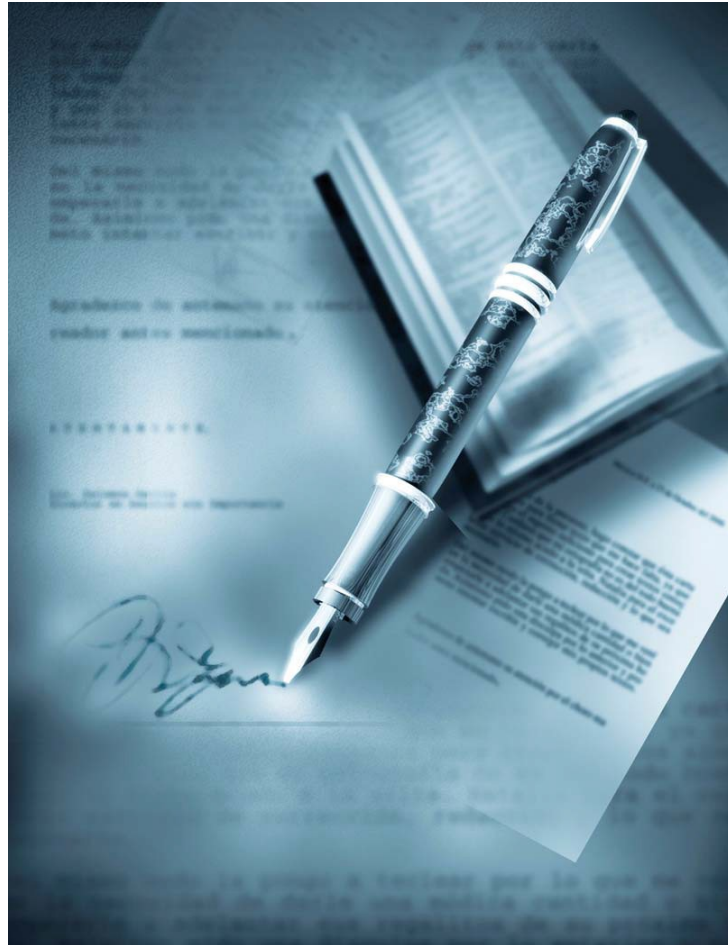


# My Chapter 7 Handbook



**Law Offices of Robert R. Weed**  
**"Be Happy & Debt Free"**

The  
Law Offices  
of **Robert  
Weed**

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## **Bank Statements**

We have attached a guide on “*How To Pull Your Bank Statements for the bankruptcy trustee*” in this handbook.

There are two things we need to show the bankruptcy court on each of your bank accounts.

1. **The name and account number for each account.**
2. **The bank balance on the day we file your papers; the day before, and the day after.**

To do that, **we usually need two different pieces of paper.**

First, we need a “**bank statement**”—mailed to you or printed from the internet—that **shows your name and account number**. Should be fairly recent, but does not need to be current. (We try to have that already in our file.)

Second, we need a **recent transactions print out**—from your computer or from the bank. It needs to cover up to the day after we send in your papers, and go back thirty days. That print out usually has the last four of your account number, so we can tie it to the bank statement that has your name. You have to get that **AFTER** your papers go to court, and get it to us.

**5. Please fax or email your bank statements directly to your paralegal.**

**6. Additionally, you have a 50% chance of being assigned a chapter 7 trustee that will require you to fill out a questionnaire before your hearing. If this is the case we will fill out the questionnaire form from your papers on file. Kevin McCarthy or Jason Gold, Trustee require that we send them this form along with your bank statements, retirement, stock and life insurance statements before your hearing. They will use this form to conduct your bankruptcy hearing.**

**7. After you receive your case number, YOU MUST take the second part of your Counseling Class, which is the Debtor Education portion, online. Go back to [www.moneysharp.org](http://www.moneysharp.org) and take your 2nd class and email it to Vanessa Hill.**

Vanessa can be reached at [vanessa@robertweed.com](mailto:vanessa@robertweed.com) or (703) 335-7793.



*Vanessa Hill*

**Vanessa will contact you until you take the second part of your Moneysharp.org credit counseling class. Vanessa must file your Moneysharp counseling certificate with the court before your hearing to avoid Dismissal of your bankruptcy case.**

**8. On or before (7) Seven days before your hearing, I will send the trustees your supporting documentation:**

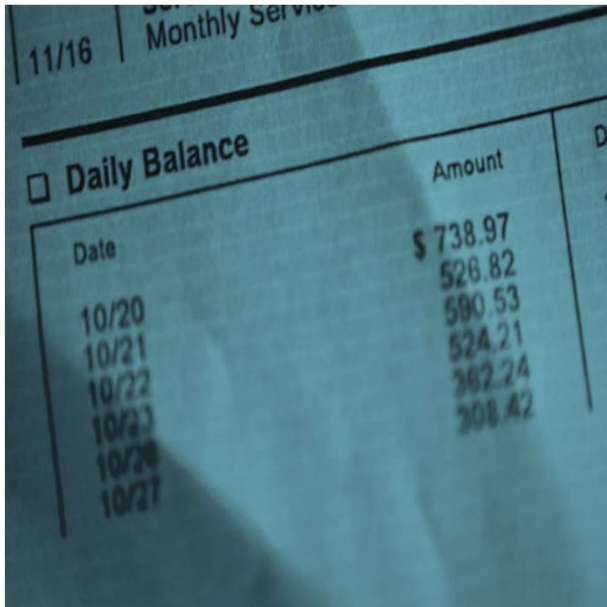
- 1. Your tax forms.**
- 2. Your pay stubs.**
- 3. Your bank account statements and printouts**
- 4. Retirement, Life Insurance, Stock Statements etc.**

**What happens if we miss that deadline?**

- a. If you are lucky, you will get yelled at on your court day.**
- b. If you are not so lucky, you will get sent home and have to return on another date with our attorney and pay another \$300.00. So get me those bank statements and print outs and leave happy, at your court date.**



# How to pull your Bank Statements for the Chapter 7 Trustee



11/16 Monthly Service

Daily Balance

Date	Amount
	\$ 738.97
10/20	528.82
10/21	580.53
10/22	524.21
10/23	362.24
10/26	308.42
10/27	

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of  
**Robert  
Weed**

## What the Chapter 7 Trustee Needs:

- ▶ In order to meet the documentation requirements for the Chapter 7 Trustee, you must submit copies of your bank statements.
- ▶ Your bank statements must show the balance in all Checking and Savings accounts which are in your name.
- ▶ This includes custodial accounts and joint accounts. An example of a custodial account is, an account that you have with a elderly relative or child.

## Example of Bank Statement

**ANY BANK**  
PO BOX 876, LEICESTER,  
LE76 7JH

P R Patterson  
7 Thistle Grange  
West Grange  
Staffordshire

ACCOUNT NUMBER: 10045321  
SORT CODE: 90-99-19

STATEMENT: 17  
NUMBER:  
PAGE: 1 of 1

TRANSACTION DETAILS							
DATE	DESCRIPTION		DEBITS		CREDITS		BALANCE
Balance brought forward							35 00
6 May	CD07	High St	10	00			25 00
8 May	DC07	Pet Care Plc	3	00			22 00
11 May	BACS	Regular Times			46	50	68 50
19 May	CH007		2	70			65 80
19 May	DD	Gas & Co	16	50			49 30
22 May	S0	TV Licence Company	21	00			28 30

So Let's say your bankruptcy case was filed on May 23.



- You will need to provide a bank statement showing the balance in your account the day before (May 22) and the day after (May 24).

**ANY BANK**  
PO BOX 876, LEICESTER,  
LE76 7JH

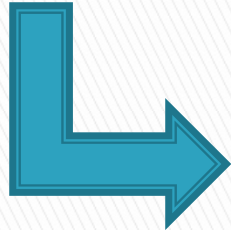
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19 May	CH007		2	70			65 80
19 May	DD	Gas & Co	16	50			49 30
22 May	S0	TV Licence Company	21	00			28 30

If the date you filed bankruptcy falls on a date not covered on your last complete bank statement...



Please go online or to the bank. Get a print out of all transactions from the date your last bank statement was printed through the day after your bankruptcy was filed.

### Any Bank Online Banking

Account Activity

May 25, 2012

Free Checking XXXXXX5321 Available Balance: \$19.01 Pending Transactions

These transactions have been submitted to us since the last business day and are not yet posted to your account. When they have posted, they will be reflected in your Posted Transactions. Pending items may affect your Available Balance and are not a statement of your account.

Date	Description	Withdrawals	Deposits	Balance
05/23/2012	ATMWITHDRAWAL Any Bank 3756 601 PENNSYLVANIA A WASHINGTON DC	\$30.00		\$49.01
05/24/2012	Online Bill Pay	\$98.17		\$147.18
05/25/2012	Electric Payment-Dominion Power	\$55.32		\$202.50

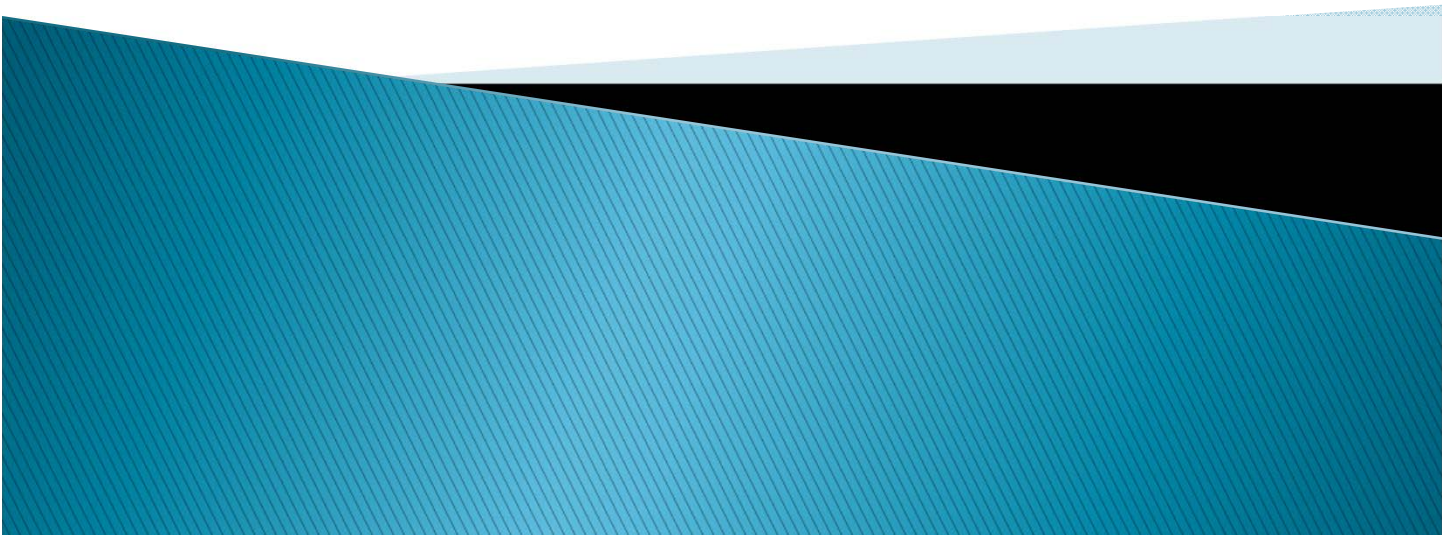




**Congratulations!  
The Trustee Will  
Be Happy Now!**



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Law Offices  
of **Robert  
Weed**



**Information to identify the case:**

Debtor 1

First Name	Middle Name	Last Name
------------	-------------	-----------

Social Security number or ITIN

EIN \_\_\_\_-\_\_\_\_-\_\_\_\_

Debtor 2

(Spouse, if filing)

First Name	Middle Name	Last Name
------------	-------------	-----------

Social Security number or ITIN \_\_\_\_-\_\_\_\_-\_\_\_\_

EIN \_\_\_\_-\_\_\_\_-\_\_\_\_

United States Bankruptcy Court Eastern District of Virginia

Date case filed for chapter 7

Case number:

**Official Form 309A (For Individuals or Joint Debtors)****Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline**

12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read all pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		
4. Debtor's attorney Name and address		Contact phone (703) 335-7793 Email: <a href="mailto:robertweedlaw@yahoo.com">robertweedlaw@yahoo.com</a>
5.		

<p><b>6. Bankruptcy clerk's office</b></p> <p>Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a>.</p> <p><b>McVCIS 24-hour case information:</b> Toll Free 1-866-222-8029</p>	<p>Hours open Monday – Friday, 9:00 AM – 4:00 PM ET, except on holidays.</p> <p>Contact phone 703-258-1200</p>	<p><b>For the Court:</b></p> <p>Clerk of the Bankruptcy Court: William C. Redden</p> <p>Date:</p>
<p><b>7. Meeting of creditors</b></p> <p>Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.</p>	<p><b>"Bankruptcy hearing date &amp; time"</b></p> <p>The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p>	<p>Location: 1725 Duke Street, # 520 Alexandria, VA 22314</p>
<p><b>8. Presumption of abuse</b></p> <p>If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.</p>	<p>The presumption of abuse does not arise.</p>	
<p><b>9. Deadlines</b></p> <p>The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.</p>	<p><b>File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:</b></p> <p><b>You must file a complaint:</b></p> <ul style="list-style-type: none"> <li>• if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or</li> <li>• if you want to have a debt excepted from discharge under 11 U.S.C § 523(a)(2), (4), or (6).</li> </ul> <p><b>You must file a motion:</b></p> <ul style="list-style-type: none"> <li>• if you assert that the discharge should be denied under § 727(a)(8) or (9).</li> </ul> <hr/> <p><b>Deadline to object to exemptions:</b> The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.</p>	<p><b>Filing deadline:</b></p> <p><b>Filing deadline:</b> 30 days after the <i>conclusion</i> of the meeting of creditors</p>
<p><b>10. Proof of claim</b></p> <p>Please do not file a proof of claim unless you receive a notice to do so.</p>	<p>No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.</p>	
<p><b>11. Creditors with a foreign address</b></p>	<p>If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>	

For more information, see page 3 >

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov). If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.

Case may be dismissed for failure to timely file lists, schedules and statements, or to attend meeting of creditors. (Local Bankruptcy Rules 1007-1, 1007-3, and 2003-1.) Trustee may at the meeting give notice of intention to abandon property burdensome or of inconsequential value or intent to sell nonexempt property that has an aggregate gross value less than \$2,500. Objections thereto must be filed pursuant to Local Bankruptcy Rules 6004-2 and 6007-1.

Exact Change Only accepted as of December 16, 2013, for payment of fees and services. Payment may be made by non-debtor's check, money order, cashier's check made payable to Clerk, U.S. Bankruptcy Court, or any authorized non-debtor's credit card.

*Electronic bankruptcy notices are delivered faster than the U.S. Mail if you have a PC with Internet connection or a Fax machine. For more information, go to <http://ebn.uscourts.gov> or call, toll free: 877-837-3424. Case/docket information available on Internet @ [www.vaeb.uscourts.gov](http://www.vaeb.uscourts.gov)*

**ATTENTION DEBTORS:** Receive your court notices and orders by email through the DeBN. Same-day delivery. Convenient Access. Free. For more information and to download the request form, go to [www.vaeb.uscourts.gov](http://www.vaeb.uscourts.gov) and select the Debtor Electronic Bankruptcy Noticing link from the ATTENTION DEBTORS DeBN banner.

United States Bankruptcy Court  
Eastern District of Virginia Alexandria  
Division

Case Number 11-00000-RGM/BFK  
Chapter 7

In re: Debtor Name

SSN: EIN: NA  
xxx-xx-1234

Order to Debtor

An order for relief having been entered herein pursuant to Title 11 U.S.C. Chapter 7 upon a petition filed by you in the United States Bankruptcy Court; **it is ORDERED that,**

You shall safely care for, protect and preserve all of your property.

You shall not sell, refinance, transfer, remove, destroy, mutilate or conceal any of your property, and you shall make all or any part thereof available to the trustee, when requested to do so.

You shall not turn over any of your property to any creditor or party in interest without the bankruptcy Trustee's knowledge and consent, unless so ordered by the United States Bankruptcy Court.

You shall preserve all recorded information, including books, documents, records and papers, from which your financial condition or business transactions might be ascertained and make the same available to the United States Bankruptcy Court and/ or the Trustee when requested to do so.

You shall cooperate with the Trustee as is necessary to enable the Trustee to perform the Trustee's duties as required by law.

You shall make available and turn over to the Trustee any property that you acquire or become entitled to acquire within 180 days after the date of the filing of your bankruptcy petition, if such property or your rights to acquire such property is by bequest, devise or inheritance; or by the terms or provisions of a property settlement agreement with your spouse or by any divorce decree; or as a beneficiary of a life insurance policy or of a death benefit plan.

At least 7 days before the first scheduled meeting of creditors, you shall provide to the trustee: (A) a copy of your federal tax return, including any attachments, for the most recent tax year ending immediately before your petition filing date and for which a return was filed, a transcript of such tax return, or a written statement that the documentation does not exist; and (B) all payment advices or other evidence of payment received within 60 days before the petition filing date from your employer. Not later than the meeting of creditors, you also shall provide to the trustee: statements for each of your depository and investments accounts, including checking, savings, money market, mutual funds, and brokerage accounts, for the period that includes your petition filing date, or a written statement that the documentation either does not exist or is not in your possession. The Court may dismiss your case if such documentation is not provided.

You shall personally appear at a meeting of creditors on the date and time and at the place set by the U. S. Trustee as set forth in a notice which you have or will soon receive. That meeting may be adjourned and subsequently reconvened by the Trustee and, if so, you shall appear on the date and time scheduled.

At the Trustee's request, you shall make all reasonable efforts to provide the Trustee with your homestead deed, if any, and any and all deeds to real property, as well as documentation evidencing the liens on all of your encumbered assets and any other documentation requested by the Trustee. You shall promptly file any and all necessary amendments, modifications or clarifications to any schedules or statements as requested by the Trustee.

Before your case is closed, you shall immediately advise the Court and the Trustee, in writing, of any change of your address. You are advised that it is your responsibility to review any returned mail which needs a corrected address.

You shall obey all orders of the United States Bankruptcy Court and your responsibility for doing so does not cease even after a discharge is granted. The discharge does not conclude your bankruptcy case. A discharge may be revoked, for cause.

Dated:

For the Court,

William C. Redden, Clerk  
United States Bankruptcy Court

United States Bankruptcy Court  
Eastern District of Virginia Alexandria  
Division

In re: Case Number  
Chapter

SSN: xxx-xx-

EIN: NA

SSN: xxx-xx-

EIN: NA

NOTICE OF REQUIREMENT TO FILE  
CERTIFICATION OF COMPLETION  
OF COURSE IN PERSONAL FINANCIAL MANAGEMENT  
(Official Form 23)

Notice is hereby given that, subject to limited exceptions, a debtor must complete an instructional course in personal financial management in order to receive a discharge under chapter 7 (11 U.S.C. § 727). Pursuant to Rule 1007(b)(7) of the Interim Rules of Bankruptcy Procedure, the debtor(s) must complete and file Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form 23)\* as described in 11 U.S.C. § 111.

Debtor(s) and/or debtor(s)' attorney is/are hereby notified that Official Form 23 must be filed before a discharge can be entered. Debtor(s) and/or debtor(s)' attorney is/are hereby notified that the debtor(s) must file Official Form 23 within 45 days after the first date set for the meeting of creditors under § 341. Failure to file the certification will result in the case being closed without an entry of discharge. If the debtor(s) subsequently file(s) a Motion to Reopen the case to allow for the filing of the Official Form 23, the debtor(s) must pay the full reopening fee due for filing the motion.

Dated:

William C. Redden  
Clerk of Court

\*NOTE: Official Interim Form 23 (Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management) must be filed in all individual chapter 13 and chapter 7 cases even if the U.S. Trustee has not approved any credit counseling agency or financial management course for the applicable district. See Interim Rule 1007(b)(7).

# *What to Expect at Your Hearing: The "Meeting of Creditors"*

## **"Be Happy & Debt Free"**



If things go well in your Chapter 7 Bankruptcy, the "Meeting of Creditors" will be the only hearing you have to attend. They call it a "Meeting of Creditors," but usually it's just you, me & the Trustee. The room will be full of people there for the same reason we are.

The Trustee acts like a judge, except he is called "sir" instead of "Your Honor." The Trustee will call you and me to the front, check your photo ID and Social Security number, ask you a few simple questions, and then we leave. (My job is to help out if you get confused.) The Trustee schedules 14 of these each hour, so he moves fast.

### **WHERE?**

The U.S. Trustee's office is located at 1725 Duke Street, #520, Alexandria, VA 22314. You can find additional parking at the **Whole Foods parking garage**.

### **DON'T MISS IT!**

If you miss the hearing we are in trouble. The court will dismiss your case unless you can show up in court and give a good explanation. We charge **\$350.00** to go to court with you or to get your case reinstated. If the court isn't satisfied with your explanation, the court will charge you **\$306 again and I will charge you an extra \$150 to redo the paperwork, plus a \$225 "start over" fee.** (If there's a serious emergency, we may be able to reschedule if you call us in advance. **We charge you \$150 to reschedule.**)

You will not be able to tell this is a government office from the appearance of the building. The only thing you will see from the street will be the signs for Birkenstock Shoe store. The U.S. Trustee's office is in the same building. There are parking meters along the street and there is a parking garage in the building.





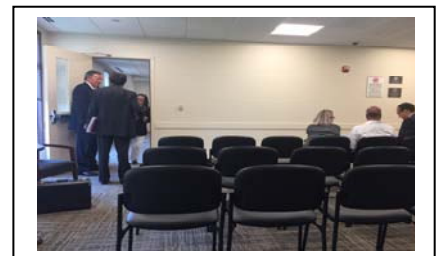
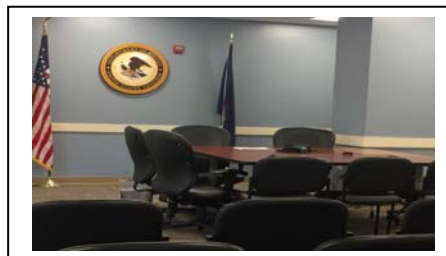
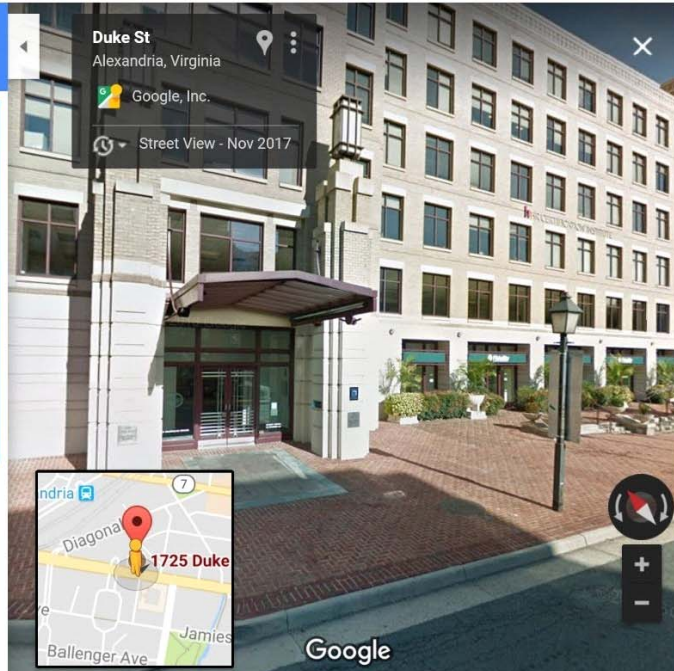
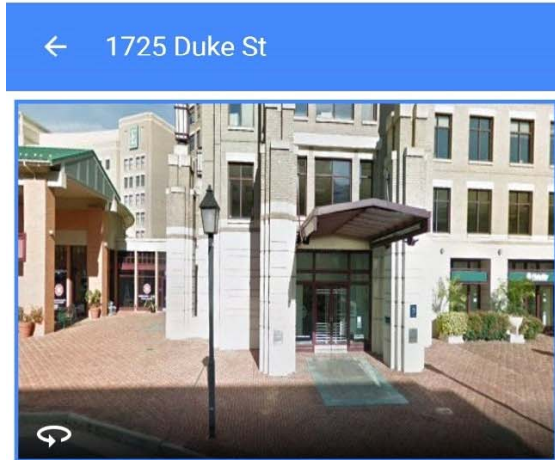
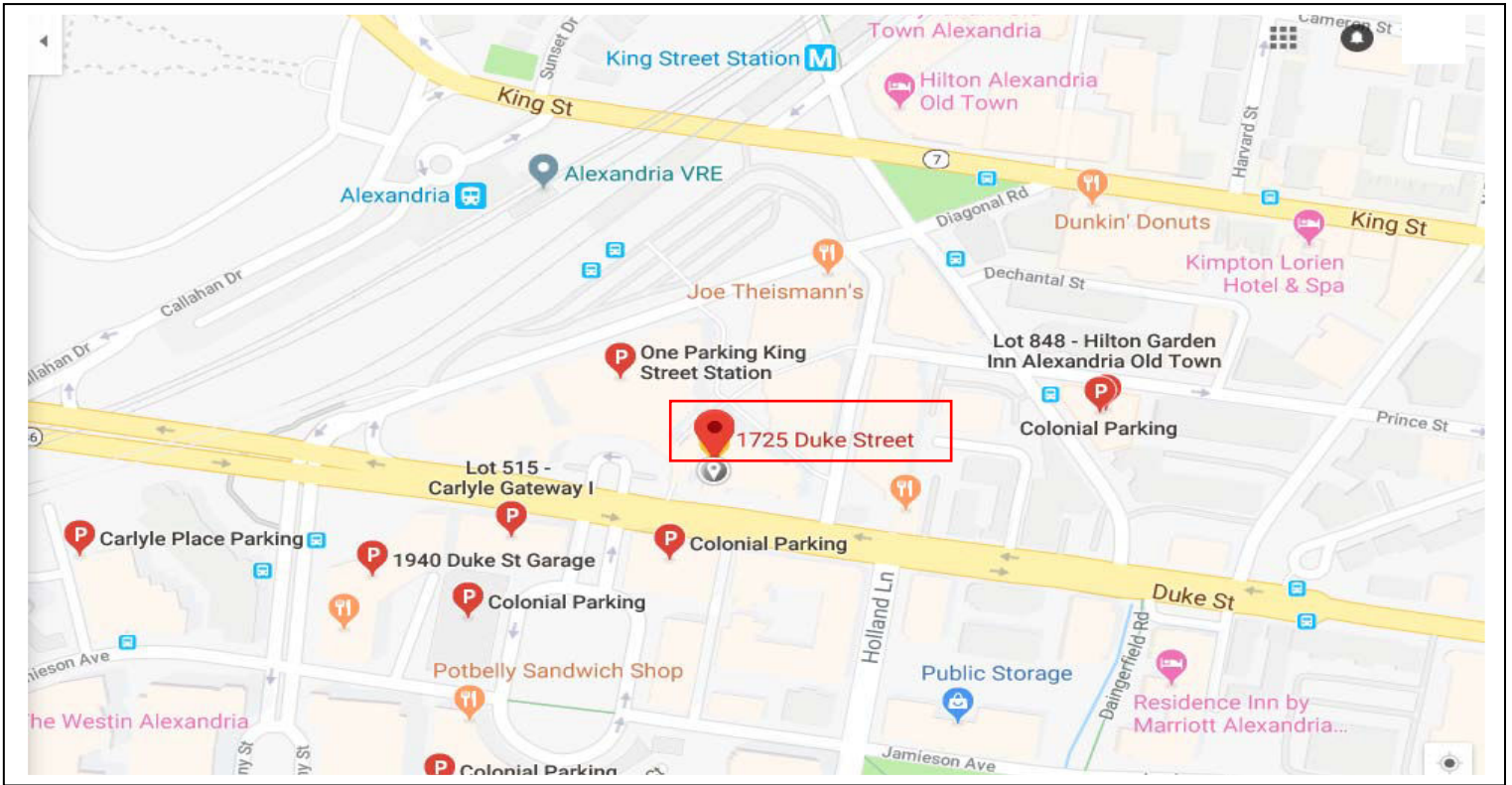
**Address for Bankruptcy hearing:**

**U.S. Trustees Office**  
1725 Duke Street #520  
Alexandria, VA 22314



**Parking**

Metered parking is located on surrounding streets nearby or in a parking lot/ parking garage.





## **Things to do before your hearing:**

1. Fax or email us, **ALL Bank Statements** showing filing date of: \_\_\_\_\_ (regardless of the balance or who they're joint with - include the kid's accounts too), to your paralegal.

### **Bank statement must include:**

- a) The name and account number for each account.
- b) The bank balance on the day we file your papers; the day before, and the day after.

To do that, we usually need **two different pieces of paper.**

**1<sup>st</sup>**, we need a “**bank statement**”—mailed to you or printed from the internet that **shows your name and account number.** (We try to have that already in our file.)

**2<sup>nd</sup>**, we need a **recent transactions print out**—from your computer or from the bank. It needs to cover up to the day after we send in your papers, and go back thirty days. That print out usually has the last four of your account number, so we can tie it to the bank statement that has your name. You have to get that **AFTER** your papers go to court, and get it to us.

2. Take 2nd Portion of Debtor Education Class at [www.moneysharp.org](http://www.moneysharp.org)

1. Go back to the company you took your first class with and take the “**After Bankruptcy Filing Debtor Education Course**”
2. Next when you're done with your 2nd class, email Vanessa Hill at [vanessa@robertweed.com](mailto:vanessa@robertweed.com) or call her at (703) 335-7793 to let her know.

## **Things to bring to your hearing:**

1. **PHOTO ID**
2. **Social Security Card**
  - a. Or something with your full Social Security # on it and W-2.
  - b. Letter from SS office showing you applied for new card
3. **New home or cell phone #'s, new home or mailing address, new email address.**
4. **\$\_\_\_\_\_ balance due or \$300-payable to Robert R. Weed.**

# MONEY\$HARP

Money Sharp Inc. is a non-profit organization

Start today at:

[www.MoneySharp.org](http://www.MoneySharp.org)

( 1-866-200-6825 )



**\$10**  
Per Household

Pre-Filing  
or  
Post Filing

With  
Attorney Discount Code:

**ROBERTWEED**

Take our courses on your PC, Tablet or Smartphone.

Cursos estlin disponible en Espanol

\*Course prices are \$35/ household Discounted to \$10/household with Attorney Code.



Start today at [www.MoneySharp.org](http://www.MoneySharp.org)

Money Sharp Credit Counseling, Inc. is Approved to issue certificates in compliance with the Bankruptcy Code. Approval does not endorse or assure the quality of an Agency's services

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Sign In

Create Account

Attorneys Sign In

## MONEY\$HARP FINANCIAL EDUCATION COURSES

EDUCATION IS THE GREAT EQUALIZER

Rectangular Snip

866-200-6825

### Course 2: After Filing Personal Financial Management Course

GET STARTED →

Our online course will take you through all of the components of a typical credit counseling session. Upon completion of the bankruptcy counseling session, you will be issued a certificate of participation. This certificate will allow you to proceed with the bankruptcy process. It is our desire to make this delivery process as smooth and efficient as possible.

# **Today's My Bankruptcy Hearing Date-Before & After**



## **PAYMENT**

Unless we made other arrangements, you will owe me **\$300.00** at the hearing.



## **WHAT HAPPENS?**

First, the Trustee will put you under oath and check your photo ID and Social Security number. Then, the Trustee will ask you questions that go something like this:

1. What's your name? Do you still live at the address that's on your form?
2. Where do you work? What's your daytime phone number?
3. Is your spouse in bankruptcy, too? How many dependants do you have?
4. Have you filed bankruptcy before?
5. Do you own your home? When did you buy it and what did you pay? Do you own any property anywhere? Do you have any joint debts with your spouse?
6. What cars do you have? Are they free and clear or are you still paying on them?
7. Do you have any cash value on your life insurance? Are you due a tax refund? Does anyone owe you any money?
8. Did you go over everything on these papers with someone in Mr. Weed's office before you signed them? Did you list all your debts and assets?
9. Are you aware of any changes you need to make to your paperwork?
10. Did you read the handout? (That's the handout that we gave you when you signed the papers. Here's another one.)
11. Do you owe any domestic support obligations? (Alimony or child support)

## **WHAT NEXT?**

You must give us your approval number for your certificate from an approved debtor education course or your **case will be DISMISSED**. Your creditors and the U.S. Trustee have 60 days after the "meeting of creditors" to file papers trying to block you. They can say you lied on your bankruptcy papers, or that you lied in your credit application or the other things we talked about on the pink warning sheet I gave you when first began. Usually, 60 days pass with no one doing anything.

Then, two weeks after that deadline, the court will send you a notice saying that your debts are discharged and your case is closed. This should all be over about three months from today. I'll keep an eye on any problems.





## BANKRUPTCY INFORMATION SHEET

**BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET PROVIDES YOU WITH GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.**

### WHEN YOU FILE BANKRUPTCY

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

**Chapter 7** - A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the State where you live and applicable federal laws.

**Chapter 13** - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

**Chapter 12** - Like chapter 13, but it is only for family farmers and family fishermen.

**Chapter 11** - This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter. Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### **WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for -

- most taxes
- child support
- alimony
- most student loans
- court fines and criminal restitution
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do

something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

## **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements—

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

**YOUR UNCLE SAM SAYS, REPEAT AFTER ME!**

**Now that my bankruptcy  
is filed,**

**There is one more bill  
I must reconcile.**

**Quick, today, I won't delay  
I will pay the fees to my HOA.**

**My house or condo still belongs to me,  
For I still hold the deed, the title and the  
fees!**

**So, I solemnly promise to pay the cash,  
and every month to cut the grass.**

**My HOA and Condo fees are not free,  
They are still my responsibility!!**

X

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Signature

# Do you have a car or mortgage payment?



If you do not have a Car or Mortgage payment you can stop  reading here!!

If you do have mortgage or car payment,



then read ahead for more information regarding what happens now that you have filed bankruptcy.....



## **Motion For Relief From Stay**

You will receive a document from the court, called a **Motion for Relief from Stay** if you are not current on your mortgage(s), vehicle(s) or other secured debts. This means that the mortgage company is asking the Bankruptcy Court permission to begin foreclosure or repossession proceedings if they wish.

Once we receive a copy of the Motion for Relief from Stay in our office, you will receive a telephone call from one of our paralegals regarding your intentions with your property. If you have questions concerning the Motion for Relief from Stay, please call us at (703) 335-7793 or send an email to your paralegal.

Once we have discussed the Motion for Relief from Stay with you, we will then file one of the following electronic responses with the court.

- 1. You admit that you are behind on your House, car or other secured debt.**
- 2. You believe there is a mistake, you don't owe them money, and your account is current.**

Those are the only responses that can be filed with the court! You **do not** have to attend this court hearing.

The judge is required by law to give the mortgage company permission to begin foreclosure proceedings if you are Delinquent on your account, by even one cent!

**Car loan companies** are very predictable. If they get relief from the automatic stay on your car, the tow truck will be out front, without warning, in a few days.

Car loan companies do not work with people after bankruptcy. **Get your valuables out of the car!**

**For Mortgage lenders** filing a motion for relief from the automatic stay does **NOT** mean they are going to foreclose you. Before the housing crisis it did, but now the situation is not so clear.

It may be that you have only about two months left in home. That's about how fast they will foreclose and evict you, if that's what they want to do.

On the other hand, if you are negotiating for a loan modification, they usually continue to negotiate. (In many cases, regulations require them to continue to negotiate--and we send them a letter reminding them of that.)

Sometimes, they just let you sit for several months, for no apparent reason. We have sometimes filed bankruptcy for people two days before the foreclosure sale, watched the mortgage company get relief from the stay, and do nothing to foreclose for six months or a year.

**It is not possible to predict or guarantee what the mortgage company will do.**

## **Mortgage/Loan Modifications**

If you are trying to re-negotiate your mortgage with your mortgage company you will need a letter from our firm, giving the mortgage company permission to speak with you! This letter is included in this package. Please fill the letter out and send it to your mortgage company. Sometimes the mortgage company will not accept this letter and want to send us their third party authorization form directly. If so, please have them fax it to your paralegal at \_\_\_\_\_. We will fill it out and send it back to them.

Loan modifications may take quite some time. The mortgage companies have many foreclosures and a limited staff. Some can approve a loan modification in 1 day and some may take 5 months to year to approve or reject your application for a loan modification. Remember, your mortgage company holds all the cards. Regularly stay in contact with your mortgage company as they are the only ones who can give you answers and updates regarding your loan modification status.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
*Alexandria Division*

IN RE:  
John R. Bankruptcy,  
Debtor

Case No.  
Chapter 7

MORTGAGE, LLC.  
Movant

vs.

John R. Bankruptcy,  
Debtor/Respondent

And

CHAPTER 7 TRUSTEE,  
Trustee/Respondent

1. You will get a Motion for Relief from Automatic Stay if your payments are behind on your house or car. A MFRFS is the bank asking for permission to start foreclosure/repossession procedures on the car or house.
2. Do nothing if you are giving up the house or car.
3. EMAIL your paralegal, if you think your payments are current.

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, Subprime Mortgage, LLC. ("Movant"), by and through counsel, and respectfully represents as follows:

1. Jurisdiction is based on 11 U.S.C. Section 362(d)-(f).
2. Movant is a mortgage lender/servicer.
3. On or about January 1, 2010, John R. Bankruptcy, ("Debtor") filed a Voluntary Petition in this Court under a Chapter 7 of the United States Bankruptcy Code.
4. Chapter 7 Trustee is the Trustee of the Debtor's estate.
5. At the time of the initiation of these proceedings the Debtor owned a parcel of real estate located in Prince William County, Virginia, and improved by a residence known as 1234 Fifth Place, Woodbridge, Virginia 22193 (the "Property"), attached as Exhibit A is the legal description.
6. The Property is encumbered by a Deed of Trust securing the Movant, and recorded among the land records of the aforesaid county.

# Law Offices of Robert Ross Weed

Date: \_\_\_\_\_

Attn:

Mortgage Company: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Account Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

To Whom It May Concern:

We represent \_\_\_\_\_, in this bankruptcy case.

\_\_\_\_\_ has permission to communicate directly with

\_\_\_\_\_, via telephone, letter, facsimile or electronic

means regarding a loan modification for said mortgage. If you have any questions, please

contact our office at (703) 335-7793 during regular business hours.

Sincerely,

*Robert R. Weed*

Robert R. Weed



Thank you for choosing the  
Law Offices of Robert R. Weed

