

Appointment
Time _____
Date _____

Milby Law Offices, P.A.

NEW BANKRUPTCY CLIENT INFORMATION SHEET

___ Wichita
___ U-call
___ CLC Client

CONFLICT CHECK (OFFICE USES ONLY): Client 1 Client 2

Client's name: _____

Address: _____

City, State, Zip: _____

SS#: _____

DOB: _____

Phone #: _____

Place of employment: _____

Work phone #: _____

Email address we can use to communicate with you: _____

Client's name: _____

Address: _____

City, State, Zip: _____

SS#: _____

DOB: _____

Phone #: _____

Place of employment: _____

Work phone #: _____

Email address we can use to communicate with you: _____

How did you hear about us?

Yellowbook Facebook Avvo.com Christian Business Directory

Google YP Internet: www. _____

Referred By: _____ Attorney yes no

Estimated minimum amount to next appointment \$ _____

****Ms. Milby strongly advises that if you utilize social media in any way, that you set your privacy settings to the highest level possible. Any information that can be obtained through social media is not private, can eliminate any attorney/client privilege with regards to that information and can be used against you by anyone with adverse interests****

Consultation Agreement and Acknowledgement of Receipt of Disclosures and Instructions

This agreement entered into on this _____ day of _____, 202____, by and between _____, (hereinafter referred to as the "Client" whether one or more) and Milby Law Offices, P.A. (hereinafter the "Attorney").

Client has requested the opportunity to consult with and obtain information from the Attorney regarding obtaining relief from debts, including relief from debts by filing bankruptcy under the United States Bankruptcy Code. This agreement is for purposes of that consultation only. If at the end of the initial consultation, the parties agree that the Attorney is to provide any additional services short of being retained to file a bankruptcy, the parties shall attach an addendum to this contract setting forth the additional services the Attorney is to provide to the Client, the obligations of the Client, and the Attorney's fees for such services. If the Client retains the Attorney to file a bankruptcy, the parties shall execute a separate contract setting forth the fees and other terms of such representations. Until such contract is executed, no attorney-client relationship is created, and attorney shall take no action on behalf of Client. With respect to the consultation, the parties agree as follows:

Client initials

1. The fee for the first consultation is \$00.00. _____
Client may retain the attorney for \$150.00 non-refundable
2. Attorney shall provide the Client the following services:
 - a. Analyze the client's financial circumstances based on the information provided by the Client.
 - b. To the extent possible, based on the information provided by the Client, advise the Client of the Client's bankruptcy options and non-bankruptcy options.
 - c. If the Client has not provided the Attorney with sufficient information upon which to fully advise the Client on the Client's options, inform the Client what information the Client needs to provide to enable the Attorney to provide such advice and information.
 - d. Advise the client of the requirements placed upon the Client to file either a Chapter 7 or Chapter 13 bankruptcy.
 - e. To the extent possible, quote the Client an estimated fee for the Attorney's services to provide bankruptcy assistance or other legal services to the Client.
3. The Client acknowledges that the first date upon which the Attorney has offered to provide any bankruptcy assistance is this date, and that the Attorney provided the Client with the:
 - a. Notice to Client Who Contemplates Filing Bankruptcy, the Statement Mandated by Section 527(b) of the Bankruptcy Code, and the Instructions on Providing Information Required to File Bankruptcy;
 - b. Notice mandated by Section 342(b)(1) and 527(a)(1) of the Bankruptcy Code;
 - c. Notice mandated by Section 527(a)(2) and 342(b)(2) of the Bankruptcy Code;
 - d. Notice mandated by Section 528 of the Bankruptcy Code.

Milby Law Offices, P.A.

/s/ Dana Manweiler Milby
By: Dana Manweiler Milby

/s/ Daydree Dopps
By: Daydree Dopps

Client

Date

Client

Date

Instructions On Providing Information Required by Bankruptcy Law

You are required to provide certain information to the court when you file bankruptcy. It is our obligation to make diligent inquiry of you so as to obtain information to include in your bankruptcy petition. Attached are forms designed to obtain the necessary information. Please carefully read and follow these instructions.

1. READ AND FILL OUT THE FORMS COMPLETELY, ACCURATELY AND NEATLY
2. DO NOT LEAVE BLANKS. If a particular blank does not apply to you, put "N/A" in the blank. By doing so we will know that you did not mistakenly overlook it.
3. You agree to list **ALL** of your property on the Long Questionnaire.
4. You agree to list **ALL** of your debts on the Long Questionnaire.
 - a) You must list debts that will not be discharged, such as student loans and child support.
 - b) You must list debts that you intend to pay.
 - c) You must list debts that you cosigned for someone else or that someone else cosigned for you.
 - d) You must list debts to family members
5. Attach additional sheets if you do not have sufficient space to include all of the information.
6. In determining the amount you owe each creditor list the amount on your most current statement or correspondence from the creditor. In rare cases your ability to file Chapter 7 may depend on how much debt you owe. In those cases we will assist you in determining how much you owe each creditor.
7. If a creditor is still communicating with you, use the address supplied by the creditor in at least 2 communications over the last 90 days. **Do not use the address to which you send payments.** Use the correspondence address. Keep all mailings from your creditor so we can keep up with any changes in the creditors' addresses and prove, if necessary, that we used the appropriate addresses.
8. List the account number, if any, for each debt.

Debt Counseling Requirement. You are not eligible to file a bankruptcy unless you receive an individual or group briefing from an approved nonprofit budget and counseling agency. That briefing must outline your opportunities for available credit counseling and assist you in performing a related budget analysis. It must occur within 180 days prior to filing the bankruptcy. It can take place on the internet or by telephone. If you have not yet received the counseling and you want our assistance, we will help you make the arrangements for it.

**PLEASE INITIAL BELOW TO INDICATE THAT YOU HAVE
READ AND UNDERSTAND THE ABOVE INSTRUCTIONS**

In addition to the information set out in these forms, you must file the following documents of information with your petition, or when specified, while your case is pending.

1. Copies of all pay stubs, payment advices, or other evidence of payment received within 60 days before the date of filing of the petition by you from any employer.
2. A statement of the amount of monthly net income itemized to show how the amount is calculated.
3. A statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition.
4.
 - a. A certificate from an approved nonprofit budget and credit counseling agency describing the individual group briefing received by you.
 - b. If you developed a debt repayment plan as a result of the briefing, a copy of the plan.
5. A record of any interest you have in an educational individual retirement account or under a qualified state tuition program.
6. A copy of your federal income tax return, or a transcript of the return, for the most recent year ending immediately before we file your case and for which you filed the return.
7. If the court, the United States Trustee, or any other party to your case request it, you must file with the court:
 - a. A copy of each federal income tax return, or transcript of the return, required for each year while your case is pending at the same time filed with the IRS.
 - b. A copy of each required federal income tax return that had not been filed with the IRS when you case is filed and that you subsequently file for any tax year for the three years preceding the date we file your case.
 - c. A copy of each amendment to any federal income tax return or a transcript of each amendment filed with the court pursuant to paragraphs (a) and (b).
8.
 - a. In a Chapter 13 case at certain intervals in your case, you must provide a statement, under penalty of paying, of your income and expenditures during the previous tax year, and of your monthly income, the statement must show how income, expenditures, and monthly income are calculated.
 - b. The statement set out above must disclose the amount and services of your income, the identity of any person responsible with you for the support of your dependents, and the identity of any person who contributes to the household in which you reside.
9. A document that establishes your identity, including a driver's license, passport, or such other document containing your photograph, or such other personal identification establishing your identity.

Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

This notice is for you if:

You are an individual filing for bankruptcy,
and

Your debts are primarily consumer debts.
Consumer debts are defined in 11 U.S.C.
§ 101(8) as “incurred by an individual
primarily for a personal, family, or
household purpose.”

The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file
under one of four different chapters of the
Bankruptcy Code:

- Chapter 7 — Liquidation
- Chapter 11— Reorganization
- Chapter 12— Voluntary repayment plan
for family farmers or
fishermen
- Chapter 13— Voluntary repayment plan
for individuals with regular
income

You should have an attorney review your
decision to file for bankruptcy and the choice of
chapter.

Chapter 7: Liquidation

	\$245	filing fee
	\$78	administrative fee
+	\$15	trustee surcharge
	\$338	total fee

Chapter 7 is for individuals who have financial
difficulty preventing them from paying their
debts and who are willing to allow their non-
exempt property to be used to pay their
creditors. The primary purpose of filing under
chapter 7 is to have your debts discharged. The
bankruptcy discharge relieves you after
bankruptcy from having to pay many of your
pre-bankruptcy debts. Exceptions exist for
particular debts, and liens on property may still
be enforced after discharge. For example, a
creditor may have the right to foreclose a home
mortgage or repossess an automobile.

However, if the court finds that you have
committed certain kinds of improper conduct
described in the Bankruptcy Code, the court
may deny your discharge.

You should know that even if you file
chapter 7 and you receive a discharge, some
debts are not discharged under the law.
Therefore, you may still be responsible to pay:

- most taxes;
- most student loans;
- domestic support and property settlement
obligations;

- most fines, penalties, forfeitures, and criminal restitution obligations; and
- certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

- fraud or theft;
- fraud or defalcation while acting in breach of fiduciary capacity;
- intentional injuries that you inflicted; and
- death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form—the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

Chapter 11: Reorganization

	\$1,167	filing fee
+	\$571	administrative fee
	\$1,738	total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

Read These Important Warnings

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Chapter 12: Repayment plan for family farmers or fishermen

	\$200	filing fee
+	\$78	administrative fee
	\$278	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

Chapter 13: Repayment plan for individuals with regular income

	\$235	filing fee
+	\$78	administrative fee
	\$313	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

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, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

Warning: File Your Forms on Time

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:

<http://www.uscourts.gov/forms/bankruptcy-forms>

Bankruptcy crimes have serious consequences

- If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.
- All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

Make sure the court has your mailing address

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

Understand which services you could receive from credit counseling agencies

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from: <http://www.uscourts.gov/services-forms/bankruptcy/credit-counseling-and-debtor-education-courses>.

In Alabama and North Carolina, go to: <http://www.uscourts.gov/services-forms/bankruptcy/credit-counseling-and-debtor-education-courses>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.

**NOTICE MANDATED BY SECTION 342(b)(2)
FRAUD AND CONCEALMENT IS PROHIBITED**

If you decide to file bankruptcy, it is important that you understand the following:

1. Some or all of the information you provide in connection with your bankruptcy will be filed with the bankruptcy court on forms or documents that you will be required to sign and declare as true under penalty of perjury.
2. A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a bankruptcy case shall be subject to fine, imprisonment, or both.
3. All information you provide in connection with your bankruptcy case is subject to examination by the Attorney General.

Certificate of the Debtor

I (We) the debtor(s), affirm that I (we) have received and read the foregoing notices required under 11 U.S.C. 342(b), 342(b)(2), 527(a)(2) and 527(b).

Printed Name of Debtor

Date

Signature of Debtor

Printed Name of Debtor

Date

Signature of Debtor