Name and Address</i>	<i>Acct No.</i>	<i>Type of Account (Savings/Checking)</i>	<i>Other Names on Account</i>	<i>Date Closed</i>	<i>Final Balance</i>
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15. Safe Deposit Boxes:

Have you or your spouse had a safe deposit box during the last year? YES ____ NO _____.

If YES, list the name and address of the bank, the name and address of everyone who had access to the box, the contents of the box and, if you no longer have the box, the date it was closed:

16. Property Held for Another Person: Do you have any money, property, furniture, etc. that belongs to another person or that you are holding for the benefit of someone else (in trust)? YES ____ NO _____. If YES, what is the property, who owns it, and what is it worth? Include name and address of the owners:

<i>Type of Property</i>	<i>Value</i>	<i>Owned By</i>	<i>Address</i>	<i>Relative? (Yes or No)</i>
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At what address are you keeping this property? _____

17. Leases: Have you had an auto lease, rent-to-own, or rental-purchase transaction in the past four years?

YES ____ NO _____. If YES, give details: _____

18. Cooperatives: Are you a member of any type of cooperative (housing, food, agricultural, etc.)? If YES, give details:

19. Alimony, Child Support, and Property Settlements:

A. Have you had any previous marriages? YES ___ NO ___. If YES, what is the name of your former spouse?

Please be sure that any debts from prior marriages which were never paid are listed with your other debts.

B. Does anybody owe you any money or child support? YES ____ NO ____.

Who? _____ How much? \$ _____

C. Have you ever been ordered to pay child support? YES ____ NO ____.

Alimony? YES ____ NO ____.

Property Settlement? YES ____ NO ____.

If yes to any question, state:

(1) To whom do you make the payments? _____

(2) Are you behind in your payments? _____

(3) Are the persons you are required to support this way on welfare? _____

(4) Do you have any family court hearings coming up? If YES, explain and give dates:

D. Do you expect to be involved in a property settlement with your spouse or former spouse in the near future?

YES ____ NO ____.

20. Accidents and Driver's License:

A. Have you been involved in a vehicle accident in the last four years? YES ____ NO ____.

B. Has your vehicle been involved in an accident in the last four years? YES ____ NO ____.

C. Have your children ever injured anyone else or their property? YES ____ NO ____.

D. Have you ever lost your driver's license? YES ____ NO _____. If YES, give details:

21. Cosigners and Debts Incurred for Other People:

A. Were there any cosigners for you on any of the debts you have listed in these forms?

YES ____ NO _____. If YES, give the cosigner's name and address, and which debts were cosigned:

B. Have you ever been the cosigner on someone else's loan or debt which hasn't been paid off?

YES ____ NO _____. If YES, list the following for each debt:

<i>Creditor's Name and Address</i>	<i>Date of Debt</i>	<i>Amount Owing</i>	<i>Name and Address of Person You Cosigned For</i>
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C. Have you borrowed any money for someone else's benefit? YES ____ NO _____. If YES, list the following unless you are sure that loan or debt has been paid:

<i>Creditor's Name and Address</i>	<i>Collection Agent or Attorneys</i>	<i>Date of Debt and Which Spouse Owes</i>	<i>For What?</i>	<i>Current Amount of Claim</i>
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D. If you put up any of your property as collateral on a debt you cosigned, list the following:

<i>Creditor</i>	<i>Type of Property</i>	<i>How Much the Property Is Worth Now</i>
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22. Credit Card and Finance Company Debts:

A. Have you obtained cash advances of more than \$750 in the last seventy days or used any credit card to purchase more than \$500 worth of goods or services in the last ninety days? YES ____ NO _____. If YES, give details: _____

B. Have you ever gone over your credit limit on any credit cards? YES ____ NO _____. If YES, give details: _____

C. If any of your debts listed on this form are owed to finance companies, did you sign an agreement that listed some of your property (such as a second television or VCR) and stated that the property would be security or collateral for the loan? YES ____ NO _____. If YES, which ones? _____

D. Do you owe money on a payday loan, auto title loan, or for a check cashing service? YES ____ NO _____. If YES, give details: _____

23. Evictions:

A. Has your current landlord sued you or brought an eviction suit against you? YES ____ NO _____. If YES, state:

<i>Case Name</i>	<i>Case No.</i>	<i>Court's Name and Address</i>	<i>Reason for Suit or Eviction</i>	<i>Result of Case (Eviction Judgment?) or Date of Hearing</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

B. Does your current landlord have an eviction judgment or order against you? YES ____ NO _____. If YES, and the eviction is based on your nonpayment of rent, list the following:

<i>Regular Rent Payment (Specify Monthly, Weekly, Other)</i>	<i>When Are Rent Payments Due?</i>	<i>Back Rent You Owe</i>
_____	_____	_____
_____	_____	_____

C. Is your landlord planning to bring an eviction suit against you? YES ____ NO _____. If YES, give details and state if your landlord is claiming that you have damaged the property or used illegal drugs on the property:

26. Asset Listing:

(If you are married and living with your spouse, designate any items listed below that are not jointly owned.)

A. REAL PROPERTY (Home):

(1) Do you own real estate that you use as your home? YES ____ NO _____. Describe and give the location of this property (house, mobile home, condominium, cooperative, land, etc.) in which you hold an interest:

(2) Co-owners: _____

(3) Purchase price: _____ Date purchased: _____

(4) Original mortgage amount: _____ Downpayment amount: _____

(5) Have you used any funds that you did not borrow to purchase or improve your home? YES __ NO __. If YES, list the amounts and give details: _____

(6) If not purchased, state when and how you became the owner (inheritance, gift, etc.): _____

(7) Present value of your house: _____

(8) Outstanding mortgage balance: _____

(9) Are there any other mortgages? YES ____ NO _____. If YES, give the name and address of each company:

(10) Is any mortgage insured by the FHA, VA, or a private mortgage insurance company? YES ____ NO _____. If YES, give details: _____

B. REAL PROPERTY (Other Real Estate):

(1) Do you own other real estate? YES ____ NO _____. Describe and give the location of all real property (lot, house, condominium, cooperative, land, burial plot, etc.) in which you hold an interest:

(2) Co-owners: _____

(3) Outstanding mortgage balance: _____

(4) Name of mortgage company: _____

(5) Purchase price: _____ Year purchased: _____

(6) Present value of your house: _____

(7) Are there any other mortgages? YES __ NO __. If YES, give the name and address of each company:

(8) Is any mortgage insured by the FHA, VA, or a private mortgage insurance company? YES ____ NO _____. If YES, give details: _____

Do you have any cars, trucks, mobile homes, boats, trailers, or motorcycles? YES ____ NO _____. If YES, give the year, make, model, value, who is financing it, and amount owed:

E. OTHER PROPERTY:

Do you own any life insurance policies? YES ____ NO _____.

If YES, list insurance company's name and address: _____

How long have you had each policy? _____

Cash surrender value: _____

Do you have any other insurance, including credit insurance? YES ____ NO _____. If YES, describe:

Do you expect to receive any money from any insurance in the near future? YES ____ NO _____. If YES, give details: _____

Do you own any stocks? YES ____ NO _____. Value: \$_____

Do you own any bonds (including U.S. Savings Bonds)? YES ____ NO _____. Value: \$_____

Do you own any machinery, tools, or fixtures used in your business or work? YES ____ NO _____. If YES, list and state what you could sell it for: _____

Do you have any animals or pets? YES ____ NO _____. If YES, describe and give value (what you could sell them for): _____

Do you have any right to receive commissions or other payments from any previous job you have held?

YES ____ NO _____. Does anyone owe you any money? YES ____ NO _____. If YES to either, state

names, addresses and amounts owed: _____

Do you have any books, prints or pictures, stamps or coins, or sports equipment of substantial value?

YES ____ NO _____. If YES, describe and estimate their value: _____

Do you have any stock in trade (inventory)? YES ____ NO _____. If YES, describe and estimate the value:

Do you own anything else not mentioned above? YES ____ NO _____. If YES, describe and state its value (what you could sell it for): _____

Does any of the property that you own or possess pose a threat of harm to public health or safety? YES ____ NO _____.

Is the threat imminent? YES ____ NO _____.

Has anyone ever alleged that any of the property that you own or possess poses a threat of imminent harm to public health or safety? YES ____ NO _____.

Was the threat alleged to be imminent? YES ____ NO _____.

Give details regarding any threat or alleged threat to public health or safety, including identification of property and nature of potential harm or alleged harm. _____

27. Budget Information:

A. Do you currently receive your pay or other income (check one):

	YOU	YOUR SPOUSE
WEEKLY	_____	_____
EVERY 2 WEEKS	_____	_____
MONTHLY	_____	_____
OTHER	_____	_____

B. What is the gross amount received in wages or other income (before taxes or other deductions)?

YOU	YOUR SPOUSE
_____	_____

C. What deductions, if any, are taken out?

	YOU	YOUR SPOUSE
Taxes	_____	_____
Insurance	_____	_____
Union dues	_____	_____
Other (identify: _____)	_____	_____

D. What is the usual amount of your check (take-home pay)?

YOU	YOUR SPOUSE
_____	_____

E. Is your job subject to seasonal or other changes?

YOU
YOUR SPOUSE

YES _____
YES _____

NO _____
NO _____

F. What was your gross income (reported on W-2 form and tax return) for last year?

YOU

YOUR SPOUSE

G. If you receive alimony, maintenance, or support, what is the amount you get on a regular basis?

YOU

YOUR SPOUSE

H. List all dependents of you and your spouse.

NAME

AGE

RELATIONSHIP

YOU

YOUR SPOUSE

I. List all members of your household.

NAME

AGE

RELATIONSHIP

J. Do you expect your income to increase or decrease in the next year? YES ____ NO _____. If YES, describe:

K. Do you expect to have any increase or decrease in expenses (like medical bills) in the near future?

YES ____ NO _____. If YES, describe: _____

L. Do you, your spouse, or your dependents receive income from any source other than jobs, alimony, maintenance, or support listed above (such as public assistance, unemployment compensation, social security, SSI, pension, etc.)? YES ____ NO _____. If YES, list:

Source of Income

To Whom Payable

Amount per Month

M. Do you, your spouse, or your dependents receive any regular contributions to your household expenses from any source not listed above? YES _____ NO _____. If YES, list:

<i>Source of Contribution</i>	<i>To Whom Payable</i>	<i>Amount per Month</i>

N. Is your family eligible for food stamps? YES _____ NO _____.
 If YES, how much in food stamps do you receive per month? \$ _____

O. Expenses. (Give realistic estimates. If your expenses add up to more than the income you have listed, or less than your income, be prepared to explain why.)

List below your average monthly expenses for you and your family. If you pay any of these expenses weekly, bi-weekly, quarterly, semi-annually, or annually, you will need to adjust the amount to show it as a monthly amount (for example, if you pay the expense weekly, you can show that as a monthly expense by multiplying the weekly amount by 4.3). If you are not sure how to do this, let us know of any expenses you do not pay monthly.

	<i>Average Monthly Expenses</i>	<i>List Any Increase or Decrease You Expect for Item in Next Year</i>
Rent or mortgage	\$ _____	_____
Are real estate taxes included? ____		
Is property tax included? ____		
Condo or homeowners association fees	\$ _____	_____
Trash pickup	\$ _____	_____
Electricity	\$ _____	_____
Heat	\$ _____	_____
Water	\$ _____	_____
Telephone		
Home	\$ _____	_____
Cell	\$ _____	_____
Other utilities		
Internet	\$ _____	_____
Cable T.V.	\$ _____	_____
Other	\$ _____	_____
Personal care (haircuts, etc.)	\$ _____	_____
Home maintenance (repairs and upkeep)	\$ _____	_____
Food (cash you spend on food)	\$ _____	_____
Amount of food stamps you spend	\$ _____	_____
Clothing	\$ _____	_____
Laundry and cleaning	\$ _____	_____
Medications	\$ _____	_____
Other medical and dental expenses (co-pays, eye care, etc.)	\$ _____	_____
Public transportation	\$ _____	_____
Auto maintenance (repairs and upkeep)	\$ _____	_____
Auto registration and license fees	\$ _____	_____

Gasoline and oil	\$ _____	_____
Newspapers, magazines, school books	\$ _____	_____
Recreation	\$ _____	_____
Charitable contributions	\$ _____	_____
Club and union dues		
(not deducted from wages)	\$ _____	_____
Insurance (not deducted from wages)		
Homeowner's or renter's	\$ _____	_____
Life	\$ _____	_____
Health	\$ _____	_____
Auto	\$ _____	_____
Other _____	\$ _____	_____
Taxes (not deducted from wages		
or included in mortgage payment)	\$ _____	_____
Tax return preparation fees	\$ _____	_____
Checking account and other bank fees	\$ _____	_____
Loan installment payments		
Auto	\$ _____	_____
Other _____	\$ _____	_____
Other _____	\$ _____	_____
Alimony, maintenance or support payments	\$ _____	_____
Child support and other payments for		
support of dependents	\$ _____	_____
Expenses for operating your business	\$ _____	_____
Other expenses (list types of expenses, e.g.,		
cigarettes, diapers, security system, school,		
birthday and holiday gifts, pets)		
Identify: _____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

P. If you and your spouse are not filing bankruptcy together, does your spouse (who is not filing bankruptcy) have any monthly expenses listed above that are not paid towards your household expenses (such as child support payments your spouse makes to a former spouse or payments your spouse makes on separate debts)? YES ____ NO ____.
If YES, list:

<i>Describe Expense Item</i>	<i>To Whom Payable</i>	<i>Amount per Month</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Q. Do you have any monthly expenses not listed above that you pay for the care and support of an elderly, chronically ill, or disabled member of your household or your immediate family? YES ____ NO ____.
If YES, describe: _____

R. Do you have any monthly expenses not listed above that you pay to keep your family safe from domestic violence? YES___ NO____. If YES, describe: _____

S. Do you pay any expenses for your dependent children under the age of eighteen to attend a private or public elementary or secondary school? YES___ NO____. If YES, describe: _____
