



Bankruptcy Document Checklist

Required Documents – before we can file a case

- Copy of picture ID (Driver's License / government Issued ID) and a copy of Social Security Card.
 - *If you do not have a copy of your Social Security Card a W2 can be substituted. – Please inform our office if you do not have these documents.*
- 6 months of consecutive paystubs (from the date of filing your bankruptcy) for each job you have had, including any pay or other income information from any other source, including non-filing spouse. If you are self- employed please refer to the last page of the questionnaire.
 - *This information must be current through the date your bankruptcy petition is filed, so keep them and forward them to our office as you receive them.*
- Copy of IRS and state income tax returns for the past 2 years, (OR the last year filed if not in the last two years) with all W-2 and/or Form 1099 information attached. Please ensure that form 1040 and TC40 (or any other state return) is included.
- Completed Client Questionnaire.
- Certificate of completion of credit counseling. A suggested site is accesscounselinginc.org
- Any and all court papers you have received including complaints, judgments, garnishment orders, liens, etc.

For a Chapter 13

- Copies of all correspondence received from your creditors, collection agencies, or attorneys for your creditors during the last 2 months, including all bills, billing statements, collections letters, utility bills, invoices, notices of default, sale, repossession or foreclosure, the most current car loan statement, etc.
- Most recent statement(s) for any financial or investment accounts (i.e. 401k, IRA's, Bank Accts, Prepaid Cards, etc.)
- Proof (statements) of all charitable contributions paid within 1 year prior to filing bankruptcy.
- County Property Tax Assessment and any recent appraisals for all real property.

Important Filing Facts



As your bankruptcy case is about to be filed, please read and initial each of the following points to state that you have: 1) reviewed each point, 2) understand that you are responsible for each point, and 3) understand how you will be affected by each point:

1. Bankruptcy Checklist

These are the required documents to file a bankruptcy petition with the court. If you have difficulty or exceptions with any of these required documents please contact us immediately for solutions.

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2. Instructions for Client Questionnaire

The client questionnaire is an analysis of your personal finances, assets, property owned and debts owed. **Not all questions may be applicable to you.** Mark these questions with an NA and move to the next question.

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3. Instructions for Credit Counseling

The credit counseling class is required by federal law for all persons filing bankruptcy – we cannot file with the court until an approved credit counseling class has been completed. The pre-filing class is required before a bankruptcy can be filed. After filing, there is a mandatory post-filing class that requires your case number. No discharge will be issued until the post-filing class is completed.

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4. Credit Reports

Unless otherwise discussed we will include a 3 tier credit report as part of the bankruptcy service. There is no need to include an additional credit report. Debts may not always appear on the credit report. If you desire to obtain an annual free copy of your credit report you can visit www.annualcreditreport.com.

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5. Instructions on Bank Accounts

Unless otherwise instructed by your attorney, your bank account should remain open. If you are planning on including your current bank account in the bankruptcy, consult with your attorney on how to proceed. On the day that you file your bankruptcy, you will want to have very little, if any, money in your bank account. This is because any money in your account can become property of the bankruptcy estate. Along with money in a bank account, cash on hand must be very little, as it can also become property of the bankruptcy estate. These monies described above may be required to be turned over to the Trustee for the benefit of your creditors.

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6. Client’s Bankruptcy Process

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1. Collect all required documents.
2. Arrange for the payment of all attorney fees and court fees.
3. Submit all required documents to our law firm. Please allow 1-3 business days for processing unless otherwise arranged.
4. Contact the paralegal regarding the court documents that are to be reviewed, signed and filed with the court.
5. Submit any additional documents that might be required. This will be communicated to you by your assigned paralegal or attorney.
6. Take the post-filing credit counseling class. This can be done with the same account created for the pre-filing class.
7. Attend the 341 Meeting of Creditors, which is a meeting with the trustee to verify that the information we have submitted to the court is true and accurate, and to allow the trustee to administer the bankruptcy. For most of our clients this is a 10-15 minute meeting. We will inform you, **as will the court**, as to the date and time of this meeting. Normally, it is approximately 30 - 45 days after filing the bankruptcy petition. Your attorney may discuss further instructions with you prior to the 341 meeting.
8. **Chapter 7:** Comply with any trustee directives if applicable. A trustee directive is an order given by the bankruptcy trustee that needs to be completed before a discharge or closure of a petition can be issued. These do not apply to most clients, but if the trustee does issue instructions, we will work with you to explain, and help you comply with those instructions.
9. **Chapter 13:** A confirmation hearing is scheduled for your Chapter 13 case. The purpose of the confirmation hearing is for all parties to agree to the Chapter 13 plan. Normal procedure in almost all Chapter 13 cases is for the trustee to file an objection to confirmation. If the objections are not satisfied the case will be dismissed. Your assigned attorney and paralegal will work with you to clear up these objections so that your Chapter 13 plan will be confirmed.
10. Await the bankruptcy discharge. A discharge is an order given by the trustee at the conclusion of administration of a debtor's assets and debts, which forgives those remaining debts which cannot be paid, with certain exceptions. For most clients, this concludes the bankruptcy process. You will receive a certificate in the mail from the court, verifying the discharge of your bankruptcy. Normally, this is received 90-120 days after filing with the court.
11. Case closed.

7. Instructions on Taxes & Tax Refunds

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If you are filing a Chapter 7 bankruptcy and are current with all State and Federal tax filings the following is applicable: The Trustee might take ALL or a portion of your tax refund for the upcoming tax filing year depending on the month of bankruptcy filing.

For example, if you file a Chapter 7 bankruptcy on July 31, 2014, the Trustee may require that you turn over a prorated portion of your 2014 tax refunds when you file them in the first part of 2014. The Trustee could take seven twelfths (7/12) of your tax refund because of the seven calendar months have already passed before you filed. You would be able to keep the remaining five twelfths (5/12) of your refund. Since this money was already earned prior to filing it becomes property of the bankruptcy estate even though you would not receive it until your taxes are filed in the following year. Please speak with your attorney on the particulars of how to turn over your tax refunds.

If you are filing a Chapter 7 bankruptcy and have not filed previous year taxes by the April 15th deadline for each respective year, but would be entitled to refund for those years the following is applicable: The Trustee has a right to take all of those refunds that you are entitled to for the previous tax years.

IF YOU FAIL TO TURN OVER ANY REQUESTED TAX REFUNDS YOUR CASE MAY BE DISMISSED OR THE TRUSTEE MIGHT SEEK TO DENY GRANTING YOU A DISCHARGE OF YOUR DEBTS.

8. Court Fee Installment Payments

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If you have chosen to pay the court filing fee in installments, you will receive and agree to the specific dates, when you sign the bankruptcy petition. Payments must be made by 4:00pm on the due date, (first payment due 14 days after filing, second payment due 28 days after filing, and the third payment is due 49 days after date of filing) otherwise your case will be automatically dismissed and you will have to pay a fee to re-open the case, and will no longer be eligible for court fee installments. If you choose to pay the filing fee early, you may pay more than is due. Payments are made by calling the court directly at (801) 524-6688.

9. Adding Creditors After Filing

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After your bankruptcy has been filed, you are able to add creditors up until your case is scheduled to be discharged (typically three months from the filing date), as long as the debt(s) were incurred before your file date. The bankruptcy court requires a fee every time creditors are added after filing, but you can add as many creditors as necessary.

10. Vehicles

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We have formed relationships with local car dealers, who are committed to helping our clients obtain affordable, sustainable transportation. If you are surrendering your current vehicle in the bankruptcy and/or are in need of a new vehicle, please contact us regarding your options.