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**BANKRUPTCY CLIENT FORM**

**We accept the following forms of payment: cash or check.**

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

Spouse's Name: \_\_\_\_\_

Business Names: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_ Email: \_\_\_\_\_

Have you filed bankruptcy before?  Yes  No Date: \_\_\_\_\_ District: \_\_\_\_\_

Is *Heritage Oaks Bank* a creditor?  Yes  No

Do you have your Social Security Card?  Yes  No How did you get our name? \_\_\_\_\_

List the names of any lawsuits you are involved in: \_\_\_\_\_

\_\_\_\_\_

**DOCUMENTS AND INFORMATION FOR FIRST MEETING**

*Please bring the following documents to your first meeting.*

1. Proof of income from all sources for past **six** months or total gross number for past six months from each source
2. List of all Liabilities
  - Unsecured debts such as credit card debt
  - Secured debts such as mortgages and auto loans
3. Complete List of all Assets
  - Real property
  - Bank accounts
  - Retirement accounts and IRAs
  - Automobiles, etc.
4. Detailed Monthly Budget
  - Monthly income
  - Monthly expenses

**DEBT RELIEF AGENCY CONTRACT**

Federal law requires that we enter into this Debt Relief Agency Contract within three business days after the first date on which we provide any bankruptcy assistance services. You will receive a fully executed copy of this contract.

This contract covers only the fees paid and services to be provided during our initial consultation with the client regarding bankruptcy advice. During the initial consultation, we will review the information provided by the client and attempt to make a recommendation, based on that information, whether the client should file bankruptcy, and what type of bankruptcy to file.

The initial consultation is free. The firm may require additional information from the client prior to making a final recommendation. Additional consultations and any additional attorney time required to make a final recommendation will be billed to the client at the rate of \$300 per hour.

The ability of the firm to make a recommendation will depend on the quality of the documents and information provided by the client at the initial consultation. The client will be provided with a list of information and documents to bring to the initial consultation before the meeting including but not limited to, tax returns, pay stubs for the past six months, proof of any other income for the past six months including child or spousal support, checkbook registers for the past six months, a copy of client's credit report, a detailed monthly budget, and a very accurate list of all debts, secured and unsecured. Without very accurate and detailed information, the firm will be unable to make a recommendation during the initial consultation.

The client will have the option after the initial consultation to file bankruptcy. If the client elects to employ the firm to file a bankruptcy, a separate contract for bankruptcy legal services must be signed. That contract will require the client to pay a retainer for bankruptcy representation and the filing fee, all of which must be paid in full prior to the filing of the case.

The client acknowledges that the attorney provided the client with the Disclosure Regarding Information Disclosed for Bankruptcy Assistance, the Important Information About Bankruptcy Assistance Services From an Attorney or Bankruptcy Petition Preparer, and the Notice to Consumer Debtor(s) Under Section 342(b) of the Bankruptcy Code, copies of which are attached to this Debt Relief Agency Contract.

Receipt Acknowledged \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_, Debtor

Receipt Acknowledged \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_, Co-Debtor

Date \_\_\_\_\_  
Edwin J. Rambuski

**DISCLOSURE REGARDING INFORMATION**  
**DISCLOSED FOR BANKRUPTCY ASSISTANCE**

You will be requested to provide information to counsel in order to advise you whether to file bankruptcy and what type of bankruptcy to file if bankruptcy is recommended. You will be requested to provide information for the filing of the bankruptcy itself. With respect to this information and documents filed with the bankruptcy we are required to notify you of the following:

- (A) All information that you are required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;
- (B) 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 Section 506 (replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time the value is determined, without deduction for costs of sale or marketing) must be stated in those documents where requested after reasonable inquiry to establish such value;
- (C) Current monthly income, the amounts specified in Section 707(b)(2) of the bankruptcy laws, and, in a case under Chapter 13 of this title, disposable income (determined in accordance with Section 707(b)(2) of the bankruptcy laws), are required to be stated after reasonable inquiry;
- (D) Current monthly income means the average monthly income from all sources without regard to whether such income is taxable income, derived during the six-month period ending on the last day of the calendar month immediately preceding the filing of the case. This includes any amount paid on a regular basis for the household expenses but excludes benefits received under the Social Security Act; and
- (E) Information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the case under this title or other sanction, including criminal sanction.

**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 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.

**NOTICE TO CONSUMER DEBTOR(S) UNDER §342(b)**  
**OF THE BANKRUPTCY CODE**

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (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.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

**1. Services Available from Credit Counseling Agencies**

**With limited exceptions, § 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 nonprofit 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. Each debtor in a joint case must complete the briefing.

**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. Each debtor in a joint case must complete the course.

**2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**

**Chapter 7: Liquidation (\$245 filing fee, \$75 administrative fee, \$15 trustee surcharge: Total fee \$335)**

Chapter 7 is designed for debtors in financial difficulty who 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, the United States trustee (or bankruptcy administrator), the trustee, or 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.

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.

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.

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 (\$235 filing fee, \$75 administrative fee: Total fee \$310)**

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.

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.

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 (\$1,167 filing fee, \$550 administrative fee: Total fee \$1,717)**

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, \$75 administrative fee: Total fee \$275)**

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 Officials**

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 521(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. The documents and the deadlines for filing them are listed on Form B200, which is posted at [http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html#procedure](http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure).