

# **Best Practices in Representing Debtors: Strategies, Tips and Solutions**

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# DISCOVER



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# **Best Practices in Representing Debtors: Strategies, Tips and Solutions**

## **Panelists:**

**Hollis W. Craft  
Tracey P. Malone  
C. Jerome Teel, Jr.**

## The Top 10 Things Heard in a Bankruptcy Lawyer's Office

1. "I don't want to put that in my bankruptcy."
2. "Nobody told me that I was supposed to make plan payments; it's not my fault if they weren't paid!"
3. "I thought chapter 7 meant I could keep my house but not make the payment on it."
4. "I need to keep all 3 of my cars since I've put so much money in them. And of course I need to keep my Harley; I'm a member of the Roadhogs bike club."
5. "I can't pay that plan payment; I don't even make that much money."
6. "My tax man told me that my wife/husband and I could both file our taxes as 'head of household', we just have to use different addresses on the tax form."
7. "My plan payment is WAY too high, but I really need that new car I bought to get to my job at Taco Bell."
8. "Yeah, I paid my mama the \$5000 I owed her from my tax refund money, now I won't have to put her debt in my bankruptcy."
9. "I didn't know I had to tell you about my other car."
10. "We're going on vacation. Can I get a payment suspension?"

**S.1102 -- Fairness for Struggling Students Act of 2011 (Introduced in Senate - IS)**

112th CONGRESS  
1st Session  
**S. 1102**

To amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy.

**IN THE SENATE OF THE UNITED STATES**

**May 26, 2011**

Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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**A BILL**

To amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Fairness for Struggling Students Act of 2011'.

**SEC. 2. EXCEPTIONS TO DISCHARGE.**

Section 523(a)(8) of title 11, United States Code, is amended by striking 'dependents, for' and all that follows through the end of subparagraph (B) and inserting 'dependents, for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit or made under any program funded in whole or in part by a governmental unit or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend;'

Attorney-Client Agreement and Fee Agreement for Chapter 7 Cases

The undersigned has employed TEEL & MARONEY, P.L.C. to represent them in connection with a Chapter 7 bankruptcy case to be filed in the United States Bankruptcy Court for the Western District of Tennessee. The client will be addressed also as Debtor and/or Assisted Person. This firm is a Debt Relief Agency. The undersigned, by the execution of this agreement, hereby employs this firm to do all things necessary to successfully file and execute a Chapter 7 bankruptcy case seeking a discharge of all dischargeable indebtedness.

We have consented to the filing of this case. It is understood and agreed that the attorney fee will be \$\_\_\_\_\_ for a consumer Chapter 7 case provided there is no objection to discharge or special litigation in connection with this case. This is only the attorney fee and does not include court costs or credit counseling. The attorney fee for a Chapter 7 business will be quoted on a case by case basis due to the details for the case by the attorney. In this business case, the fee will be \$\_\_\_\_\_.

If there are objections to discharge or special litigation, the attorney may bill the undersigned for an additional attorney fee at an hourly rate of \$300.00 per hour and for any additional cost and expense in order to obtain the discharge on this case.

The Client/Debtors/Assisted Persons acknowledge that if we have not had credit counseling, that the service was available at this attorney's office over the internet/telephone/video and the cost for the counseling was remitted in the amount of \$\_\_\_\_\_ to Teel & Maroney, P.L.C., and those funds will be held in their trust account and used for the purpose of paying the credit counselor.

The Debtor/Assisted Person understands that all documents in my file are subject to review by the United States Trustee, or a representative of that office, as required by the Bankruptcy Code. I authorize my attorney to disclose my records to them and acknowledge this is not a violation of confidentiality of my records.

The undersigned states they have read this letter and agrees to all terms.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_

Original Retained by Attorney

Copy given to Clients

AUTHORIZATION TO RELEASE INFORMATION

To Whom It May Concern:

1. I have retained the office of Teel & Maroney, P.L.C., as my Assisted debt agency. During the normal course of the representation, Teel & Maroney, P.L.C., may verify information In connection with our existing loan/account.
2. I hereby authorize you to provide Teel & Maroney, P.L.C., any and all information and Documentation, including but limited to any balance owed, a payoff amount, payment History, or further information that they request.

\_\_\_\_\_  
Last Four Digits of Social Security# \_\_\_\_\_  
Dated: \_\_\_\_\_

\_\_\_\_\_  
Last Four Digits of Social Security# \_\_\_\_\_  
Dated: \_\_\_\_\_

My/Our existing loan number is: \_\_\_\_\_

U.S. Bankruptcy Court  
111 S Highland, Room 107  
Jackson, TN 38301  
Telephone: (731) 421-9300

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE

NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 7  
OF THE BANKRUPTCY CODE,  
MEETING OF CREDITORS, AND FIXING OF DATES  
(Individual or Joint Debtor No Asset Case)

**CASE NUMBER:**

Date Filed (or Converted):

In re (NAME OF DEBTOR)

NAME/ADDRESS OF ATTORNEY FOR DEBTOR

C. Jerome Teel Jr.  
Teel & Maroney, PLC  
425 East Baltimore Street  
Jackson, TN 38301  
Telephone Number: (731) 424-3315

ADDRESS OF DEBTOR(s):

NAME/ADDRESS OF CHAPTER 7 TRUSTEE

DATE/TIME/LOCATION OF MEETING OF CREDITORS

109 South Highland, Room 102, Jackson, TN 38301

**The presumption of abuse does NOT arise.**

*See "Presumption of Abuse" on reverse side.*

DEADLINE to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts:

DEADLINE for Debtor to File Certification of Completion of Instructional Course Concerning Financial Management:

AT THIS TIME THERE APPEAR TO BE NO ASSETS AVAILABLE FROM WHICH PAYMENT MAY BE MADE TO UNSECURED CREDITORS. DO NOT FILE A PROOF OF CLAIM UNTIL YOU RECEIVE NOTICE TO DO SO.

PURSUANT TO LOCAL STANDING ORDER NO. 05-0004, AND 09-0007, AND 11 U.S.C. § 105(a), AND THIS COURT'S INHERENT POWER AND DUTY TO MANAGE ITS DOCKETS, NOTICE IS HEREBY GIVEN THAT THE FAILURE OF ANY DEBTOR TO TIMELY FILE THE MAILING MATRIX WITHIN SEVEN DAYS AFTER THE ENTRY OF THE ORDER FOR RELIEF, OR WITHIN ANY EXTENSION GRANTED BY THE COURT, AND/OR FAILURE OF ANY DEBTOR TO ATTEND THE MEETING OF CREDITORS, MAY RESULT IN THE DISMISSAL OF THE BANKRUPTCY CASE WITHOUT FURTHER NOTICE.

For the Court: Jed G. Weintraub  
Clerk of the Bankruptcy Court

(Proof of Claim form can be found at <http://www.tnwb.uscourts.gov/TNW/ProofsOfClaim.aspx>)

Attorney-Client Agreement and Fee Agreement for Chapter 13 Cases

The undersigned has employed TEEL & MARONEY, P.L.C. to represent them in connection with a Chapter 13 bankruptcy case to be filed in the United States Bankruptcy Court for the Western District of Tennessee. The client will be addressed also as Debtor and/or Assisted Person. This firm is a Debt Relief Agency.

The undersigned, by the execution of this agreement, hereby employs the firm of Teel & Maroney, P.L.C. to negotiate with creditors on their behalf; settle cases in controversy; agree to court orders to be entered on their behalf; agree to the surrender of collateral upon verbal approval of the Debtors/Assisted Person; and to perform other proceedings in the administration of this case. It is understood and agreed that upon the filing of the Chapter 13 case, the Trustee will pay the attorney fee of \$3,000.00 to Teel & Maroney, P.L.C. during the normal course of disbursement from the Chapter 13 Trustee's office.

In the event this case is not confirmed or in the event the case is dismissed, before the full fee of \$3,000.00 is paid, any portion of the fees that has not been received from the Trustee's office is still due and owing. In the event the Chapter 13 Trustee has money on hand, it is understood and agreed that the Debtor's attorney is authorized to credit funds on hand with the Trustee toward the unpaid attorney fee up to the maximum of \$3,000.00. In the event the check from the Trustee is made payable to the Debtor(s), this contract and agreement gives full power of attorney to the firm of Teel & Maroney, P.L.C. to endorse this check and apply those proceeds to the unpaid attorney fee. It is understood and agreed that any money recovered by the Debtor's attorney, over and above the full attorney fee, will be forwarded to the Debtor(s) at their last known address.

The Client/Debtors/Assisted Persons acknowledge that if we have not had credit counseling, that the service was available at this attorney's office over the internet/telephone/video and the cost for the counseling was remitted in the amount of \$\_\_\_\_\_ to Teel & Maroney, P.L.C., and those funds will be held in their trust account and used for the purpose of paying the credit counselor.

The Debtor/Assisted Person understands that all documents in my file are subject to review by the United States Trustee, or a representative of that office, as required by the Bankruptcy Code. I authorize my attorney to disclose my records to them and acknowledge this is not a violation of confidentiality of my records.

The undersigned states they have read this letter and agrees to all terms.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

---

Original Retained by Attorney

Copy given to Clients

**AUTHORIZATION TO RELEASE INFORMATION**

**To Whom It May Concern:**

- 1. I have retained the office of Teel & Maroney, P.L.C., as my Assisted Debt Agency. During the normal course of the representation, Teel & Maroney, P.L.C., may verify information in connection with our existing loan/account.**
- 2. I hereby authorize you to provide Teel & Maroney, P.L.C. any and all information and documentation, including but limited to any balance owed, payoff amount, payment history, or further information that they request.**

\_\_\_\_\_

**Last Four Digits of Social Security #** \_\_\_\_\_

**Dated:** \_\_\_\_\_

\_\_\_\_\_

**Last Four Digits of Social Security #** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**My/Our existing loan number is:** \_\_\_\_\_

**CLIENT INSTRUCTIONS:**

Payment is \$ \_\_\_\_\_ per \_\_\_\_\_ starting on \_\_\_\_\_ to be paid every \_\_\_\_\_. Payment is to be paid by **MONEY ORDER** or **CASHIERS**

**CHECK**. No personal checks or cash are accepted. Make the payment out to:

**CHAPTER 13 TRUSTEE, P. O. BOX 1313, JACKSON, TN 38302** and put your social security number or case number on your payment.

**\*\*\* A total amount of \$ \_\_\_\_\_ is due to the Trustee no later than \_\_\_\_\_ or case will be dismissed.\*\*\***

**MEETING OF CREDITORS-** YOU MUST ATTEND THE HEARING AND BRING A PHOTO ID AND SOMETHING WITH YOUR SOCIAL SECURITY NUMBER ON IT (social security card, pay stub, driver's license etc.) The meeting is held at the **ED JONES FEDERAL BUILDING at 109 SOUTH HIGHLAND, ROOM 102, JACKSON, TN 38301** on the first floor. You will receive a letter within the next 2 weeks advising you of the exact date and time to attend. **If you do not receive a notice of your meeting date, please contact your attorney's office.**

**VEHICLE INSURANCE-** If you have a loan against a vehicle, you must provide proof of **FULL COVERAGE INSURANCE**. Please provide that to your office ASAP to avoid force placed insurance by the Court. We need the **Declaration Page** of the policy. Anything other than this will not be accepted by the Trustee's Office.

U.S. Bankruptcy Court  
111 S Highland, Room 107  
Jackson, TN 38301  
Telephone: (731) 421-9300

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE

NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 13  
OF THE BANKRUPTCY CODE,  
MEETING OF CREDITORS, AND FIXING OF DATES

CASE NUMBER:  
Date Filed (or Converted):

In re (NAME OF DEBTOR)

NAME/ADDRESS OF ATTORNEY FOR DEBTOR  
C. Jerome Teel Jr.  
Teel & Maroney, PLC  
425 East Baltimore Street  
Jackson, TN 38301  
Telephone Number: (731) 424-3315

ADDRESS OF DEBTOR(s):

NAME/ADDRESS OF STANDING CHAPTER 13  
TRUSTEE  
Timothy H. Ivy  
P.O. Box 1313  
Jackson, TN 38302-1313  
Telephone Number: (731) 664-1313

**DATE/TIME/LOCATION OF MEETING OF CREDITORS**  
  
109 South Highland, Room 102, Jackson, TN 38301  
**DEBTORS ARE REQUIRED TO ATTEND THIS MEETING  
TO AVOID POSSIBLE DISMISSAL OF THEIR CASE.**

**DATE/TIME/LOCATION OF HEARING ON CONFIRMATION OF PLAN**  
  
**DEBTORS NEED NOT ATTEND THIS HEARING UNLESS SPECIFICALLY  
INSTRUCTED TO DO SO BY THEIR ATTORNEY.**

DEADLINE TO FILE OBJECTIONS TO CONFIRMATION:

DEADLINE TO FILE A PROOF OF CLAIM: (See Explanation on Reverse Side)  
For Creditors Other Than Governmental Units:  
For Governmental Units:

DEADLINE to Object to Exemptions: Thirty (30) days after the conclusion of the meeting of creditors.

DEADLINE to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts:

- The debtor has filed a plan                       A plan has not been filed as of this date

PURSUANT TO LOCAL STANDING ORDER NOS. 05-0004, AND 09-0007, AND 11 U.S.C. § 105(a), AND THIS COURT'S INHERENT POWER AND DUTY TO MANAGE ITS DOCKETS, NOTICE IS HEREBY GIVEN THAT THE FAILURE OF ANY DEBTOR TO TIMELY FILE THE MAILING MATRIX WITHIN SEVEN DAYS AFTER THE ENTRY OF THE ORDER FOR RELIEF, OR WITHIN ANY EXTENSION GRANTED BY THE COURT, AND/OR FAILURE OF ANY DEBTOR TO ATTEND THE MEETING OF CREDITORS, MAY RESULT IN THE DISMISSAL OF THE BANKRUPTCY CASE WITHOUT FURTHER NOTICE. IN ADDITION, FAILURE BY ANY DEBTOR IN A CASE UNDER CHAPTER 13 TO TIMELY FILE A PLAN OR TO TIMELY COMMENCE MAKING PAYMENTS MAY RESULT IN THE CONVERSION OR DISMISSAL OF THE BANKRUPTCY CASE WITHOUT FURTHER NOTICE.

For the Court:     Jed G. Weintraub  
                                 Clerk of the Bankruptcy Court

(Proof of Claim form can be found at <http://www.tnwb.uscourts.gov/TNW/ProofsOfClaim.aspx> )

CLIENT INFORMATION

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

Name: \_\_\_\_\_ Social Security No: \_\_\_\_\_

Other Names: (e.g. maiden) \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Complete Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

County: \_\_\_\_\_ Have you lived at a different address within the past 2 years: \_\_\_\_\_

If so, list address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Mailing Address if different from above \_\_\_\_\_

Marital Status: Single \_\_\_\_\_ Married: \_\_\_\_\_ Divorced: \_\_\_\_\_ Legally Separated: \_\_\_\_\_

Source of Income: (mark all that apply) Job: \_\_\_\_\_ Child Support: \_\_\_\_\_ Food Stamps: \_\_\_\_\_

Social Security: \_\_\_\_\_ Other: (Specify what) \_\_\_\_\_

Employer's Name, Address, Phone: \_\_\_\_\_

E-Mail Address \_\_\_\_\_ How did you hear about us? \_\_\_\_\_

Spouse's Name: \_\_\_\_\_ Social Security No: \_\_\_\_\_

Other Names: (e.g. maiden) \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Complete Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

County: \_\_\_\_\_ Have you lived at a different address within the past 2 years: \_\_\_\_\_

If so, list address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Mailing Address if different from above: \_\_\_\_\_

Source of Income: (mark all that apply) Job: \_\_\_\_\_ Child Support: \_\_\_\_\_ Food Stamps: \_\_\_\_\_

Social Security: \_\_\_\_\_ Other: (Specify what) \_\_\_\_\_

Employer's Name, Address, Phone: \_\_\_\_\_

E-Mail address \_\_\_\_\_ How did you hear about us? \_\_\_\_\_

Are you buying your house \_\_\_\_\_ or renting \_\_\_\_\_? Is anyone threatening to foreclose or repossess? If so, give details: \_\_\_\_\_

Have you filed bankruptcy in the past 8 years? YES / NO

Have you made a loan or purchased something on a credit card within the past 3 months? YES / NO

Do you have a garnishment? YES / NO Do you have any rent-to-own loans? YES / NO

Do you have any co-signers on any loan? YES / NO Give name of person: \_\_\_\_\_

Do you owe the IRS? YES / NO Are you in the military? YES / NO

Do you pay child support? YES / NO How many vehicles do you own? \_\_\_\_\_

List each vehicle with Make and Model (Example: 1985 Ford Escort) \_\_\_\_\_







**NOTICE REGARDING LAWSUITS AND CLAIMS FOR MONEY**

As part of your bankruptcy case you must tell our office about any lawsuits or claims for money that you have. This includes, but is not limited to, lawsuits or claims for personal injuries, damages, workers' compensation, medical malpractice, sexual harassment, sexual discrimination, employment discrimination, EEOC or any employment related claim or lawsuit. You must tell us about these claims regardless of whether a lawsuit has been filed on your behalf or not. A form for you to use to list all claims or lawsuits is attached.

The reason you must tell us is so that we can protect your interest in these claims. There have been court decisions where lawsuits or claims as described above have been dismissed because a person did not list the lawsuit or claim in his or her bankruptcy. We don't want that to happen to you so you must tell us about any and all claims or lawsuits that you have where you are trying to recover money.

**You must also tell us if you become entitled to a claim for money or entitled to file a lawsuit AFTER your bankruptcy case is filed.** Your obligation to list in your bankruptcy case any and all claims or lawsuits is ongoing throughout your bankruptcy. So, for example, if you are injured in an auto accident after your bankruptcy is filed, then you must tell us about that so that we can amend the paperwork in your bankruptcy case to disclose this potential recovery.

By signing below you confirm that you have fully read this notice and fully understand its contents.

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

LIST OF ALL CLAIMS OR LAWSUITS

Please list below any and all lawsuits that have been filed where you are trying to recover money, or claims for injuries or damages which you have but for which a lawsuit has not yet been filed. Please also tell us the name of the lawyer who is representing you.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

CONSULTATION AGREEMENT AND ACKNOWLEDGMENT OF RECEIPT OF DISCLOSURES AND INSTRUCTIONS

This agreement is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between \_\_\_\_\_ (client whether one or more) and Teel & Maroney P.L.C. Client has requested the opportunity to consult with and obtain information and advise from the Attorney obtaining relief from debts, including relief from debts by filing bankruptcy under the United State 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. 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. With respect to the consultation, the parties agree as follows:

1. The fee for the consultation is \$0.00      Client's Initials \_\_\_\_\_  
     There is no fee for the initial consultation.
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 Client's bankruptcy options and non-bankruptcy options.
  - C. If the Client has not provides the Attorney with sufficient 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 a Chapter 7 or 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 first offered to provide any assistance service is this date and that the Attorney provided the Client with the Notice to Client Who Contemplates Filing Bankruptcy, the Statement Mandates by Section (527 (b)) of the Bankruptcy Code, and the Instructions on Providing Information Required to File Bankruptcy, copies of which are attached to the Consultation Agreement.

Date: \_\_\_\_\_ TEEL & MARONEY P.L.C. \_\_\_\_\_

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

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

ADDENDUM TO CONSULTATION AGREEMENT

The undersigned Client has consulted with the Attorney concerning bankruptcy assistance. Additional information is needed for the Attorney to more completely counsel the Client on the Client's options. The parties agree as follows:

1. Client shall provide the Attorney with the information set out on the attached Schedule A.
2. Upon obtaining the information the Attorney will consult with the client and provide additional information and advice to the Client concerning the Client's bankruptcy and non-bankruptcy options. Specific services to be provided by the Attorney are as follows:

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3. The fees for such additional services are as follows:

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TEEL & MARONEY P.L.C.

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

\_\_\_\_\_

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

Client

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

Client

§527(b) Disclosure

**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 a 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.

**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 "N/A" in the blank. By doing so we will know that you did not mistakenly overlook it.
- \_\_\_\_\_ 3. List ALL your property.
- \_\_\_\_\_ 4. List 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 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 two 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.

**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 refer you to approved agencies. Unless you have a preference, we strongly suggest you call Hummingbird Counseling at 1-800-645-4959 and request a pre-filing bankruptcy certification. You may also visit their web address: [www.hummingbird.com](http://www.hummingbird.com).

**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 or 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 your 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, or your income and expenditures during the previous tax year, and of your monthly income, the statement must show how income, expenditure, 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.



CREDIT COUNSELING

PAID \_\_\_\_\_

BILL \_\_\_\_\_

WAIVED \_\_\_\_\_

CHAPTER 7 FEE

FEE PAID \_\_\_\_\_

FEE DUE \_\_\_\_\_

**NOTICE REGARDING BANK ACCOUNTS**

If you have a bank account (checking, savings or other) with a creditor to which you also owe money, you need to immediately withdraw the money from the bank account. You also need to immediately stop all automatic deposits into the account. The creditor has the legal right to freeze your account and setoff the money in your account against any loans you have with that creditor. It does not matter if the loan you have with the creditor is secured or unsecured. This is permitted by law and Teel & Maroney, PLC will not be able to recover the money for you.

By signing below you acknowledge that you have been provided this warning and advice.

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

\_\_\_\_\_  
\_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

IN RE:

Case No.  
Chapter 13

Debtor(s)

DEBTOR'S CERTIFICATION OF PLAN COMPLETION AND  
REQUEST FOR DISCHARGE

Debtor(s) hereby certifies under penalty of perjury that the following is true and correct:

1. All plan payments have been completed and the debtor(s) is/are otherwise entitled to a discharge under 11 U.S.C. 1328(a);
2. Debtor(s) has/have paid, or does not have any liability for domestic support obligations due on or before the date this certificate is signed, including any prepetition amounts, to the extent provided for by the plan to:
 

Payee

Address
3. Debtor(s) has/have successfully completed an approved instruction course concerning personal financial management described in U.S.C. 111;
4. The provisions of 11 U.S.C. 522(q)(1) are not applicable to this case, pursuant to 11 U.S.C. 1328(h);
5. There are no proceedings pending against the debtor(s) of the kind described in 11 U.S.C. 522(a)(1)(A) or 522(q)(1)(B), pursuant to 3128(h);
6. The debtor(s) has/have not received a prior discharge in a case as provided for in U.S.C. 1328(f)(1) or 1328(f)(2);

Based upon the above, I/We request that a discharge be granted in accordance with 11 U.S.C. 1328(a).

\_\_\_\_\_  
Date

/s/ \_\_\_\_\_  
Signature of Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Joint Debtor