

# Cameron Law

is a Federal Debt Relief Agency  
helping people file for bankruptcy relief under the Bankruptcy Code in North Carolina.

<http://www.NC-Bankruptcy.com>

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## **FREE INITIAL CONSULTATION AGREEMENT AND REQUIRED NOTICES V.12**

Client desires to obtain advice and assistance with debt issues and relief from debt and has scheduled an initial consultation with Cameron Law. This initial consultation with the attorney is free of charge. The client understands that in order for the attorney to give meaningful advice, certain detailed financial information must be provided fully and accurately. The client agrees to give accurate, honest full and fair disclosure of financial information concerning income from all sources, monthly living expenses, the type and amount of all debts, and a disclosure of all assets and property owned by the client.

The attorney agrees to interview the client and give advice and counsel to assist the client in making decisions about debt problems, the possibility of filing bankruptcy, selecting the appropriate chapter of bankruptcy, and how a bankruptcy case may help or hurt the debt problems of the client. The initial consultation will consist of a review of the client's current monthly income, a preliminary budget analysis, a preliminary analysis of qualifications for certain chapters of bankruptcy and a recommendation.

**The initial consultation and interview will be performed free of charge.** In the event that the client decides to file a bankruptcy case, a new written agreement must be signed by the client and the attorney which will supersede this agreement relating to attorney fees and expenses. This new agreement will also provide a detailed explanation of the services performed or to be performed by Cameron Law.

### **DISCLOSURES:**

The following disclosure notices are required by recent changes to the United States Bankruptcy Code enacted in 2005 under the name Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA). This law was enacted after many years of intense lobbying by the credit industry. It is our opinion that the required disclosures and many provisions of the law are intended to intimidate and scare people, unduly complicate the process, increase the cost, and create more hurdles for people who are already struggling. The disclosures imply that debtors are dishonest people and that credit counseling agencies who get paid by creditors are in a better position to advise you about your financial situation than an attorney. As the disclosures note, you do not need an attorney to file bankruptcy. You are also free to represent yourself in a criminal proceeding or in any other legal proceeding. Bankruptcy laws are complicated, if done incorrectly you face losing assets or being denied your discharge.

We debtors' lawyers have spent many years fighting the passage of the BAPCPA and yet the credit industry was finally successful in passing this horrible legislation. They paid congress enormous sums of money to eliminate and restrict your rights. Imagine what they would do to you if you didn't have lawyers fighting on your behalf.

## **Bankruptcy Disclosures**

**(please sign last sheet and return)**

### **DISCLOSURE # 1**

#### **IMPORTANT INFORMATION ABOUT BANKRUPTCY AND ALTERNATIVES TO BANKRUPTCY**

- 11 U.S.C. § 527(b)

**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.

**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.**

1. 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.

2. 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.

3. 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. 4. 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.

5. 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.

6. 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.

7. 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.”

## **DISCLOSURE # 2**

### **PURPOSES, BENEFITS & COSTS OF BANKRUPTCY - Code § 527(a)(1) & § 342(b)(1)**

The United States Constitution provides a method whereby individuals, burdened by excessive debt, can obtain a fresh financial start and pursue newly productive lives unimpaired by past financial problems. It is an important alternative for persons mired deep in financial difficulty.

The federal bankruptcy laws were enacted to provide debtors with a fresh start and to establish a ranking and equity among

all the creditors who are clamoring for the debtor's limited resources. Bankruptcy helps people avoid the kind of permanent discouragement that can prevent them from ever reestablishing themselves as hardworking members of society. Also, creditors are ranked so that the debtor's nonexempt property can be fairly distributed according to established rules guaranteeing identical treatment to all creditors of the same rank.

This discussion is intended only as a brief overview of the types of bankruptcy filings and of what a bankruptcy filing can and cannot do. Anyone considering this course of action is encouraged to seek the advice and assistance of an attorney specializing in bankruptcy law.

### **Types of Bankruptcy**

The Bankruptcy Code is divided into chapters. The chapters which usually apply to consumer debtors are chapter 7, known as a Liquidation, and chapter 13, known as an Adjustment of the Debts of an Individual with Regular Income.

An important feature applicable to all types of bankruptcy filings is the automatic stay. The automatic stay means that the mere request for bankruptcy protection automatically "stays" or forces an abrupt halt to repossessions, foreclosures, evictions, garnishments, attachments, utility shutoffs, and debt collection harassment. It offers debtors a breathing spell by giving the debtor and the trustee assigned to the case time to review the situation and develop an appropriate plan. Creditors cannot take any further action against the debtor or the property without permission from the bankruptcy court.

### **Chapter 7**

In a chapter 7, or liquidation case, the bankruptcy court appoints a trustee to examine the debtor's assets and divide them into exempt and nonexempt property. Exempt property is limited to a certain amount of equity in the debtor's residence, motor vehicle, household goods, life insurance, health aids, specified future earnings such as social security benefits and alimony, and certain other personal property. The trustee may then sell the nonexempt property and distribute the proceeds among the unsecured creditors. Although a liquidation case can rarely help with secured debt (the secured creditor still has the right to repossess the collateral), the debtor will be discharged from the legal obligation to pay unsecured debts such as credit card debts, medical bills and utility arrearages. However, certain types of unsecured debt are allowed special treatment and cannot be discharged. These include some student loans, alimony, child support, criminal fines, and some taxes.

## **Chapter 13**

In a chapter 13 case, the debtor puts forward a plan, following the rules set forth in the bankruptcy laws, to repay all creditors over a period of time, usually from future income. A chapter 13 case may be advantageous in that the debtor is allowed to get caught up on mortgages or car loans without the threat of foreclosure or repossession and is allowed to keep both exempt and nonexempt property. The debtor's plan is a simple document outlining to the bankruptcy court how the debtor proposes to pay current expenses while paying off all the old debt balances. The debtor's property is protected from seizure from creditors, including mortgage and other lien holders, as long as the proposed payments are made. The plan generally requires monthly payments to the bankruptcy trustee over a period of three to five years. Arrangements can be made to have these payments made automatically through payroll deductions.

## **Chapter 11**

(Taken from the official Public Information Series Bankruptcy Judges Division brochure on "Bankruptcy Basics" prepared by the Administrative Office of the United States Courts, June 2000)

A case filed under chapter 11 of the United States Bankruptcy Code is frequently referred to as a "reorganization" bankruptcy.

Upon the filing of a voluntary petition for relief under chapter the debtor automatically assumes an additional identity as the "debtor in possession."

The term refers to a debtor that keeps possession and control of its assets while undergoing a reorganization under chapter 11, without the appointment of a case trustee. A debtor will remain a debtor in possession until the debtor's plan of reorganization is confirmed, the debtor's case is dismissed or converted to chapter 7, or a chapter 11 trustee is appointed. The appointment or election of a trustee occurs only in a small number of cases. Generally, the debtor, as "debtor in possession," operates the business and performs many of the functions that a trustee performs in cases under other chapters. 11 U.S.C. § 1107(a). A written disclosure statement and a plan of reorganization must be filed with the court. 11 U.S.C. § 1121.

The disclosure statement is a document that must contain information concerning the assets, liabilities, and business affairs of the debtor sufficient to enable a creditor to make an informed judgment about the debtor's plan of reorganization. 11 U.S.C. § 1125. The information required is governed by judicial discretion and the circumstances of the case. The contents of the plan must include a classification of claims and

must specify how each class of claims will be treated under the plan. 11 U.S.C. § 1123. Creditors whose claims are "impaired," i.e., those whose contractual rights are to be modified or who will be paid less than the full value of their claims under the plan vote on the plan by ballot. 11 U.S.C. § 1126. After the disclosure statement is approved and the ballots are collected and tallied, the bankruptcy court will conduct a confirmation hearing to determine whether to confirm the plan. 11 U.S.C. § 1128.

## **THE CHAPTER 11 DEBTOR – IN-POSSESSION**

While individuals are not precluded from using chapter 11, it is more typically used to reorganize a business, which may be a corporation, sole proprietorship, or partnership. A corporation exists separate and apart from its owners, the stockholders. The chapter 11 bankruptcy case of a corporation (corporation as debtor) does not put the personal assets of the stockholders at risk other than the value of their investment in the company's stock.

A sole proprietorship (owner as debtor), on the other hand, does not have an identity separate and distinct from its owner (s); accordingly, a bankruptcy case involving a sole proprietorship includes both the business and personal assets of the owners-debtors. Like a corporation, a partnership exists separate and apart from its partners. In a partnership bankruptcy case (partnership as debtor), however, the partners' personal assets may, in some cases, be used to pay creditors in the bankruptcy case or the partners may, themselves, be forced to file for bankruptcy protection. Section 1107 of the Code places the debtor in possession in the position of a fiduciary, with the rights and powers of a chapter 11 trustee, and requires the performance of all but the investigative functions and duties of a trustee. These duties are set forth in the Bankruptcy Code and Federal Rules of Bankruptcy Procedure. 11 U.S.C. §§ 1106, 1107; Fed. R. Bankr. P. 2015(a). Such powers and duties include accounting for property, examining and objecting to claims, and filing informational reports as required by the court and the United States trustee, such as monthly operating reports. The debtor in possession also has many of the other powers and duties of a trustee including the right, with the court's approval, to employ attorneys, accountants, appraisers, auctioneers, or other professional persons to assist the debtor during its bankruptcy case.

Other responsibilities include filing tax returns and filing such reports as are necessary or as the court orders after confirmation, such as a final accounting. The United States trustee is responsible for monitoring the compliance of the debtor in possession with the reporting requirements. in a small business case. 11 U.S.C. § 1102(a)(3). A small business case proceeds faster than a regular chapter 11 case because the

court may conditionally approve a disclosure statement, subject to final approval after notice and a hearing and solicitation of votes for acceptance or rejection of the plan. Thereafter, the disclosure statement hearing may be combined with the confirmation hearing. 11 U.S.C. § 1125(f). In addition, the debtor has a shortened period of time (100 days from the date of the order for relief) within which only the debtor may file a plan.

## **Chapter 12**

(Taken from the official Public Information Series Bankruptcy Judges Division brochure on “Bankruptcy Basics” prepared by the Administrative Office of the United States Courts, June 2000)

Chapter 12 of the Bankruptcy Code was enacted by Congress in 1986, specifically to meet the needs of financially distressed family farmers. The primary purpose of this legislation was to give family farmers facing bankruptcy a chance to reorganize their debts and keep their farms.

## **Background**

In tailoring chapter 12 to meet the economic realities of family farming, this law has eliminated many of the barriers that family farmers had faced when seeking to reorganize successfully under either chapter 11 or 13 of the Bankruptcy Code. For example, chapter 12 is more streamlined, less complicated, and less expensive than chapter 11, which is better suited to the large corporate reorganization. In addition, few family farmers find chapter 13 to be advantageous, because it was designed for wage earners who have smaller debts than those facing family farmers. In chapter 12, Congress sought to combine the features of the Bankruptcy Code which can provide a framework for successful family farm reorganizations. At the time of the enactment of chapter 12, Congress could not be sure whether chapter 12 relief for the family farmer would be required indefinitely. Accordingly, the law (which first provided that no chapter 12 cases could be filed after September 30, 1993) currently provides that no cases may be filed under chapter 12 after July 1, 2000. As of June 30, 2000, legislation is pending in Congress to extend that deadline.

The Bankruptcy Code provides that only a family farmer with “regular annual income” may file a petition for relief under chapter 12. 11 U.S.C. §§ 101(18), 109(f). The purpose of this requirement is to ensure that the debtor’s annual income is sufficiently stable and regular to permit the debtor to make payments under a chapter 12 plan. Allowance is made under chapter 12, however, for situations in which family farmers may have income that is seasonal in nature. Relief under this chapter is voluntary; thus, only the debtor may file a petition under chapter 12. Under the Bankruptcy Code, those eligible

to file as “family farmers” fall into two categories: (1) an individual or individual and spouse and (2) a corporation or partnership. Those falling into the first category must meet each of the following four criteria as of the date the petition is filed in order to qualify for relief under chapter 12.

1. More than one-half of the outstanding stock or equity in the corporation or partnership must be owned by one family or by one family and its relatives.
2. The family or the family and its relatives must conduct the farming operation.
3. More than 80% of the value of the corporate or partnership assets must be related to the farming operation.
4. The total indebtedness of the corporation or partnership must not exceed \$1.5 million.
5. Not less than 80% of the corporation’s or partnership’s total debts which are fixed in amount must come from the farming operation owned or operated by
6. If the corporation has issued stock, the stock cannot be publicly traded.

## **What Bankruptcy Can and Cannot Do**

Bankruptcy may make it possible for financially distressed individuals to:

1. Discharge liability for most or all of their debts and get a fresh start. When the debt is discharged, the debtor has no further legal obligation to pay the debt.
2. Stop foreclosure actions on their home and allow them an opportunity to catch up on missed payments.
3. Prevent repossession of a car or other property, or force the creditor to return property even after it has been repossessed.
4. Stop wage garnishment and other debt collection harassment, and give the individual some breathing room.
5. Restore or prevent termination of utility service.
6. Lower the monthly payments on debts, including secured debts such as car loans.
7. Allow debtors an opportunity to challenge the claims of certain creditors who have committed fraud or who are otherwise seeking to collect more than they are legally entitled to.

8. Bankruptcy, however, cannot cure every financial problem. It is usually not possible to:

9. Eliminate certain rights of secured creditors. Although a debtor can force secured creditors to take payments over time in the bankruptcy process, a debtor generally cannot keep the collateral unless the debtor continues to pay the debt.

Discharge types of debts singled out by the federal bankruptcy statutes for special treatment, such as child support, alimony, some student loans, certain court ordered payments, criminal fines, and some taxes.

Protect all cosigners on their debts. If relative or friend cosigned a loan which the debtor discharged in bankruptcy, the cosigner may still be obligated to repay the loan.

Discharge debts that are incurred after bankruptcy has been filed.

### **Bankruptcy's Effect on Your Credit**

By federal law, a bankruptcy can remain part of a debtor's credit history for 10 years. Whether or not the debtor will be granted credit in the future is unpredictable. In some cases it may actually be easier to obtain future credit, because new creditors may feel that since the old obligations have been discharged, they will be first in line. They also recognize that the debtor cannot again file bankruptcy for at least the next six years.

Debtors have the option after bankruptcy of voluntarily paying some creditors, such as a doctor or hospital, with whom they wish to maintain credit. The payments are voluntary and do not reaffirm the past obligation.

**About credit counseling agencies** - 11 U.S.C. § 342(b)(1)(B)  
The following information is taken verbatim from the web site of the Federal Trade Commission. [www.ftc.gov](http://www.ftc.gov)

### **Credit Counseling**

If you're not disciplined enough to create a workable budget and stick to it, can't work out a repayment plan with your creditors, or can't keep track of mounting bills, consider contacting a credit counseling organization. Many credit counseling organizations are nonprofit and work with you to solve your financial problems. But be aware that, just because an organization says it's "nonprofit," there's no guarantee that its services are free, affordable, or even legitimate. In fact, some credit counseling organizations charge high fees, which may be hidden, or urge consumers to make "voluntary" contributions that can cause more debt.

Most credit counselors offer services through local offices, the Internet, or on the telephone. If possible, find an organization that offers in-person counseling. Many universities, military bases, credit unions, housing authorities, and branches of the U.S. Cooperative Extension Service operate nonprofit credit counseling programs. Your financial institution, local consumer protection agency, and friends and family also may be good sources of information and referrals.

Reputable credit counseling organizations can advise you on managing your money and debts, help you develop a budget, and offer free educational materials and workshops. Their counselors are certified and trained in the areas of consumer credit, money and debt management, and budgeting. Counselors discuss your entire financial situation with you, and help you develop a personalized plan to solve your money problems. An initial counseling session typically lasts an hour, with an offer of follow-up sessions.

### **Debt Management Plans:**

If your financial problems stem from too much debt or your inability to repay your debts, a credit counseling agency may recommend that you enroll in a debt management plan (DMP). A DMP alone is not credit counseling, and DMPs are not for everyone. You should sign up for one of these plans only after a certified credit counselor has spent time thoroughly reviewing your financial situation, and has offered you customized advice on managing your money. Even if a DMP is appropriate for you, a reputable credit counseling organization still can help you create a budget and teach you money management skills.

In a DMP, you deposit money each month with the credit counseling organization, which uses your deposits to pay your unsecured debts, like your credit card bills, student loans, and medical bills, according to a payment schedule the counselor develops with you and your creditors. Your creditors may agree to lower your interest rates or waive certain fees, but check with all your creditors to be sure they offer the concessions that a credit counseling organization describes to you. A successful DMP requires you to make regular, timely payments, and could take 48 months or more to complete. Ask the credit counselor to estimate how long it will take for you to complete the plan. You may have to agree not to apply for, or use, any additional credit while you're participating in the plan.

## **DISCLOSURE #3**

### **FULL DISCLOSURE & ACCURACY**

- 11 U.S.C. § 527(a)(2) –

**If you file bankruptcy:** –

**A.** The information that you provide to your attorney, the bankruptcy trustee, and the court in the course of your bankruptcy, both before and after you file your bankruptcy petition, must be complete, accurate and truthful.

**B.** All of your assets (everything you own that has value, such as real estate, personal items, vehicles, money, etc.) and all of your liabilities (all of your debts) are required to be completely and accurately disclosed in the documents filed to start your case, and the replacement value of each asset must be stated in those documents where requested after reasonable inquiry to establish their value. The value should be your best understanding of how much it would cost you to replace the item in the same or similar condition.

**C.** You must provide your attorney with a monthly budget, including your current monthly income, all of your regular expenses, and the amount of your income that is left over after deduction of expenses. In listing your income and expenses, try to avoid guessing or estimating, and do your best effort to be accurate and truthful. For income, you are required to provide information about all sources of your income, including your employment, any government assistance you may receive, social security, pension or other retirement income, income from side jobs, investment income, and similar sources.

**D.** The information that you provide to your bankruptcy attorney, the bankruptcy trustee, or the bankruptcy judge may be audited and will be available for inspection by the office of the United States Trustee, which is a branch of the U.S. Department of Justice. If you fail to honestly and fully provide information about your property, income, expenses, and other financial circumstances, your case could be dismissed, and you could be subject to criminal sanctions.

## **DISCLOSURE # 4**

### **INSTRUCTIONS REQUIRED TO BE PROVIDED TO THE DEBTOR PURSUANT TO 11 U.S.C. § 527(c)**

According to Code § 527(c), the following information is required to be provided to a bankruptcy client *only if* the attorney (or other “debt relief agency”) does not provide it. Since in the usual case the debtor cannot be presumed to have the analytical skills necessary to successfully handle this information, it is expected that in the ordinary case the lawyer

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or other bankruptcy professional handling the case will do the calculations required by this disclosure, it is not necessary that these instructions be provided to the debtor.

### **Instructions for providing the required information**

#### **1. How to place a value on your property:**

11 U.S.C. § 506(a): Fair Valuation of Collateral.

The value of your personal property that is collateral for debt (a debt where the creditor could repossess the item if you stop making payments, such as a car, furniture or computer equipment being purchased on installment) is determined based on the replacement value of such property as of the filing date of the bankruptcy case without deduction for selling or marketing costs.

If the item was acquired for personal, family, or household purposes, replacement value is the price a retail merchant would charge for an item of that kind, considering the age and condition of the property at the time its value is determined.

So, the value of the car, the furniture, the computer or anything else that you won't own until it's paid off, is not what you paid for it, and it is not what you could sell it for at the flea-market. The value is what you would have to pay a retail store selling similar items in a similar age and condition.

Most retail stores do not sell used items. However, there are usually stores in the area selling used furniture, musical instruments, cars, and similar products. You might be able to provide a good estimate of the value of one or your items by inquiring at such a store. If you can't find a store that sells similar items in similar condition, the next best source for an objective appraisal is probably eBay or a similar online market.

#### **2. How to determine current monthly income:**

To arrive at your current monthly income, you do the following:

a. Total up all of your income for the last 6 months (and if your spouse is filing bankruptcy, his or her income as well). Include the contributions from any member of the household who is contributing regularly to the household expenses.

Income includes:

- 1.** Wages and salaries
- 2.** Money earned from side jobs
- 3.** Investment income
- 4.** Interest income
- 5.** Income for self-employed individuals

Income does not include:

1. Benefits received under the Social Security Act;
2. Payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes; and
3. Payments to victims of international terrorism (as defined in section 2331 of Title 18) or domestic terrorism (as defined in section 2331 of Title 18) on account of their status as victims of such terrorism.

b. Divide this figure by 6 to arrive at an average monthly income.

**3. How to figure your necessary living expenses:**

Go through the same exercise for your expenses. Total up all expenses for the last 6 months, then divide by 6 to obtain a monthly average. Expenses include all of your reasonably necessary costs of living, such as rent or mortgage, utilities, food, transportation, etc.

Do not include in your expenses payments for credit cards, repayments of personal loans, delinquent medical bills, taxes, store charge accounts, business debts, or other non-regular expenses not included as necessary living expenses.

Use the worksheet below as a guide.

Rent or home mortgage payment  
(include lot rented for mobile home) \$ \_\_\_\_\_

Are real estate taxes included? Yes \_\_\_\_\_ No \_\_\_\_\_

Is property insurance included? Yes \_\_\_\_\_ No \_\_\_\_\_

Utilities Electricity and heating fuel \$ \_\_\_\_\_

Water and sewer \$ \_\_\_\_\_

Telephone \$ \_\_\_\_\_

Other \$ \_\_\_\_\_

Home maintenance (repairs and upkeep) \$ \_\_\_\_\_

Food \$ \_\_\_\_\_

Clothing \$ \_\_\_\_\_

Laundry and dry cleaning \$ \_\_\_\_\_

Medical and dental expenses \$ \_\_\_\_\_

Transportation (not including car payments) \$ \_\_\_\_\_

Recreation, clubs and entertainment,  
newspapers, magazines, etc. \$ \_\_\_\_\_

Charitable contributions \$ \_\_\_\_\_

Insurance (not deducted from wages or included in home  
mortgage payments)

Homeowner's or renter's \$ \_\_\_\_\_

Life \$ \_\_\_\_\_

Health \$ \_\_\_\_\_

Auto \$ \_\_\_\_\_

Other \_\_\_\_\_ \$ \_\_\_\_\_

Taxes (not deducted from wages or included in home  
mortgage payments)  
(Specify) \_\_\_\_\_ \$ \_\_\_\_\_

Installment payments: (In chapter 12 and 13 cases, do not list  
payments to be included in the plan)

Auto \$ \_\_\_\_\_

Other \_\_\_\_\_ \$ \_\_\_\_\_

Other \_\_\_\_\_ \$ \_\_\_\_\_

Alimony, maintenance, and  
support paid to others \$ \_\_\_\_\_

Payments for support of additional dependents not living at  
your home \$ \_\_\_\_\_

Regular expenses from operation of business, profession,  
or farm (attach detailed statement) \$ \_\_\_\_\_

Other \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL MONTHLY EXPENSES** \$ \_\_\_\_\_

Divide the total by 6, which gives you your average monthly living expenses.

**4. How to calculate your disposable income, if any:**

If your average monthly income exceeds your reasonably necessary living expenses, subtract expenses from income; the surplus is your disposable income.

**5. How to list your creditors (your debts):**

For each person or entity (such as credit card, store, medical bill, IRS, mortgage, and etc.) for which you owe money, provide the following information:

1. Name and address of the creditor
2. The account number (if any)
3. The amount currently owed
4. The amount of the regular monthly payment (if any)
5. When was the debt created (if a credit card, give a range)?
6. Was the debt -
  - financing of a purchase (such as a home, car, furniture, etc.), or
  - a loan or debt for which you put up an item as collateral
7. If either part of question 6 is yes, describe the item purchased
8. What was the original retail price of the item?
9. What is its current value?
10. Are you current with the monthly payments?
11. If the answer to 10 is no, has the claim been turned over to a collection agency or lawyer?
12. If 11 is yes, provide the name and address of the collection agency or lawyer.
13. Has the creditor sued you or obtained a judgment against you?

14. If 13 is yes, provide the name of the plaintiff, the case number, the court and court location, the date the judgment was recorded, and the amount of the judgment.

**6. How to determine which of your assets are exempt:**

Exempt assets are assets that the bankruptcy trustee is not allowed to take away from you to pay debts. Most kinds of property owned by typical people who file bankruptcy are exempt, meaning you don't lose them if you file bankruptcy. However, whether an item is exempt or not depends not only on what category of property it is, but also the value of your equity in the property (how much of the item do you own, over and above any balance owed on it). The permissible exemptions usually have dollar limits to the amount of equity you can claim as exempt.

In order to identify which assets are exempt, you must know the exemptions allowed in your particular state, or whether your state uses the federal exemptions. The following is a list of exemptions for North Carolina. Other states will differ.

- 1) **REAL OR PERSONAL PROPERTY USED AS A RESIDENCE OR BURIAL PLOT** - \$18,500; however, an unmarried debtor who is 65 years of age or older is entitled to retain an aggregate interest in the property not to exceed \$37,000 in value so long as the property was previously owned by the debtor as a tenant by the entirety or as a joint tenant with rights of survivorship and the former co-owner of the property is deceased.
- 2) **MOTOR VEHICLE** - The exemption in one vehicle is not to exceed \$3,500.
- 3) **PERSONAL OR HOUSEHOLD GOODS** - The debtor's aggregate interest is not to exceed \$5,000 plus \$1,000 for each dependent of the debtor, not to exceed \$4,000 total for dependents.
- 4) **TOOLS OF TRADE** - The debtor's aggregate interest is not to exceed \$2,000 in value.
- 5) **LIFE INSURANCE** - NC Const., Article X, Section 5. (This does NOT include all life insurance.)
- 6) **PROFESSIONALLY PRESCRIBED HEALTH AIDS** - For Debtor or Debtor's Dependents, no limit on value.
- 7) **COMPENSATION FOR PERSONAL INJURY**, including compensation from private disability policies or annuities, or compensation for death of a person upon whom the debtor was dependent for support. compensation not exempt from related legal, health or funeral expense.
- 8) **ANY PROPERTY** - Debtor's aggregate interest in any property is not to exceed \$5,000 in value of any unused exemption amount to which the debtor is entitled under NCGS 1C-1601(a)(1).
- 9) **INDIVIDUAL RETIREMENT PLANS & RETIREMENT FUNDS**, as defined in the Internal Revenue Code, and any plan treated in the same manner as an individual retirement plan, including individual retirement accounts and Roth retirement accounts as described in §§ 408 (a) and 408A of the Internal Revenue Code, individual retirement annuities as described in § 408(b) of the Internal Revenue Code, accounts established as part of a trust described in § 408(c) of the Internal Revenue Code, and funds in an account exempt from taxation

under § 401, 403, 408, 408A, 414, 457, or 510(a) of the Internal Revenue Code. For purposes of this subdivision, "Internal Revenue Code" means Code as defined in G.S. 105-228.90.

- 10) **FUNDS IN A COLLEGE SAVINGS PLAN**, as qualified under § 529 of the Internal Revenue Code, and that are not otherwise excluded from the estate pursuant to 11 U.S.C. §§ 541(b)(5)-(6), (e), not to exceed a cumulative limit of \$25,000. If funds were placed in a college savings plan within the 12 months prior to filing, the contributions must have been made in the ordinary course of the debtor's financial affairs and must have been consistent with the debtor's past pattern of contributions. The exemption applies to funds for a child of the debtor that will actually be used for the child's college or university expenses. College Savings Plan Last Four Digits of Account Number Value Initials of Child Beneficiary
- 11) **RETIREMENT BENEFITS UNDER THE RETIREMENT PLANS OF OTHER STATES AND GOVERNMENTAL UNITS OF OTHER STATES** - The debtor's interest is exempt only to the extent that these benefits are exempt under the laws of the state or governmental unit under which the benefit plan is established.
- 12) **ALIMONY, SUPPORT, SEPARATE MAINTENANCE, AND CHILD SUPPORT PAYMENTS OR FUNDS THAT HAVE BEEN RECEIVED OR TO WHICH THE DEBTOR IS ENTITLED** - The debtor's interest is exempt to the extent the payments or funds are reasonably necessary for the support of the debtor or any dependent of the debtor.
- 13) **TENANCY BY THE ENTIRETY** - Property exempt pursuant to 11 U.S.C. § 522 and the law of the State.
- 14) **NORTH CAROLINA PENSION FUND EXEMPTIONS:**
  - a. North Carolina Local Government Employees Retirement benefits NCGS 128-31
  - b. North Carolina Teachers and State Employees Retirement benefits NCGS 135-9
  - c. Firemen's Relief Fund pensions NCGS 58-86-90
  - d. Fraternal Benefit Society benefits NCGS 58-24-85
  - e. Benefits under the Supplemental Retirement Income Plan for teachers and state employees are exempt from levy, sale, and garnishment NCGS 135-95
  - f. Benefits under the Supplemental Retirement Income Plan for state law enforcement officers are exempt from levy, sale, and garnishment NCGS 143-166.30(g)
- 15) **OTHER EXEMPTIONS CLAIMED UNDER LAWS OF THE STATE OF NORTH CAROLINA:**
  - a. Aid to the Aged, Disabled and Families with Dependent Children NCGS 108A-36
  - b. Aid to the Blind NCGS 111-18
  - c. Yearly Allowance of Surviving Spouse NCGS 30-15
  - d. Workers Compensation benefits NCGS 97-21
  - e. Unemployment benefits, so long as not commingled and except for debts for necessities purchased while unemployed NCGS 96-17
  - f. Group insurance proceeds NCGS 58-58-165
  - g. Partnership property, except on a claim against the partnership NCGS 59-55
  - h. Wages of debtor necessary for support of family NCGS 1-362
  - i. Benefits under the Separate Insurance Benefits Plan for state and local law enforcement officers are exempt from levy, sale, and garnishment NCGS 143-166.60(h)
  - j. Vested benefits under the North Carolina Public Employee Deferred Compensation Plan are exempt from levy, sale, and garnishment NCGS 147-9.4
- 16) **FEDERAL PENSION FUND EXEMPTIONS:**
  - a. Foreign Service Retirement and Disability Payments 22 U.S.C. § 4060

- b. Civil Service Retirement benefits 5 U.S.C. § 8346
- c. Railroad Retirement Act annuities and pensions 45 U.S.C. § 231m
- d. Veterans benefits 38 U.S.C. § 5301
- e. Special pension paid to winners of Congressional Medal of Honor 38 U.S.C. § 1562
- f. Annuities payable for service in the General Accounting Office 31 U.S.C. 776.

**17) OTHER EXEMPTIONS CLAIMED UNDER NON-BANKRUPTCY FEDERAL LAW:**

- a. Social Security benefits 42 U.S.C. § 407
- b. Injury or death compensation payments from war risk hazards 42 U.S.C. § 1717
- c. Wages owing a master or seamen, except for support of a spouse and/or minor children 46 U.S.C. § 11109
- d. Longshoremen and Harbor Workers Compensation Act death and disability benefits 33 U.S.C. § 916
- e. Crop insurance proceeds 7 U.S.C. § 1509
- f. Public safety officers' death benefits 42 U.S.C. § 3796. See subsection (g).
- g. Railroad unemployment insurance 45 U.S.C. § 352. See subsection (e).

**18) RECENT PURCHASES MAY NOT BE EXEMPT:**

- (a) Tangible personal property purchased by the debtor within ninety (90) days of the filing of the bankruptcy petition.
- (b) Tangible personal property from 18(a) that is directly traceable to the liquidation or conversion of property that may be exempt and that was not acquired by transferring or using additional property.

**19) The debtor's property is subject to the following claims:**

- a. Of the United States or its agencies as provided by federal law.
- b. Of the State of North Carolina or its subdivisions for taxes, appearance bonds or fiduciary bonds;
- c. Of a lien by a laborer for work done and performed for the person claiming the exemption. but only as to the specific property affected.
- d. Of a lien by a mechanic for work done on the premises, but only as to the specific property affected.
- e. For payment of obligations contracted for the purchase of specific real property affected.
- f. For contractual security interests in specific property affected; provided, that the exemptions shall apply to the debtor's

- household goods notwithstanding any contract for a nonpossessory, non-purchase money security interest in any such goods.
- g. For statutory liens, on the specific property affected, other than judicial liens.
- h. For child support, alimony or distributive award order pursuant to Chapter 50 of the General Statutes of North Carolina.
- i. For criminal restitution orders docketed as civil judgments pursuant to G.S. 15A-1340.38.
- j. Debts of a kind specified in 11 U.S.C. § 523(a)(1) (certain taxes), (5) (domestic support obligations).
- k. Debts of a kind specified in 11 U.S.C. § 522(c).

**DISCLOSURE # 5**

**FRAUD & CONCEALMENT PROHIBITED  
- 11 U.S.C. § 342(b)(2)(A) and (B)**

**Debtor's Duties in Bankruptcy**

If you decide to file bankruptcy, it is important that you understand the following:

1. Some or all of the information you provide in connection with your bankruptcy will be filed with the bankruptcy court on forms or documents that you will be required to sign and declare as true under penalty of perjury.
2. A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a bankruptcy case shall be subject to fine, imprisonment, or both 11 U.S.C. § 342(b)(2)(A)
3. All information you provide in connection with your bankruptcy case is subject to examination by the Attorney General. 11 U.S.C. § 342(b)(2)(B)

**Acknowledgment of Receipt, Contract and Questions**

- 1) Have you ever filed bankruptcy before? If so, when, where, what chapter and what is the case number?
- 2) How long have you lived in North Carolina? If less than two years, what state did you last live in for at least two years?
- 3) List any houses you own, along with their current tax values, and the amounts you owe on them (mortgages, home equity loans, etc.) and whether you wish to keep them. Did you buy them while married to your current spouse? ARE YOU BEHIND ON PAYMENTS, AND IF SO, HOW MUCH?
- 4). List any other real estate (rentals, land, other homes) you own and whether you wish to keep them. ARE YOU BEHIND ON PAYMENTS, AND IF SO, HOW MUCH?

- 5). List all vehicles titled in your name, along with their current NADA retail values ( <http://nada.com> ), the amounts you owe on them (at this time), and whether you wish to keep them. ARE YOU BEHIND ON PAYMENTS, AND IF SO, HOW MUCH?
- 6). List any other items you own that have a value over \$1000 (including but not limited to boats, bonds, stock, stock options, bank accounts, jewelry). What are their values?
- 7). How many people currently live in your house?
- 8). How many people currently contribute money towards paying your monthly household expenses?
- 9). Are you or your spouse currently self-employed, or have you been self-employed in the past 6 months?
- 10). What has been your approximate gross income for the past 6 months? (note: gross income = before taxes)
- 11). What has been your spouse's approximate gross income for the past 6 months?
- 12). Do you or your spouse receive child support payments from anyone? If so, how much per month?
- 13). In the past 2 years have you paid any money to friends or relatives for debts you owed them? If so, please explain.
- 14). In the past year have you transferred any assets to anyone else (including but not limited to cash, changing names on vehicle titles, changing names on house deeds)? If so, please explain.
- 15). Approximately how much do you owe in credit card debt (total)? Medical bills (total)? Student loan debt (total)? Tax debt (total)? Other debt (type & total)?

