

## DISCLOSURES AND RESPONSIBILITIES

- Attorney has explained and client understands the different types of bankruptcy and the negative impact of filing for bankruptcy on credit and possible employment opportunities or insurance rates.
- Client is **required** to complete both pre-bankruptcy counseling and a post-bankruptcy consumer education courses. Client understands their bankruptcy **cannot be filed** until they complete the pre-bankruptcy counseling session. Client understands failure to complete the post-bankruptcy class and return the certificate to attorney within 45 days of the meeting of creditors **will result in the dismissal of the bankruptcy case without a discharge**. Reopening the case will require payment of a new filing fees and appropriate attorneys fee.
- Client shall disclose all assets, liabilities, income and expenses to his/her/their knowledge.
- Client has been advised that the **law requires truthfulness in all statements** Clients makes to the Attorney or to the Court and that the Court or the US Attorney will investigate and prosecute anyone who is believed to be trying to defraud the Court or creditors.
- **Any debt(s) not listed in an asset case will not be discharged**. This includes potential claims from accidents, injuries, or lawsuits.
- Client's legal rights may be assumed during the bankruptcy by the Trustee, e.g. lawsuits for certain damages or money collection such as car accidents, personal injury lawsuits, class actions, etc.
- Client must disclose if they have filed any type of bankruptcy anywhere in the past **eight (8) years**.
- Client may be unable to declare the same chapter of bankruptcy for **eight (8) years** after the date of filing, but may be able to declare under another chapter.
- Client is responsible for **new debt created after the filing date of any petition for bankruptcy**.
- The bankruptcy trustee may require Client to turn over state and federal **tax refunds** that Client has not yet received for the current and following year.
- The trustee is entitled to **any inheritance** Client may become entitled to receive up to six (6) months after the filing of bankruptcy.
- Client may have the option to reaffirm debt, and that reaffirmed debt is not discharged by the bankruptcy. Attorney reserves the right to decline to sign a reaffirmation agreement and any representation regarding any reaffirmations will be outside the scope of representation as noted on the Agreement.
- If Client intends to keep his/her/their home, automobile or other collateral for a loan, Client must make all post-petition payments on such items, even though debts are discharged or arrearages are to be brought current under the Chapter 13 Plan.
- If Client chooses to continue making payments without reaffirmation, Client must make all payments regardless of whether an invoice from a creditor is received.
- If Client is making installment payments without reaffirmation, failure to pay for use during any installment period may be the creation of new debt not discharged by bankruptcy.
- Any debt created by marriage, as a co-signatory or jointly otherwise may be discharged only as to Client, but not as to a spouse.
- Some debts created within **90 days** of bankruptcy might not be dischargeable.
- Payments of more than **\$600.00 total** to any one creditor within **90 days** before filing must be disclosed.
- Any debt created with the intent to discharge through bankruptcy may be non-dischargeable and may disqualify Client from bankruptcy.
- Homeowners will be responsible for post-petition **HOA dues** even after a foreclosure or surrender of property until the title transfer is completed and a new deed issued.
- Payments or transfers to relatives, business associates or other "insiders" within **one (1) year** before filing may be recovered from such insider by the trustee.
- Payments or transfers to friends and relatives in exchange for inadequate consideration within **four (4) years** of filing may be challenged by the trustee whether or not evidence of fraud is present.
- Client is advised **domestic support obligations** owed to another are not dischargeable.
- Client is advised **student loan debts** are not dischargeable except by filing a separate lawsuit and establishing a show of extreme hardship which is rarely granted by the Court. Client acknowledges that in an approved Chapter 13 Plan, student loan interest is usually not payable inside the repayment plan and will accrue during the life of the plan and be payable after the end of the plan.

- **Criminal restitution, debt arising from fraud by Debtor(s) and most taxes usually cannot be discharged.**
- Client is responsible for making timely payments under the Chapter 13 Plan, otherwise the bankruptcy may be dismissed.
- **Client shall maintain current contact information (current address, phone, email, etc) with this office.**