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WE ARE A DEBT RELIEF AGENCY. WE HELP PEOPLE FILE FOR  
BANKRUPTCY RELIEF UNDER THE BANKRUPTCY CODE.

**I. 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 Intentions 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.

## **II. NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER 342(b) AND 527(a)(1) 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, Section 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 non-profit 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 (\$281 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$335)**

1. Chapter 7 is designed for debtors in financial difficulty that 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 (\$271 filing fee, \$39 administrative fee: Total fee \$310)**

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

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 **527(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.

### **III. SUPPLEMENTAL NOTICE TO INDIVIDUAL CONSUMER DEBTOR PURSUANT TO 11 U.S.C. Section 527(a)(2)**

This notice is provided pursuant to 11 U.S.C. Section 527(a)(2), and is given in addition to the Notice to Individual Consumer Debtor(s) required pursuant to 11 U.S.C. Section 342 (b)(1).

(A) All information that you, the debtor, are required to provide in order to file a petition and all documents throughout any bankruptcy case are required to be complete, accurate, and truthful;

(B) All assets (property of any nature) and liabilities (debts and claims of any nature) are required to be completely and accurately disclosed in the papers filed with the bankruptcy court in connection with the case. The replacement value of each asset, which is determined as of the date of filing of your petition in bankruptcy without deduction for costs of sale or marketing and/or the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined, must be stated in those documents where requested after reasonable inquiry to establish the value;

(C) Accurate, current monthly income and expenses must be stated, as follows:

1. In a Chapter 7 case, current monthly income reduced by reasonable monthly expenses as specified under the National Standards issued by the IRS for your residential area, along with your actual monthly expenses for categories specified as Other Necessary Expenses for you, your spouse and your dependents. Such expenses shall include reasonably necessary health insurance, disability insurance, and health savings account expenses for you, your spouse and your dependents. Such amounts shall not include payment for debts. Such amounts shall include your reasonably necessary expenses to protect yourself, your spouse or your dependents from family violence. If it is demonstrated that it is reasonable and necessary your expense budget may include an additional allowance for food and clothing of up to 5% of the food and clothing categories as issued in the National Standard issued by the IRS.

Your monthly expenses may include the continuation of actual expenses paid by you that are reasonably necessary for care and support of an elderly, chronically ill, or disabled household member or member of your immediate family (including parents, grandparents, siblings, children, and grandchildren), your dependents and your spouse, who are unable to pay their own expenses.

Your expenses may also include the actual expenses for each dependent child less than 18 years of age, not to exceed \$1,500.00 per year per child to attend a private or public elementary or secondary school if you provide documentation of such expenses and a detailed explanation of why such expenses are reasonable and necessary, and why such expenses are not already accounted for in the National Standards issued by the IRS.

Your expenses may also include an allowance for housing and utilities, in excess of the National Standards issued by the IRS, if you provide documentation of such actual expenses and demonstrate that such actual expenses are reasonable and necessary.

2. In a Chapter 13, in addition to the above, your monthly expenses may include the actual expenses of administering your Chapter 13 case, up to 10% of all projected plan payments.

In a Chapter 13, to determine your disposable income (that is, income available over your expenses with which to pay your creditors), you will calculate your average monthly payments on account of secured debts, by calculating the sum of (a) the total of all amounts scheduled as due under the contract with your secured creditor in each month of the 60 months following the date of filing of your petition; and (b) any additional payments to secured creditors necessary for you to maintain possession of your primary residence, motor vehicle, or other property necessary for your support and the support of your spouse and dependents, that serves as collateral for secured debts, divided by 60;

Your priority claims, such as child support and spousal support, shall be calculated as the total amount of debts entitled to priority divided by 60.

You must attest under oath that the information provided relative to income and expenses are accurate. You must include a statement showing your calculations.

(D) You must provide a list of all creditors, including names, addresses, account numbers and balances due. If you are unsure of this information, use the information printed on the last 2 communications you have received from each creditor. Do not use the address provided by your creditor to send payments. Do use the address provided by your creditor for correspondence. You may use the balances due on the latest of the last 2 statements sent to you by each creditor.

(E) Certain property is exempt from attachment, execution or garnishment by your creditors. This means that you may keep that property, generally. In order to determine whether your property is exempt, you may use the exemption sheets attached. The attached are citations to the law which creates the exemption, a brief explanation of the scope of the exemption, and the dollar limitations, per

person, of each exemption. Certain assets, such as retirement plans created pursuant to Section 401 (lc) of the Internal Revenue Code, are not listed as subject to exemption because they are not property that the *creditors* can take. Those assets still must be disclosed to the Court in your bankruptcy papers.

(F) Information that you provide may be audited. Failure to provide such information may result in the dismissal of your case or other sanctions, including criminal sanctions.

#### **DISCLOSURES REQUIRED BY 11 UNITED STATES CODE, SECTION 527(a)(2)**

**ALL INFORMATION THAT YOU ARE REQUIRED TO PROVIDE WITH A PETITION AND THEREAFTER DURING A CASE UNDER TITLE 11 UNITED STATES CODE IS REQUIRED TO 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 THE REPLACEMENT VALUE OF EACH ASSET AS DEFINED IN TITLE 11 UNITED STATES CODE, SECTION 506 MUST BE STATED IN THOSE DOCUMENTS WHERE REQUESTED AFTER REASONABLE INQUIRY TO ESTABLISH SUCH VALUE.**

**CURRENT MONTHLY INCOME, THE AMOUNTS SPECIFIED IN SECTION 707(b)(2), AND IN A CASE UNDER CHAPTER 13 OF TITLE 11 UNITED STATES CODE, DISPOSABLE INCOME (DETERMINED IN ACCORDANCE WITH TITLE 11 UNITED STATES CODE, SECTION 707(b)(2), ARE REQUIRED TO BE STATED AFTER REASONABLE INQUIRY.**

**INFORMATION THAT YOU PROVIDE DURING YOUR CASE MAY BE AUDITED PURSUANT TO TITLE 11, UNITED STATES CODE, AND FAILURE TO PROVIDE SUCH INFORMATION MAY RESULT IN DISMISSAL OF YOUR CASE UNDER TITLE 11, UNITED STATES CODE, OR OTHER SANCTION, INCLUDING A CRIMINAL SANCTION.**

#### **IV. SECTION 527(c) DISCLOSURES & NOTICES**

##### **INSTRUCTIONS ON PROVIDING INFORMATION REQUIRED BY U.S. BANKRUPTCY LAW**

Before you actually file a bankruptcy case with the U.S. Courts, you must be aware that you will have important and mandatory DUTIES under Federal Law. These duties include the preparation and filing of totally truthful, complete, and accurate documentation described as (i) List of Creditors; (ii) Schedule of Assets and Debts; (iii) Schedule of Current Income and Current Expenditures; and (iv) Statement of Financial Affairs.

You will also be obligated to file a Statement of Intention regarding debts

that are secured by collateral (e.g. a house, vehicle, or other personal property), and perform such intentions within 30 days after filing. Additionally, you will be required to file certain additional documentation (and/or forms) to substantiate information given in the above referenced forms.

Finally, and PRIOR TO filing you will be required to engage in CREDIT COUNSELING, and obtain a written certification of your compliance and file it with the Court.

[Below are INSTRUCTIONS to assist you to comply with your DUTIES]

## **SCHEDULE OF ASSETS AND HOW TO VALUE ASSETS AT REPLACEMENT VALUE**

- **ASSETS**: An “asset” means simply, anything you own or have an interest in. You must give the Court a complete list of your assets, and a statement of their values. Assets include for example: real estate (your home, lot, land contracts); your personal property (vehicles, household furnishings & electronics, clothing, jewelry); and your intangible property (insurance policies, bank accounts, 401Ks, IRAs, stocks, bonds, and interests in business ventures).
- What is your stuff worth? You will be required to place a “replacement” value on your assets as of the DATE OF FILING OF YOUR CASE without regard to the costs associated with the marketing, or sale of the items. The replacement value of each asset, which is determined as of the date of filing of your petition in bankruptcy without deduction for costs of sale or marketing, is the price a retail merchant would charge for the property of that kind considering the age and condition of the property at the time the value is determined.
  - For real estate, a proper replacement value can be obtained by looking at your county’s real estate auditor’s market data, or the sale amount of a similar home or homes recently sold in your neighborhood/area.
  - For vehicles, NADA Guidebook, KELLY Blue Book, and other Internet guidebooks are available to obtain values (generally a replacement value is the average of *trade-in and retail* under the guidebooks).
  - For personal property, determine what you could purchase the item for based upon the items age and current condition from a retail merchant such as (Used Good stores, Play it Again Stores).
  - For intangible items — state the current cash balance, or market value for such items (e.g. bank accounts, stocks, IRAs, 401Ks).

## **DETERMINING CURRENT MONTHLY INCOME**

A statement of your current monthly INCOME will be required, and such statement may be used in multiple areas of your filing. You will need to gather documentation evidencing your income received from ALL sources over the last six (6) months. Such documentation will generally include (*paycheck stubs, 1099 statements, SSI statements, SSD statements, Workers Comp and Unemployment Comp statements, Draw advices, Commission checks/statements, Cash disbursement receipts, etc...*).

- You will also be required to give the Court a sworn statement of the average of your income received from all sources of the last six (6) months. Assume that your case filing will occur in the month you received this notice, and provide all documentation of your income for the full six (6) months preceding this month.

## CURRENT MONTHLY EXPENSES AND SECTION 707(b)(2)

A statement of your current monthly expenditures will also be required. Monthly expenditures includes but is not necessarily limited to: rent (lot rent included), mortgage payments, utility expenses (gas, propane, electric, and telephone), cell phone, cable TV, home maintenance, food, car insurance, transportation (gasoline, oil changes, vehicle maintenance), recreation, clothing and laundry expenses, and personal care items). It will be helpful for you to provide a six (6) month average of such expenses in the worksheet that will be provided to you. You can obtain the information from a review of your checkbook, your utility bills, and monthly receipts for food and other items.

You will also be required to provide the Court with a statement concerning expected changes in your income or expenses for the twelve (12) month period following the filing of your case. While not always applicable, sometimes people can anticipate bonuses, or even job losses/temporary layoffs, and anticipate temporary or permanent increases in expenses associated with situations like pregnancy, or medical conditions requiring surgery. Keep these types of situations in mind when preparing the materials.

The following provisions apply to current monthly expenses:

- (A) (i) In considering whether the granting of relief would be an abuse of the provisions of Chapter 7, the court shall presume abuse exists if your current monthly income reduced by the amounts determined under clauses (ii), (iii), and

(iv), and multiplied by 60 is not less than the lesser of:

(I) 25 percent of your non-priority unsecured claims in the case or \$6,000, whichever is greater; or

(II) \$10,000.

(ii) (I) Your monthly expenses shall be the applicable monthly expense amounts specified under the National Standards and Local Standards, and your actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which you reside, as in effect on the date of the order for relief, for you, your dependent, and your spouse in a joint case, if your spouse is not otherwise a dependent. Such expenses shall include reasonably necessary health insurance, disability insurance, and health savings account expenses for you, your spouse, or your dependents. Notwithstanding any other provision of this clause, your monthly expenses shall not include any payments for debts. In addition, your monthly expenses shall include your reasonably necessary expenses incurred to maintain your safety and the safety of your family from family violence as identified under section 309 of the Family Violence Prevention and Services Act, or other applicable Federal law. The expenses included in your monthly expenses described in the preceding sentence shall be kept confidential by the court. In addition, if it is demonstrated that it is reasonable and necessary, your monthly expenses *may* also include an additional allowance for food and clothing of up to 5 percent of the food and clothing categories as specified by the National Standards issued by the Internal Revenue Service.

(II) In addition, your monthly expenses may include, if applicable, the continuation of actual expenses paid by you that are reasonable and necessary for care and support of an elderly, chronically ill, or disabled household member or member of your immediate family (including your parents, grandparents, siblings, children, and grandchildren, the parents, grandparents, siblings, children and grandchildren of your dependents, and the parents, grandparents, siblings, children and grandchildren of your spouse in a joint case where your spouse is not a dependent) and who is unable to pay for such reasonable and necessary expenses.

(III) In addition, if you are a debtor eligible for Chapter 13, your monthly expenses may include the actual administrative expenses of administering a Chapter 13 plan for the district in which you reside, up to an amount of 10 percent of the projected plan payments, as determined under schedules issued by the Executive Office for the United States Trustees.

(IV) In addition, your monthly expenses may include the actual expenses for each dependent child less than 18 years of age, not to exceed \$1,500 per year per child, to attend a private or public elementary or secondary school if you provide documentation of such expenses and a detailed explanation of why such expenses are reasonable and necessary, and why such expenses are not already accounted for in the National Standards, Local Standards, or Other Necessary Expenses referred to in sub clause (I).

(V) In addition, your monthly expenses may include an allowance for housing and utilities, in excess of the allowance specified by the Local Standards for housing and utilities issued by the Internal Revenue Service, based on the actual expenses for home energy costs if you provide documentation of such actual expenses and demonstrate that such actual expenses are reasonable and necessary.

(iii) Your average monthly payments on account of secured debts shall be calculated as the sum of-

(I) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

(II) any additional payments to secured creditors necessary for you, in filing a plan under Chapter 13 of this title, to maintain possession of your primary residence, motor vehicle, or other property necessary for your support or the support of your dependents, that serves as collateral for secured debts divided by 60;

(iv) Your expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as the total amount of debts entitled to priority, divided by 60.

(B) (i) In any proceeding brought under this subsection, the presumption of abuse may only be rebutted by demonstrating special circumstances, such as a serious medical condition or a call or order to active duty in the Armed Forces to the extent such special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative.

(ii) In order to establish special circumstances, you shall be required to itemize each additional expense or adjustment of income and to provide —

(I) documentation for such expense or adjustment to income; and

(II) a detailed explanation of the special circumstances that make such expenses or adjustment to income necessary and reasonable.

(iii) You shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

(iv) The presumption of abuse may only be rebutted if the additional

expenses or adjustments to income referred to in clause (i) cause the product of your current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) when multiplied by 60 to be less than the lesser of—

- (I) 25 percent of your non-priority unsecured claims, or \$6,000, whichever is greater; or
- (II) \$10,000

(C) As part of the schedule of current income and expenditures required under section 521, you shall include a statement of your current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that show how each such amount is calculated.

(D) Subparagraphs(A) through (C) shall not apply, and the court may not dismiss or convert a case based on any form of means testing, if the debtor is a disabled veteran (as defined in section 3741(1) of title 38), and the indebtedness occurred primarily during a period during which you were —

- (i) on active duty (as defined in section 101(d)(1) of title 10); or
- (ii) performing a homeland defense activity (as defined in section 901(1) of title 32).

## **LIST OF CREDITORS**

**DEBTS:** ALL debts must be listed. The ADDRESSES are the most critical bit of information needed. However, additional data will also be important.

Provide the FULL NAME of the creditor, the account number, the current balance of the debt, and the year in which the debt was originally created. Use your most recent bill to establish a balance, and if you are uncertain, we will assist you determining the amount.

You must include ALL of your creditors on the list even if you want to continue to pay a particular creditor (e.g. home loan, car loan, or loan to a personal friend or family member), or even if a particular debt is not one that is ordinarily subject to discharge (e.g. student loans, certain taxes, and child and marital support).

***The ADDRESS information for each creditor is extremely important.***

Gather your bills and carefully review them. It is critical that you use the CORRESPONDENCE address given on the bill, or an address at which the creditor receives U.S. Mail. Do not use a “payment address”. It will be important for you to use the address provided to you by the creditor in at least the last (2) two bills/correspondence sent to you over the last 90 days.

Also provide a listing of collectors, collection agencies, or attorneys representing the creditors. However, do NOT substitute the collecting entity for the creditor. List ALL entities associated with the debt.

If you are concerned that you do not have a complete understanding of who you may owe money to, then obtaining consumer/credit reports can be helpful. Understand however, that consumer/credit reports are not always accurate, and that most information on them tends to be deleted after approximately seven years. Thus, older debts that you continue to owe may not be reported on the credit reports. Under recent law known as the FACT ACT, you may obtain free of charge, once a year, copies of your credit reports from EXPERIAN, EQUIFAX and TRANSUNION. Visit [www.annualcreditreport.com](http://www.annualcreditreport.com) and obtain your reports from each of the companies. Do not select the credit scoring option, because it will cost you money.

### **EXEMPT PROPERTY**

Some of your property is exempt. A list is attached to help you determine what property is exempt in Ohio. You must value your exempt property at replacement value; as explained above.

### **STATEMENT OF FINANCIAL AFFAIRS**

Your Statement of Financial Affairs (SOFA) is basically a questionnaire designed to assist you to reveal pertinent, but often overlooked information concerning your assets, debts, and general financial condition for at least the several year period prior to your case filing.

In order to fully prepare your SOFA, you will need to provide the following types of documentary information:

- Tax returns (or transcripts) for at least the three (3) tax years preceding the year of filing.
- Copies of all lawsuits pending or commenced within the year before filing.
- Information concerning payment of your debts for the ninety (90) day period prior to filing — and up to a year for payments on debts to friends and family members.
- Information concerning closures of bank accounts within the year before filing.
- Information concerning addresses at which you lived in the two (2) year period prior to filing.
- Information concerning transfers (sales, gifts, exchanges) of any of your assets in at least the two (2) year period prior to filing — may

include garage sales, car transfers, real estate transfers, and even the giving of collateral for loan within the two year period of time.

- Information concerning whether you are using or borrowing another's assets (e.g. company cars, parent/friend's cars, furniture etc.)
- Information concerning your interest(s) in business entities for at least the six (6) years prior to filing. Your interest can be as little as 5%, but still must be listed and may include businesses such as corporations, partnerships, joint ventures, limited liability companies/partnerships, franchises, S Corps, C Corps, and Sole or unincorporated proprietorships.

### **SECURED DEBTS AND YOUR STATEMENT OF INTENTION**

You may have debts for which the creditor is holding collateral, such as a home loan, a vehicle loan, or loans used to purchase personal property like furniture, and electronics. You may also have debts where you have given the creditor items of your personal property as collateral to obtain the loan. Like all of your other debts, these debts **MUST** be listed on your Creditors List, and your Schedule of Debts.

Additionally, you must file a document with the Court to inform the secured creditor what you specifically intend to do with the collateral. You have three (3) choices, but the secured creditor's wishes may also influence the outcome. Nevertheless you must inform the creditor of your intention to (i) reaffirm the debt and keep the collateral; (ii) surrender the collateral; or (iii) redeem and keep the collateral which generally entails a lump sum, one-time payment to the secured creditor of the value of the collateral.

Under Federal Law you have a **DUTY** to perform your intention within thirty (30) days of filing the Statement of intention with the Court. If you do not, you may face serious problems concerning your discharge, and may face monetary or other sanctions. Thus, it will be important for you to make a decision and follow through.

## ADDITIONAL FILING AND DISCLOSURE REQUIREMENTS

### CREDIT COUNSELING

Within one hundred eighty (180) days PRIOR to filing a case under TITLE 11 (includes Chapter 7, Chapter 11, Chapter 12 or Chapter 13), you must engage in and receive written certification that you engaged in an individual or group briefing that outlines the Opportunities for available credit counseling, and assists you to prepare a related budget analysis.

*Hummingbird Credit Counseling* (see link on my website Berkemerlaw.com)

OR

*DebtHelper.com* (you must use a debit card)

Consumer Counseling Centers of America  
9330 LBJ Freeway  
Suite 900  
Dallas, TX  
75379-8039  
800-493-2222  
www.cccamerica.org  
In Persons Telephonic, Internet

GreenPath, Inc.  
38505 Country Club Drive, Suite 210  
Farmington Hills, MI 48331-3429  
800-630-6718  
in Person (not available in all judicial districts), and  
Telephonic Counseling

LifeSpan Inc.  
1900 Fairgrove Avenue  
Hamilton, OH 45011  
513-868-3210  
(In Person and Telephonic)

Money Management International Inc.  
9009 West Loop South  
7<sup>th</sup> Floor  
Houston, TX 77096-1719  
877-918.2227  
[www.moneymanagement.org](http://www.moneymanagement.org)  
In Person (not available in all judicial districts),  
Telephonic and Internet Counseling

The agency selected by you must first be approved as a nonprofit budget and credit-counseling agency. Most of the currently approved agencies offer internet-based counseling services and can be found at these described locations.

- If you develop a payment plan with the assistance of the credit counseling agency, you also will be required to file a COPY OF THE PLAN with the Court if you later file for bankruptcy.

\_\_\_\_ In Person (not available in all judicial districts), Telephone  
and internet counseling)

## **EDUCATION IRA/STATE TUITION PROGRAM FILING REQUIREMENT**

If you have ANY interest in an “education individual retirement account or in an Ohio Tuition Program, you must file evidence of such interest with the Court. You will need to obtain copies of your periodic statements for filing.

## **FEDERAL TAX RETURN INFORMATION REQUIREMENTS**

You will be required to provide a complete copy of your Federal 1040 tax returns, and all amendments (or a copy of the official IRS transcript) for the most recent year immediately preceding the year in which your bankruptcy case is filed if a return was required. The bankruptcy trustee, and any creditor, may review this document, and it will be recommended that such return be filed with the Court, with all but the last four digits of your SSN redacted.

If a request is made by the Court, U.S. Trustee or a creditor, you may be required to file a copy of your Federal 1040 tax returns, and all amendments for each year your case (Chapter 7, 11 or 13) remains pending in the Court. It is highly likely that the Court will request this information.

If you HAVE NOT FILED FEDERAL TAX RETURNS, you may be compelled to complete such returns, and all amendments (for at least the three (3) years prior to the filing of your case) and file them with the Bankruptcy Court at the same time you submit them to the IRS. It is highly likely that the Court, U.S. Trustee, or other party will make such a demand of you.

## **SWORN INCOME, EXPENSE & SUPPORT STATEMENTS IN CHAPTER 13 CASES**

If you file a Chapter 13 case, you MUST provide an ANNUAL statement that tracks your TAX YEAR, signed by you under the penalty of FEDERAL PERJURY, that discloses detailed the following information:

- The amount and sources of your income
  - How your monthly income is calculated
  - The identity of any person responsible (with you) for the support of any of your dependents.
  - The identity of any person who contributed, and the amounts contributed, to the household in which you reside
- These ANNUAL statements will be required for each year your case is pending, until your case is closed.

## DOCUMENTS OF PERSONAL IDENTIFICATION

You will be required to provide the Court upon request with sufficient documents to authenticate your IDENTITY. You must show a driver's license, a Passport, or other document containing your picture (e.g. state issued picture ID), and additional evidence of your social security number.

## ATTORNEY FEES AND WRITTEN AGREEMENTS

If we provide assistance to you in any manner we will be required to provide you with a written contract explaining the fees, and the nature of our services within five (5) days of our initial meeting. We intend to provide you a copy of our standard fee agreement at our initial meeting to comply with this requirement. However, we also restate below the legal services that we would generally provide in connection with assisting someone with debt relief.

We will meet with you **first** to obtain a general understanding of your debt and household (or business) financial situation, and come to some preliminary conclusion as to what legal or other remedy to employ to meet your needs.

We will then assist you in preparing information for our **second** meeting, and direct you to bring additional documentation for our review. From here, we will consult with you in order to finalize our determinations as to which debt relief remedy best fits your needs.

If we determine that a U.S. Bankruptcy proceeding is necessary, we will prepare all of the many, required forms and documents for Court filing, and set up a **third** meeting with you to thoroughly review and execute these documents. If a U.S. Bankruptcy proceeding is not recommended, we will direct you accordingly to such other sources of relief (e.g. consumer credit counseling, State law trusteeships and receivership proceedings, and third party debt reduction management agreements).

Assuming that a U.S. Bankruptcy proceeding is filed, our services will include all typical attorney required participation in such proceeding including but not limited to: appearances at Court hearings, preparation of legal memoranda, and communication with opposing counsel and parties.

If your proceeding requires additional, but not customary work, we will inform you directly, and enter into a separate written contract for such services to fully apprise you of the fees, payment requirements, and expected services to be provided.