

# **Client Questionnaire**

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## **Client Instructions and Information for Completing Bankruptcy Forms**

Bankruptcy is a right provided to all us citizens. Filing a bankruptcy is a legal means to rid yourself of debt that you are unable to repay so that you can make a new start. The sooner you can get back on your feet the better it will be for you, your family and society.

In order to file a bankruptcy you must provide a large amount of information to the US Bankruptcy Court. In addition to the enclosed Questionnaire, the Bankruptcy Code requires proof of all of your income (copies of pay stubs, income tax refunds, child support, alimony, copies of rent checks you may receive, etc.) and all of your debts (copies of bills, mortgage statements, bank statements, etc.). We have included a checklist of most of the information that we will need in order to properly evaluate your debts and assets and file a case for you. Sometimes it is not possible to determine whether your circumstances best "fit" a Chapter 7 or a Chapter 13 until we complete this analysis.

The law allows you to keep some money and most types of "necessary property". It is essential that you provide us with complete, accurate information. Only through full disclosure of your particular situation can we protect you from your creditors. Incomplete information can lead to a dismissal of your bankruptcy. Intentionally "leaving out" information could lead to criminal charges. If you have questions about whether you can keep certain property or if you should list a certain debt, please call or email our office.

The law requires anyone who files a bankruptcy to complete a credit counseling course from a court approved provider prior to filing. You can take the course online, over the phone or in person. If you are filing a joint bankruptcy you and your spouse must each take the course. Enclosed is a list of local approved providers. We will need a copy of your completion certificate.

When you have finished both the Bankruptcy Questionnaire and completed the Bankruptcy Filing Checklist you are ready to file. Please bring a copy of your Checklist and accompanying documents to our office. You do not need an appointment to bring in your materials. Like documents should be paper-clipped together (all utility bills clipped together, all credit card bills clipped together, all pay stubs clipped together, etc.). Bills should be removed from envelopes. The total filing fee is due when you turn in your materials. We accept certified checks or money orders payable to Philip L. Fairbanks, Esq., P.C. If you are being harassed by creditors you may submit a \$750 nonrefundable retainer before you have completed assembling your paperwork. Once we have been retained our office will inform any creditors that Mr. Fairbanks has been retained to file your bankruptcy.

By law, once you inform a creditor that you have retained an attorney and our office provides verification, creditors are no longer allowed to harass you. If you have questions or need assistance while you are completing the questionnaire and gathering the necessary documents, please either email them or give us a call. We are looking forward to serving you.

Biffy Bauer  
Office Manager  
[Biffy@LowcountryBankruptcy.com](mailto:Biffy@LowcountryBankruptcy.com)  
843-521-1580

## WHAT TO EXPECT

1. In order for us to file your bankruptcy you will need to complete the attached questionnaire in detail. You will need to obtain copies of all bills, bank statements, tax returns and all other documents listed on the Bankruptcy Filing Checklist. We cannot begin work on your case until we have ALL of the information requested. If you have questions or need assistance, please give us a call.
2. After your bankruptcy filing fee is paid and all necessary information is submitted, an appointment will be set for you to sign the legal documents that are filed with the Court. *You do not need an appointment to submit your paperwork.*
3. Once our office has been retained, if creditors correspond by mail or telephone, simply tell them you have retained a bankruptcy attorney and give them our phone number.
4. Filing proper tax returns is *essential* to the success of your case. We need copies of the last three (3) years tax returns.
5. If you are in a Chapter 13 re-organization, your first payment will be due approximately 30 days from filing. This payment will eventually be deducted from your paycheck, however, the first several payments should be mailed to the Trustee that you are assigned. The Trustee will notify you where to mail the payment and when it is due.
6. If a change of circumstances occurs any time during your case (such as new address, new pay rate, etc.), please contact our office.
7. Approximately five (5) days after your case is filed, you will receive a letter from the Bankruptcy Court stating your case number and the date for your meeting of creditors. *This hearing is mandatory.*
8. If you have any questions both before and during your case, call and ask to speak to one of our bankruptcy legal assistants.

## BANKRUPTCY CHECKLIST

### RECEIVED

### ITEMS NEEDED

- \_\_\_\_\_ Initial Credit Counseling Certificate showing course completed.  
Certificate must be less than 180 days old.
- \_\_\_\_\_ Filing fee in the form of a certified check or money order payable to Philip Fairbanks, Esq., P.C.  
We will not be able to process your bankruptcy without these funds.
- \_\_\_\_\_ Copy of Social Security Card and Driver's License (or other picture ID and other source of proof of Social Security with number displayed). If you do not have this, you will need to go to the Social Security office and get a verification letter showing your number.
- \_\_\_\_\_ Monthly bills: we will need copies of the last three (3) months of your creditor/loan statements including utilities. If you do not have a statement from a particular creditor/company, we need the creditor's name, address, account number and the amount you owe.  
Please take all statements out of the envelopes.
- \_\_\_\_\_ Proof of all income for the past six (6) months (Child Support, Social Security, government assistance, retirement benefits, stocks, bonds, etc.).
- \_\_\_\_\_ Six (6) months of paycheck stubs for all full or part-time jobs. (if you are self-employed or do not have check stubs, then need printout/spreadsheet broken down by month detailing gross income and any deductions taken out such as taxes, insurance, etc.)
- \_\_\_\_\_ Three (3) years of tax returns (or tax transcripts) – including W-2s. Your last three years of returns must be filed in order to file for bankruptcy.
- \_\_\_\_\_ Six (6) months of bank statements/investment accounts (IRA, money market, etc.) We need copies for ALL accounts in your name – including any accounts closed in past six (6) months.
- \_\_\_\_\_ If you own real estate, we need a copy of the current property tax bill (with appraised value) and any recent professional appraisals. Include any real estate owned now as well as any transferred out of your name in the last year.
- \_\_\_\_\_ If you own any vehicles, boats, etc. we need a copy of the registration and proof of insurance.
- \_\_\_\_\_ If you are self-employed, we need all self-employment information (such as whether you are in a partnership, corporation, LLC, etc.). You will also need to fill out a Business Questionnaire.

*It is important that we have all the information above as well as the Bankruptcy Questionnaire completed to the best of your ability order to file your bankruptcy. Please help us by submitting the information in an organized manner with items separated by category, and with all statements out of the envelopes. There will be an additional charge if we do not receive your information in this way.*

## APPROVED CREDIT COUNSELING AGENCIES

**If you are filing a joint bankruptcy, both parties must complete credit counseling.**

**Alliance Credit Counseling Inc.**

[www.knowdebt.org](http://www.knowdebt.org)

Delivery Method:

INTERNET: [www.startfreshtoday.com](http://www.startfreshtoday.com)

Phone: 1-888-995-7856

11/01/09 charge is \$50 for single and \$75 for joint filing

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**Consumer Credit Counseling Services of the Savannah Area**

*Available in Beaufort area Wednesdays and Thursdays from 9:00 to 5:00 pm  
by appointment only for telephone and in person service.*

Delivery Method:

Internet: [www.cccsavannah.org](http://www.cccsavannah.org)

Telephone: 912-691-2227

In Person: Consumer Credit Counseling

69 Robert Smalls Parkway

Beaufort, SC 29902

843-379-2227

11/01/09 charge is \$50 for single and \$75 for a joint filing

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**Hummingbird Credit Counseling**

800-645-4959

Internet Only: [www.hbcoe.org](http://www.hbcoe.org)

11/01/09 charge is \$49 for single and \$68 for a joint filing  
**Bankruptcy Questionnaire**



**Part C. Prior/Pending Bankruptcy Cases**

Has a bankruptcy case been filed by you or against you in the last 8 years?  No  Yes

If yes, in which district of which state was the case filed? \_\_\_\_\_

Case Number: \_\_\_\_\_ Date filed: \_\_\_\_\_

Are there currently any bankruptcy cases pending against you, your business, your spouse, or your spouse's business?  No  Yes

If yes, name of debtor: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

Case Number: \_\_\_\_\_ Date filed: \_\_\_\_\_ Judge: \_\_\_\_\_

In which district of which state was the case filed? \_\_\_\_\_

**Exhibit "C" to the Voluntary Petition**

Do you own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?  No  Yes (If yes, please attach a list and description of the property.)

**Debtors Who Reside as Tenants of Residential Property**

If you rent your home, does a landlord hold a judgment against you?  No  Yes

If yes, please provide the name and address of the landlord:

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_



## Section 2 - Property

### Part A. Real Estate (Schedule A)

List all real estate which you own or are a joint owner of, even if you still owe money on the property.

[Redacted]										

**Part B. Personal Property (Schedule B)**

For each type of property listed below, indicate whether you own any property of that category, and, if you do, fill in the remaining information. You can think of the value as the replacement value. For property acquired for personal or family use, replacement value is the price a retail merchant would charge for a property of that kind, considering the age and condition of that property.

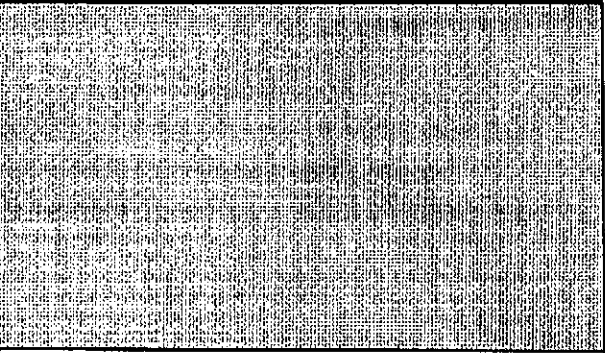
1. Cash on hand					
2. Checking/Savings Account, Certificates of deposit, other bank accounts					
3. Security deposits held by utility companies, landlord					
4. Household goods, furniture, including audio, video, and computer equipment					

5. Books, pictures, art objects, records, compact discs, collectibles															
6. Clothing															
7. Furs and jewelry															
8. Sports, photographic, hobby equipment, firearms															
9. Interest in insurance policies-specify refund or cancellation value															
10. Annuities															
11. Interests in an education IRA, as defined in 26 USC § 530(b)(1)															
12. Interests in pension or profit sharing plans															
13. Stock and interests in incorporated/unincorporated business															

14. Interests in partnerships/joint ventures						
15. Bonds						
16. Accounts receivable						
17. Alimony/family support to which you are entitled						
18. Other liquidated debts owed to you, including tax refunds						
19. Equitable or future interests or life estates						
20. Interests in estate of decedent or life insurance plan or trust						
21. Other contingent/unliquidated claims, including tax refunds, counterclaims						
22. Patents, copyrights, other intellectual property						
23. Licenses, franchises						
24. Customer List or other compilation						

25. Automobiles, trucks, trailers, and accessories.															
26. Boats, motors, and accessories															
27. Aircraft and accessories															
28. Office equipment, supplies															
29. Machinery, fixtures etc. for business															
30. Inventory															
31. Animals															
32. Crops-growing or harvested															
33. Farming equipment and implements															
34. Farm supplies, chemicals, feed															

35. Other personal property of any kind not listed.



### Section 3 Debts

List below all debts that you owe, or that creditors claim that you owe.

Type of Debt	1. Creditor Name and Address 2. Account Number, if any 3. Date started or when debt was created 4. Current balance and amount of payments	Amount owed	Name and address of country, if any What is the debt for? Is debt secured by any property? (If so, please list monthly payments and number of months left)	Do you because of this debt?	Office Use Only	
					Sched D, E or F?	Lawsuit pending? Collection agency assigned? Counsel for creditor?
Home loans/ mortgages						
Car loans						
Other bank loans						
Personal loans						
Student loans						
Major credit card debts (Visa, Am Ex, Mastercard, Discover) - continue on next page, if necessary						

Type of Debt	Creditor Name and Address Account Number (if any) Date/percentage of latest when debt was incurred A: Covered person's name and address if different	Amount owed	Name and address of creditor if any Other ID# (if any) Is debt assigned to any agency? (If so, please list month, payment and number of months left)	Do you want to pay the debt?	Office Use Only	
					Sched D, E, or F?	Law suit pending? Collection agency assigned? Counsel for creditor?
Unpaid credit cards, (Visa, Am Ex, Mastercard, Discover) <i>continued</i>						
Department store credit card debts						
Other credit card debts (Gas cards, phone cards, etc.)						
Unpaid medical bills						
Unpaid utility bills						



Type of Debt	1. Creditor Name and Address 2. Account Number, if any 3. Date of last bill or statement 4. Current balance, terms, and charges, if different	Amount owed	Name and address of creditor, if any What is owed to? Is debt secured by any property? (If so, describe the monthly payment and number of months left.)	Do you dispute the debt?	Office Use Only	
					Sched D, E, or F?	Lawsuit pending? Collection agency assigned? Counsel for creditor?
Unpaid rent						
Unpaid taxes						
Unpaid alimony or child support						
Unpaid service fees						
All other unpaid debts/bills						

**Section 4 Unexpired Leases and Contracts (Schedule G)**

List below any leases or contracts that are still current that you are a party to. Include residential, car and business leases, and service or business contracts.

Name and Description of Contract	Name and Address of Other Party or Parties	Business, Contract Expires

## Section 5 Current Income

Marital Status:

- Married
- Single
- Divorced
- Separated
- Widowed

Name	Age	Relationship

### Part A. Debtor's Income

1. What is your occupation? \_\_\_\_\_

2. Name and address of your employer:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. How long have you been employed there? \_\_\_\_\_

4. What is the gross amount of your paycheck, before taxes/other deductions are taken out? \$ \_\_\_\_\_

5. How often do you get paid?  once a week  
 every two weeks       twice a month  
 once a month       other \_\_\_\_\_

*Complete the below questions with your estimate of monthly averages.*

6. Do you receive overtime pay outside of your salary? If so, how much per month? \$ \_\_\_\_\_

7. How much is taken out of each paycheck for taxes and social security? \$ \_\_\_\_\_

8. How much is taken out for insurance? \$ \_\_\_\_\_

9. How much for union dues? \$ \_\_\_\_\_

10. Are there other deductions? If so, what are they and how much? \_\_\_\_\_

Do you receive

a) income from business operations outside of your regular paycheck listed above? If so, what is the business and how much do you receive per month?

b) income from real estate property? If so, how much per month?  No  Yes \$ \_\_\_\_\_

c) interest or dividends? If so, how much per month?  No  Yes \$ \_\_\_\_\_

d) alimony or family support payments for your use or for the care of your dependents? If so, how much per month?  No  Yes \$ \_\_\_\_\_

e) social security or other forms of monetary government assistance?  No  Yes \$ \_\_\_\_\_

f) retirement or pension money?  No  Yes \$ \_\_\_\_\_

Do you have any other sources of income not listed?

Are you or your spouse expecting any increase or decrease in salary next year? If so, explain.

### Part B. Joint Debtor's Income

1. What is your spouse's occupation? \_\_\_\_\_

2. Name and address of your spouse's employer:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. How long employed there? \_\_\_\_\_

4. What is the gross amount of your spouse's paycheck, before taxes/other deductions? \$ \_\_\_\_\_

5. How often does your spouse get paid?  once a week  
 every two weeks       twice a month  
 once a month       other \_\_\_\_\_

*Complete the below questions with your estimate of monthly averages.*

6. Does your spouse receive overtime pay outside of your salary? How much per month? \$ \_\_\_\_\_

7. How much is taken out of each paycheck for taxes and social security? \$ \_\_\_\_\_

8. How much is taken out for insurance? \$ \_\_\_\_\_

9. How much for union dues? \$ \_\_\_\_\_

10. Are there other deductions? If so, what are they and how much? \_\_\_\_\_

Does your spouse receive

a) income from business operations outside of the regular paycheck listed above? If so, what is the business and how much does your spouse receive per month?

b) income from real estate property? If so, how much per month?  No  Yes \$ \_\_\_\_\_

c) interest or dividends? If so, how much per month?  No  Yes \$ \_\_\_\_\_

d) alimony or family support payments for spouse's use or for care of dependents? If so, how much per month?  No  Yes \$ \_\_\_\_\_

e) social security or other forms of monetary government assistance?  No  Yes \$ \_\_\_\_\_

f) retirement or pension money?  No  Yes \$ \_\_\_\_\_

Does your spouse have any other income not listed?

## Section 5A Current Monthly Income

Fill in your monthly income for the categories below in the column labeled "Month 1." If your income for one of the below categories varies from month to month, complete the below chart by entering in your income for all six months.

	Month 1 (last month)	Month 2 (2 months ago)	Month 3	Month 4	Month 5	Month 6 (6 months ago)
Gross wages, salary, tips, bonuses, overtime, commissions.						
Income from operation of business: a. Gross Income - b. Expenses = c. Net Income.						
Rent and other real property income: a. Gross Income - b. Expenses = c. Net Income.						
Interest, dividends, and royalties.						
Pension and retirement income ( <i>NOT Social Security</i> ).						
Regular contributions from others to the household expenses, including child support. Unemployment Compensation.						
Social Security income.						
Other sources not already mentioned. Specify:						

## Section 6 Current Expenses

Do you and your spouse maintain separate households?  No  Yes. If so, fill one page out for your household and another for your spouse's.

The following questions ask for your expenses each month. If you are unsure of the amount you pay each month, but know the amount for a different period (per week, per day, every 2 months, etc.), write in the amount and the frequency that you pay the amount.

Indicate how much you pay for each item each month...

1. your rent or your home mortgage \$ \_\_\_\_\_  
Does that amount include real estate taxes?  No  Yes  
Does it include property insurance?  No  Yes
2. electricity and heating \$ \_\_\_\_\_
3. water and sewage \$ \_\_\_\_\_
4. telephone service/long distance \$ \_\_\_\_\_
5. Do you have any other utility bills? If so, what, and how much per month?  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_
6. home maintenance, including repairs and general upkeep \$ \_\_\_\_\_
7. food \$ \_\_\_\_\_
8. clothing \$ \_\_\_\_\_
9. laundry and dry cleaning \$ \_\_\_\_\_
10. medical and dental expenses \$ \_\_\_\_\_
11. transportation (not including car payments) \$ \_\_\_\_\_
12. entertainment, recreation, newspapers, magazines \$ \_\_\_\_\_
13. charitable contributions \$ \_\_\_\_\_
14. insurance not deducted from paycheck  
a) homeowner's or renter's insurance \$ \_\_\_\_\_  
b) life insurance \$ \_\_\_\_\_  
c) health insurance \$ \_\_\_\_\_  
d) auto insurance \$ \_\_\_\_\_  
e) other insurance \_\_\_\_\_ \$ \_\_\_\_\_
15. taxes not deducted from paycheck \$ \_\_\_\_\_
16. installment payments for car, furniture, etc. (Specify)  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_
17. alimony, maintenance, support paid to others \$ \_\_\_\_\_
18. payments for support of dependents not living at home \$ \_\_\_\_\_
19. expenses from operation of business \$ \_\_\_\_\_
- Additional Expenses (707(b) Expenses)**
20. mandatory payroll deductions not already listed \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_
21. court ordered payments not already listed \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

- |   |          |
|---|----------|
|   | \$ _____ |
| 22. education necessary to maintain employment                                    | \$ _____ |
| 23. education for a physically or mentally challenged child                       | \$ _____ |
| 24. childcare   | \$ _____ |
| 25. disability insurance (if not listed on line 14)                               | \$ _____ |
| 26. health savings accounts   | \$ _____ |
| 27. care for elderly, chronically ill, or disabled family members                 | \$ _____ |
| 28. protection from family violence   | \$ _____ |
| 29. education expense for your children under 18                                  | \$ _____ |
| 30. non-mandatory contributions to retirement accounts (including loan repayment) |          |
|   | \$ _____ |
|   | \$ _____ |
| 31. other expenses not listed above _____   | \$ _____ |
|   | \$ _____ |
|   | \$ _____ |
|   | \$ _____ |

## Section 7 Statement of Financial Affairs

If you are filing jointly with your spouse, include information about both you and your spouse. If you are filing under chapter 12 or 13, and you are married and not separated, you must provide information about your spouse even if you are not filing jointly.

If you have no information to report for a question, check the "NONE" box.

### 1. Income from employment or operation of business

State your gross income from employment or operation of a business: If you have not received an income from employment during the **two years** immediately preceding this calendar year, check this box:

NONE

Period	\$ Amount	Source	Husband/Wife
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January 1 of this year through  
date of commencement of case

Last year, (January 1 - December 31)

The year before last,  
(January 1 - December 31)

### 2. Income other than from employment or operation of business

State the amount of income received other than from employment or operation of business during the **two years** immediately preceding the commencement of this case:

NONE

Period	\$ Amount	Source	Husband/Wife
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During the last year

Year before last

### 3. Payments to creditors

- a. *If your debts are primarily consumer debts*, list all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor made within **90 days** immediately preceding the commencement of this case. Indicate with an asterisk (\*) any payments that were made on account of a domestic support obligation, or that were made as part of an alternative repayment plan.

NONE

Name and Address of Creditor	Dates of Payments	Amount paid	Amount still owed
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b. *If your debts are not primarily consumer debts*, list each payment or other transfer, aggregating more than \$5,475 to any creditor made within **90 days** immediately preceding the commencement of this case.

NONE

<u>Name and Address of Creditor</u>	<u>Dates of Payments</u>	<u>Amount paid</u>	<u>Amount still owed</u>
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c. *All debtors*. List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were "insiders". ("Insiders" include your relatives, your business partners and their relatives, your corporations, or your affiliates.)

NONE

<u>Name and Address of Creditor and Relationship to You</u>	<u>Dates of Payments</u>	<u>Amount Paid</u>	<u>Amount Still Owed</u>
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4. Suits, executions, garnishments and attachments

a. List all suits and administrative proceedings to which you are or were a party within **one year** preceding the filing of this case.

NONE

<u>Caption of Suit and Case Number</u>	<u>Nature of Proceeding</u>	<u>Court or Agency and Location</u>	<u>Status or Disposition</u>
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b. Describe all property that has been garnished, seized, or attached under any legal or equitable process within **one year** immediately preceding the commencement of this case.

NONE

<u>Name and Address of Person/Company for Whom the Property Was Seized (Creditor)</u>	<u>Date of Seizure</u>	<u>Description and Value of Property</u>
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5. Repossessions, foreclosures, and returns

List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure, or returned to the seller, within **one year** immediately preceding the commencement of this case.

NONE

<u>Name and Address of Creditor</u>	<u>Date of Repossession, Foreclosure, Transfer or Return</u>	<u>Description and Value of Property</u>
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6. Assignments and receiverships

a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case.

NONE

<u>Name and Address of Assignee</u>	<u>Date of Assignment</u>	<u>Terms of Assignment/Settlement</u>
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b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case.

NONE

<u>Name and Address of Custodian</u>	<u>Name and location of Court, Case Title and Number</u>	<u>Date of Order</u>	<u>Description and Value of Property</u>
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7. Gifts

List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient.

NONE

<u>Name and Address of Recipient</u>	<u>Relationship to You, if Any</u>	<u>Date of Gift</u>	<u>Description and Value of Gift</u>
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**8. Losses**

List all losses from fire, theft, gambling or other casualty within **one year** immediately preceding the commencement of this case or **since the commencement of this case**.

NONE

<u>Description and Value of Property</u>	<u>Description of Circumstances and Amount Covered by Insurance, if Any</u>	<u>Date of Loss</u>
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**9. Payments related to debt counseling or bankruptcy**

List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consultation, relief under the bankruptcy law or preparation of the petition in bankruptcy within **one year** immediately preceding the commencement of the case.

NONE

<u>Name and Address of Payee</u>	<u>Date of Payment</u>	<u>Name of Person Who Paid, if Not You</u>	<u>Amount of Money/ Description and Value of Property</u>
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**10. Other transfers (including sale of your property)**

a. List all other property, other than property transferred in your ordinary course of business or financial affairs, transferred either absolutely or as a security within **two years** immediately preceding the commencement of this case.

NONE

<u>Name and Address of Transferee and Relationship to you</u>	<u>Date of Transfer</u>	<u>Description of Property Transferred and Value Received</u>
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b. List all property you transferred within **10 years** immediately preceding the commencement of this case to a self-settled trust, or a similar device of which you are the beneficiary.

NONE

<u>Name of Trust or Similar Device</u>	<u>Date of Transfer</u>	<u>Amount of Money or Description and Value of Property or Interest</u>
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11. Closed financial accounts

List all financial accounts and instruments held in your name or for your benefit which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case.

NONE

<u>Name and Address of Institution</u>	<u>Type and Number of Account &amp; Final Balance</u>	<u>Amount and Date of Sale or Closing</u>
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12. Safe deposit boxes

List each safe deposit or other box or depository in which you have or have had securities, cash, or other valuables within **one year** immediately preceding commencement of this case.

NONE

<u>Name and Address of Bank or Other Depository</u>	<u>Name and Address of Those With Access to Box or Depository</u>	<u>Description of Contents</u>	<u>Date of Transfer, if Any</u>
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13. Setoffs

List all setoffs made by any creditor, including a bank, against a debt or deposit of yours within **90 days** preceding the commencement of this case.

NONE

<u>Name and Address of Creditor</u>	<u>Date of Setoff</u>	<u>Amount of Setoff</u>
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14. Property held for another person

List all property that you hold or control that is owned by another person.

NONE

<u>Name and Address of Owner</u>	<u>Description and Value of Property</u>	<u>Location of Property</u>
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15. Prior address of debtor

If you have moved within the **three years** immediately preceding the commencement of this case, list all residences during the last three years, excluding your present address.

NONE

<u>Address</u>	<u>Your Name at the Time</u>	<u>Dates of Occupancy</u>
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**16. Spouses and Former Spouses**

If you reside or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the **eight-year period** immediately preceding the commencement of the case, identify the name of your spouse and of any former spouse who resides or resided with you in the community property state.

NONE

Name \_\_\_\_\_

**17. Environmental Information.**

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

a. List the name and address of every site for which you received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

NONE

<u>Site Name and Address</u>	<u>Name and Address of Governmental Unit</u>	<u>Date of Notice</u>	<u>Environmental Law</u>
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b. List the name and address of every site for which you provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

NONE

<u>Site Name and Address</u>	<u>Name and Address of Governmental Unit</u>	<u>Date of Notice</u>	<u>Environmental Law</u>
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c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which you are or were a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NONE

Name and Address of Governmental Unit	Docket Number	Status or Disposition
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18 . Nature, location and name of business

a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within the six years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the six years immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the six years immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the six years immediately preceding the commencement of this case.

NONE

Name	Taxpayer I.D. Number(EIN)	Address	Nature of Business	Beginning and End Dates of Operation
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b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NONE

Name	Address
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**The following questions, #19-25, are only to be answered if you are a corporation or partnership or if you have been, in the six years immediately preceding this case, an officer, director, managing executive, or owner of more than 5% of the voting securities of the corporation; a partner, other than a limited partner, of a partnership; a sole proprietor, or otherwise self-employed.**

**19. Books, records, and financial statements**

- a. List all bookkeepers and accountants who, within the **two years** immediately preceding the filing of this bankruptcy case, kept or supervised the keeping of books of account and records.

NONE

Name and Address	Dates Services Rendered
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- b. List all firms or individuals who, within the **two years** immediately preceding the filing of this bankruptcy case, have audited the books of account and records, or prepared a financial statement of the debtor.

NONE

Name	Address	Dates Services Rendered
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- c. List all firms or individuals who, at the time of the commencement of this case, were in possession of your books of account and records. If the records are not available, explain.

NONE

Name and Address	Comments
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- d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within **two years** immediately preceding the commencement of this case.

NONE

Name and Address	Date Issued
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20. Inventories

- a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

NONE

<u>Date of Inventory</u>	<u>Inventory Supervisor</u>	<u>Dollar Amount of Inventory (specify cost, market, or other basis)</u>
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- b. List the name and address of the person possessing the records of each of the two inventories reported in a.) above.

NONE

<u>Date of Inventory</u>	<u>Name and Address of Custodian of Inventory Records</u>
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21. Current partners, officers, directors, and shareholders

- a. If your business is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NONE

<u>Name and Address</u>	<u>Nature of Interest</u>	<u>Percentage of Interest</u>
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- b. If your business is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 % or more of the voting securities of the corporation.

NONE

<u>Name and Address</u>	<u>Title</u>	<u>Nature and Percentage of Stock Ownership</u>
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22. Former partners, officers, directors and shareholders

- a. If your business is a partnership, list each member who withdrew from the partnership within one year immediately preceding the commencement of this case.

NONE

<u>Name and Address</u>	<u>Date of Withdrawal</u>
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- b. If your business is a corporation, list all officers or directors whose relationship with the corporation terminated within one year immediately preceding the commencement of this case.

NONE

<u>Name and Address</u>	<u>Title</u>	<u>Date of Termination</u>
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**23. Withdrawals from a partnership or distributions by a corporation**

If your business is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during one year immediately preceding the commencement of this case.

NONE

<u>Name and Address of Recipient, and Relationship to You</u>	<u>Date and Purpose of Withdrawal</u>	<u>Amount of Money or Description and Value of Property</u>
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**24. Tax Consolidation Group.**

If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within the **six-year period** immediately preceding the commencement of the case.

NONE

<u>Name of Parent Corporation</u>	<u>Taxpayer Identification Number</u>
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**25. Pension Funds.**

If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within the **six-year period** immediately preceding the commencement of the case.

NONE

<u>Name of Pension Fund</u>	<u>Taxpayer Identification Number</u>
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# **REAFFIRMATION AGREEMENTS DEBTOR INFORMATION PACKET**

Materials prepared by the Atlanta Legal Aid Society and the Bankruptcy Section of the Atlanta Bar Association. Permission has been given for posting on the United States Bankruptcy Court for the District of South Carolina's website.

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### ***What is a Discharge?***

A discharge is an order issued by the bankruptcy court stating that your debts have been forgiven and do not have to be repaid. The discharge only applies to debts that arose before the filing of your bankruptcy case. Certain debts can not be discharged in a chapter 7 or a chapter 13 bankruptcy case. You are not required to reaffirm any debt or sign any agreement regarding a debt that has been or will be discharged in your bankruptcy case.

### ***What is a Reaffirmation Agreement?***

When you file a bankruptcy case, some or all of your debts are discharged and you are no longer legally responsible for paying them back. This gives you a "fresh start." However, after filing your bankruptcy case, you may want to repay a particular debt or you may be asked by a creditor to pay a debt. If you decide that you want to pay any specific debt that otherwise would be discharged, you may be required to sign a reaffirmation agreement and file it with the court.

Under a reaffirmation agreement, you agree to pay a debt even though you could have eliminated the debt in your bankruptcy case. Reaffirmation agreements are strictly voluntary. When you reaffirm a debt, you continue to be legally responsible for paying it back. This gives the creditor some legal rights. For example, if you have a car loan and miss a payment in the future, the creditor can do any of the following things:

- (1) repossess the car;
- (2) sell the car to someone else; and
- (3) sue you for all the money you still owe on the car (the deficiency balance).

When you reaffirm a debt, that debt is treated as if you never filed a bankruptcy case and such debt is not forgiven. This can have serious financial consequences. Therefore, reaffirmation agreements must not impose an undue burden upon you or your family and must be in your best interest. It is wise to consider all of your options before entering into a reaffirmation agreement.

### ***Should I Reaffirm a Debt?***

In many cases, you do not need to reaffirm a debt. This will give you the full benefit of a "fresh start" by eliminating your debt. However, you may have special reasons for paying back a particular debt. If this is the case, you may be able to pay it back on a voluntary basis, without signing a reaffirmation agreement. It is a good idea to talk to an attorney to find out what is best for you. You may also find the attached chart helpful.

If you filed your bankruptcy case on or after October 17, 2005, a reaffirmation agreement may be necessary. For example, if you own secured property, such as a car, you must tell the bankruptcy court what you intend to do with it. You have three options:

- (1) keep the car and continue making payments until it is paid off;
- (2) redeem the car by paying it off in a lump-sum payment (this could be less than you owe); or
- (3) return the car to the creditor and owe nothing more.

If you can afford to keep the secured property and continue making payments, it may be necessary to sign a reaffirmation agreement, unless the creditor agrees otherwise. If you decide that you cannot afford to keep the property, you must return it to the creditor. If you decide to return it, the debt will be discharged.

After you file a bankruptcy case, you will receive an appointment to meet with the bankruptcy trustee. This is called the 341(a) hearing or "meeting of the creditors." After that meeting, you have 30 days to sign a reaffirmation agreement, redeem the secured property or return the secured property to the creditor. If you fail to do one of these things, you may lose important legal rights and the property.

### ***Reaffirmation Hearing***

The bankruptcy judge must approve your reaffirmation agreement if you do not have an attorney or if your attorney will not certify the agreement. You will receive a hearing date to appear before a judge and explain why you want to reaffirm the debt. You must also explain how you can afford to make payments in the future. The judge may ask:

- (1) the reasons why you want to reaffirm the debt,
- (2) whether you understand what you are agreeing to,
- (3) whether you are likely to have the ability to maintain the payments, and
- (4) whether the payments will cause a hardship for you or your family.

If you reaffirm a particular debt and the bankruptcy court approves the reaffirmation agreement, that debt is not discharged in your bankruptcy case. You must make the payments, no matter what hardship this may cause you.

### ***Making Payments***

While your bankruptcy case is pending, you must continue making payments on your debt to avoid losing your secured property. Your creditor may have stopped sending you the monthly bill after you filed your bankruptcy case. If so, contact the creditor immediately to obtain the correct payment information, including the address and payment date. If you do not hear back from the creditor, it is still your responsibility to send payments on time.

***Can I Cancel a Reaffirmation Agreement?***

A reaffirmation agreement can be cancelled:

- (1) before the court issues a discharge; or
- (2) within sixty (60) days from the date the reaffirmation agreement is filed with the bankruptcy court.

***Reaffirmation Agreement Forms***

For more information on Reaffirmation Agreements and the forms provided, please see South Carolina Local Bankruptcy Rule 4008-1 and attached exhibits at [www.scb.uscourts.gov](http://www.scb.uscourts.gov) (Local Rules) or contact the Clerk's Office at 803-765-5436.

# CONSIDER THIS BEFORE YOU REAFFIRM

## Do you really need it?

Answer this question honestly. You may like that new sofa, the new computer or that TV, but its time to make hard choices and you can't keep everything. Only consider reaffirming debts on things you absolutely need, like your car to go to work.

**IF YES**

Can you get another one for less money? **IF SO, DON'T REAFFIRM!**

Can you really afford it? **(I MEAN REALLY!!) IF NOT, DON'T REAFFIRM!**

Has the creditor offered you a "new deal," credit card or anything else to reaffirm?

**WEIGH YOUR OPTIONS- LOWER INTEREST RATES AND BETTER PAYMENT TERMS MAY NOT BE THE ANSWER**

You still want to reaffirm?

**So you still want to keep it.**  
Can your creditor repossess or take the property if you don't make your payments? Make sure the creditor shows you the paper that says they can take your property. If they can't, **DON'T REAFFIRM!**

Are you way behind on your payments? If you do not have a real chance to catch up, you will default later and lose your property anyway. **DON'T REAFFIRM!**

When you owe a lot of money and the creditor is offering to give you new credit or keep your account in good standing, be careful and think: **ARE THERE CHEAPER WAYS TO GET CREDIT?**

**BEFORE YOU SIGN...**

**IF NO,  
GIVE IT BACK!**

- If you decide to reaffirm, you must sign the reaffirmation agreement before you get a discharge.
- Do you understand the agreement? Amount you owe? Payment terms?
- Are all agreed terms in the document?
- If you don't have an attorney, the bankruptcy court must approve the agreement before it is binding and a creditor can enforce it.
- If you change your mind you can cancel the agreement anytime before your discharge or 60 days after the agreement is filed with the court, whichever comes later. Just tell the creditor (in writing is best), and the agreement is cancelled. This is your right to rescind the agreement.