

Concurrent Session

Debtor Representation Breakout

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CHAPTER 13 INTAKE CHECKLIST

“MUST HAVE” DOCUMENTS

- _____ 60 days of pay advices
- _____ Unsworn declaration if no pay advices
- _____ Pre bankruptcy filing certificate
- _____ Tax returns/tax transcript for last year due prior to filing
- _____ Copy of government issued photo id and proof of social security number
- _____ \$274 filing fee
- _____ Creditor list prepared by client or credit report
- _____ Printout from nationwide pacer regarding prior filings

“SHOULD ALSO HAVE” DOCUMENTS

- _____ Copies of any lawsuits/garnishments
- _____ Unsworn declaration regarding family/roommate/significant other contribution
- _____ Copy of car insurance
- _____ Copy of homeowner’s insurance
- _____ Copy of divorce property settlement agreement, if applicable
- _____ Copy of lease, if you own rental property

REALLY IMPORTANT QUESTIONS TO ASK

- _____ Have you ever filed a bankruptcy?
- _____ Can you sue anyone?
- _____ Do you expect to receive an inheritance?
- _____ Have you used your credit cards in the past 90 days? For what?
- _____ Have you used your credit cards to take out cash advances? If so, when?
- _____ Have you cashed in a 401k or taken any 401k loans in the past 6 months?
- _____ Have you given anyone related to you any money in the past two years?
- _____ Have you sold any property in the past two years?

Colliersmith & Associates, P.C.

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. Put your initials next to each instruction.

- _____ 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 "NA" in the blank. By doing so we will know that you did not mistakenly overlook it. If you do not understand the question put a question mark next to it so we can discuss it with you.
- _____ 3. Disclose ALL your property.
- _____ 4. Disclose all your debts.
 - 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 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 13 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 we used the appropriate addresses.
- _____ 8. List the account number, if any, for each debt.

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COLLIERSMITH & ASSOCIATES, P.C. 1/08/2009
INITIAL CLIENT INTAKE FORM WITH BAPCPA MODIFICATIONS

Date: _____ How did you hear of us? _____

Name: _____ Spouse _____
(First) (Middle) (Last) (First) (Middle) (Last)

Other Names Used: _____ Other Names Used _____

SSN: _____ DOB _____ SSN: _____ DOB _____

Marital Status: Married Single Divorced Widowed Separated

Residential Address _____

City, State, Zip Code: _____

County: _____ E-mail address: _____

Mailing Address (if different from residential address) _____

VERY IMPORTANT: BECAUSE OF THE RECENT CHANGES IN FEDERAL LAW EXEMPTIONS WILL BE DETERMINED WHERE YOU WERE LIVING TWO YEARS BEFORE YOU FILE A PETITION. PLEASE STATE YOUR EXACT ADDRESS WHERE YOU WERE LIVING TWO YEARS FROM TODAY'S DATE: _____

PERSONAL INFORMATION: DEBTOR (1) Are you in bankruptcy now or does your spouse have a current case? Yes No

Have you ever filed for debt relief? Yes No If Yes, indicate CH-7 CH-13

Year & where filed? _____ Case No. _____ Dismissed / Discharged? Year _____

Home Phone () _____ Pager or Other phone () _____

Cell Phone () _____ Work Phone () _____

Other (relative, roommate, etc) () _____

PERSONAL INFORMATION DEBTOR (2) Are you currently in bankruptcy or does your spouse have a current case? Yes No

Have you ever filed for debt relief? Yes No If Yes, indicate CH-7 CH-13

Year & where filed? _____ Case No. _____ Dismissed / Discharged? Year _____

Home Phone () _____ Pager or Other phone () _____

Cell Phone () _____ Work Phone () _____

Spouse Cell phone () _____ Spouse Work Phone () _____

Other (relative, roommate etc. () _____

GENERAL INFORMATION FOR ALL DEBTORS

ARE YOU RENTING WHERE YOU LIVE? YES NO IF YES, PLEASE GIVE THE NAME AND ADDRESS OF YOUR LANDLORD _____

Are you buying your home? _____ Subdivision name _____

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If you are buying your home, please provide the following: FIRST MORTGAGE

Name and Address of Mortgage Company _____

City, State & Zip: _____ Loan date _____

Monthly Payments _____ Due Date: _____ Mortgage Balance: _____

Amount Behind: _____ Approx. Value of Property: _____

In whose name is home titled? _____

CoDebtors (name and address) _____

• IN FORECLOSURE YES NO FORECLOSURE DATE:

• Do you pay Homeowner Association Fees? _____ If so, how much are the fees yearly? _____

• If you pay Homeowner Association fees, how much behind are you?

• Name and Address of Homeowners Association: _____

• Are taxes and insurance included in your mortgage payment? Yes _____ No _____

SECOND MORTGAGE OR HOME EQUITY LOAN (ON SAME PROPERTY LISTED ABOVE)

Name and Address of Mortgage Company _____

City, State & Zip: _____ Loan Date: _____

Monthly Payments _____ Due Date: _____ Mortgage Balance: _____

Amount Behind: _____ CoDebtors (name and address) _____

Are taxes and insurance included in your mortgage payment? Yes _____ No _____

THIRD MORTGAGE OR HOME EQUITY LOAN (ON SAME PROPERTY LISTED ABOVE)

Name and Address of Mortgage Company _____

City, State & Zip: _____ Loan Date: _____

Monthly Payments _____ Due Date: _____ Mortgage Balance: _____

Amount Behind: _____ CoDebtors (name and address) _____

Do you have any other mortgages or lines of credit on this property? If so, please describe: _____

Do you own or have any interest in any other real property? YES NO If so, please give address and mortgage information below and on the back of this page for any other properties.

MORTGAGE OR HOME EQUITY LOAN (ON PROPERTY OTHER THAN HOME)

Name and Address of Mortgage Company _____

City, State & Zip: _____

Monthly Payments _____ Due Date: _____ Mortgage Balance: _____

Amount Behind: _____ Co-Debtors (name and address) _____

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Are any of the properties you presently own in foreclosure? YES NO If so, please give address and mortgage information on back of this page.

IMPORTANT - PLEASE LIST ALL REAL PROPERTY (LAND) YOU HAVE HAD AN INTEREST IN DURING THE LAST FIVE YEARS AND WHAT HAPPENED TO THE PROPERTY AND IF IT WAS SOLD OR GIVEN TO A FRIEND OR FAMILY MEMBER _____

IF NONE, PLEASE WRITE NONE: _____

AUTOMOBILE - TRUCKS- OTHER VEHICLES

IMPORTANT! PLEASE LIST ALL AUTOS ETC. EVEN IF PAID FOR

FIRST AUTO: Year/Make/Model _____ Own Buying Leasing

Amount owed: _____ Amount Behind: _____ Mo. Payment _____

NAME AND ADDRESS OF COMPANY _____

In whose name(s) is vehicle titled? _____ Co-Debtor _____

VERY IMPORTANT : DATE PURCHASED _____

SECOND AUTO Year/make/model _____ Own Buying Leasing

Amount owed: _____ Amount Behind: _____ Mo. Payment _____

NAME AND ADDRESS OF COMPANY _____

In whose name(s) is vehicle titled? _____ Co-Debtor _____

VERY IMPORTANT : DATE PURCHASED _____

THIRD AUTO Year/make/model _____ Own Buying Leasing

Amount owed: _____ Amount Behind: _____ Mo. Payment _____

NAME AND ADDRESS OF COMPANY _____

In whose name(s) is vehicle titled? _____ Co-Debtor _____

VERY IMPORTANT : DATE PURCHASED _____

Do you have any: STOCKS - YES NO SAVINGS BONDS - YES NO PENSIONS - YES NO

IRA'S - YES NO EDUCATIONAL IRA - YES NO 401 K'S YES NO
OTHER - YES NO If yes, what is it? _____

Are you entitled to any tax refunds that you have not received yet? YES NO HOW MUCH? _____

Are you an officer of any Corporation, and if so, what office do you hold? _____

Do you have any ownership interest in any Corporation, partnership or similar entity, either public or private? If so, what?

If so, what assets does the Corporation, partnership etc. have? _____

PERSONAL INJURY OR WORKERS COMPENSATION CLAIM? YES NO

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ARE YOU SUING ANYONE FOR ANYTHING OR CONSIDERING
SUING ANYONE FOR ANY REASON AT ALL?

YES NO

DO YOU HAVE A CHECKING OR SAVINGS ACCOUNT?

YES NO

**FOR ALL OF THE PROPERTY LISTED BELOW PLEASE CHECK BESIDE THE PROPERTY
NAME YES OR NO AS TO WHETHER YOU OWN PROPERTY OF THAT TYPE AND DESCRIBE
THE PROPERTY AND VALUE THE SAME**

Do you have this type property?

Y N

_____ Cash: _____ Value: _____

_____ Checking, Savings, CD's etc. _____ Value: _____

_____ Household Good and Furnishings, including audio, video and computer equipment (bedroom suite,
living room suite etc) with value for each: _____

_____ Total Value: _____

_____ Books, Art & collectibles: _____ Total Value _____

_____ Wearing apparel: _____ Total Value: _____

_____ Furs and Jewelry: _____ Total
Value: _____

_____ Firearms, sports, photo & other hobby equip: _____

_____ Total Value: _____

_____ Interests in Insurance Policies _____ Total Value: _____

_____ IRA's, ERISA or Keogh, Pension _____ Total
Value: _____

_____ Stocks etc. _____ Total Value: _____

_____ Partnerships/Joint ventures _____ Total Value: _____

_____ Bonds, Negotiable instruments: _____ Total Value: _____

_____ Accounts Receivables: _____ Total Value: _____

_____ Alimony, Support: _____ Total Value: _____

_____ Tax Refunds, other debts: _____ Total Value: _____

_____ Equitable or Future interests _____ Total Value: _____

_____ Inheritance, life insurance from _____ Total Value: _____

_____ All Other Claims: _____ Total Value: _____

_____ Patents, Copyrights etc: _____ Total Value: _____

_____ Licenses, Franchises etc: _____ Total Value: _____

_____ Boats, motors etc: _____ Total Value: _____

_____ Aircraft etc: _____ Total Value: _____

_____ Office Equipment: _____ Total Value: _____

_____ Machinery, fixtures, equipment and supplies used in businesses: _____

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| | |
|---|--------------------|
| _____ | Total Value: _____ |
| Inventory: _____ | Total Value: _____ |
| Animals: _____ | Total Value: _____ |
| Crops: _____ | Total Value: _____ |
| Farming Equipment: _____ | Total Value: _____ |
| Farm Supplies: _____ | Total Value: _____ |
| Other personal property of any kind not already listed: _____ | |
| _____ | |
| _____ | Total Value: _____ |

Do you have any other asset or property worth more than \$300? If so, please list: _____

Are you purchasing any other items which could be repossessed if you do not pay for them? _____

Do you owe any Federal Income Tax? Yes No If yes, which years & how much? _____

Give mailing address of IRS office, if taxes are due. _____

Do you owe any State Income tax? Yes No If yes, which years & how much? _____

Give mailing address of State tax office, if taxes are due. _____

Do you owe any Property taxes or any other taxes? Yes No If yes, give address of payment office _____

Have you filed all your taxes for the last 3 years? Yes No If not what years? _____

Do you pay or receive child support or alimony? If so, to whom, at what address, and how much is owing? _____

Do you have any Student Loans? Yes No Balance _____

Name & Address of Student Loan _____

Other Student Loans? _____

Are you the member of a credit union? Yes No How much money do you owe them? _____

Name & Address of Credit Union _____

Do you have a 401k loan? Yes No How much money do you owe? _____

Name & Address of 401k Creditor _____

Do you owe any money where you have a checking or savings account? For example, car loan, NSF checks, bank fees? _____ If so, where? _____

DO YOU RENT OR LEASE ANYTHING ELSE? For example, furniture, car, musical instrument?

Yes No _____ If Yes, what? _____ How much behind in payments? _____

Name and Address of
Creditor: _____

HAVE YOU CO-SIGNED OR GUARANTEED ANY LOANS If so, please give information
including name of creditor, address, and nature of loan _____

Do you owe any bank fees or Returned checks (NSF)?

Do you own, lease, or have titled in your name, or are responsible for paying for, any property that is being used by any other person? If so, please explain:

Are you using any property that belongs to someone else? (Father's car, relative's house etc. If so, please describe: _____

Have you repaid any friends or relatives on any loans in the last year? If so, please describe:

Have you transferred any property (land, car, boat, cash) worth more than \$500 to any other person, including family members or relatives, in the last two years? If so, please describe:

When is the last time you used your credit cards? _____
If within the last 90 days describe any single or combined charges over \$200 _____

When was the last time you took a cash advance or convenience check advance? If within the last 90 days describe any single or combined cash advances over \$200 _____

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Are you now in the process of inheriting any property or do you expect to inherit any property within the next nine months? YES NO If yes, please describe: _____

FAMILY AND INCOME

Please state how many persons there are living in your household, whether or not they are family members: _____

Please state how many persons there are living in your household that are family members: _____

DEPENDENTS:

| FIRST NAME | Son/Daughter | AGE | FIRST NAME | Son/Daughter | AGE |
|------------|--------------|-----|------------|--------------|-----|
|------------|--------------|-----|------------|--------------|-----|

| | | | | | |
|-------|--|--|-------|--|--|
| _____ | | | _____ | | |
| _____ | | | _____ | | |

DO YOU HAVE ANY OTHER DEPENDENTS? YES NO If yes, please describe: _____

INCOME: DEBTOR (1)

Job Title _____ How long with employer? _____

Name of Employer _____

Address of Employer _____

City, State, Zip Code _____

How often are you paid? Weekly Bi-weekly Twice a Month Monthly

What is your usual gross income (**before any deductions like taxes, insurance etc.**)\$ _____

How much do you bring home per paycheck after taxes and other deductions ? _____

Are there any deductions that come directly out of your Paycheck? 401k _____

Insurance _____ Child Support _____ Alimony _____ Other _____

Are you entitled to any commissions or bonuses that you have not yet received? Yes No If so, how much? _____

Do you have a part-time job or any other source of income Yes No

If Yes (Explain) _____

Do you or any member of your household receive alimony, child support, (court ordered or not,) SSI, disability or any other type of support or income? Please explain: _____

How much do you or any member of your household receive in alimony, child support, (court ordered or not) SSI, disability or any other income? _____

Other than your current job, please list all other jobs that you had within the last six months of today's date and how much you were paid at each job or place of employment: _____

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| | |
|---|---|
| Rent or Mortgage _____ Homeowner Assoc. Fees _____ Utilities: Electricity _____ Gas or Oil _____ Water & Sewer _____ Telephone _____ Cable/Satellite _____ Garbage pickup _____ Other (describe) _____ Home Maintenance _____ Food & Groceries _____ Clothing _____ Laundry & Dry Cleaning _____ Medical & Dental _____ Transportation & vehicle expense (Gas/repairs/ Maintenance etc.) _____ Charitable contributions _____ Insurance: (Not insurance taken from paycheck) Property Insurance on home _____ Renter's Insurance _____ Car/Truck _____ Life and Disability _____ Health & Dental _____ Other (describe) _____ | <u>Taxes (not taxes deducted from wages)</u> Real Estate taxes _____ Personal Property taxes _____ Estimated self-employment tax _____ Overdue Income tax _____ Overdue withholding/Sales tax _____ <u>Installment payments (purchase or lease):</u> Motor vehicle _____ Motor vehicle _____ Motor vehicle _____ Furniture _____ Furniture _____ Jewelry _____ Other (describe) _____ Other (describe) _____ Alimony & Child support _____ Payments for dependants not at home _____ Business Expenses _____ Child care _____ Student loans _____ Regular Monthly expenses of non-filing spouse Describe: _____ Describe: _____ Describe: _____ |
|---|---|

Any Other Monthly expenses? Please describe: _____

If you have a roommate what is his/her name and how much do they contribute to monthly expenses?

Are your taxes and insurance included in your mortgage payment? YES NO

Insurance (Home if not included) _____ (Life) _____ Property taxes if not included _____

Other Monthly expenses such as braces, medical, MARTA, etc. _____

Have you been in credit counseling within the past year? Yes No If so, name and address of organization _____

Date and amount of payments _____

Have you transferred any property within the last year Y / N If yes, name and address of person property was given or sold to, your relationship to that person, date, description and value of property

How long have you lived at your current address? _____ If less than 2 years, give prior address(es) for past 2 years and approximate dates.

| Address | Names used | Dates |
|---------|------------|-------|
| | | |

STATEMENT OF FINANCIAL AFFAIRS

- A. In the past 3 months have you made total payments of \$600 or more to any one creditor? Yes___ No___
- B. Has your property been managed a custodian or court appointed official within the last year? Yes___ No___
- C. Have you given more than \$200 to charity within the past 12 months? Yes___ No___
- D. Have you had losses from fire, theft, casualty or gambling within the past 12 months? Yes___ No___
- E. Have you transferred any property within the past 12 months? Yes___ No___
- F. Have you closed out any bank, credit union, brokerage or other financial account within the past 12 months? Yes___ No___
- G. Do you have a safe deposit box? Yes___ No___
- H. Has any financial institution taken money out your account to pay a debt owed them? Yes___ No___
- I. Do you have any property that belongs to someone else? (Example: Dad’s car) Yes___ No___
- J. Have you lived in Alaska, Arizona, California, Idaho, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin within the past 6 years? Yes___ No___
- K. Have you been notified by the government that you may be liable for damage to the environment? Yes___ No___

If you have answered “yes” to any of these questions, please list the letter(s) and explain on the back of this sheet. Ask for more paper if needed.

Have you disclosed all of your assets? Yes No If not, what other assets do you have or own?

What is your payroll address Debtor 1:

How often are you paid?

What is your payroll address Debtor 2:

How often are you paid?

IS THERE ANY OTHER INFORMATION THAT WE SHOULD KNOW OR ANYTHING THAT YOU FEEL IS IMPORTANT? If so, please describe on a separate page.

I have listed all my debts and assets and all of the information I have provided is true and correct. Unless stated in this intake, I have not transferred any real or personal property to any family member, friend or business associate within the last five years.

X_____

X_____

HELPFUL INTERNET SITES FOR BANKRUPTCY PRACTICE

Banking Information and Officers

www.federalreserve.gov

Calendering, Automatic

www.legal-pro.com

Corporation Information

<http://www.sec.gov/edgar/searchedgar/companysearch.html> (May be fee based)

<http://www.registeredagentinfo.com/>

<http://corp.sos.state.ga.us/corp/soskb/CSearch.asp>

Due Diligence

Pacer Nationwide: https://pacer.login.uscourts.gov/cgi-bin/login.pl?court_id=00idx

<http://www.nadaguides.com/>

<http://www.gscca.org/search/>

General Bankruptcy Organizations and Associations

<http://www.abiworld.org//AM/Template.cfm?Section=Home>

<http://www.ganb.uscourts.gov/>

<http://www.gabar.org/>

<http://www.nacba.org>

General Office and Procedure

www.waybackmachine.com

<http://www.bankrate.com/>

www.legal-pro.com

Legal Research

<http://www.gabar.org/>

www.nacba.org.

Mortgage Issues and Developments

USFN - America's Mortgage Banking Attorneys, formerly known as the U.S. Foreclosure network; www.usfn.com

www.logs.com

www.MERSinc.org/

www.efanniemae.com

<http://www.bankrate.com/>

Plan Calculation Tools

<http://www.bankrate.com/>

Property Valuation

www.realtytrac.com/

www.zillow.com

<http://bankofamerica.cyberhomes.com/>

<http://homesales.ajhomefinder.com>

Tax Liability

www.paycheckcity.com

BASIC INFORMATION ABOUT YOUR CHAPTER 13 CASE

The following information is intended to provide you with a basic overview of how your Chapter 13 case will work. This is only a general guide and cannot provide answers to specific facts or situations which may arise in your case. We encourage you to contact us at any time if you have questions regarding your case. We also suggest that you keep this document with your other bankruptcy paperwork for your records.

1. Payments to the Bankruptcy Trustee:

Your Plan Payments: A Chapter 13 plan calls for payments to be made to a Chapter 13 Trustee. Your proposed plan payment is \$_____ per month, which we have calculated at \$_____ per _____ (your pay period). If your pay period is different from what we have indicated, please inform us immediately.

Paying the Trustee:

You will send you payments directly to the Trustee. You should make your payments by Money Order or Cashier's Check. Be sure to write your name and the Chapter 13 case number on each of your payments. Make each payment payable to "Chapter 13 Trustee." Your first, full monthly payment will be due on the 30th day after your case is filed. You should begin making you payments on the first pay day after your case is filed.

Your payment should be deducted from your wages and mailed to the Trustee by your employer. It may take a while for your payroll department to process the Chapter 13 wage order, so it will be your responsibility to make payments yourself until you see them coming out of your check. Please remember:

- a. Sometimes an employer will deduct the Chapter 13 payments, but by mistake, will not send the money to the Chapter 13 Trustee. It is your responsibility to make sure that the Trustee is being paid- you should check with the Trustee periodically to ensure that the payments are being remitted properly. If there is any problem, let us know immediately.

- b. Until the payroll deductions start, it is your responsibility to send the payments to the Trustee yourself.

Who is your Trustee?

There are three Standing Chapter 13 Trustees in the Northern District of Georgia. One of these three will be assigned to your case after it has been filed. We will send you a notice telling you the name and mailing address of your Trustee. It is the Trustee's job to receive your payments and distribute them to your creditors, as well as to assist the Bankruptcy Court in monitoring your case. Your Trustee does not represent you, and as a general rule, you should direct any questions that you might have about your case to us.

2. Payments to Creditors:

MORTGAGES: If you are financing your house, you will be required to continue making your regular mortgage payments each month. These payments must begin as they come due immediately after your case is filed. Payments that you missed up until the date that your case was filed will be included in your plan payments. If you have a balloon mortgage, your mortgage has matured, or if you think that this provision does not otherwise apply to you, please let us know immediately. Be sure to keep proof of all mortgage payments that you make after your case is filed.

The regular payments to your 1st mortgage should begin on _____.

The regular payments to your 2nd mortgage should begin on _____.

VEHICLE LEASES: If you are leasing a vehicle and your plan provides for you to retain the lease, you must continue to pay the monthly lease payments as they come due, beginning on the day your case was filed. You must maintain full comprehensive and collision insurance coverage on the vehicle. In most cases, your Chapter 13 plan will require you to increase your payments to the Chapter 13 Trustee by the amount of the lease payments when your lease ends. Be sure to schedule an appointment to meet with us to review your plan options when you get near the end of a vehicle lease.

RENT-TO-OWN CONTRACTS: If you are in a rent-to-own contract, and wish to continue it, you must make the regular payments as they come due after your case is filed. Usually, your payments to the Chapter 13 Trustee will have to be increased by the amount of the rent-to-own payments after the contract expires. Be sure to schedule an appointment to meet with us your plan options when you get near the end of any rent-to-own contract.

CHILD SUPPORT/ALIMONY: You are required to make your child support/alimony payments as they come due after your case is filed. Your case can not be approved by the Court

if you do not make every payment after we file your case. Be sure to provide us with the complete name, mailing address and phone number for any individual or agency to who you are required to pay support. Be sure to keep proof of all child support and/or alimony payments that you make once your case is filed. If you pay in cash, be sure to get and keep a receipt. Before you can receive a Chapter 13 discharge, you must file a certification with the Bankruptcy Court stating that you have made all of your child support/alimony payments that came due since your case was filed.

3. Required Court Hearings:

In every Chapter 13 case, there is a minimum of two required court hearings:

The Meeting of Creditors (“341 hearing”): This first hearing is called the 341 Meeting of Creditors. This hearing allows your Trustee to ask you questions about your case to see if it meets the requirements of the law and to be sure that you are following your plan properly. It also gives your creditors the chance to ask about their claims and any collateral you might have pledged to them. This hearing usually takes place about four weeks after your case is filed.

If you and your spouse are filing the case together, you both will be required to attend and answer the questions at the 341 Hearing.

When you go to the meeting, you should bring the following items for each spouse that is filing:

1. Two forms of identification- a picture ID and a separate document containing your correct social security number;
2. Proof of your income since your case was filed (pay stubs);
3. Proof of all payments made to your Trustee since your case was filed;
4. Proof of all mortgage payments made since your case was filed;
5. Proof of all child support or alimony payments made since your case was filed;
6. Proof of insurance on any and all of your vehicles (a copy of the declarations page of your policy works best);
7. A copy of your federal tax return for the previous year;
8. Any documents you have received from us, your Trustee, the Bankruptcy Court or your creditors relating to your case.

The Confirmation Hearing:

The second, required court hearing is the Confirmation Hearing. This hearing usually takes place about one month after the 341 Hearing and is set before the Bankruptcy Judge presiding over your case. The Confirmation Hearing is where the judge either approves (“confirms”) or dismisses your plan.

In almost every Chapter 13 case, the Trustee will file an objection to the confirmation of your plan. You usually receive these objections after your 341 Hearing. The objections contain boilerplate language asking the Court to dismiss your case. Do not panic! Your case will not be dismissed before we have the opportunity to review the objections and either fix the problems or argue the matter to the judge at the confirmation hearing.

If you receive an objection, promptly make an appointment and meet with us to review it. Please do not wait until the last minute, as we might not be able to help you if you come to us less than one week before the date scheduled for the confirmation hearing.

4. Miscellaneous Matters:

Other court hearings or proceedings may take place from time to time in your case. If you receive notice of a hearing or other matter, please promptly call our office to see what course of action should be taken. Please understand however that many situations cannot be resolved by telephone and it may be necessary for you to schedule a time to meet with us.

While you are in your Chapter 13 case, you may not sell, quitclaim, give away, or otherwise dispose of your assets without the Bankruptcy Court’s authorization. Further, you are not permitted to use credit, borrow money, or finance the purchase of any items without first obtaining your Trustee’s permission.

If you need to retain an attorney to handle another legal matter while you are in your Chapter 13 case, you must let us know so that we may help that attorney obtain the Bankruptcy Court’s permission to represent you.

Any bankruptcy will affect your credit rating adversely and may affect your co-signer’s credit rating as well. Herman & Russo, P.C. does not represent you with regards to your credit rating and does not represent your co-signers at all.

Any utility provider listed on your bankruptcy may require an additional deposit within 20 days in order for their service to remain connected.

If you have a savings or checking account with any creditor listed, let us know immediately. If any creditor automatically debits payment from your account, you should contact the bank to have them stopped- do not expect the creditor to stop the deductions.

You must disclose to us any claim you have against anyone else. This includes, but is not limited to, personal injury claims, contract claims, worker's compensation claims, wrongful termination claims, etc. This includes claims which arise at any time before or while your case is pending.

You will need to attend an approved personal financial management course before your case can be completed.

You must timely file all tax returns that are required while your case is pending.

Acknowledged by: _____ (debtor)

Acknowledged by: _____ (joint debtor)

Herman & Russo, P.C.
225 Creekstone Ridge
Woodstock, GA 30188
(678) 925-3510

ABOUT YOUR CASE

YOUR CASE WAS FILED ON: _____

YOUR CASE NUMBER IS: _____

YOUR TRUSTEE IS:

Nancy Whaley
303 Peachtree Center Ave.
Suite 120
Atlanta, GA 30303
(678) 992-1201

Mary Ida Townson
Suite 2700, the Equitable Building
100 Peachtree Street
Atlanta, GA 30303
(404) 525-1110

Adam Goodman
260 Peachtree St., NW
Suite 200
Atlanta, GA 30303
(678) 510-1444

Your first full MONTHLY payment to the Chapter 13 Trustee is due ONE MONTH after filing. After that they come due on that same date every month.

The Chapter 13 Trustee will not accept cash payments in court.

If you are not paid on a monthly basis, begin your Trustee payments with your first pay check after the date your case is filed. Until your payroll deductions begin, YOU must mail the Chapter 13 payments directly to your Trustee.

The driving factor in Chapter 13 cases is money. Many cases do not have enough money paid in to be approved (confirmed). The Trustee will ask the judge to dismiss your case if they have not received enough money. To ensure the confirmation of your plan, you must provide us with proof of your payments. This includes payments you made yourself and payments deducted from your pay check. You should NEVER ASSUME that the Trustee has the money just because your employer deducted it. Please keep a copy of all deductions your employer makes and all payments you make to the Chapter 13 Trustee's office.

EMPLOYER DEDUCTION ORDERS (EDO)

Employer Deduction Orders (EDO) WILL PROBABLY START LATE. Therefore, YOU MUST make the payments directly to the Chapter 13 Trustee's Office by money order or cashier's check until your payroll deductions start. BE SURE your name and case number are on each payment.

341 MEETING OF CREDITORS

You MUST ATTEND the 341 Meeting of Creditors. This hearing will be held approximately 30 days after your case is filed. If you do not attend, your case may be dismissed.

AUTO & HOME OWNERS INSURANCE

YOU MUST provide 2 COPIES of the Declarations page from your homeowners and motor vehicle insurance policies at the 341 Meeting of Creditors. DO NOT bring your original. DO NOT bring the insurance card, but please bring the declarations page.

MORTGAGE PAYMENTS

You MUST make mortgage payments (if any) directly to your mortgage company (ies) as they become due after filing and provide proof of such payments at the 341 Meeting of Creditors.

CHANGE OF ADDRESS

You must promptly advise our office in writing of any change in your name, address, or phone number.

CHILD SUPPORT AND LEASE PAYMENTS

You must make all on-going child support and/or alimony payments (if any) and lease payments (auto, rent-to-own, if any) directly to the creditor as they become due after filing and provide proof of such payments at the 341 Meeting of Creditors

TAX RETURNS

If you have NOT FILED past due tax returns, they must be filed immediately. Provide our office with COPIES or bring COPIES to your 341 Meeting of Creditors. Failure to do so has resulted in the dismissal of many Chapter 13 cases.

TAX ESCROW ACCOUNTS

If you are self-employed, you must provide proof (deposit slips) showing money has been set aside for future income tax liabilities. See Schedule J of your petition to see how much should be set aside monthly.

ABOUT YOUR HEARINGS

The Court will send you a notice about 10 days after the case is filed. It will have the time and location for BOTH hearings- your Meeting of Creditors (341) and your Confirmation hearing.

THE 341 MEETING OF CREDITORS

- You (and your spouse if filed jointly) **MUST** attend the 341 Meeting of Creditors approximately 4-6 weeks after filing.
- Arrive 15-30 minutes before your hearing time.
- Bring your packet with you that contains all of the bankruptcy papers that were filed on your behalf.
- Bring two copies of your recent pay stub or other proof of income
- Bring photo identification and confirmation of your social security number. Acceptable forms of each are listed below:

PHOTO IDENTIFICATION: Drivers License, Government ID, State Picture ID, Student ID, U.S. Passport, Military ID, Resident Alien Card

PROOF OF SOCIAL SECURITY NUMBER: Social Security Card, Medical Insurance Card, Pay Stub, W-2 Form, IRS form 1099, Social Security Administration Report

- Bring a copy of the Declaration Page on your Home Owner's and Auto Insurance policies

- As you wait to be called, listen to the questions that the Trustee and Creditors are asking in other cases.

These are preliminary questions that are asked of everyone:

1. Please state your name and address.
2. Is your social security number on the ID you provided today the same as your social security number?
3. Did you receive a copy of the “Rights and Responsibilities Statement”? (Ch 13 only)
4. Did you read and sign your petition and schedules, and did your attorney review it with you?
5. Did you read and understand the attorney-client fee agreement? Did you receive a copy of this from your attorney?
6. Did you give your attorney a complete list of all of your debts and assets? Is everybody that you owe money listed in your bankruptcy?
7. Is all of the information still true and correct or are there changes?
8. Do you understand that you must inform your attorney if you change your name, address, phone number or place of employment?
9. Do you understand that you must inform your attorney if you have a change in your income?
10. Do you understand that while you are under Chapter (Ch. 13 cases only) you can not incur any new debt or buy or sell any property without permission of the court?
11. Do you have any claims against anyone or the right to sue anyone? Do you understand that while you are in bankruptcy, you must inform your attorney of any claims that you have against third parties, even if they arise after your case was filed?

12. Have you paid any money to, retained, or consulted any other attorney in the past year regarding any legal matter other than this case?
13. Have you filed bankruptcy in the last 8 years? If so, why? Was it dismissed or discharged? Why was it dismissed?
14. What caused you to file this case?
15. Have you filed your tax returns for each of the past four years?
16. Do you own any taxes to the IRS or the Georgia Department of Revenue?
17. Do you belong to a credit union? If so, is the credit union deducting anything from your pay check?
18. Do you participate in a 401(k) or other retirement program? If so, do you currently contribute to the program? Do you have any loans against the funds?
19. Do you pay or receive child support? If you pay, is the creditor listed in your schedules?
20. Have you or your employer made any payments to the Trustee for this case? If so, how much? Do you have proof of that with you today?
21. Is there an Employer Deduction Order in this case? If not, why not?
22. Do you still work for the employer listed in your schedules? Do you still earn about the same amount? Do you have other sources of income?
23. Are you currently leasing any property or have a rent-to-own contracts?
24. Do you have any student loans? If so, what is their status (deferment, default, etc.)?
25. Does anyone owe you money?
26. Do you have any credit cards, either with you or at home? (Note: we advise you to destroy your credit cards before you go to the hearing)

27. Do you own or are you purchasing any land or real estate, including your residence? If so, how much is it worth? How did you arrive at that figure?
28. Are your homeowner's insurance and property taxes escrowed through your mortgage? Do you have a copy of your homeowner's insurance policies declarations page with you today?
29. Do you have full, comprehensive and collision insurance coverage on each of your vehicles? Do you have a copy of your automobile insurance policy's declarations page with you today?
- After these questions, the Trustee will ask more specific questions about your debts and assets.
 - Answer the questions posed to you by the Trustee and Creditors, but do not volunteer any information.
 - If you do not understand the Trustee or Creditor's questions, or did not hear it, ask them to repeat it before you answer.
 - Feel free to review and consult your copy of your bankruptcy petition.
 - Please review schedule "D" on the petition and make sure the Fair Market Value of any collateral listed is accurate.
 - If you have any questions, wait until after the hearing and ask your attorney

CONFIRMATION HEARING (CH 13 ONLY)

This hearing is held approximately 4-6 weeks after the 341 Meeting of Creditors. YOU MIGHT NOT have to attend the Confirmation hearing if you are prepared. You prepare for this hearing by meeting with your attorney well in advance of your hearing date to discuss this preparation and what needs to be done. If there are no pending objections and if you have made all of the Trustee payments required in your case, then you might be excused from attending the confirmation hearing. You will be advised as to if you have been excused from your hearing.

DAVID A. RUSSO

ATTORNEY AT LAW

225 Creekstone Ridge Woodstock, Georgia 30188 (678) 925-3510

March 24, 2008

Client J. Klient
123 Sesame St.
Cumming, GA 30028

Re: USBC No.: 08-XXXX
Client Klient

Dear Mr & Mrs. Klient:

Your meeting of creditors hearing, also known as a “341 hearing” has been set for **X DATE AT 00:00 at the XYZ Federal Building**. Your hearing will take place on the **FF floor, Room RR**. This federal building is located at XX Street, XX GA, ZZZ.

It is very important that you attend this hearing for your bankruptcy case to proceed. If you are unable to make it to this hearing, please let me know as soon as possible. Please arrive 30 to 45 minutes prior to the hearing time to allow for getting through courthouse security. Federal courthouses have similar security procedures to flying.

Please bring with you two forms of identification. Please refer to the enclosed instructions and bring one form of identification from each category. Please be advised that the Trustee will not conduct the hearing without these two forms of identification. Also enclosed is a copy of the Chapter 13 Rights and Responsibilities document from the Bankruptcy Court, which we will discuss prior to your hearing. Finally, I have enclosed a list of common questions that are frequently asked by the Trustee at your hearing.

It is also very important that you make your first monthly payment to the Trustee, which is due ONE MONTH from the date of filing. The Chapter 13 Trustee will not accept cash payments in court. If you have an Employer Deduction Order (EDO) where your Chapter 13 payments are deducted from your paycheck, these may take a month or more to begin, thus you must mail your payments directly to the Trustee until the deductions begin.

Thank you for retaining us to assist you with your bankruptcy. If you have any questions or need any additional information, please do not hesitate to contact me at any time.

With kindest regards, I remain

Very truly yours,

DAVID A. RUSSO

DAR/
Encl.

IMPORTANT NOTICE TO CLIENTS

YOUR TRUSTEE WILL NOT CONDUCT YOUR 341 HEARING IF YOU DO NOT HAVE THE DOCUMENTS LISTED BELOW:

PHOTO ID: DRIVERS LICENSE, GOVERNMENT PHOTO ID, STATE PICTURE ID, STUDENT ID, U.S. PASSPORT, RESIDENT ALIEN CARD, MILITARY ID (Choose one)

PROOF OF SOCIAL SECURITY NUMBER: SOCIAL SECURITY CARD, MEDICAL INSURANCE CARD, RECENT PAY STUB, W-2 FORM, IRS FORM 1099, SOCIAL SECURITY ADMIN. REPORT (Choose one)

REMEMBER: YOU MUST PROVIDE ONE PHOTO ID, A SEPARATE ID SHOWING YOUR SOCIAL SECURITY NUMBER, AND PROOF OF INCOME, OR YOUR HEARING WILL NOT BE HELD.

As always, if you have any questions, please call us at (678) 741-2697

QUESTIONS YOU MIGHT BE ASKED AT YOUR “341 MEETING OF CREDITORS”

The 341 Meeting of Creditors is an administrative proceeding conducted by your Trustee’s office. Your attendance at this hearing is mandatory. If your spouse and you are filing together, then both are required to attend. One of our attorneys will be present to assist and represent you. Basically, the 341 Meeting is intended to provide the Trustee an opportunity to briefly meet with you and review your case to be sure that it meets the legal requirements of the Bankruptcy Code and that you are following your plan appropriately. The 341 Meeting also gives your creditors the chance to ask about the status of their collateral and claims. The following is a list of several of the questions that are typically asked at the 341 Meeting. We suggest that you review and familiarize yourself with them prior to your hearing.

1. Please state your name and address.
2. Is your social security number on the ID you provided today the same as your social security number?
3. When you went to Herman & Russo to start this case, did you meet with an attorney? Do you recall who it was? Do you recall how long you met with the attorney?
4. Did you receive a copy of the “Rights and Responsibilities Statement”? (Chapter 13 clients only)
5. Did the attorney review it with you? (Chapter 13 only) Did you receive a copy of the notices required under 11 U.S.C. Sections 342(b) and 527? (Yes. See enclosed). Did the attorney review it with you?
6. Did you read and sign your petition and schedules, and did your attorney review it with you?
7. Did you complete a credit counseling briefing prior to filing your case?
8. Did you file pay advices for the 60-day period immediately prior to filing your case?
9. Did you read and understand your attorney-client fee agreement? Did you receive a copy of it from your attorney?
10. Did you give your attorney a complete list of all of your debts and assets? Is everybody that you owe money listed in your Chapter 13 or 7 schedules?
11. Is all of the information still true and correct or are there changes?
12. Do you understand that you must inform your attorney if you change your name, address, phone number or place of employment?
13. Do you understand that you must inform your attorney if you have a change in your income?
14. Do you understand that while you are under Chapter 13 you cannot incur any new debt or buy or sell any property without permission of the Court?
15. Do you have any claims against anyone or the right to sue anyone? Do you understand that while you are in bankruptcy, you must tell your attorney about any claims that you have against third parties, even if they arise after your case was filed?
16. Have you paid any money to, retained, or consulted any other attorney in the past year regarding any legal matter other than this case?
17. Have you filed bankruptcy in the last 8 years? If so, why? Which chapter? Was it dismissed or discharged? Why was it dismissed?

18. What caused you to file this case?
19. Have you filed your tax returns for each of the past three years? Do you have a copy of last year's federal tax return with you today? Do you understand that you are required to file all tax returns that come due while you are in this case?
20. Do you owe any taxes to the IRS or the Georgia Department of Revenue?
21. Do you belong to a credit union? If so, is the credit union deducting anything from your paycheck?
22. Do you participate in a 401(k) or other retirement program? If so, do you currently contribute to this program? Do you have any loans against the funds?
23. Do you pay or receive child support? If you pay, is the creditor's name, mailing address, and phone number listed in your schedules? Have you made all of your support/alimony payments which have come due since this case was filed?
24. Have you or your employer made any payments to the Trustee for this case? If so, how much? Do you have proof of that with you today? (Chapter 13 only)
25. Is there an Employer Deduction Order in this case? If not, why not? (Chapter 13 only)
26. Do you still work for the employer listed in your schedules? Do you still earn about the same amount? Do you have other sources of income?
27. Are you currently leasing any property or have rent-to-own contracts?
28. Do you have any student loans? If so, what is their status (deferment, default, etc.)?
29. Does anybody owe you money?
30. Do you have any credit cards, either with you or at home? [Note: we advise you to destroy your credit cards before you go to the hearing.]
31. Do you own or are you purchasing any land or real estate, including your residence? If so, how much is it worth? How did you arrive at that figure?
32. Are your homeowners insurance and property taxes escrowed through your mortgage? Do you have a copy of your homeowners insurance policy's declarations page with you today?
33. Do you have full, comprehensive and collision insurance coverage on each of your vehicles? Do you have a copy of your automobile insurance policy's declarations page with you today?
34. Do you understand that you will have to complete a personal financial management course before you can receive a discharge in this case?

Of course, this list is not exhaustive, and other questions may be prompted by your responses. However, if you are prepared to answer these questions honestly and completely, it will make your 341 Meeting move much more quickly and smoothly, with the least amount of inconvenience to you.

As always, if you have any questions about the above information, or any other aspect of your case, please do not hesitate to contact our office.

Herman & Russo, P.C.
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