

HOW CAN I GET THE BENEFITS OF BANKRUPTCY?

A Bankruptcy case begins with a visit to your attorney, who will talk to you in detail about the Bankruptcy law and how it affects your situation. You should bring the following things to the initial meeting: your driver's license, your Social Security card, a current paycheck stub if you are employed, and your tax returns for the last two years. Also please bring us current statements from all your creditors and the contracts of sale for your vehicle or anything else you have purchased and are still paying for. If you have been sued, bring us all papers relating to the suit and any garnishment.

After you decide what type of Bankruptcy relief is best for you, your attorney will prepare your Petition, Schedules, and other papers. If you file a Chapter 13 petition, your filing fee will be \$194.00. If you cannot afford to pay this amount in advance, we can arrange for this to be paid by the Trustee from the money you pay him. The attorney fee will also be paid through the Plan by the Trustee.

If you wish to file a Chapter 7, you will pay a filing fee of \$209.00. We will discuss with you the amount of the attorney fee and will make arrangements with you for payment. In a Chapter 7 case, the filing and the attorney fees are normally paid before the petition case is filed.

Upon the filing of the Petition, the Court will notify all your creditors that your case has been commenced. If you file a Chapter 13 case, you will stop paying any debts which are included in the Plan and will instead begin paying the Chapter 13 Trustee. We can make arrangements for these payments to be withheld from your wages and sent to the Trustee. If for any reason your payroll department does not make the deduction, it is your responsibility to see that payments are made on a timely and regular basis.

Approximately one month after the Petition is filed, you and your attorney will meet with the Trustee and any creditors who choose to attend. This is called the §341 meeting because it is required by 11 USC § 341. Its basic purpose is to determine that you understand your rights; that you are entitled to the relief you are seeking, and that your Petition is otherwise proper. Often it is at the §341 meeting that you learn what further proceedings will be had in your case.

In a Chapter 7 case, the Trustee will try to find out if there are assets he could sell to pay a dividend to creditors. In a Chapter 13 case, the focus of the meeting is the Plan. Secured creditors may discuss the value of the collateral securing their debts and will request interest on their claims. They may want to verify your insurance if you are required to maintain insurance on the collateral.

After the §341 meeting, your attorney will continue to represent you, to answer your questions, and to assist you with problems that may arise in your case.

...AND A FINAL WORD

We are happy to take this opportunity to tell you about Bankruptcy and how it can help you. If you want to know more, or if you think you may want to file a case, please call our office or direct your e-mail to barb_arthur@hotmail.com.

Barbara S. Arthur