

*Note: This Notice and the Statement are required by legislation adopted by Congress in 2005, after intense lobbying by the credit industry. In our opinion they are designed to intimidate people who need debt relief under the Bankruptcy Code, and are based on the erroneous assumption that debtors are dishonest. So long as you are honest and meet the requirements set out under the law, you are entitled to debt relief. We can guide you through all the requirements of filing bankruptcy, so long as you provide us accurate and complete information.*

## **IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES**

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 the routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a “trustee” and by creditors.

If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing you 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 legal advice.

### **Notice to Clients Who Contemplate Filing Bankruptcy**

The purpose of this Notice and The Statement Mandated Section 527 (b) or the Bankruptcy Code, which you have been provided as a separate document are to make you aware of some of your obligation should you file bankruptcy.

You are notified as follows:

1. All information that you are required to provide with your bankruptcy petition and thereafter in your case is required to be complete, accurate, and truthful.
2. All your assets and all your liabilities are required to be completely and accurately disclosed in the documents filed to commence your case.
3. The value of each asset which is secured by lien on such asset must be stated as the replacement value of such asset after reasonable inquiry to establish such value. The replacement value means the replacement value date of the filing of the bankruptcy petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value means the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value as determined.
4. After reasonable inquiry you are required to state your current monthly income. Current monthly income is described on the attached of Terms and Definitions Addendum.
5. After reasonable inquiry you are required to state the amounts set out in section 707(b) (2) of the Bankruptcy Code. Those amounts are explained in the attached Terms of Addendum.
6. In a case under Chapter 13, after reasonable inquiry, you are required to state your disposable income determined in accordance with section 707(b) (2) of the Bankruptcy Code. Disposable income is explained on the attached addendum of Terms and Definitions.
7. Information that you provide during your case may be audited pursuant to the provisions of the Bankruptcy Code. Your failure to provide information may result in dismissal of your case or other sanctions, including criminal sanctions.

### **TERMS AND DEFINITIONS ADDENDUM**

#### **Current Monthly Income**

- (A) means the average monthly income from all sources that the debtor receives (or in a joint case the debtor and the debtor's spouse receive) without regard to whether such income is taxable income, derived during the 6-month period ending.**
- (B) includes any amount paid by any entity other than the debtor (or in case the debtor the debtor's spouse), on a regular basis for the household expenses of the debtor or the debtor's dependents (and in a joint case the debtor's spouse if not otherwise a dependent), but excludes benefits received under**

**the Social Security Act, payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes, and payments to victims of international terrorism (as defined in section 2331 of the title 18) or domestic terrorism (as defined in section 2331 of the title 18) on account of their status as victims of such terrorism.**

### **Disposable Income**

**(A) means current monthly income received by the debtor (other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child).**

### **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.

1. READ AND FILL OUT THE FORMS COMPLETELY, ACCURATELY, AND NEATLY.
2. DO NOT LEAVE BLANKS. If a 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's loans and child support.
  - b) You must list debts that you intend to pay.
  - c) You must list debts that you consigned 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 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 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.

**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 you make the arrangements for it.

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 or the petition by you from any employer.
2. A statement of the amount of monthly net income itemized showing 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 parties 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 subsequently file for any tax year for the three years preceding the date we filed your case.

- c. A copy of each amendment to any federal income tax return or a transcript or each amendment filed with the court pursuant to paragraphs (a) and (b).
- 8.
  - a. In Chapter 13 case at certain intervals in your case, you must provide a statement, under penalty of perjury, of 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, or such other document containing your photograph, or such other personal identification establishing your identity.

***I accept receiving notice of the 527 (b) Disclosure.***

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**Print Name**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Signature**

***I accept receiving notice of the 527 (b) Disclosure.***

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**Print Name**

\_\_\_\_\_

**Date**

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**Signature**