

**Please gather all of the information listed on this sheet and complete the attached questionnaire, as you MUST provide this information before your case can be filed. Once you have compiled all requested information, please schedule an appointment for an Analysis.**

YOU **MUST** PROVIDE THE FOLLOWING INFORMATION **BEFORE** YOUR CASE CAN BE FILED. (Please check off each item as you gather the required information.)

\_\_\_ The last two bills from each creditor and any collection letters you have received.

\_\_\_ Pay stubs from the last 60 days. (If you do not have your check stubs, please contact the payroll department for copies.)

\_\_\_ Bank Statements for all open depository (checking/savings) and investment accounts, including educational IRAs. (If you are unsure what type of account you have, please provide statements for all accounts you have.)

\_\_\_ Federal Income Tax Returns for the past four years. (If you do not have copies of your returns, please tell us and we will help you request Transcripts for each year.)

\_\_\_ Proof of spouse's income (even if spouse is not filing).

\_\_\_ Certificate from non-profit budget and credit counseling agency. (You **MUST** have this certificate before we can proceed. If you have not yet received credit counseling, please refer to the enclosed list of approved credit counselors.)

\_\_\_ Proof of any extraordinary expenses, specifically school expense, home energy costs and any costs related to "other special circumstances."

\_\_\_ Proof of insurance coverage on your home and vehicles. Ask your insurance agent for a copy of the ***Declaration Page*** for each policy you have.

\_\_\_ Any documents related to any prior case. Please provide any documents you still have. If you do not have the documents, please provide the following case information THIS IS IMPORTANT. YOU MAY NOT BE PROTECTED IF WE DO NOT KNOW YOUR PAST HISTORY:

*Date Filed* \_\_\_\_\_ *Chapter* \_\_\_\_ *Case Number* \_\_\_\_\_ *Location of Court* \_\_\_\_\_

\_\_\_ Any documents related to any court actions you have been involved in. If you do not have the documents, please provide the following information: THIS IS PARTICULARLY IMPORTANT AS TO ANY DIVORCE OR CHILD SUPPORT CASES IN WHICH YOU WERE A PARTY.

*Case Caption:* \_\_\_\_\_ vs. \_\_\_\_\_

*Court & Location:* \_\_\_\_\_

*Date Filed:* \_\_\_\_\_ *Case No.* \_\_\_\_\_

*Attorneys Involved:* \_\_\_\_\_

*Type of Lawsuit:* \_\_\_\_\_

*Outcome:* \_\_\_\_\_

\_\_\_ Deeds to all property you own.

\_\_\_ Titles to any property you own.

\_\_\_ Current Real Estate Tax Assessment (or your current real estate tax bill).

\_\_\_ Any Sales Contracts/Security Deeds/ Notes you have.

\_\_\_ Completed Bankruptcy Questionnaire.

\_\_\_ Photographs of your personal property.

\_\_\_ A minimum \$25.00 credit report fee. (My office will obtain a current copy of your credit report. We do not set the fee, but are charged by the credit-reporting agency. You will be required to reimburse the exact amount we are charged, which usually is \$25.00.)

\_\_\_ The minimum Court fee & Attorney fee required by your case. (Please refer to the attached Fee schedule.)

## **Commonly Asked Questions Concerning Bankruptcy:**

- 1. Will I lose my home and car?** NO, if you have not filed before, in a Chapter 13 (wage-earner) case, we can work your home and car payments into the secured debts of the Chapter 13 Plan. In a Chapter 7 case, you have a choice. You either may keep your home and car, by catching up the back payments and resuming the regular monthly payments, or surrender the collateral, cease payments, and be forgiven of the debt.
- 2. How does the wage-earner (Chapter 13) plan work?** After analyzing all of your debt, we will look at our regular monthly expenses (power, water, child care, etc.) and work out an affordable monthly plan to cover all of your payments to creditors.
- 3. When does the relief begin?** Immediately after you have signed the bankruptcy petition and the case has been filed with the Court.
- 4. How long does it take to have the case filed?** We usually can complete everything within a few days; however, this may vary depending on the workload.
- 5. What is the difference between a Chapter 7 bankruptcy and a Chapter 13 bankruptcy?** A Chapter 7 usually wipes out all of your unsecured debts with certain exceptions and give you the option to pay secured debts if you want to keep the item you put up as collateral. A Chapter 13 provides a repayment plan so that you are able to pay all of your secured debt and a percentage (0%-100%) of your unsecured debt.
- 6. Can I file a student loan on a bankruptcy?** Yes; however, a student loan is non-dischargeable and must be paid in full.
- 7. Do I need a certain amount of debt to file a bankruptcy?** No. Anyone is eligible to file, but you should make sure that it is in your best interest to file.
- 8. What should I do if a creditor contacts me after I have filed?** If the creditor telephones you, give the creditor your case number and my telephone number so that they may contact my office to verify the filing. If the creditor contacts you by mail, immediately contact my office so that we may notify the creditor of your bankruptcy case.
- 9. What if I did not list a creditor on the bankruptcy?** We will need to file an Amendment to add the creditor to your case. In a Chapter 13 case debts may be added at any time throughout the duration (3–5 years) of your case; in a Chapter 7 case, creditors may be added at any time prior to the discharge (usually 6 months). The court fee for filing an Amendment is \$26.00 and it must be paid to my office before the Amendment is filed.
- 10. How long will my credit be affected?** The bankruptcy will appear on your credit report for 10 years, but you will have the opportunity to rebuild your credit before the 10 years has elapsed.
- 11. Do I need a full-time job to file bankruptcy?** You do not need a full-time job to file a Chapter 7 case; however, you must have a full-time job or regular monthly income to file a Chapter 13 case.
- 12. Will I have to go to Court?** Yes. You will have to attend at least one hearing in the U.S. Bankruptcy Court in Macon. Other hearings may be required depending upon the circumstances of your case, but you will be notified well in advance. If you need help with transportation, please contact me in advance so that arrangements may be made.
- 13. What if I miss the hearing?** If you miss a hearing, we may be able to get the hearing rescheduled once. However, if you miss the rescheduled hearing, your case may be dismissed.
- 14. What if I miss a Chapter 13 payment?** Chapter 13 bankruptcy depends on you making payments as they are due. If you do not pay, a creditor or the Chapter 13 Trustee may ask the court to dismiss your case. If circumstances develop which make it difficult for you to make the appropriate payments, you immediately

should contact me.

15. **What if my hours are cut at work?** If there is a change in your income, immediately contact my office. We will schedule an appointment to modify your Chapter 13 Plan (if possible) or convert your case to a Chapter 7.
16. **Can I file a case against only a few of my creditors?** NO!! Every debt must be listed on the bankruptcy petition. Certain debts may be handled differently, but you may not omit any debt. This could cause you problems in the future.
17. **Can I protect my cosigner?** Yes. In a Chapter 13 case, we can use a provision to protect all of your cosigners; however, you must be sure to list them on the questionnaire.
18. **Can I buy on credit while under Chapter 13?** You may buy on credit ONLY with permission from the Chapter 13 Trustee. If you think you need permission to buy on credit, contact me.
19. **Will filing stop lawsuits, garnishments and repossessions?** Yes. After the creditor has been notified of your bankruptcy, all contacts and suits should stop. If they do not stop, immediately contact me, and I will have them stopped.

To begin the process of bankruptcy, you should complete the attached questionnaire. After you complete the questionnaire, you will need to schedule an appointment for an analysis. During this appointment, I will review all of your information to determine what Chapter of bankruptcy best suits your needs. Please allow at least an hour for this appointment, and please be prepared to pay the appropriate court fees.

Your bankruptcy petition will be prepared from the information obtained during this appointment, and you will be asked to schedule an appointment to come back and sign the bankruptcy papers. Your case should be filed within one business day of the day you sign. Once your case is filed, the Court will send to you and to all of your creditors a **Notice** containing your case information and the mandatory hearing date. (My office also will send you a copy of the **Notice**, a letter confirming the hearing date, a map with directions to the Court and other relevant case information.) If you have filed a Chapter 13 Case, the **Notice** also will provide a hearing date for the *Confirmation* (approval) of the Chapter 13 Plan. You only will have to attend this hearing if there is a problem with your case, and you will receive proper notification of any such problems.

You also will receive copies of all documents filed in your case. You should receive copies directly from the Court as well as from my office. The copies from my office will be sent with a letter explaining the document and any actions you may need to take. Please do not be overwhelmed or discouraged by this, as we simply are trying to keep you well informed of your case. If at any time you do not understand something, please contact my office. We will be happy to answer your questions.

*Joel D. Burns, P.C.*