

# IMPORTANT

## Instructions For Filling Out Client Intake Forms

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### Your Assets

Everything you have in your possession, from the coffee pot to the house you live in (and everything in between) is an asset. Even if you still owe money to a creditor, the asset you are paying for is still in your possession and its value must be disclosed when you are filing bankruptcy. Your attorney may be able to help you estimate the value of some property, but in most cases, values can be obtained by you from current mortgage statements, receipts and even bank records.

#### VERY IMPORTANT

The extra time you spend in providing detailed answers to the questions on these Client Intake Forms will prevent your case from being delayed. If you do not provide the answers, we will need to speak with you at a later time to obtain the information anyway. So please take the time now and do not allow your case to be delayed over a few unanswered questions.

### Please provide COMPLETE addresses

Providing the complete names and addresses for every debt you owe (as well as the company collecting for this debt [if applicable]) is *extremely important*. Without this crucial information, the company you owe money to may not be properly notified by the court and the debt may not be eligible for discharge. Additionally, in some instances, it can even be considered “fraud” not to provide complete mailing addresses for all creditors because it denies a creditor the right to file a Proof of Claim or Motion for Relief from Stay in a timely manner and could even delay the discharge of your bankruptcy case.

### What if you don't know the address of the company you owe money to?

If you or your attorney requested a credit report before filling out these Client Intake Forms, the

credit report may or may not contain all the addresses you need to properly complete the debt sheets. You have the right to request one FREE credit report a year online at <https://www.annualcreditreport.com/> This 3-in-1 report contains addresses and other detailed information not provided in other credit reports.

However to help you in locating addresses for creditors, the best place to start is to call the toll-free national information line at 1-800-555-1212 and see if a toll-free number is listed under the company's name. If not, you may need to look in your phone directory or do an online search from Google at <http://www.google.com>. which we found to be the fastest method of locating current name and address information for companies.

Listing the address of the original company you owe money to as well as the collection agency collecting on the debt is also just as important. By doing this, all parties concerned with the debt are notified by the court and it will greatly aide in decreasing all collection phone calls you may be currently receiving.

### What do you do after you have retained an attorney but the credit collectors continue to call you?

Provide the credit collector with the name and telephone number of your bankruptcy attorney. If you have a case number you can provide that also. But do NOT provide any other information whatsoever. Allow your attorney to deal with the creditor. That is what you hired him or her for - to represent you.

### Other Tips for Filling Out the Debt Sheets:

- ◆ Make sure all company names are spelled out. (For example, instead of writing “HSB” for a company name, write out the words “Home Secure Bank” or whatever the case may be.)
- ◆ Make sure the street address is readable and any abbreviations are spelled out.

- ◆ Make sure the city, state, and ZIP are included for all addresses. If the zip code is not known, it can be obtained online: <http://www.usps.com>.
- ◆ Make sure all the information for each creditor is completely filled in. Every piece of this information is important in preparing a detailed bankruptcy petition for you. If you do not know the exact date you made a debt, or charged on the account, a “year” is sufficient. The “year” can also be within a 2-year time frame. Not providing dates or years will delay the processing of your petition as we must contact you to obtain the information.
- ◆ For the “last date charged on this account” line, do not provide the last date you received a statement. We are only interested in the last date you *actually made a purchase* using this particular charge account.

### **Means Test Page**

To meet the requirement of the changes in the bankruptcy law on October 17, 2005 - you are now required to pass a Means Test to determine if you are eligible to file a Chapter 7 or 13.

In order to make this determination, the court requires that you provide the amount of income you earned for the last 6 months. Even if your income has drastically increased or decreased recently, the amount of income you received is still disclosed on the Means Test. This information may or may not be the same for the form named “Income History for You Page” (see below.)

### **Income History for You**

An often overlooked piece of vital information we need on the Income History for You form is your year-to-date income, plus the income you made in the last 2 years. This question appears right below your name on the form page. Your year-to-date income should appear on your recent pay-check stub. However, if you have had more than one employer this year, you will need to provide us with the TOTAL amount of income you made working for ALL employers.

In addition, if you also receive (or have received) another type of income (child support, unemployment, social security, pension, etc.) within the past 2 years, turn the page over (or use an

additional sheet of paper) and provide the income for this year and the last 2 years for each separate type of income.

Social security income is not considered to be income under the bankruptcy law but your attorney still needs to have this information available in your file for reference purposes.

### **Statement of Affairs Form**

Make sure that every box is answered with either a “yes” or “no” on the Statement of Affairs forms within this package. These pages serve as a written statement concerning your current financial condition. If a box is left unanswered, you will need to provide a written statement that specifically answers this question before your petition can be finalized. Please double-check and make sure you have answered every question on the form pages titled “Statement of Affairs.”

In addition, if any question on the Statement of Affairs forms is answered “yes,” it is extremely important that you fill in all the required information under the question you checked “yes” to. For instance, some people check “yes” to the item on the Statement of Affairs referring to previous addresses; however, they do not include the city, state and zip code of the address they lived at. Or, if a car has been repossessed, don’t just call it a “car” but provide the make, model and year. It is important for you to be as detailed as possible when answering any question “yes.” Also, if you run out of room, turn the paper over and write on the back. The higher level of detail you provide at this initial stage will greatly aide in moving your case along at a fast pace and prevent long delays and additional paperwork later down the road.

### **Motor Vehicles**

Please remember to ALWAYS provide the make, model and year of your motor vehicle. We must obtain market values of all motor vehicles from the Blue or Black Book for the bankruptcy court. We need all the information on the vehicle, including the present mileage to obtain the correct market value. Example: 2001 Kia should be 2001 Kia Rio, or 2001 Kia Spectra, or whatever the case may be. Simply writing the word “car”

does not tell us anything and delays the filing of your bankruptcy petition.

### **Court Documents**

If you have been involved in a court proceeding of any type within the past 12 months, including a foreclosure, wage garnishment, traffic tickets, other fines, lawsuits, judgments for debt collection, etc. -- we need to know the following information, which can be obtained directly from the court pleading you received in the mail:

- ♦ Court Heading -- (example: John Doe, Plaintiff -vs- Jane Doe, Defendant)
- ♦ Case Number
- ♦ Name and address of court where document was filed
- ♦ Date document was filed with the court
- ♦ Names and complete addresses of any attorneys or parties involved with the case (including the Plaintiff)
- ♦ Current status -- Has a hearing already taken place? If so, what was the result? If the hearing has not taken place and a decision has not been reached yet, provide the date of the court hearing and let us know if the case is still "pending."

You may find it easier to simply make a copy of the court document and include it with your Client Intake Forms when you return them to your attorney.

If you no longer have a copy of the court pleading that provides this information, you may be able to go online and get a copy. Go to a search engine like Google at <http://www.google.com>. Type in a search for your county (example: Franklin County Ohio). If your county is online, you can normally do a simple search by your last name and locate public records that may be helpful in locating the information needed for your bankruptcy petition.

### **Contracts**

Contracts you have may include cell phones, a lease for an automobile or even a contract you entered into with another party to pay back a debt. Be sure to provide the following:

- ♦ The date or year the contract began;

- ♦ How many months the contract is for;
- ♦ How much you pay per month (installment payment);
- ♦ If you want to continue paying the contract or not assume the lease; and
- ♦ Any details about this contract (lease).

### **Summary**

Thank you for taking the time to read these important instructions before filling out the Client Intake Forms. We understand that filing bankruptcy is not something people enjoy doing. In fact, we know this is a stressful time in your life. However, we want to make the experience as easy as possible. The only way we can do this is to obtain all the information that is needed for the attorney to represent you in court.

Thank you for taking the extra steps necessary to help us make this time in your life a little less stressful. And please do not hesitate to call our office if we can assist you in any way. We sincerely hope you are happy with our law firm and will want to recommend us to others.

### **Famous People who filed bankruptcy:**

- 1871 - Phineas Taylor Barnum (Barnum and Bailey's Circus)
- 1872 - Mathew Brady (famous photographer)
- 1875 - Henry John Heinz (Heinz catsup developer)
- 1884 - Henry Ford (automobile manufacturer)
- 1892 - Milton Snavely Hershey (Hershey chocolate)
- 1894 - Mark Twain (famous writer)
- 1962 - Mickey Rooney (famous actor)
- 1988 - Jerry Lee Lewis (famous singer)
- 1991 - Johnny Unitas (famous quarterback)
- 1992 - Debbie Reynolds (famous actress)
- 1992 - Wayne Newton (famous singer)
- 1993 - Kim Basinger (famous actress)
- 1996 - Burt Reynolds (famous actor)
- 1996 - MC Hammer (famous singer)
- 1999 - Sherman Hemsley (George Jefferson on the hit 1970s TV show)
- 2000 - Marjorie Margolies Mezvinsky (U.S. House of Representatives)

\* Online Source: Thomson-West, an article by Laura J. Margulies of Laura J. Margulies & Associates LLC