

**APPOINTMENT DAY / DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_

**THE NEW BANKRUPTCY LAW:** The Bankruptcy law now in effect requires that all individuals filing for bankruptcy go through a means test and document review to determine if they qualify for chapter 7 (straight bankruptcy) or chapter 13 (payment plan). Our case evaluation process will help you determine the best course of action to take and help determine if you should file a chapter 13 payment plan or a chapter 7 straight bankruptcy. We specialize in Chapter 7 bankruptcy and Chapter 13 debt consolidation. We will help you!  
**Most people will still be eligible to file bankruptcy under the new law** and we will help you resolve your debt issues in the best possible way. **Bankruptcy will still be the best option to cancel or consolidate debt for many people with debt problems.**

**APPOINTMENT INFORMATION:** A one half hour consultation with this office is free, however such a short time is usually not enough to fully evaluate any given situation. We strongly urge you to have a case evaluation where we analyze your financial situation to determine if you qualify for chapter 7, chapter 13 or other help, the typical charge is \$200. We suggest that you bring \$200 (cash or bank money order) with you so that a case evaluation can be done.

**Attorney fees vary from case to case and are not quoted before a case is evaluated.** Fees will vary depending which chapter is chosen, level of income, how much debt is involved, and whether you own a home, property, vehicles, and any other assets. A portion of fees may be put into a payment plan under chapter 13 debt consolidation.

**CASE EVALUATION:** A case evaluation means that we will go through many details of your finances with you. Plan on spending up to 2 hours (possibly more, possibly less) at our office. The \$200 payment will reduce the attorney fee for handling your bankruptcy case since we will be that much more finished with the work and we can advise you about your options, which chapter you should file, property you can keep, and calculate a payment plan for you if appropriate. Chapter 7 can cancel most debts without paying anything. Chapter 13 payment plans dramatically reduce payments, cancel interest, and can pay a portion of the debt (instead of full payment) and is much more reasonable than trying to pay off debts on your own. If you pay us for a case evaluation, there is no obligation to file bankruptcy. If you want to start your case soon, bring an additional \$50 for a credit counseling certificate, and we will refer you to the appropriate non-profit organization (for a telephone briefing) and transfer the funds for you. We sometimes suggest that people who need to get started right away consider bringing additional cash (if possible) to get a case started immediately. That is up to the individual client.

**CHECKLIST OF DOCUMENTS AND PREPARING FOR CASE EVALUATION:** In order to give you the best advice possible about how to safeguard your assets, property, wages, and vehicles and to protect you from creditors that could take action against you, it is necessary to review documents that pertain to your income, your property, your vehicles and your finances. Please spend some time on the attached checklist and worksheet before you come in. We will help you through this process.

**CHECK - LIST AND WORKSHEET TO BRING TO OUR OFFICE for CASE EVALUATION**

**Please bring as much of this information as you can so that our analysis of your situation can be as complete as possible!**

\_\_\_\_\_ **PICTURE IDENTIFICATION (Gov't I.D.) and SOCIAL SECURITY CARD**

\_\_\_\_\_ **WAGE STUBS, PAY RECORDS and INCOME RECORDS for the last 2 months showing all income.** We need to copy your most recent pay record and the prior 60 days of pay records in order to file a case and your **last FEDERAL INCOME TAX RETURN.**

\_\_\_\_\_ **ALL DEBT INFORMATION WITH NAME, ADDRESS, ACCOUNT NUMBER AND APPROXIMATE AMOUNT OWING.** We need **balances owing** on ALL DEBTS, including home mortgages, car loans, and all other debts you owe. We can order a credit report at no charge if you retain us to represent you, but you should still bring all debts with you. If we start a case for you, we must include all debts you owe. The list must include all debts, including debts you may want to continue paying (e.g. home and car payments). For car and home loans, we need the pay-off balance (total amount owing at this time) as well as the monthly payment. Bring all **LAWSUIT PAPERS, COLLECTION LETTERS, AND STATEMENTS.** We can run a credit report using Experian if you file a case with us, but you should also try to get credit reports from all reporting services by going to [www.annualcreditreport.com](http://www.annualcreditreport.com). It is very helpful to have this done before you come in!

**CREDITOR NAME:**

**APPROXIMATE BALANCE:**

Name _____	Balance owing \$ _____
Name _____	Balance owing \$ _____
Name _____	Balance owing \$ _____
Name _____	Balance owing \$ _____
Name _____	Balance owing \$ _____
Name _____	Balance owing \$ _____
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Name _____	Balance owing \$ _____
Name _____	Balance owing \$ _____
Name _____	Balance owing \$ _____
Name _____	Balance owing \$ _____
Name _____	Balance owing \$ _____
Name _____	Balance owing \$ _____

(attach additional sheets if necessary)

**\_\_\_ INCOME CALCULATION** (see note below for calculating average if pay varies)

Average gross income (before deductions) \_\_\_\_\_ per \_\_\_\_\_

Average net pay (after deductions) \_\_\_\_\_ per \_\_\_\_\_

Spouse or 2<sup>nd</sup> job:

Average gross income (before deductions) \_\_\_\_\_ per \_\_\_\_\_

Average net pay (after deductions) \_\_\_\_\_ per \_\_\_\_\_

Other income in household (support, social security, pension, part-time jobs, business, etc):

\$ \_\_\_\_\_ per \_\_\_\_\_ from what source(s)? \_\_\_\_\_

Does someone else pay your living expenses? How much per month? \$ \_\_\_\_\_

**Year to date gross income** from all sources (Jan. 1 to the present time): \$ \_\_\_\_\_

Spouse year to date gross income from all sources (Jan. 1 to present time): \$ \_\_\_\_\_

**Gross income last calendar year** (shown on last tax return): \$ \_\_\_\_\_

**\_\_\_ MONTHLY HOUSEHOLD LIVING EXPENSES**

Rent or home mortgage payment..... \$ \_\_\_\_\_

Lot rent or 2<sup>nd</sup> mortgage ..... \$ \_\_\_\_\_

Are real estate taxes included? \_\_\_\_\_ Is property insurance included? \_\_\_\_\_

Utilities Electricity and heating fuel..... \$ \_\_\_\_\_

    Water and sewer..... \$ \_\_\_\_\_

    Telephone and cable..... \$ \_\_\_\_\_

    Cell phone, long distance, internet..... \$ \_\_\_\_\_

Home maintenance (trash, repairs and upkeep - monthly cost) \$ \_\_\_\_\_

Food and grocery items, incl. restaurants, fast food, snacks, lunches, supplies, toiletries, soaps, paper, tobacco, and misc. shopping needs per month..... \$ \_\_\_\_\_

Clothing (monthly cost)..... \$ \_\_\_\_\_

Laundry and dry cleaning...(monthly cost)..... \$ \_\_\_\_\_

Medical, dental expenses (monthly out of pocket expense/copay) \$ \_\_\_\_\_

Transportation, gas, oil, maintenance (not including car pmts)... \$ \_\_\_\_\_

Recreation, sports, clubs, entertainment, newspapers, etc. \$ \_\_\_\_\_

Charitable contributions (include church tithing, giving)..... \$ \_\_\_\_\_

Insurance (monthly cost, not deducted from wages or included in home mortgage payments)

    Homeowner's or renter's (if not incl. in house pmt) \$ \_\_\_\_\_

    Life, health (what you pay, not taken from paycheck) \$ \_\_\_\_\_

    Auto insurance (monthly cost)..... \$ \_\_\_\_\_

Property taxes (monthly cost if not included in house pmt) \$ \_\_\_\_\_

Car or truck payment (monthly) \$ \_\_\_\_\_

Car or truck payment (monthly) \$ \_\_\_\_\_

Payments for child support or alimony (monthly) \$ \_\_\_\_\_

Daycare/education for children, care for elderly or disabled, etc. \$ \_\_\_\_\_

Regular expenses from operation of a business, profession or farm (attach detailed statement) or other expenses (specify) \_\_\_\_\_ \$ \_\_\_\_\_

**The following additional documents are helpful to evaluate your case:**

\_\_\_\_\_ **FOR ALL MOTOR VEHICLES** owned or in your name:

(1.) **TITLE CERTIFICATE**

(2.) **If you are paying on a vehicle: VEHICLE PURCHASE AGREEMENT or LEASE.**

We need to know the date of purchase, balance owed, monthly payment and the number of months remaining on the vehicle loan. The sales agreement will have all this information.

(3.) **PROOF OF INSURANCE.**

\_\_\_\_\_ **IF YOU OWN PROPERTY** or if your name is on property, the **value** of the property is very important and we need to know as much as possible about your property in order to protect it, so bring all of the following:

(1.) **PROPERTY TAX STATEMENT** showing Taxable Value and State Equalized Value (SEV).

(2.) **APPRAISAL** if you have had your property appraised.

(3.) **DEED (Warranty Deed or Quitclaim Deed from the prior owner)**

or **TITLE CERTIFICATE** to any **MOBILE OR MODULAR HOME** .

(4.) **All MORTGAGE documents** or land contract.

(5.) Insurance policy showing coverage and proof of insured status.

\_\_\_\_\_ **IF YOU RENT OR LEASE YOUR RESIDENCE:** Bring your **LEASE.**

\_\_\_\_\_ **BANK STATEMENTS** your checking and savings bank or credit union accounts and all **401K, IRA OR RETIREMENT PLAN STATEMENTS.**

\_\_\_\_\_ **DIVORCE JUDGMENT** if you are divorced and **CHILD SUPPORT ORDER** if you pay or receive support.

\_\_\_\_\_ **INCOME TAX RETURNS and W2 FORMS** for previous **4 YEARS** if available.

**All cases require the most recently filed Federal Tax Return.**

# DAVID ANDERSEN & ASSOCIATES, P.C.

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**HOUSEHOLD INCOME CALCULATION** of your monthly household income is based on your average income from all sources. If your income does not change, this calculation is fairly easy! A typical pay-stub with year to date info enables us to calculate your average income. If your income fluctuates, we need to figure out the average gross and net. The Bankruptcy Law requires you to calculate the average gross income from the 6 previous calendar months. We will help with these calculations. Add up the prior 6 calendar months of gross income and divide by 6 to determine average gross monthly income. For example if you are filing bankruptcy in July, add gross income received from all sources from January 1 through June 30 and divide by 6. If you file in August, add gross income from all sources from February 1 through July 31 and divide by 6. Do the same calculation for net take home pay. We will help you with these calculations if you bring us your pay and wage stubs for the previous 6 months.

Worksheet: Gross pay (before deductions) received during the 6 prior calendar months ending on the last day of last month from all sources (and for both spouses):

Month 1)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Month 2	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Month 3)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Month 4)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Month 5)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Month 6)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Total amount received \$ \_\_\_\_\_ divided by 6: \$ \_\_\_\_\_ =monthly average gross

Spouse if applicable:

Total amount received \$ \_\_\_\_\_ divided by 6: \$ \_\_\_\_\_ =monthly average gross

Do the same for net take home pay, after mandatory deductions for taxes, health insurance, dues and required retirement contributions; do not deduct voluntary deductions or debt payments and keep in mind that we can stop most wage garnishments except child support:

Take home pay received for each month:

Month 1)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Month 2	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Month 3)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Month 4)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Month 5)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Month 6)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Total amount received \$ \_\_\_\_\_ divided by 6: \$ \_\_\_\_\_ =monthly average net

Spouse if applicable:

Total amount received \$ \_\_\_\_\_ divided by 6: \$ \_\_\_\_\_ =monthly average net

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.

**DEBT ASSISTANCE CONSULTATION AGREEMENT & DISCLOSURE**

1. The client desires to obtain advice and assistance with debt issues and relief from debt. Client understands that in order for the attorney to give meaningful advice, certain detailed financial information must be provided fully and accurately. Client agrees to give accurate, full and fair disclosure of financial information concerning average income over the previous 6 months from all sources, monthly living expenses, the type and amount of all debts (including names and addresses of all creditors), and a disclosure of all assets and property owned by the client.
2. A person may first choose to seek credit counseling before considering bankruptcy. Credit counseling is a service designed to assist a person with debts by budget counseling, negotiation with creditors and proposal of a debt management plan. In order to be successful with a debt management plan through a credit counselor, the person would need to make enough money to make regular and substantial payments on debts. With a debt management plan, debt payments may be reduced and interest may be reduced or waived, but bankruptcy relief is usually more dramatic and may be appropriate if a debt management plan with a credit counseling agency is not possible or will not benefit the client. A credit counseling briefing by an approved non-profit credit counseling agency is REQUIRED before a person may file a bankruptcy case.
3. The attorney agrees to interview the client, answer the client's questions and give advice and counsel to assist the client in making decisions about debt problems, the possibility of filing bankruptcy, selecting the appropriate chapter of bankruptcy, if any, and how a bankruptcy case may help or hurt the debt problems of the client. The interview may be terminated at any time by either the attorney or the client. Initial attorney fees are as follows: For a general ½ hour consultation: no charge. In the event the time spent by attorney and staff goes beyond ½ hour, \$195/hour will be paid by the client for all attorney time and \$85/hour for paralegal/legal assistant time, computed to the nearest tenth (1/10) of an hour from the point of starting the initial interview. Client may elect to pay a fee for a case evaluation which will be a more thorough analysis of client's situation than a ½ hour general interview. Client may also agree to retain attorney to work up calculations or prepare bankruptcy documents. Client understands that attorney's acceptance of undertaking representation of the client means that significant resources of the law firm will be committed to the case and that other work the attorneys would do will be set aside, delayed or turned down. All fees paid or agreed to be paid by client are fully earned by the attorneys and are not refunded or cancelled. In the event that the client decides to file a bankruptcy case, another

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agreement and disclosure may be signed which may supplement or add to this agreement relating to attorney fees, expenses and other matters.

4. ALL INFORMATION PROVIDED BY CLIENT WITH A BANKRUPTCY PETITION AND THEREAFTER DURING A CASE MUST BE COMPLETE, ACCURATE, AND TRUTHFUL. ALL ASSETS AND ALL LIABILITIES ARE REQUIRED TO BE COMPLETELY AND ACCURATELY DISCLOSED IN THE DOCUMENTS FILED TO COMMENCE THE CASE AND SUPPLIED AFTERWARD. REPLACEMENT VALUE OF EACH ASSET DEFINED IN TITLE 11 UNITED STATES CODE SECTION 506 MUST BE STATED IN THOSE DOCUMENTS WHERE REQUESTED AFTER REASONABLE INQUIRY TO ESTABLISH SUCH VALUE. INFORMATION PROVIDED DURING THE CASE MAY BE AUDITED AND FAILURE TO PROVIDE SUCH INFORMATION MAY RESULT IN DISMISSAL OF THE CASE OR OTHER SANCTION, INCLUDING A CRIMINAL SANCTION. 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.

5. A PERSON WHO KNOWINGLY OR FRAUDULENTLY CONCEALS ASSETS OR MAKES A FALSE OATH OR STATEMENT UNDER PENALTY OF PERJURY IN CONNECTION WITH A CASE UNDER TITLE 11 (THE BANKRUPTCY CODE) SHALL BE SUBJECT TO A FINE, IMPRISONMENT, OR BOTH. ALL INFORMATION SUPPLIED BY A DEBTOR IN CONNECTION WITH A CASE UNDER TITLE 11 IS SUBJECT TO EXAMINATION BY THE ATTORNEY GENERAL.

6. Client acknowledges receipt of (1) this agreement; (2) a document entitled: "NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER §342(b) OF THE BANKRUPTCY CODE;" and (3) a separate document entitled: "IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER."

Client/s/ \_\_\_\_\_

Client/s/ \_\_\_\_\_

Attorney/s/ \_\_\_\_\_

Date: \_\_\_\_\_

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

In accordance with § 342(b) of the Bankruptcy Code, this notice: (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.

### **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.**

**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.**

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

#### **Chapter 7: Liquidation (\$220 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$274)**

1. 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, 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.

2. 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.

3. 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.

4. 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 (\$150 filing fee, \$39 administrative fee: Total fee \$189)**

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in instalments 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.

2. 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.

3. 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 (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)**

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, \$39 administrative fee: Total fee \$239)**

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.**

**Certificate of the Debtor**

I (We), the debtor(s), affirm that I (we) have received and read this notice.

	X	
Printed Name of Debtor	Signature of Debtor	Date

	X	
Printed Name of Joint Debtor (if any)	Signature of Joint Debtor (if any)	Date