

LAW OFFICE OF BLAKE D. GUNN

www.bankruptcy-lawyer-in-arizona.com

THE DOS AND DON'TS OF BANKRUPTCY

Do take bankruptcy seriously and remember we are here to help. In addition, it is your constitutional right to file if you qualify and courts take a very dim view of abuse of that right.

Do continue to open your mail from the bankruptcy court and our office, important dates and court hearing will be posted in those documents.

Do complete your Pre and Post Credit Counseling course on line and return the Certificate of Competition to our office as soon as possible.

Do be honest and forthcoming on your bankruptcy petition and to our office. It is against the law to lie in bankruptcy proceedings. That means tell us everything; you will be providing us with a small portion of your privacy to get a financial discharge of most of your debts. If you lie on your petition, or if you conceal assets, this could be a very serious offense. The least that will happen is that your petition could be dismissed.

Do continue to pay for the things you plan to keep and not discharge in your bankruptcy or items that are not dischargeable.

Do be honest and forthcoming with your attorney again we are here to help you. Even if what you are disclosing is embarrassing, even if it makes you look like you did something stupid or illegal, it is better if your attorney know now and help you deal with proper disclosure and address all the issues upfront. Giving your attorney misleading, half truths, incomplete or insufficient information is like hiring a cook and not telling him or her that your stove does not work. Please remember that anything that isn't listed in your petition may not be discharged, so full disclosure is important, this is why credit report is important.

Do make yourself available via email, phone, or other easy access to you so we can discuss your case with you. Do not fail to provide us with new addresses, phone numbers or email address. We will need to speak with almost weekly, especially for preparation of the petition and appearance at the 341 Hearing or meeting of creditors. We are not here to waste of your time and our job is to prevent you from having an uneventful bankruptcy.

Do follow your attorney's advice about how to prepare, respond and behave in the meeting of creditors. Remember, Mr. Gunn does this almost every day and has done it almost 13 years. Don't be afraid to ask Mr. Gunn if or our office if you do not understand something or do not remember prior instructions.

This is one of the things that you are paying or office for. Mr. Gunn will tell you what he wants from you if the Trustee or creditors ask you unexpected questions let Mr. Gunn address the question.

Do give our office **EVERYTHING** that is relevant to your financial situation, again even if it is embarrassing or incriminating it is better to address them with you then in front of the court for the first time without advice of your attorney. Remember, if you have the information, details or the document, the odds are someone else will have them too.

Do Move all money (funds, cash) from any checking, savings, liner of credit account out of any bank account where you have or had a credit card or line of credit with, zero out the account as soon as possible!

******It is also important to plan the bulk of filing around the receipt of commissions and tax refunds which are usually non-exempt and seizable by the trustee.If you are planning to keep your home or car, you need to get current with your mortgage and auto loans before filing bankruptcy and stay current throughout the process.

The Don'ts

Don't assume that a bankruptcy filing will get rid of all your debts that you have listed in your bankruptcy petition. Please keep in mind that some debts such as tax liabilities are non-dischargeable (basically, all tax liability accrued in the three tax years prior to filing are non-dischargeable in most circumstances). In addition, student loans are now non-dischargeable except in cases of extreme hardship which are addressed on a case by case basis.

Don't forget to complete your Pre and Post Credit Counseling courses and return the Certificate of Competition to our office immediately!

Don't pay on or for things that you plan to discharge in your bankruptcy, only pay for the things you plan to keep or that you cannot discharge.

Don't talk to your creditors directly, merely tell them “ I am aware of my debt please stop calling me” and hang up the phone.

Don't tell them you have filed bankruptcy until you have actually filed and have been given a case filing number by our office.

Don't tell them you have spoken with a Bankruptcy attorney and are thinking about filing, just wait until you have filed, give them your filing number and your attorney number, Only after you have filed your bankruptcy. If they have your bankruptcy filing number, tell them to talk directly to our office directly and or your attorney Blake D. Gunn. If you receive mail from them, forward it to our office immediately.

Don't forget to consider saving some of your credit cards. If any of your credit cards have zero balances, you may be able to keep them. Some card providers may ask you to reaffirm your debt in return for keeping a card, and this is worth considering, especially if there is a small balance. Life can be a lot harder without a credit card. But please consult with our office if you decide to do this.

Don't keep a creditor off your petition for any reason. If you intend to pay them back, you can anyway but you must list them and follow the rules.

Don't run up a lot of bills immediately before you file. If you max out your credit cards or take out a loan before you file, the court could find your petition to be fraudulent and dismiss it, or except those debts from discharge. Please discuss this issue more if you have already done this prior to coming into our office.

Don't unnecessarily spread the news that you have filed for bankruptcy, again, it is important to not let on to a creditor if you are not in a position to file due to financial burdens, this can lead to expedited actions by creditors to garnish your wages, freeze bank accounts and or repossess property. It is your business, and unfortunately there is still a stigma attached to bankruptcy. In addition, your friends, and your employers, don't have any right to know that you are in financial trouble, you do not need to disclose this information to them unless they are seeking a referral then please feel free to refer them to our office and we will take care of them with the utmost discretion and care.

x _____ Date _____

Client Signature

x _____ Date _____

Client Signature