I. THE INITIAL CONSULTATION, INTAKE AND DUE DILIGENCE

Attorneys have different styles here. Some attorneys want to talk with the client first, have them fill out the intake paperwork first, have screening by a paralegal? What works?

It’s not Search and Destroy, rather Screen & Document.

A. WHAT ARE YOUR POTENTIAL CLIENTS GOING TO BE LIKE?

THE GOOD, BAD AND THE UGLY. 90 TO 95% OF POTENTIAL CLIENTS ARE GOOD, HONEST PEOPLE BUT INVOLVED IN UNFORTUNATE CIRCUMSTANCES.

While you need to practice due diligence with these folks, it is the other 5-10% that you want to weed out as soon as possible. It is often said that 20% of your clients take 80% of your time. You want to try and avoid the 20% to start. Always keep in mind that it is very difficult to “fire a client.” You don’t want to have to go there.

There are people who have “played the system” for years and are going to try to do the same to you. And then there are those that are flat out “bad.” If you come to this conclusion tell the potential client that they have a complex, time consuming case and that you do not currently have the time that their case would require. Always send a non-engage letter after interviewing a client if they do not retain in a certain period of time. It covers you and it helps remind the client to come retain you they intended to do so and have just put it off.

B. HOW DO YOU TELL IF THEY ARE GOING TO BE PROBLEMATIC CLIENTS?

1) Do not want to fill out intake form(s) prior to initial conference; (This may vary by attorney);
2) Do not want to fill out intake form(s) when they get to your office;
3) Clients are vague, may say one thing at one point of the interview and something else later, inconsistent;
4) Ask you what their answer should be;
5) Are argumentative, know it all or act superior to others and that you are not worthy of asking such questions of them;
6) The documents they do provide (tax return, for example) do not match what they are telling
7) Insist that you comply with how they want their case to proceed (disclosure of information at their choosing, providing documents of their choosing, etc.); and/or
8) People who “demand” that you take their case.

We all do our own interviews, we do not use paralegals for that. After a while you develop a “sense” as to whether there is something that is not right. You may not know exactly what it is, but you know you are not getting the full story. TRUST YOUR INSTINCTS. Listen to that little voice in your head.

However, understand that it is very difficult for some folks to come and see a bankruptcy attorney. They are often depressed, angry, frightened, anxious and embarrassed. This is often true with older people. They are ashamed of the position they find themselves in and have trouble speaking to a stranger about these personal things. People often cry at their appointments; always have a box of Kleenex on standby. Very smart people can become paralyzed with fear and anxiety during the bankruptcy process. Expect to repeat things and confirm important things after the consultation in writing.

There is a Chapter 7 Trustee that starts out by telling the debtors at a 341 Meeting of Creditors that “I am going to be asking questions of an intrusive and personal nature. I am doing this because the Bankruptcy Code requires this, please do not be offended.” That is the same message you must convey to the client, perhaps in softer language. Remember that we are asking the client for information that they would not share with their family, friends, and sometimes spouses. It is not easy for them. It is important for the client to know that you cannot fully and competently HELP them without knowing/being told everything relevant to their financial situation and that hiding something/not disclosing something only creates problems down that road that often can’t be fixed once the process of bankruptcy has been started.

Treat your clients like people, not files, not cases, but people. Show them the respect you would show anyone needing help. However, you must find out everything relevant to their situation.

II. **MAKE SURE YOU KNOW YOUR CLIENT’S GOALS**

Be sure that you listen to your potential client in the initial consultation when you are getting all of the necessary information to do your job properly. Is bankruptcy going to serve their personal goal(s)?

Sometimes clients seek bankruptcy to get rid of debt, sometimes they seek bankruptcy for peace of mind, sometimes they file to control collection efforts in a reorganization, sometimes clients want to just clean up their credit so they can “go buy a home for their family” or keep a creditor from “sending them to jail” or “taking their home”. Whatever their goal is, keep it in mind as you determine what chapter to file and whether to file at all.
III. SET REASONABLE EXPECTATIONS AT THE VERY BEGINNING OF YOUR RELATIONSHIP WITH A POTENTIAL CLIENT

The initial consultation is the time to set reasonable expectations for your clients, both of what you can do to assist them and what will be required of them to complete the bankruptcy process from beginning to end.

Your client needs to understand, from the beginning, what is expected of them to complete the BK process. Before you take any retainer from a client or before they leave your office to “think about retaining you” be sure they understand:

1. How your office operates- who will help them through the process, You? Paralegals? Receptionist?;
2. What they will be expected to provide to you- you don’t want to hear, later, I didn’t know I was going to have to do all of this! Or Why did I hire you if I am going to have to do all the work?;
3. How the BK Process works before filing AND after;
4. Fees and costs; and
5. Local issues with Judges and Trustees

Your client also needs to understand, from the beginning, such as:

1. What you can and cannot do (stop a foreclosure temporarily or for good, avoid a lien, cram down debt, discharge certain debts or not);
2. What is a certainty (attending at least one 341a hearing, clearly exempt assets, specific time frames/deadlines); and
3. What you cannot predict/guarantee (you may have continued 341a hearings, exempting some assets varies from case to case and district to district, who their trustee/judge will be)

IV. THE INTAKE FORM AND PROCESS

A) The intake form itself may take many forms. Some of us prefer the longer intake form which tracks the Petition and Schedules. Other firms prefer a much shorter intake form because of the difficulty the client has in filling out the longer form. And yet others have the client fill out nothing and simply take their own notes at the consultation and ask the pertinent questions. The form isn’t important. What is important is that you get all of the necessary information.

B) Think of your client as the initial source of information. Clients become very forgetful and confused when they enter your doors. Some examples:

1) Income is rarely the same as what’s on the Paystubs-
   a) overtime is forgotten (“I don’t always get overtime, so it doesn’t count....”)
   b) bonuses are forgotten (“I don’t always get a bonus, so it doesn’t count...”) Are
you seeing a pattern here?

c) forget savings deductions, lunch deductions, gift shop dds, payments to credit unions, and other discretionary deductions that you need to include on the means test as income.

2) Clients forget they own or owned property, that their Mother conveyed the family House in Kentucky to them but just in case of death, that they conveyed property to their spouse to help refinancing or that they inherited but “it’s not really in my name yet.”

3) Clients forget that they charged that large screen TV or expensive laptop last month.

4) They forget assets, (because that was a “gift.”) That was my grandma’s so the court cannot take it and I don’t have to disclose it. My boyfriend gave it to me. I didn’t BUY it! I didn’t tell you about my house because I’m not filing bankruptcy on my house. It’s just a few hundred dollars a year in income I get every year (and yet the actual assets of the trust or entity may be quite substantial)

This is not dishonesty in their minds, just their own (incorrect) interpretation of the law. You have to “save them from themselves.”

TRUST YOUR CLIENT BUT KEEP A HEALTHY SKEPTICISM. ACT OPTIMISTICALLY BUT BELIEVE PESSIMISTICALLY. Assume you will get the most demanding Trustee and Judge and document your case as such.

C) Get Documents for every pertinent fact and every important expense. Give them a list either at their initial consultation or when they retain, but be sure that they understand they will have a little “homework” to get started on right away and it is a part of having their debts discharged. Explain to the client that these documents will be required by the Trustee and that you must get them before you can file the case. And know your Trustees. Most Trustees ask the same usual questions and then some ask very specific and different questions. Get documents from clients to cover everything that you know they COULD be asked about. Examples:

a) Tax returns;
b) Separation agreements, divorce, child support paperwork and modifications;
c) Pay stubs or monthly profit and losses for a sole proprietor;
d) Secured debt statements (mortgage statements, car loan/lease statements, etc.);
e) Retirement Statements (401k statements, 457b statements, pension statements, etc.)
f) Bank statements for all open accounts and those closed in the last one year;
e) Copies of bills, credit reports;
f) Evidence of medical expenses, child care, court fines;
g) Letter(s) from the church, synagogue or other organizations for charitable contributions (No, donations of old clothing to Goodwill does not count.);

h) Closing statements for sales of real property in, at least the last two years (be safe and go back as many as your state’s Fraudulent Transfer Statute(s) go back);

i) Documents to trace large amounts of funds that the client received and spent in at least the last two years (inheritances, cash-out’s of retirement accounts, sales of large assets, etc);

j) Copies of trusts either created by the client or for the benefit of the client by another;

k) Lawsuits filed by or against your client;

l) Registration(s) and deed(s) to show how title is held on personal and real property (Never rely on how your client SAYS title is held to something);

m) Contracts and lease agreements;

n) Documents on sales of large assets (Example: If a business was sold- are there payments still owed on a promissory note? Non-competition clauses? Other “assets” owed to the client that were not listed elsewhere?);

o) Partnership or Corporation records if the client owns an interest in a business (operating agreements, articles of incorporation, tax returns for the entity, stock certificates, accounting records such as P&L’s and Balance Sheets, is the client owed a “shareholder loan” or owe a “shareholder loan”);

p) documents to show that an asset the client “says” is “separate property” is actually separate property

D) Get all the necessary documents from the non-filing spouse. If you think the non-filing spouse is ambivalent now, just wait until you request something after the case has been filed.

E) After you get the documents, it’s very important that you REVIEW THE DOCUMENTS-especially tax returns and separation agreements. When does child support end? Who pays for college expenses? Where does that rental income come from? What happened to the six children you told me about? What happens when the marital home is sold? What are these business expenses, I didn’t know you had a business? Where did this interest income come from if you haven’t had any substantial cash in a bank account for years? Why is there a mortgage payment on the credit report if you don’t own any real estate? Why is mortgage interest being deducted on a schedule in the tax return but you don’t own any real estate? Why is there a partnership or corporation listed in the tax return and no interest in a company was disclosed? You have to know the answers to these questions before you file the case and a trustee is asking you them.

F.) On charitable contributions, make certain a) that the letter hasn’t just been printed on WordPerfect; and b) that it was contributions actually paid and not just pledged. Does it match up with the bank statements. If the client tells us they put cash in the collection plate and do not have records, we do not take a deduction. We remind the client that we need “evidence for
Federal Court.”

G.) For Paystubs, the deductions can be a problem and many times the client does not know what the deduction is for. It may be helpful to create a notebook of example pay advices that explains what the various deductions are. If you have reviewed a government or military check or even one by UPS you will appreciate having all of the various initials for deductions explained. Often times human resources/payroll departments in the larger companies or governmental entities that use abbreviations will be able to provide a key if the client just asks.

H.) Scan, Scan, Scan. Index, organize and scan. Save everything. Many files are about ½ inch thick because of this now. Save all of the signature pages, but scan everything that you can. Then when the Trustee or US Trustee asks for it, you will have it right there to email or upload.

ON SCANNING. Most of us scan just about everything, even the documents we keep in paper. You can create files (correspondence, client doc’s, pleadings) and then subfiles of different categories (bank statements, tax returns, businesses), and then subfolders (chronological by year, specific assets like residences, cars). Other than what is required by law scan everything else; it saves space in the office and in storage.

I.) You will want to cover the really important issue areas. This will come with experience but you will learn what are the really important areas to ask about. We are talking about:
   A) prior bankruptcies,
   B) transfer of property either to or from the client,
   C) inheritances,
   D) use of credit cards in the last 90 to 180 days,
   E) how much of the credit card balance was incurred in the last year,
   F) repayments of loans to relatives.

J.) CHECKLISTS ARE OFTEN LIFESAVERS: You may want to make a checklist of the really important topics so that you can be sure each area is covered. This is why many of us like to have the long intake form. It is great to have, in the clients own writing, the answers to the above questions. AGAIN, TRUST YOUR CLIENT BUT VERIFY.

Start with the information that is given you by your client but then require independent verification. Examples of places to VERIFY information:
   1) Pacer nationwide
   2) The Superior Courts websites
   3) Lexis/Nexis Smart search
   4) Secretary of State
   5) Social Media
   6) County tax assessment records, Zillow, Epraisal

If the issue is important (equity vs no equity, applicable exemption vs no applicable
exemption, community property vs separate property) don’t be afraid to ask the client for more than the usual documents OR to go to a more reliable source than the internet for an answer. Examples of places to cover yourself/VERIFY information a client “thinks”:

1) Real Estate Broker/Agent for values on real property where Zillow, etc. might not be so reliable;
2) Accountants for TAX ISSUES (tax basis of a property, tax consequence of liquidating an asset, accuracy of financial statements that seem incorrect);
3) Financial advisors or Plan Administrators for qualifications of annuities, retirement plans, and “retirement accounts” (just because your client put the funds in a money market account for “retirement” doesn’t make it an exempt retirement account/plan); and
4) Experts in the area you know your client is not (business valuations, antique dealers, jewelers, appraisers)

V. SETTING THE FEE.

“Profitability is determined at intake”

YOU WILL USUALLY DETERMINE WHAT FEE YOU THINK IS APPROPRIATE DURING THE INTERVIEW/INTAKE PROCESS.

Some attorneys use a fee menu to determine the attorney fee. Newer attorneys may especially find this helpful. Sometimes, if a case is complicated or larger than the average, it may be wise to take an initial retainer to review pertinent documents and financials that will help you determine the remainder of the fee needed to complete the case. This will require a special retainer agreement/a different fee agreement than the usual “flat rate fee agreement”.

Setting the fee can be very difficult. You are dealing with a person having overwhelming financial issues, but you are planning to represent them for months or years depending on the case.

Do understand that in some states/districts, you may be required to perform all services for the Debtor, including representation in an unexpected adversary proceeding, for the fee set forth in your agreement, (even if your attorney client agreement says otherwise.) Find out your local practice in this area AND also try to avoid unexpected adversaries.

In Order to set your fee you need to:

1) review the case,
2) determine what issues you are going to encounter,
3) determine how much difficulty you are going to have in getting the necessary documents, and
4) also try and figure out what kind of client you are going to have, that is, are they suffering from some OBNOXIOUS PERSONALITY DISORDER.

Also, you want to figure out how many post-filing issues you will need to deal with and
warn the client of the work that will need to be done and whether or not there will be additional fees. Examples are things like:

1) lien avoidance motions,
2) proof of claim objections,
3) RFS litigation, and
4) Motions to dismiss or convert

Determining the fee is especially hard with business cases or the mixture of business and consumer debt cases where the debtor may have primarily non-consumer debt. Whereas our clients used to have 80K in credit card debt we are encountering with more and more frequency the debtor which has 150k to 350k worth of unsecured debt. All of those cases require much more of your time to determine what issues you can and should anticipate.

VI. KNOW YOUR LIMITATIONS

Regardless of the fee you charge, before you get in over your head, KNOW YOUR LIMITATIONS.

If you cannot competently represent the client because of difficult issues, or other obligations, find a partner to work with or refer the potential client to a more experienced attorney. If you cannot represent the client because they will not cooperate then you should not take on the case. Things will not get better over time. You will be “stuck” with a bad client.

Once the case is filed, you have to ask permission of the court to withdraw and the client gets a say in the matter. This usually takes a motion which means time you will not be paid for. Don’t be surprised if the client wants to say how worthless and horrible you are and yet, you should not be permitted to withdraw because they want to keep you as their attorney. That happens all the time. Listen to your “little voice” at the initial consultation. Practicing law is a mixture of science and art. This part of selecting of the client is important.

VII. TIMING, THE MEANS TEST AND EXEMPTIONS

You must consider all of these factors when you meet with the client and determine a “game plan”. This is also part of setting realistic expectations and goals for your client and you when consulting with a new client.

Remember, constitutional or not, §526(a)(4) prohibits advising an assisted person from incurring more debt in contemplation of filing a bankruptcy. With that as a backdrop, some of the obvious general considerations would be:

A) when will you and your client have to disclose you were retained in the petition? when will your client have to disclose they paid you money and how much?

B) when were the last charges made on the credit cards and what were they for? Most of
us have our clients state in writing that they have not charged in the last 90 days or we set forth the charges and in the document say that the charges may be nondischargeable. It is often much easier to wait for the 90 days unless there are other considerations, such as a lawsuit, foreclosure, pending repossessions. You sometimes have to weigh the competing factors.

C) Eligibility, the greater portion of 180 days

D) Depending on when you file, which EXEMPTIONS will apply.

EXEMPTIONS: Just a word here. Be very, very careful. There are huge variations in the exemptions of sister states. Understand the rules and double check them twice. In our opinion, this is a minefield of potential malpractice. The loss to your client could be devastating. Once the Chapter 7 case is filed, there’s no “unfiling of the case.”

NUGGET OF GOLD: Exemptions Express Credit goes to John Bates, a consumer bankruptcy attorney in Ohio. Many of us have been using his tables since BAPCPA became effective and it has helped many immeasurably. If you are not clear on “Extra Territoriality” or the “requirements of Residency” do not file another petition where this may be an issue without reviewing his site. It is now part of the NACBA website. You must be logged in to use it.

E) Whether or not there are any Preferences, when, why and what can be done about it? Does the client care? Does it involve American Express or her mother?

F) If the client has been served, when does the period run for the creditor to get a judgment or garnishment? Record a lien on a residence that may or may not be avoidable?

G) What equity do they have in non-exempt assets that would be compromised? Do you have time to spend it down properly?

H) Will waiting assist with valuation issues? large A/R’s collected and used to pay expenses in a business? will the business’ balance sheet look different by waiting to file?

I) Is there an elderly parent or family member where the risk of an inheritance in the 180 day period could arise? Trust interest vesting any time soon?

J) MEANS TEST CONSIDERATIONS

1.) Income in the last 6 months, bonuses, overtime

Note: Income not only goes down, it goes up. Debtor may be eligible this month but not next month. Having said that, remember also any §707(b) considerations or good faith considerations

2.) Every 6 months a person receiving biweekly pay has 3 pay periods
3.) The client may have secured debt that is about to be paid off. Car may be paid off in two or three months; don’t lose this dd:

   a.) Has vehicle been **repossessed**, and if so, has it been sold? File while debt still a secured debt, if applicable in your jurisdiction

   b.) Perhaps more importantly, has their **house gone into foreclosure**? With the foreclosure moratorium in some states some of our clients have huge **mortgage arrearages**. File before they lose that secured debt if it is to their advantage.

4.) Has there been a change in insurance dds or 401K dds. to your Clients favor or disadvantage;

5.) Without you advising them, are they aware that the law appears to favor persons who have debts on their vehicles.

6.) Is there any **source of income that is about to change**, job ending, Roommate moving;

7.) Are they **about to get married**, have another child

“DON’T WAIT TO RETAIN”: If the client needs to wait, it is often good practice to get some payment/have client retained and get started on the case right away, even if it will not be filed immediately. You don’t want the client to lose interest and then it becomes an emergency later on.

**VII. CONCLUSION**

Organize, plan, verify
CONFIDENTIAL

ATTORNEY/CLIENT PRIVILEGE

CLIENT QUESTIONNAIRE & IMPORTANT INFORMATION

(WITH REAL ESTATE)

LAST NAME: ___________________________________________

IMPORTANT NOTE: Please do not be afraid to disclose information, ask questions, and express your concerns. Please complete this questionnaire as accurately and as best as you can. You will review it with the attorney at your consultation. Remember, there are many rumors about bankruptcy, and most are false. Therefore, please allow us the opportunity to fully evaluate your situation based upon all the facts present, so that we may provide you with accurate advice and a plan for resolving your matter. We appreciate your confidence in our firm and we look forward to working with you in this matter.

FOR OFFICE USE ONLY: Appt. Date: _____________ Time: _____________

☐ Provided 527(b) ☐ Provided Notice to Client ☐ Provided Instructions to Client ☐ Consult Agreement Signed

FORECLOSURE PENDING: ☐ YES ☐ NO POTENTIAL SALE DATE: ________________

COUNTY OF RESIDENCE: ☐ Riverside ☐ San Bernardino ☐ Imperial County ☐ San Diego ☐ Other _____________________
DEBT ASSISTANCE CONSULTATION AGREEMENT & ACKNOWLEDGMENT OF RECEIPT OF DISCLOSURES & INSTRUCTIONS

You have requested the opportunity to consult with and to obtain information and advice from DOLING SHAW & HANOVER, APC regarding debt relief, strategies for a better financial future, including relief by filing a bankruptcy under the United States Bankruptcy Code. This Agreement is for the purposes of that consultation only. You are under no obligation to hire this firm to represent you. If at the end of the initial consultation, the parties agree that DOLING SHAW & HANOVER, APC is to provide any additional service, the parties shall sign a separate fee agreement setting forth the services to be provided and the fees for such services. **This consultation is not a bankruptcy consultation, it is a consultation to advise of your bankruptcy and non-bankruptcy options.**

With respect to your initial consultation, it is agreed as follows:

1. You will be provided a **FREE** 30 minute consultation **IF** you have completed the attached intake sheet, otherwise you may pay for a consultation at our normal hourly rate.
2. Thereafter, consultations are charged at our normal hourly rate.
3. Based upon the information and documentation you provide during your consultation, we will advise you of your bankruptcy and non-bankruptcy options.
4. If you have not provided information and/or documentation sufficient to allow us to fully advise you of your options, we will inform you of the additional information required to enable us to fully evaluate your options and you may need to schedule another appointment.
5. We will also advise you of the requirements imposed upon you to file a Chapter 7, 11, 12, or Chapter 13 bankruptcy.
6. Based upon the information and documentation you provide during your consultation, we will provide an estimated fee quote for our services and payment options. All fees must be paid prior to filing your case.
7. You acknowledge that the first date upon which DOLING SHAW & HANOVER, APC has offered to provide any bankruptcy assistance is the date in which you attend your initial consultation and that Attorney has provided you with the Notice to Client Who Contemplates Filing Bankruptcy, the Statement Mandated by Section 527(b) of the U.S. Bankruptcy Code, and the Instructions on Providing Information Required to File Bankruptcy.
8. If you decide to retain our office by making a payment towards your quoted retainer at anytime after your consultation, you agree to immediately read, execute, and return our fee agreement. You may consult with another attorney concerning the fee agreement. You also may ask any questions you may have concerning our fee agreement.
9. If you are aware of any potential lawsuits against you or that have already been filed, you agree to disclose this to the attorney during your initial consultation.
10. I declare under penalty of perjury that the information provided in this consultation packet and during my interview with the attorney, is true and correct to the best of my knowledge.

DATE: ____________________________  Potential Client

DATE: ____________________________  Potential Joint-Client

HOW WERE YOU REFERRED TO THIS OFFICE?

☐ TV AD  ☐ RADIO  ☐ PHONE BOOK  ☐ FORECLOSURE LETTER:


☐ REFERRED BY: ____________________________

***Would you like a follow up call/email after your appointment?  ☐ YES  OR  ☐ NO

DOLING SHAW & HANOVER, APC FORMS ©
CLIENT QUESTIONNAIRE

DEBTOR/SELF

Full name: ____________________________________________

Street address: ____________________________________________

Mailing address: ____________________________________________

Home phone: ____________________________________________

Work phone: ____________________________________________

Cell phone: ____________________________________________

Fax (if available): ____________________________________________

Email add: ____________________________________________

Marital status: ____________________________________________

If divorced/divorcing, has the divorce been finalized? ___________yes ___________no

When was it filed: _________________________ When was the final judgment entered? _________________________

Date of birth: ___________________ age_________________ ____________ age_________________

Soc. Sec. No: ____________________________________________

Do you have a valid Social Security card in your possession? Debtor: ☐ yes or ☐ no

Do you have a valid California identification card or drivers license in your possession? Spouse: ☐ yes or ☐ no

Other Tax ID numbers or Social Security numbers ever used: ____________________________________________

What other personal names have you used (aka)? ____________________________________________

What business names have you used (dba)? ____________________________________________

Is this business still operating? ☐ yes or ☐ no

Prior bankruptcies: if you have ever filed a bankruptcy, state where & when

Where: ____________________________________________ Year filed: _________________________

Pending bankruptcies: if any immediate family member or business partner has a bankruptcy pending, state names:

__________________________________________

Have you lived in this COUNTY for the last 6 months? ☐ yes or ☐ no

List all state(s) you have lived in DURING the last five years? _________________________

Have you been convicted of a felony? ☐ yes or ☐ no

Do you have any criminal cases pending against you? ☐ yes or ☐ no

(This may limit an exemption - not your ability to file for bankruptcy protection)

Renters: Are you a party to an eviction (unlawful detainer) action?

Case number: _________________________ ☐ yes or ☐ no

J OINT DEBTOR/SPouse (Please complete even if spouse not filing)

Full name: ____________________________________________

Street address: ____________________________________________

Mailing address: ____________________________________________

Home phone: ____________________________________________

Work phone: ____________________________________________

Cell phone: ____________________________________________

Fax (if available): ____________________________________________

Email add: ____________________________________________

Marital status: ____________________________________________

Do you have a valid Social Security card in your possession? Debtor: ☐ yes or ☐ no

Do you have a valid California identification card or drivers license in your possession? Spouse: ☐ yes or ☐ no

Other Tax ID numbers or Social Security numbers ever used: ____________________________________________

What other personal names have you used (aka)? ____________________________________________

What business names have you used (dba)? ____________________________________________

Is this business still operating? ☐ yes or ☐ no

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(This may limit an exemption - not your ability to file for bankruptcy protection)

Renters: Are you a party to an eviction (unlawful detainer) action?

Case number: _________________________ ☐ yes or ☐ no

* For Office Use Only*

Global Pacer Check ☐

Case#: _________________________

EXEMPTIONS:

Use: CA or Other State: _________________________

Limited Exemptions? ☐ YES ☐ NO

SALE DATE: _________________________

EVICTION: _________________________

* For Office Use Only*
SECTION A -- OWNERS OF REAL PROPERTY: Real Property is land and things permanently attached to land. Included are unimproved land, vacation cabins, condominiums, duplexes, rental property, business property, mobile home park spaces, agricultural land, airplane hangars, and any other buildings permanently attached to land. It also includes property you are entitled to by a trust and all property in which you have any legal, equitable, or future interest. You are in a community property state, therefore, your spouse’s real estate MUST be listed also, no exceptions. (All leases and time shares should be listed on the worksheet for Sch. G).

LIST ALL HOMES, LOTS, or LAND YOU OWN OR HAVE AN OWNERSHIP INTEREST IN. (Use additional paper if needed).

<table>
<thead>
<tr>
<th>PROPERTY #1/RESIDENCE OWNED (This is where you live.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHO OWNS THE PROPERTY?: _______________________________</td>
</tr>
<tr>
<td>IS THE PROPERTY IN A TRUST? ____________________________</td>
</tr>
<tr>
<td>YOUR OWNERSHIP SHARE (%): ____________________________</td>
</tr>
<tr>
<td>WHEN DID YOU PURCHASE IT?: ___________________________</td>
</tr>
<tr>
<td>WHAT WAS THE PURCHASE PRICE?: $ ________________________</td>
</tr>
<tr>
<td>TODAY'S MARKET VALUE OF PROPERTY: $ ____________________</td>
</tr>
<tr>
<td>SQUARE FOOTAGE OF PROPERTY: _______________ YEAR BUILT: __</td>
</tr>
<tr>
<td>CONDITION OF THE PROPERTY: □ Good □ Fair □ Poor</td>
</tr>
</tbody>
</table>

### PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>PROPERTY ADDRESS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHO OWNS THE PROPERTY?: _______________________________</td>
</tr>
<tr>
<td>IS THE PROPERTY IN A TRUST? ____________________________</td>
</tr>
<tr>
<td>YOUR OWNERSHIP SHARE (%): ____________________________</td>
</tr>
<tr>
<td>WHEN DID YOU PURCHASE IT?: ___________________________</td>
</tr>
<tr>
<td>WHAT WAS THE PURCHASE PRICE?: $ ________________________</td>
</tr>
<tr>
<td>TODAY’S MARKET VALUE OF PROPERTY: $ ____________________</td>
</tr>
<tr>
<td>SQUARE FOOTAGE OF PROPERTY: _______________ YEAR BUILT: __</td>
</tr>
<tr>
<td>CONDITION OF THE PROPERTY: □ Good □ Fair □ Poor</td>
</tr>
</tbody>
</table>

### MORTGAGE LENDER

- **1st MORTGAGE BALANCE:** $ ________________________
- **MONTHLY PAYMENT:** $ ________________________
- **INTEREST RATE:** _______% □ FIXED OR □ ADJUSTABLE

### ANY LIENS AGAINST THIS PROPERTY? □ yes or □ no

### NAME OF YOUR 2nd MORTGAGE LENDER/HELOC (IF ANY):

- **2nd MORTGAGE BALANCE:** $ ________________________
- **2nd MORTGAGE MONTHLY PAYMENT:** $ ________________________
- **DATE YOU OBTAINED THIS MORTGAGE?:** ________________________
- **INTEREST RATE:** _______% □ FIXED OR □ ADJUSTABLE

### NAME OF YOUR 3rd MORTGAGE LENDER (IF ANY):

- **3rd MORTGAGE BALANCE:** $ ________________________
- **3rd MORTGAGE MONTHLY PAYMENT:** $ ________________________
- **DATE YOU OBTAINED THIS MORTGAGE?:** ________________________
- **INTEREST RATE:** _______% □ FIXED OR □ ADJUSTABLE

---

DOLING SHAW & HANOVER, APC FORMS ©
SECTION B – PERSONAL PROPERTY

4. Do you have cash on hand? ____________________________  yes or no $ ____________________________

5. Do you have checking account? yes or no $ __________ Savings? yes or no $ __________

Where do you bank? ____________________________________________________________________________ Any other bank accounts/PayPal/Ebay? $__

Have you closed any bank accounts in the last one (1) year? If yes, please list?

6. Do you have any unused gift cards? ____________________________ yes or no $ __________

7. Do you have any security deposits? ____________________________ yes or no $ __________

8. Do expect a bonus check or commission check? ____________________________ yes or no $ __________

If yes, what for? ____________________________________________________________________________

9. Do you have household goods, supplies, furnishings? ____________________________ yes or no $ __________

Any other real property should be listed on additional sheets of paper. Thank you.
10. Do you have any books or pictures of value? □ yes or □ no $_______________
11. Do you have any art objects, stamp, coin and other collections? □ yes or □ no $_______________
12. Wearing apparel/clothing/furs/etc? □ yes or □ no $_______________
13. Jewelry? □ yes or □ no $_______________
14. Firearms? □ yes or □ no $_______________
15. Sports equipment or other hobby equipment? □ yes or □ no $_______________
16. Cash value interests in insurance policies? □ yes or □ no $_______________
17. Do you own a website? □ yes or □ no $_______________
   If yes, please list the site(s)________________________________________________________________________
18. Do you own a business (sole proprietorship, corp, LLC, etc.)? □ yes or □ no $_______________
   If yes, please give the name(s) ______________________________________________________________________
19. Do you have annuities, pension, profit-sharing plans, 401k, IRA? □ yes or □ no $_______________
20. Interests in incorporated and unincorporated companies? □ yes or □ no $_______________
21. Interests in partnerships? □ yes or □ no $_______________
22. Stocks or government/corporate bonds? □ yes or □ no $_______________
23. Family support (Alimony or child support owed to you)? □ yes or □ no $_______________
24. Tax refunds you have received or expect to receive this year? □ yes or □ no $_______________
25. Equitable and future interests, life estates, and rights or powers? □ yes or □ no $_______________
26. Do you have a trust? □ yes or □ no $_______________
27. Are you a beneficiary of a trust? □ yes or □ no $_______________
28. Do you expect to receive an inheritance in the next 6 months? □ yes or □ no $_______________
29. Do you have an interests in the estate of a decedent? □ yes or □ no $_______________
30. Is there a chance you may receive a settlement of any kind? □ yes or □ no $_______________
31. Any lawsuits pending or potential lawsuits in which you may file? □ yes or □ no $_______________
32. Patents, copyrights, IP rights, licenses, franchises, intangibles? □ yes or □ no $_______________
33. List all automobiles, trucks, street motorcycles & other vehicles (including non-opp vehicles)

<table>
<thead>
<tr>
<th>Year</th>
<th>Make</th>
<th>Model</th>
<th>Mileage</th>
<th>$ Value $</th>
<th>Bal. Owed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

33. Rv, trailer, boats or other watercraft:

<table>
<thead>
<tr>
<th>Year</th>
<th>Make</th>
<th>Length</th>
<th>Mileage</th>
<th>$ Value $</th>
<th>Bal. Owed</th>
</tr>
</thead>
<tbody>
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</table>

34. Motorcycles, quads, other sandbars/toys, Aircraft & accessories:

<table>
<thead>
<tr>
<th>Year</th>
<th>Make</th>
<th>Model</th>
<th>Mileage</th>
<th>$ Value $</th>
<th>Bal. Owed</th>
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</tbody>
</table>
36. Office equipment, furnishings, supplies, computers? .................... □ yes or □ no $________________
37. Machinery, fixtures, equipment and supplies Inventory? ................ □ yes or □ no $____________
38. Livestock, poultry, crops, farming equipment, farm supplies? □ yes or □ no $____________
39. Other personal property of any kind (ex. Gift Cards, Lotto Ticket, etc.) □ yes or □ no $____________
40. Do you have any personal injury lawsuit or claim pending?........ □ yes or □ no $____________
41. Do you have a workers’ compensation injury lawsuit or claim? □ yes or □ no $____________
42. Does anyone owe you any money for any reason?...................... □ yes or □ no $____________
43. Do you have a storage unit?………………………………………. □ yes or □ no $____________
44. Do you own Bitcoin or other forms of currency?...................... □ yes or □ no $____________
45. Do you have a GoFund Me account or similar accounts?............. □ yes or □ no $____________

SECTION D — SECURED DEBTS

46. Do you owe any car payment loans?................................. □ yes or □ no
47. Do you owe any lease payments? ................................... □ yes or □ no
48. Do you owe a motorcycle loan?....................................... □ yes or □ no
49. Do you owe a motor-home, boat or RV loan?....................... □ yes or □ no
50. Are you a co-signor on any loan for anyone?......................... □ yes or □ no
51. Do you have any liens recorded against you?........................ □ yes or □ no
52. Do you have any judgments against you?............................ □ yes or □ no
53. Do you live in an HOA? If yes, Name of HOA:__________________________________________________

If yes to any of the above, please describe:

<table>
<thead>
<tr>
<th>Vehicle</th>
<th>Lender Name</th>
<th>Date Purchased</th>
<th>Monthly Payment</th>
<th>Length of Loan/Lease</th>
<th>Interest Rate</th>
<th>Lease or Loan?</th>
<th>Co-Signer?</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

SECTION E – DO YOU OWE ANY PRIORITY DEBTS

54. IRS/federal taxes due $________________ yr(s)________________  All tax returns filed? □ yes or □ no
55. State taxes due $________________ yr(s)____________________
56. Unpaid property tax $________________
57. Back Alimony/Child Support $________________
58. Student loans $____________________
59. Court fines/restitution $________________

FOR OFFICE USE ONLY
Filed on time? □ yes □ no
2yrs. Since filed? □ yes □ no
240 since assess? □ yes □ no
SFR? □ yes □ no
Potential Fraud? □ yes □ no
Wait to File? □ yes □ no
Tax Analysis? □ yes □ no
SECTION F — UNSECURED DEBTS/CREDIT CARDS/COLLECTIONS

60. How much debt do you owe? $ __________________ (Do not include your home or cars)

61. How much of that debt was incurred in the last 12 months? $ __________________ (estimated).

62. Military clients – do you owe a Military Star card or AAFES debt? ☐ yes or ☐ no

63. Do you have a wage garnishment? ☐ yes or ☐ no

64. Does someone have a judgment against you? ☐ yes or ☐ no

65. When was the last cash advance on a credit card? _______________ amount $ _______________

66. When was the last convenience check used? _______________ amount $ _______________

67. When was the last balance transfer made? _______________ amount $ _______________

68. When was the last purchase over $300 made? _______________ amount $ _______________

69. How many charges have you made in the last 120 days? _____________________________________ appx.

DETAILED DEBT INFORMATION

70. How many creditors due you owe? _____________________ appx.

71. Did you sign personal guarantees for any debts? ☐ yes or ☐ no

72. Approximately how much do you owe and/or have guaranteed on they following types of debts:

   a. Credit Cards: $ ____________
   b. Unsecured loans: $ ____________
   c. Medical debts: $ ____________
   d. Court judgments: $ ____________
   e. Collection agencies: $ ____________
   f. Student loans: $ ____________
   g. Repossessions (car or other goods): $ ____________
   h. Income Taxes/IRS: $ ____________
   i. State Taxes: $ ____________
   j. Payroll taxes: $ ____________
   k. Sales taxes: $ ____________
   l. Child support (past due): $ ____________
   m. Alimony (past due): $ ____________
   n. Court fines/penalties: $ ____________
   o. 401k/retirement loans: $ ____________
   p. Employer loans/advances: $ ____________
   q. Family loans: $ ____________
   r. Personal loans: $ ____________
   s. Business Vendors: $ ____________

SOCIAL NETWORKING SITES

73. Do you have a Facebook account? ☐ yes or ☐ no

74. Do you have a Twitter account? ☐ yes or ☐ no

75. Do you have a Myspace account? ☐ yes or ☐ no

76. Do you have a LinkedIn account? ☐ yes or ☐ no

77. Any other Internet or public sites? ☐ yes or ☐ no
**HOUSEHOLD SIZE**

Total number of members in your household, **including** yourself # ____________________________

(Children, dependent adults, relatives, others who reside with you or whom you claim on your taxes as a dependent):

<table>
<thead>
<tr>
<th>Male □ or Female □</th>
<th>Male □ or Female □</th>
<th>Male □ or Female □</th>
</tr>
</thead>
<tbody>
<tr>
<td>age:</td>
<td>age:</td>
<td>age:</td>
</tr>
<tr>
<td>Relationship:</td>
<td>Relationship:</td>
<td>Relationship:</td>
</tr>
</tbody>
</table>

Male □ or Female □

| age:               | Relationship:      |

Male □ or Female □

| age:               | Relationship:      |

Male □ or Female □

| age:               | Relationship:      |

**SECTION I — INCOME**

**Debtor’s Employment Status:**  **(Please bring your most recent pay stub)**

<table>
<thead>
<tr>
<th>Where are you employed?</th>
<th>Title/Occupation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ employed or □ self-employed</td>
<td>□ receiving unemployment</td>
</tr>
</tbody>
</table>

| Hourly rate: $_________ | Salary rate:$_________ |

| Paid: □ weekly □ bi-weekly □ semi/mo □ monthly |

How many hours do you work in a normal/average week? __________hrs. How long have you been employed here? __________

Do you receive regular tips or commissions each month? □ yes □ no How much? $________________

Social Security Benefits: $_________ Pension/retirement:$_________

Alimony: $_________ Child support: $_________

Permanent disability: $_________ Temporary disability: $_________

Workers’ compensation: $_________ Unemployment benefits: $_________

VA benefits: $_________ Life insurance/annuity: $_________

Business income: $_________ Real property income: $_________

Trust Income: $_________ Royalties: $_________

**Debtor’s Spouse Employment Status:**  **(Please bring your most recent pay stub)**

<table>
<thead>
<tr>
<th>Where are you employed?</th>
<th>Title/Occupation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ employed or □ self-employed</td>
<td>□ receiving unemployment</td>
</tr>
</tbody>
</table>

| Hourly rate: $_________ | Salary rate:$_________ |

| Paid: □ weekly □ bi-weekly □ semi/mo □ monthly |

How many hours do you work in a normal/average week? __________hrs. How long have you been employed here? __________

Do you receive regular tips or commissions each month? □ yes □ no How much? $________________

Social Security Benefits: $_________ Pension/retirement:$_________

Alimony: $_________ Child support: $_________

Permanent disability: $_________ Temporary disability: $_________

Workers’ compensation: $_________ Unemployment benefits: $_________

VA benefits: $_________ Life insurance/annuity: $_________

Business income: $_________ Real property income: $_________

<table>
<thead>
<tr>
<th>(H) Monthly Total</th>
<th>$</th>
<th>Yearly Total</th>
<th>$</th>
<th>Over MFI?</th>
<th>Y or N</th>
</tr>
</thead>
<tbody>
<tr>
<td>(W) Monthly Total</td>
<td>$</td>
<td>Household Size #</td>
<td>#</td>
<td>Atty Rec: 7 or 13 or Wait</td>
<td></td>
</tr>
</tbody>
</table>

| Monthly Income Total | $ | Median Family Income | $ | *wait income decreases or *file asap |

| Total Monthly Expenses | $ | Net After Expenses | $ | DMI Available for Plan: $ |
# SECTION J – EXPENSES

<table>
<thead>
<tr>
<th>EXPENSE CATEGORY</th>
<th>MONTHLY AMOUNT</th>
<th>FOR OFFICE USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL MORTGAGE PAYMENTS</strong></td>
<td>1ST $__________ 2ND $__________</td>
<td></td>
</tr>
<tr>
<td>*PROPERTY TAXES &amp; INS INCLUDED? Y OR N</td>
<td>HOA $__________ per month</td>
<td></td>
</tr>
<tr>
<td>*CONDO/HOA DUES? Y OR N</td>
<td>HOA $__________ per month</td>
<td></td>
</tr>
<tr>
<td><strong>ELECTRICITY</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>NATURAL GAS</strong></td>
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<tr>
<td><strong>PROPANE</strong></td>
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<tr>
<td><strong>WATER</strong></td>
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<tr>
<td><strong>TRASH</strong></td>
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<tr>
<td><strong>TELEPHONE</strong></td>
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<tr>
<td><strong>CELL PHONE(S)</strong></td>
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<tr>
<td><strong>CABLE/SATELLITE</strong></td>
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<tr>
<td><strong>INTERNET</strong></td>
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<tr>
<td><strong>ALARM MONITORING</strong></td>
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</tr>
<tr>
<td><strong>HOME MAINTENANCE/UPKEEP</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>GARDENER</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>POOL</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>FOOD (GROCERY BILL PER WEEK)</strong></td>
<td>$__________ Per Week</td>
<td>x 52 $__________ ÷ 12= $__________</td>
</tr>
<tr>
<td><strong>HOUSEKEEPING SUPPLIES</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>PERSONAL CARE (HAIRCUTS, ETC.)</strong></td>
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<tr>
<td><strong>CLOTHING/SHOES</strong></td>
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<tr>
<td><strong>LAUNDRY &amp; DRY CLEANING</strong></td>
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<tr>
<td><strong>STORAGE UNIT FEES</strong></td>
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<tr>
<td><strong>PET EXPENSES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PUBLIC TRANSPORTATION COSTS</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>GASOLINE EXPENSES:</strong></td>
<td>$__________ Per Week</td>
<td>x 52 $__________ ÷ 12= $__________</td>
</tr>
<tr>
<td>MILES TO/FROM WORK PER DAY:</td>
<td>#__________</td>
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<tr>
<td>*** IF YOU COMMUTE, WE NEED TO KNOW.**</td>
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<tr>
<td><strong>OTHER TRANSPORTATION EXPENSES</strong></td>
<td></td>
<td></td>
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<tr>
<td>DMV Registration ________/yr</td>
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<td>DMV Registration ________/yr</td>
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<tr>
<td><strong>CLUB/ASSOCIATION DUES FOR:</strong></td>
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</tbody>
</table>

*We need to account for commuting expenses in J & MT – so, ask.
<table>
<thead>
<tr>
<th>MEDICAL EXPENSES (PLEASE INDICATE IF PAID MONTHLY OR YEARLY)</th>
<th>Rx: ________/mo</th>
<th>Total: __________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Co-Pays ________/mo</td>
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<tr>
<td>Glasses/Contacts ________/mo</td>
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<tr>
<td>Med. Supplies ________/mo</td>
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<tr>
<td>Hearing Aids ________/mo</td>
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<tr>
<td>Counseling ________/mo</td>
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<tr>
<td>Weight loss plan ________/mo</td>
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<tr>
<td>Addiction/Recovery ________/mo</td>
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<tr>
<td>Gym Membership ________/mo</td>
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</tbody>
</table>

| RECREATION, CLUBS, SUBSCRIPTIONS                            |                 |                 |
| CHARITABLE CONTRIBUTIONS (CHURCH, SCHOOL)                  |                 |                 |
| HOMEOWNER/RENTERS INSURANCE                                 |                 |                 |
| WHOLE LIFE INSURANCE PREMIUM (HAS CASH VALUE)              |                 |                 |
| TERM LIFE INSURANCE (NO CASH VALUE)                        |                 |                 |
| DISABILITY INSURANCE                                        |                 |                 |
| HEALTH SAVINGS ACCOUNT CONTRIBUTIONS                       |                 |                 |
| HEALTH INS. PAID BY YOU (NOT DED. FROM CHECK)              |                 |                 |
| AFFORDABLE HEALTH CARE ACT PREMIUMS HTTPS://WWW.COVEREDCA.COM/SHOPANDCOMPARE/ |                 | **Must estimate premium or penalty unless already covered |
| AUTO INSURANCE                                              |                 |                 |
| OTHER INSURANCE (BOATS, ETC.)                              |                 |                 |
| TAXES – SPECIFY (IRS/STATE)                                |                 |                 |
| TAXES – QUARTERLY/1099/SELF-EMPLOYMENT                     |                 |                 |
| TAXES – PROPERTY                                            |                 |                 |
| AUTO LOANS/LEASE PAYMENTS (1)                              | (1) __________   | (1) __________  |
| AUTO LOANS/LEASE PAYMENTS (2)                              | (2) __________   | (2) __________  |
| RV/BOAT OR OTHER PAYMENTS (3)                              | (3) __________   | (3) __________  |
| REGULAR/ONGOING LEGAL EXPENSES                              |                 |                 |
| CPA OR ACCOUNTANT EXPENSES (TAX PREP)                      |                 |                 |
| ALIMONY/SPOUSAL SUPPORT, CHILD SUPPORT                      |                 | *Must List in E (even IF current)* |
| CHILD CARE/SUPPORT OF OTHERS (STUDENT/PARENT ETC.)          |                 |                 |
| AFTER SCHOOL PROGRAMS                                       |                 |                 |
| PRIVATE SCHOOL FOR MINOR CHILDREN                          |                 |                 |
| SCHOOL EXPENSES (SPORTS, RND, UNIFORMS, TUTORING)          |                 |                 |
| BUSINESS EXPENSES (UNIFORMS, DUES, LICENSES, EDUCATION)    |                 |                 |
| 401K OR RETIREMENT LOANS                                    |                 |                 |
| COURT FINES/RESTITUTION                                     |                 |                 |
SPECIAL CIRCUMSTANCES – (Briefly Explain)

PLEASE NOTE: The following questions may not seem important or relevant to you at this time. However, the answers to these questions can greatly affect the advice we provide to you. After many years of experience, we have developed these questions so that we may advise our clients of potential issues that may arise. It is usually easier and less expensive for our clients when we have more information available so we can anticipate potential problems. Therefore, please do not be offended by any question and please do not be afraid to disclose any information.

78. Do you anticipate an INCREASE in your income? ☐ yes ☐ no
79. Do you anticipate a DECREASE in your income? ☐ yes ☐ no
80. Is there a court order requiring you to pay child support or alimony?... ☐ yes ☐ no
   If yes, how much monthly? __________ are you current? ................. ☐ yes ☐ no
81. Does your family have any special medical problems? ☐ yes ☐ no
82. Has anyone ever sued you for fraud or threatened to sue you? ☐ yes ☐ no
   Please explain any concerns you may have? __________________________________________________________
   _______________________________________________________________________________________________
   _______________________________________________________________________________________________
   _______________________________________________________________________________________________
   _______________________________________________________________________________________________

Please visit our website at: www.dshapc.com You may find some useful information about the bankruptcy process. The following list is a list of documents you will need to file your case. Please feel free to bring these document to your appointment.

☐ 12 months proof of income (from all sources) ☐ Copy of auto loan contracts (long yellow contract) if making payments
☐ Valid Social Security Card & Identification Card or Driver’s Licence ☐ Full Tax Return Copies for the last 4 years (Personal & Business)
☐ Copy of any and all Lawsuits, Wage Garnishments or Bank Levies ☐ Final Divorce Decree or Judgment (IF within the last 4 years)
☐ All Bills, Credit Card Statements, Medical Bills, Collection letters, etc. ☐ Auto Loan Statements
☐ Car Registrations ☐ Retirement Fund Statements
☐ 12 months of Bank Statements ☐ If you own a business, bring Balance Sheet and Profit & Loss Statement

Thank you!
Do I have a Lien Recorded Against My Real Property?

Please be advised, you may or may not have a lien recorded against you or your real property. You may or may not know if you have a lien recorded against you. Liens can be tricky. Generally, if someone has sued you and obtained a judgment against you there is a strong likelihood that a lien may have been recorded against you. Generally, liens are recorded in the Office of the County Recorder in all counties in which you own or may own real property. In some instances you may not have been served with a lawsuit and never knew a judgment was entered against you or that a lien was recorded against your real property.

Why You Should Always Conduct A Lien Search?

In California, you may not have owned real property at the time a judgment was entered against you, but if you later acquired real property a lien may have attached to that later acquired real property. There are several ways to do a lien search. One, you may request a title report for each piece of real property you own. Two, you may personally visit to the County Recorder's office and ask for a lien search for each piece of real property you own or are on title to. We highly recommend you check for liens. Our office does not do lien searches at the County Recorder's office. Additionally, beware, the County often makes mistakes and may miss a lien. Therefore, we recommend you get a second opinion in your lien search.

May I Retain Your Office To Conduct a Lien Search?

If you elect to pay for a lien search through our office you will be charged $65.00 per real property owned prior to our firm conducting the search. Please be advised, we rely on third party sources for our lien searches. We cannot guaranty that all liens will be discovered. Unfortunately, this is the nature of lien searches. We will do our best to search for all liens recorded in California. If you have liens in another state, we do not do out of state lien searches. You will need to contract with a title company to accomplish an out-of-state lien search.

Why is a lien search important?

In bankruptcy, your personal liability for a debt is discharged if it is a dischargeable debt under §523 of the U.S. Bankruptcy Code. However, liens are in rem. This means the lien attaches to the real property and the lien will not be removed by the bankruptcy filing. However, some liens may be removed or avoided in bankruptcy. It is to your benefit to have all avoidable liens avoided during the bankruptcy process.

What Do I Do If I Have a Lien?

If a non-consensual lien has attached to your real property, you will want to file a Motion to Avoid Lien under §522(f) of the U.S. Bankruptcy Code, if possible, to “wipe-out” that lien. The 522(f) motion is an additional fee of $750.00, plus filing fees and appraisal fees, if necessary. If there is a dispute as to the removal of the lien and an evidentiary hearing is required you will be billed at hourly contracted hourly rate for the additional services. If there are multiple liens against the same real property, we do offer a discount for each additional lien. If you do not file the 522(f) motion to avoid lien during your bankruptcy case, the lien will remain on that piece of real property. We do not recommend that you leave any avoidable liens on your real property, as additional interest will accrue on the lien and you risk the sale of the real property to satisfy the lien. In plain terms, this means that your creditor may force the sale of your real property to satisfy its lien.
What Do I Do Once the Court Grants The 522(f) Motion To Avoid Lien?

Finally, if you retain our office to file a 522(f) motion, we will file the motion for you. If we obtain the order approving the lien avoidance, our job is complete. We will provide a copy of the Order to you. However, you will need to record the Order with the County Recorder. The County Recorder requires that you obtain a Certified Order. To get the Certified Order, it is an additional fee to the Court and an additional trip to the court. You may elect to do this on your own, or you may retain our office to do so. But, it is not included in our services. Once you obtain the Certified Order, you will need to take it to the County Recorder to have it recorded. We do not handle the recording of the Certified Orders, unless you pay the additional fee to have our office handle the recording. Our services are strictly related to filing the motion in the U.S. Bankruptcy Court.

Understanding and Agreement

It is your responsibility to determine the status of liens on your real property. You will inform your attorney if you decide to retain DOLING SHAW & HANOVER, APC to pursue a lien search and/or a motion to avoid a lien and you will pay the additional fees required to file the motion(s). You must inform DOLING SHAW & HANOVER, APC and pay for the lien search and/or motion before the first meeting of creditors hearing in order to allow your attorney sufficient time to prepare the motion.

Questions and Concerns

As always, we are here to assist you. Please do not hesitate to ask questions if you do not understand something or need clarification. We strive to provide the most thorough and professional services to our clients. We encourage strong attorney client communication and look forward to the opportunity to represent you.
Bankruptcy, Foreclosure, Wage Garnishments, Tax Liens & Levies...

How Do I Select The Right Attorney?

How Can I Protect My Assets?

1. How do I select a qualified attorney?

First and foremost, ASK QUESTIONS! Unfortunately, the high unemployment rates and foreclosure rates in recent years cause the number of bankruptcy filings to also increase. This means that a lot of inexperienced attorneys "jumped into" the area of bankruptcy law, just to make a buck. You need to seek the advice of an experienced attorney, so don't be afraid to ask questions. Interview your attorney and check references. I recommend the following questions:

   a. How many bankruptcy cases have you actually filed? -- Select an attorney who has filed at least 2,000 cases. Many attorneys have filed only a few cases, because bankruptcy is not their primary area of practice. Bankruptcy affects your financial health. You should take the same care in selecting a qualified attorney as you do in selecting a physician. You don’t want the cheapest physician. You want the most qualified. At the same time, we understand the need to maintain competitive rates. We have the experience to help you avoid problems in your case. Remember that saying, "you get what you pay for."

   Our fees are quoted up-front, and in writing after we have reviewed and analyzed the issues in your case. We provide honest, and fair quotes for services. We disclose the related filing fees and costs, up-front. Many attorneys offer a low-ball quote to get you to sign up, without fully disclosing all the costs involved. When comparing fee quotes, be sure you are comparing apples to apples and that there are no hidden fees. It is much more expensive to hire our office to fix a case, than it is to do it right the first time. Feel free to ask us questions. We are here to help.

   b. How long have you been actively practicing in the area of bankruptcy? The laws have changed, make sure the firm has actively represented bankruptcy clients since 2005. It helps to have counsel who practiced prior to the 2005 Bankruptcy Reform Act and after. You do not want an attorney who "dabbles" in the area of bankruptcy. It is a very serious Federal matter. Although the laws changed in 2005, most of the case law prior to 2005 is still good law. It will have an impact on your case. Your attorney should be trained to handle a wide array of matters in bankruptcy, not just chapter 7 cases. If your attorney is new, ask if they work with an experienced colleague.
c. **Does the attorney handle both Chapter 7 and Chapter 13 cases?** Many attorneys do not handle Chapter 13 cases because they are more complicated and they do not have the experience to handle them. If the attorney does not handle Chapter 13 cases, this can be a good indication that he or she is not experienced in the area of bankruptcy.

d. **Is the attorney a member of NACBA (the National Association of Consumer Bankruptcy Attorneys) and if so, does he or she actually attend the seminars offered every 6 months?**  
   You can verify membership at www.nacba.org. NACBA is a national leader in educating attorneys in bankruptcy and advocating for your rights. However, it is not enough that your attorney is simply a member, make sure he/she actually attends the seminars to stay current on the law and strategies. Ask what continuing education programs your attorney has attended in the last two years. Does the attorney invest his or her time and money to attend bankruptcy continuing education seminars to stay current on the latest changes in the law? If the attorney does not, you may wish to go elsewhere.

e. **Is the attorney a member in good standing with the State Bar of California?** Make sure the attorney you hire has not been disciplined, suspended or disbarred. You want an attorney in good standing and one with a clean disciplinary record.

f. **TIP:** Try to avoid attorneys who are willing to quote a fee on the phone. The attorney has never met you, has not reviewed the details of your case, and has not discussed a plan of action with you. How can he or she HONESTLY give you a fee quote when they know nothing about your situation.

2. **I received a Notice of Default. What does this mean?**

   This is the first step a lender takes to officially start the foreclosure process. You still have the opportunity to bring your loan current. In simple terms, it's the lender's way of giving you a "wake up call." If you don't bring your loan current soon, they may move forward with the foreclosure (auction sale of your property).

3. **I received a Notice of Trustee’s Sale. What does this mean?**

   This is probably THE MOST IMPORTANT NOTICE because it informs the homeowner of the date and time the house will be sold at auction. If you receive a Notice of Trustee's Sale, you should immediately contact a qualified attorney to review your options with you. If a lawful, non-judicial foreclosure sale takes place, you will not have the opportunity to reclaim the property.

4. **My neighbor's house was in foreclosure. He filed for bankruptcy and said he gets to keep his house, cars and does not have to pay his $90,000 second mortgage. How is that possible?**

   By working with an experienced bankruptcy attorney, many homeowners are able to save their homes from foreclosure. The arrears (i.e. past due payments) can be put into a repayment plan at 0% interest over a 60 month period, allowing the homeowner to bring the mortgage current over time. Additionally, a second mortgage or line of credit lien can be stripped off or erased in a Chapter 13 bankruptcy if that loan is unsecured, meaning the house value is less than what is owed on the first mortgage. This can be a huge savings and can help put the homeowner in a much better position to start rebuilding equity.
5. Should I use my 401k to pay off my credit cards?

No! No! No! At the very least, discuss this with a qualified attorney and tax professional before you make any decisions to do so. Your 401k is completely protected in bankruptcy. If your debt situation is significant enough to consider wiping out any portion of your retirement, then STOP and get help. You may be able to completely erase your debt, lower your car payments and KEEP ALL OF YOUR RETIREMENT!

6. Why would I need an attorney?

A qualified attorney can provide you with legal advice on many levels. For example, a qualified attorney can (1) help protect your rights; (2) help you save your home; (3) help you stay in your home as long as possible; (4) help you avoid tax consequences of foreclosure or short sale; (5) help reorganize your debts, reduce your car payments, reject leases or completely erase your debt; and (6) help erase your second mortgage or home equity lines of credit. Experienced attorneys, trained in the area of foreclosure and bankruptcy can be very helpful in planning a better financial future for you and your family.


This is one of the biggest misconceptions we hear. However, many taxes ARE DISCHARGEABLE in bankruptcy. It requires a thorough analysis by a qualified attorney to determine when the taxes were filed, when the returns were due, whether or not the tax has been assessed, the type of tax and some other factors. Bankruptcy is one of the most affordable ways to handle tax debt.

8. I Have a Wage Garnishment. How Can I Stop It?

We can immediately stop wage garnishments, bank levies, judgment collections and payday loans. The automatic stay provision of the U.S. Bankruptcy Code goes into effect immediately upon filing your case to STOP all collection activity, including actions by the IRS and Franchise Tax Board. The automatic stay is "automatic" - meaning it does not even require notice! It is the most powerful tool in bankruptcy.

We are happy to answer your questions. We offer a free non-business consultation. If you own a business, you will be charged a nominal consultation fee. We will meet with you personally and help to devise a plan that will get you back on track. We understand that this can be a very difficult time for you. However, we have found the stress levels decrease once you have plan. It’s the “unknown” that is terrifying. Please feel free to call our office at (760)341-8837. We look forward to the opportunity to work with you.