

# Paul Hunter

## Attorney at Law



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## Consumer Bankruptcy Questionnaire

### General Information About Consumer Bankruptcy

There are two types of consumer bankruptcy--Chapter 7 liquidation and Chapter 13 debt repayment.

### Chapter 7 Liquidation

In a Chapter 7 liquidation case, a trustee is appointed. The trustee will review the petition and schedules that I will prepare for you and later examine you under oath at a meeting (called a Section 341 meeting). The court will notify your creditors about the meeting and they may attend the meeting. The meeting is held approximately 20-60 days after the bankruptcy petition is filed. You will receive a notice from the bankruptcy court, which sets the date, time and location of the meeting. Your case will be dismissed if you do not attend the meeting.

The trustee has the right to make you turn over “non-exempt” property. Those assets are then sold and the proceeds paid to your creditors. The Wyoming Legislature has provided Wyoming residents with liberal exemptions for your property and often the debtor does not have to turn over any property to the trustee. These cases are called “no-asset” cases. The most common asset which funds an “asset” case is a tax refund check (both state and federal). The trustee will usually ask you to surrender sporting good items with more than a nominal value. In some circumstances it may be possible to prevent the trustee from obtaining property by timing the filing of the petition and certain other actions taken prior to filing. For example, you may not have to turn over your tax refund check if you file your bankruptcy after you receive your tax refund. Sometimes it may take the IRS longer to process the tax refund because of the bankruptcy. We will generally file the bankruptcy right after you are paid, so the trustee will not be able to ask for 25% of your net wages due on the day you file. Also, you should have a minimal amount of cash on deposit in your checking (make sure all outstanding checks have cleared when you determine the balance) and savings accounts. Please list a projected balance if you have a prepaid debit card or similar prepaid card or positive balance on a credit card (in addition to a traditional bank or savings account). The property that may or may not need to be turned over will be discussed during our meeting after you complete the questionnaire.

In exchange for turning over the requested property, you will receive a discharge of most debts. The most common type of debts which are *generally* not covered by a bankruptcy are debts for child support and alimony, certain types of taxes, restitution payments, court fines, claims for death or injury caused by driving while intoxicated and certain student loans. Creditors also have the right to object to the dischargeability of a particular debt on the grounds that the debt was incurred fraudulently, you obtained cash advances or used credit to obtain luxury goods or services just prior to filing, “loaded up” on credit cards, you embezzled money, you sold secured property out of trust or willfully destroyed the creditor’s collateral, or you willfully and maliciously injured someone. The trustee or a creditor may also object to the granting of your discharge on several grounds, including the fraudulent concealment of assets or perjury. The particular exceptions or potential problems, which may be present in your situation, will be discussed with you after the questionnaire is completed.

## Chapter 13 Repayment

Instead of turning over non-exempt property to a trustee, you make regular payments to a “Standing Trustee” over a period of three to five years. As in a chapter 7 case, you will need to appear at a Section 341 meeting and creditors may choose to attend. I will prepare the petition, schedules, and a repayment plan. You may also need to appear at a confirmation hearing.

We will discuss which chapter is appropriate for your own particular situation after you have completed the questionnaire. However there are specific benefits which will impact your decision.

### Chapter 7

Generally faster  
Attorney fees less  
Bankruptcy is removed from  
your credit report more quickly

### Chapter 13

Payment required for 3-5 years  
Broader coverage for some debts  
May cure a default on your home mortgage  
Taxes may be paid without interest  
Additional protection for codebtors

Claims for taxes and claims secured by collateral (such as a home mortgage and a car loan) must generally be paid in full. The unsecured creditors may be paid completely or receive as little as 1% of their claims.

Your first Chapter 13 plan payment will be due at the 341 meeting and must be paid with a money order or cashiers check. If you fail to make your required payments the court will dismiss your case. In the event that you are unable to complete your payments due to circumstances beyond your control, you may be eligible for a hardship discharge.

The same questionnaire is used for both chapters. At this time I want you to prepare a petition draft for a filing under (please check below):

Chapter 7 \_\_\_\_\_ Chapter 13 \_\_\_\_\_.

## Copies of Documents

I will need to review *copies* (please do not give me the original documents) of the following documents to effectively represent you in your case:

Tax returns for the current year and two years prior

Wage statements and bank statements for the past six months

Real estate deeds and mortgages

Loan documents for any secured debts

Financial statements provided within the last year

Car and trailer titles

Property settlements and decrees of divorce

Other \_\_\_\_\_

The trustee may also request additional items. The trustee may also ask you to obtain an appraisal on your car or other personal property. It is imperative that you provide any information or documents requested by your trustee. The failure to cooperate with the trustee may be a basis for your case to be dismissed or your discharge denied. If you have any loans secured by collateral, it is essential that you obtain copies of the documents so I may be sure that the documents have been properly recorded. If you do not obtain the copies, I will not be able to fully advise you about the outcome of your case, the possibility that you will have to turn over property to the trustee, or the likelihood that you will be able to exempt the property. If you own real estate, I will need to obtain a copy of any judgments that have been obtained against you. Please go to the real estate records office or order a title report. Please list any judgments filed in the real estate records here: \_\_\_\_\_.

Please tell me if you used your credit cards or obtained any new loans or credit within the last 90 days: \_\_\_\_\_

If you want to keep your home or other real estate secured by a mortgage, please tell me if there is a foreclosure sale pending. In most cases, very little can be done to save the property after the foreclosure sale occurs. The foreclosure sale is scheduled for \_\_\_\_\_.

## Information about the Questionnaire **Be truthful and accurate!**

It is essential that the questionnaire be filled out completely and truthfully. The information in the questionnaire will be used to prepare the petition and schedules, which you will sign **under oath**. The bankruptcy system is based on truthful and accurate disclosure. There are significant penalties for perjury and the fraudulent concealment of assets. In addition to possible criminal prosecution, false schedules may subject you to a denial of a bankruptcy discharge for your debts or the dismissal of your case. Cases are also going to be audited on a random basis. The United States Trustee also reviews tax returns for the possibility of tax fraud.

If you are unsure whether or not you have listed all of your bills, I recommend that you obtain a copy of your credit report.

**Do not sell or transfer any property, incur any additional debt, or pay funds to a family member without discussing it with me first.**

Please tell me the best phone number for me to call you at: \_\_\_\_\_

**Name, Address,**

	<b>Debtor (husband, if joint)</b>	<b>Joint Debtor (wife, if joint)</b>
Full Name		
All other names used by you in the last 6 years (include married, maiden and trade names)		
Street Address (Number, street, city, state & zip)		
Mailing address, if different from street address		
County of residence or principal place of business		
Soc. Security No., Tax ID No. (If more than one, state all)		

**Employment**

	<b>Debtor (husband, if joint filing)</b>	<b>Joint Debtor (wife, if joint filing)</b>
Occupation (Job Title)		
Employer's Address and Address		
How long employed		

**Dependents**

Name	Age	Relationship
Name	Age	Relationship
Name	Age	Relationship

If more than 3 dependents, please attach a continuation sheet.

**Prior Bankruptcies**

Location where filed	Case No	Date filed
Location where filed	Case No	Date filed

If more than 2 prior bankruptcies, please attach a continuation sheet

**Pending Bankruptcies**

List all pending bankruptcies filed any spouse, partner or affiliate

Name of debtor	Case No	Date filed
District	Relationship	Judge
Name of debtor	Case No	Date filed
District	Relationship	Judge

## Assets

Please list your property on the following pages. Organize the property according to the following categories below (if the property is real estate—just state “real estate.”)

1. Cash on hand.
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives .
3. Security deposits with public utilities, telephone companies, landlords, and others.
4. Household goods and furnishings, including audio, video, and computer equipment.
5. Books. Pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.
6. Wearing apparel.
7. Furs and jewelry.
8. Firearms and sports, photographic, and other hobby equipment.
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.
10. Annuities. Itemize and name each issuer.
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.
12. Stock and interests in incorporated and unincorporated businesses. Itemize.
13. Interests in partnerships or joint ventures. Itemize.
14. Government and corporate bonds and other negotiable and non-negotiable instruments.
15. Accounts receivable.
16. Alimony, maintenance, support, and property settlement to which the debtor is or may be entitled. Give particulars.
17. Other liquidated debts owing debtor including tax refunds. Give particulars.
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.
19. Contingent and noncontingent interests in estate or a decedent, death benefit plan, life insurance policy, or trust.
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights of setoff claims. Give estimated value of each.
21. Patents, copyrights, and other intellectual property. Give particulars.
22. Licenses, franchises, and other general intangibles. Give particulars.
23. Automobiles, trucks, trailers, and other vehicles and accessories.
24. Boats, motors, and accessories.
25. Aircraft and accessories.
26. Office equipment, furnishings, and supplies.
27. Machinery, fixtures, equipment, and supplies used in business.
28. Inventory.
29. Animals.
30. Crops - growing or harvested. Give particulars.
31. Farming equipment and implements.
32. Farm supplies, chemicals, and feed.
33. Other personal property of any kind not already listed.

Try to determine what the property would sell for at a well advertised garage sale or auction.

If the property may be foreclosed upon or repossessed if you fail to make the payments—the loan is secured and the property is referred to as collateral. Common examples—a car loan or home mortgage.

Property Description	Category Number	Value	Owned only by you		Jointly owned with Spouse / Other		Collateral for:	Location
			Yes	No				
2616 Central Ave.	Real Estate	\$99,000		X	X		Bank One	2616 Central
Checking Account	2	\$20		X	X			Warren FCU
Couch	4	\$200	X				Sears	At Home
1998 Jeep	23	\$20,000		X		X	GMAC	

You may obtain an online appraisal for cars and trucks. Visit my website for links to Kelly Blue Book or NADA or I will look up the value for you. Confer with an appraiser if you are not sure.

If you jointly own property with another person—other than your spouse—please list their name, address and how related to you.





## Creditors

Please list all of your creditors on the following pages. Please be sure to list all debts. If you fail to list a debt it is very likely that the bankruptcy will not discharge the debt. You must list debts owed to family members. If you are not sure about whether or not you actually owe a debt please discuss it with me.

A secured debt is a debt for which the creditor has collateral. A typical secured creditor is the bank that has a mortgage on your home or a bank or finance company that has a lien on your car. Most credit card companies are unsecured and do not have liens on what you purchase with your credit cards. However, Sears and Montgomery Wards often obtain security interests in what you purchase. Please review your loan documents carefully to determine whether or not the creditor has a secured claim. If they are secured, I will need to review the loan documents. If you are not sure whether or not a creditor is secured please discuss it with me. I will need to review the loan documents for all secured creditors. If the creditor fails to take all proper steps to perfect their interest in the collateral (e.g. a finance company fails to have their lien recorded on your car title), the trustee will treat their claim as unsecured. In some circumstances this may be to your benefit--in other situations it may not. In some circumstances, a secured creditor may object to your bankruptcy if you no longer have property that was the secured creditor's collateral. Please let me know if you have sold or transferred a secured creditor's collateral. Also, if you have two or more loans with the same creditor, I need to review the loan documents to determine if the claims are cross collateralized (e.g. you have a car loan and a credit card loan with a credit union--if there are cross collateralization clauses--the car is secured by both the car loan and the unpaid balance on your credit card). If you own real estate, please list any judgments that have been entered against you \_\_\_\_\_.

Please let me know if you have not been honest in filling out credit or loan applications, e.g. when asked if you ever filed bankruptcy you said no although you had, in fact, previously filed bankruptcy, if you falsified earnings amounts, property values, or debt amounts. Also, creditors may object if you obtain credit advances or purchase luxury goods shortly before the filing (cash advances or luxury goods purchased within 60 days of filing are presumed to be nondischargeable). I need to know this information so I may advise you properly before filing. Do not "load up" on the credit cards before you file---let me know if you have. List any creditors from which you borrowed money or used credit (usually but not always a credit card company) within the last 120 days \_\_\_\_\_.

The questionnaire asks you to list the name and address of an assignee. Typically, a collection agency will have a claim assigned from the original creditor. Regardless, you need to list both the original creditor and the assigned creditor (usually and attorney or a collection agency).

!→Please be sure to tell me if the loan is guaranteed by a governmental agency or other entity. For example, a home mortgage may be guaranteed by the Veteran's Administration or a business loan may be secured by the Small Business Administration.

Please provide a complete, current and accurate address. **If you do not have a complete list of your bills, you should obtain a copy of your credit report.** Addresses may also be found on the internet.

If your bill is being collected by an attorney or a collection agency, please provide their name and address in this box. I need to list the original creditor and the attorney or collection agency.

Creditor Name & Address  
First Bank  
P.O. Box 365  
Atlanta, Georgia 82920

Assignee (Collection Agency) Name & Address  
Aggressive Collections  
2882 Grandview  
Dallas, Texas 67729

Account # 38393983983

Type of Debt: Credit Card  Medical  NSF   
Other \_\_\_\_\_

Amount Due 2,301

Is this loan secured by collateral. If so the collateral is:

Remarks:

Date Incurred 2/3/03

H

If you signed a note, the debt is normally incurred on the date you signed it. A credit card is incurred the first month that you did not pay off the balance in full. I understand that it may be difficult to remember when old bills were incurred—please do your best.

Be sure to list all debts, including those to family members. Even if a debt is not covered by the bankruptcy, e.g. child support or a student loan, it must still be listed.

Please let me know if you dispute the bill or have any comments. If you are married—please write J if it is a joint debt. ***If you are married and only one of you is liable—please write H for husband or W for wife.***

A note about secured creditors (this discussion primarily applies to Chapter 7 cases). A debt is secured if the creditor has the right to recover property (called collateral) if you fail to make the payments. Common examples--a home mortgage, a car loan, or a tax lien. Sears and some jewelry stores also use credit card agreements that secure what you purchase. If you are not sure whether or not a loan is secured, please discuss it with me. If you want to retain the property--in most cases you must "**reaffirm**" the debt. Most of my clients do not reaffirm home mortgages. A reaffirmation agreement makes you liable for the loan as if you never filed bankruptcy. If you fail to make the agreed payments, the creditor may file a lawsuit against you after they repossess and sell the collateral. In some cases, a better option is to simply give back the collateral--this is called **surrendering**. You may also **redeem** property that is held for personal, family or household use. In a redemption, you pay the secured creditor the value of the collateral. This is a good option if you owe more than what the collateral is worth (e.g. you owe \$10,000 on a car loan but the car is worth \$6,000). You must make a lump sum payment to the creditor. If you wish to redeem collateral worth a significant amount, e.g. a car, it is often difficult to raise the necessary funds after filing unless you have a relative or friend who is willing to advance the funds or cosign a loan. In certain cases, I may avoid a lien (This is called **522(f) lien avoidance**) if the lender took a security interest in household goods that you already owned at the time the loan was obtained. You may also return the property to the lender (**surrender**). In almost all circumstances, you have no liability to the lender after the collateral is surrendered. Your trustee will usually not ask you to turn over collateral if it is not worth more than what you owe to the lender and the amount you may claim as exempt. If the lender has not done their paperwork properly, however, the trustee has the right to bring an action to avoid their lien or mortgage. I need to review your loan documents in order to tell you whether or not the paperwork has been properly completed and advise you about your specific situation.

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:		Remarks:
Date Incurred			

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:		Remarks:
Date Incurred			

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:		Remarks:
Date Incurred			

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:		Remarks:
Date Incurred			

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:	Remarks:	
Date Incurred			

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:	Remarks:	
Date Incurred			

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:	Remarks:	
Date Incurred			

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Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:	Remarks:	
Date Incurred			

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:	Remarks:	
Date Incurred			

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:	Remarks:	
Date Incurred			

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:	Remarks:	
Date Incurred			

Creditor Name & Address		Assignee (Collection Agency) Name & Address	
Account #	Type of Debt: Credit Card <input type="checkbox"/> Medical <input type="checkbox"/> NSF <input type="checkbox"/> Other _____		
Amount Due	Is this loan secured by collateral. If so the collateral is:	Remarks:	
Date Incurred			

## **Executory Contracts**

An executory contract is generally defined as an agreement to which the parties have not fully performed their obligations. A typical Executory Contract is a lease agreement for a car, a rental agreement for a house, apartment or other property, a timeshare agreement, a health club membership, or-perhaps a cell phone contract. In most cases do not list the cell phone if you are current and want to retain the cell phone in the future.

Name and address of party (e.g. leasing company or landlord...) _____ _____ _____	Description of Contract (e.g. apartment lease or car lease). _____
	Government Contract Number (if any) _____

Name and address of party (e.g. leasing company or landlord...) _____ _____ _____	Description of Contract (e.g. apartment lease or car lease). _____
	Government Contract Number (if any) _____

## **Codebtors**

An codebtor is someone who is obligated to pay a bill if you do not pay it. A cosigner on a loan is a typical codebtor. A former partner in a business may also be a codebtor.

Names and Address of codebtor:   	Claims the codebtor is liable for: _____ _____ _____
Names and Address of codebtor:   	Claims the codebtor is liable for: _____ _____ _____

**Income (Individuals Only)**

- MONTHLY** You get paid once each month.....12 checks per year
- SEMI-MONTHLY** You get paid twice each month, e.g. 1<sup>st</sup> & 15th.....24 checks per year
- BI-WEEKLY** You get paid every other week, e.g. every other Friday.....26 checks per year
- WEEKLY** You get paid once each week.....52 checks per year

**Income from your paystub**

**Other Monthly Income**

**Debtor's Income (Husband, if joint filing)**

Gross Income	<input style="width: 100px; height: 20px;" type="text"/>
Estimated Overtime	<input style="width: 100px; height: 20px;" type="text"/>
<b>Payroll Deductions</b>	
Federal Income Tax	<input style="width: 100px; height: 20px;" type="text"/>
State Income Tax	<input style="width: 100px; height: 20px;" type="text"/>
FICA/Medicare	<input style="width: 100px; height: 20px;" type="text"/>
Insurance	<input style="width: 100px; height: 20px;" type="text"/>
Union Dues	<input style="width: 100px; height: 20px;" type="text"/>
_____	<input style="width: 100px; height: 20px;" type="text"/>
Other, specify	<input style="width: 100px; height: 20px;" type="text"/>
_____	<input style="width: 100px; height: 20px;" type="text"/>
Other, specify	<input style="width: 100px; height: 20px;" type="text"/>

From your business	<input style="width: 100px; height: 20px;" type="text"/>
From real property	<input style="width: 100px; height: 20px;" type="text"/>
Interest & Dividends	<input style="width: 100px; height: 20px;" type="text"/>
Alimony, child support	<input style="width: 100px; height: 20px;" type="text"/>
Social Security, Gov- ernment Assistance	<input style="width: 100px; height: 20px;" type="text"/>
Pension or retirement	<input style="width: 100px; height: 20px;" type="text"/>
_____	<input style="width: 100px; height: 20px;" type="text"/>
Other, specify	<input style="width: 100px; height: 20px;" type="text"/>
_____	<input style="width: 100px; height: 20px;" type="text"/>
Other, specify	<input style="width: 100px; height: 20px;" type="text"/>

Explain any anticipated increase or decrease in income of more than 10% in the next year.

- MONTHLY** You get paid once each month.....12 checks per year
- SEMI-MONTHLY** You get paid twice each month, e.g. 1<sup>st</sup> & 15th.....24 checks per year
- BI-WEEKLY** You get paid every other week, e.g. every other Friday.....26 checks per year
- WEEKLY** You get paid once each week.....52 checks per year

**Income from your paystub**

**Other Monthly Income**

**Joint Debtor's Income (Wife, if joint filing)**

Gross Income	<input style="width: 100px; height: 20px;" type="text"/>
Estimated Overtime	<input style="width: 100px; height: 20px;" type="text"/>
<b>Payroll Deductions</b>	
Federal Income Tax	<input style="width: 100px; height: 20px;" type="text"/>
State Income Tax	<input style="width: 100px; height: 20px;" type="text"/>
FICA/Medicare	<input style="width: 100px; height: 20px;" type="text"/>
Insurance	<input style="width: 100px; height: 20px;" type="text"/>
Union Dues	<input style="width: 100px; height: 20px;" type="text"/>
_____	<input style="width: 100px; height: 20px;" type="text"/>
Other, specify	<input style="width: 100px; height: 20px;" type="text"/>
_____	<input style="width: 100px; height: 20px;" type="text"/>
Other, specify	<input style="width: 100px; height: 20px;" type="text"/>

From your business	<input style="width: 100px; height: 20px;" type="text"/>
From real property	<input style="width: 100px; height: 20px;" type="text"/>
Interest & Dividends	<input style="width: 100px; height: 20px;" type="text"/>
Alimony, child support	<input style="width: 100px; height: 20px;" type="text"/>
Social Security, Gov- ernment Assistance	<input style="width: 100px; height: 20px;" type="text"/>
Pension or retirement	<input style="width: 100px; height: 20px;" type="text"/>
_____	<input style="width: 100px; height: 20px;" type="text"/>
Other, specify	<input style="width: 100px; height: 20px;" type="text"/>
_____	<input style="width: 100px; height: 20px;" type="text"/>
Other, specify	<input style="width: 100px; height: 20px;" type="text"/>

Explain any anticipated increase or decrease in income of more than 10% in the next year.



## Statement of Financial Affairs

If you are married and filing a joint petition, include information for both spouses. If you are married and plan to file under chapter 12 or 13 then you must furnish information for both spouses whether or not you plan to file a joint petition, unless you are separated and plan to file individually. If you are engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, you should also provide the information requested on this statement concerning all such activities as well as your personal affairs.

**If the answer to any question is "None" or "No" or the question is not applicable, mark the box labeled "None."** If additional space is needed for the answer to any question, please attach a separate sheet properly identified with the number of the question.

### 1. Income from employment or operation of business.

**None**  State the gross amount of income you have received from employment, trade, or profession, or from operation of your business from the beginning of this calendar year to the present. State also the gross amounts received during the **two years** immediately preceding this calendar year. (If you maintain, or have maintained, financial records on the basis of a fiscal rather than a calendar year you may report fiscal year income. Identify the beginning and ending dates of your fiscal year) If a joint petition is to be filed, state income for each spouse separately.

	Year	Amount	Source (e.g. wages)	Fiscal Year <small>(If other than a calendar year)</small>
Husband	Year to Date	\$		
	2013	\$		
	2012	\$		
Wife	Year to Date	\$		
	2013	\$		
	2012	\$		

### 2. Income other than from employment or operation of business.

**None**  State the amount of income received by you other than from employment, trade, profession, or operation of your business during the **two years** immediately preceding the filing of this case. Give particulars. If a joint petition is filed, state income for each spouse separately.

	Year	Source (e.g. Social Security or child support)	Amount
Husband	2013		\$
	2012		\$
Wife	2013		\$
	2012		\$

**3. Payments within 90 days or one year.**

None

a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within **90 days** immediately preceding the commencement of this case.

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING

None

b. List all payments made within **one year** immediately preceding the commencement of this case or for the benefit of creditors, who are or were insiders\*.

*The term "insider" includes but is not limited to: your relatives; general partners and their relatives; corporations of which you are an officer, director, or person in control; officers, directors, and any managing agent of yours. If you are unsure, please discuss it with me.*

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING

**4. Suits and administrative proceedings, executions, garnishments and attachments.**

None

a. List all suits and administrative proceedings to which you are or were a party within **one year** immediately preceding the filing of this bankruptcy case.

Name of Parties & Number	Nature of Case	Court	Status or Disposition
(First USA v. Smth) 99-20211	Small Claim	Small Claims Court	Judgment

None

b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the filing of this bankruptcy case.

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
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**5. Repossessions, foreclosures and returns.**

**None**  List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION FORECLOSURE SALE OR RETURN	DESCRIPTION AND VALUE OF PROPERTY

**6. Assignments and receiverships**

**None**  a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case.

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT

**None**  b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the filing of this bankruptcy case.

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT, CASE # & TITLE	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY

### 7. Gifts

None

List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case, except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient.

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE GIFT
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### 8. Losses

None List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case.**

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCE AND, IF THE LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
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### 9. Payments related to debt counseling or bankruptcy.

None

List all payments made or property transferred by or on behalf of you to any person, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case or since the commencement of this case. **(Please note—I will complete this section—list payments to anyone *other than* my office below. Please tell me the source of your payment to me—e.g. loan from parents, your wages...**

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
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The question asks for transfers within the last year. However, under Wyoming Law the trustee may set aside certain transfers that have occurred within the last *four* years. Please tell me about any significant transfers within the last four years during our office consultation.

**10. Other transfers.**

**None**  List all other property, other than property transferred in the ordinary course of your business or financial affairs, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case.

NAME AND ADDRESS OF TRANSFEREE AND	DATE OF TRANSFER	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED

**10(b) Other transfers-Self Settled Trust.**

**None**  List all other property transferred within the last 10 years to a self settled trust or similar device in which you are a beneficiary.

NAME AND ADDRESS OF TRANSFEREE AND	DATE OF TRANSFER	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED

**11. Closed Financial Accounts.**

**None**  List all financial accounts and instruments held in your name or for your benefit which were closed, sold or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share account held in banks, credit unions, pensions funds, cooperatives, associations, brokerage houses and other financial institutions.

NAME AND ADDRESS OF INSTITUTION	TYPE AND NUMBER OF ACCOUNT AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING

**12. Safety Deposit Boxes.**

**None**  List each safe deposit or other box or depository in which you have or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER
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**13. Setoffs.**

**None.**  List all setoffs made by any creditor, including a bank, against a debt or deposit of yours within **90 days** preceding the commencement of this case. *(A typical setoff situation—you have a loan at a bank or credit union that goes into default. You also have an account at the same credit union or bank. The credit union or bank will take the funds from your account and apply it to the defaulted loan. **Beware**—a bank or credit union may also try to set off the funds **after you file**—in most cases if it is best to have a small balance in the account on the date of filing—please let me know if you will have more than a minimal balance and you also owe money to the Bank where you have an account)*

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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**14. Property held for another person.**

**None**  List property owned or held by another person that you hold or control. *(A common situation that this question applies to—A friend asks if he can store a snowmobile in your garage.)*

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPETY
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a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	NOTICE	ENVIRONMENTAL LAW

b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	NOTICE	ENVIRONMENTAL LAW

c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS	DOCKET NUMBER	STATUS OR DISPOSITION

**18. Nature, location and name of business**

None

a. If you have a business or businesses, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which you were an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self employed professional within the **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

NAME	TAXPAYER ID NUMBER	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES

Please advise me if you have the right to file a lawsuit against anyone. The failure to disclose a claim against another party, e.g. a medical malpractice claim or a personal injury claim, is a basis for criminal prosecution. I have a claim against \_\_\_\_\_ or \_\_\_\_\_ NA.

Please advise me if you have conferred with or retained an attorney within the last four years regarding a malpractice claim, personal injury claim, or any other type of claim against another person or entity.

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes-please tell me the name of the attorney \_\_\_\_\_ and the reason for the consultation: \_\_\_\_\_

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## UNITED STATES BANKRUPTCY COURT

### NOTICE TO CONSUMER DEBTOR(S) UNDER §342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

#### **1. Services Available from Credit Counseling Agencies**

**With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis.** The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

**In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge.** The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

#### **2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**

##### **Chapter 7: Liquidation (\$245 filing fee, \$46 administrative fee, \$15 trustee surcharge: Total fee \$306)**

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a “means test” designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny

your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

**Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$46 administrative fee: Total fee \$281)**

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

**Chapter 11: Reorganization (\$1,167 filing fee, \$46 administrative fee: Total fee \$1,213)**

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

**Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$46 administrative fee: Total fee \$246)**

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

**3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials**

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at [http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html#procedure](http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure).

Acknowledgment that I received a copy of the notices set forth on the reverse side.

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

## NOTICE PURSUANT TO 11 U.S.C. §527(a)(2)

(A) All information that you provide with a petition and thereafter during a bankruptcy case is required to be complete, accurate, and truthful;

(B) All assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case. The replacement value\* of each asset must be stated in those documents where requested after reasonable inquiry to establish such value;

\* Replacement value means the value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined. §506(a)(2)

(C) Current monthly income, the amounts specified in section 707(b)(2) and, in a case under chapter 13 of this title, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

(D) Information that you provide during your case may be audited pursuant to the Bankruptcy Code, and failure to provide such information may result in dismissal of the case or other sanction, including a criminal sanction.

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

If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. **THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST.** Ask to see the contract before you hire anyone.

The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a trustee and by creditors.

If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.

Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.