

Legal Services of Northern Virginia

Bankruptcy Documents

What do You Need to File for Bankruptcy?

I. Attend the LSNV Debtors' Rights Clinic

Call and make an appointment to attend **LSNV Debtors' Rights Clinic**. The Clinic is usually held on the first Monday of the month. You will be advised of the time and place for the Clinic. The attorney presenting the clinic will go over the bankruptcy process with you, tell you information that you must get, for example your credit reports, and furnish you with all the forms you need to fill out.

II. Interview with a LSNV Attorney

After you attend the Clinic and filled out the **Bankruptcy Questionnaire**, make an appointment with an LSNV attorney by calling the LSNV office that covers the area where you live.

Bankruptcy Questionnaire

You must fill out the Bankruptcy Questionnaire (starting on page 3 below) **before** you meet with a LSNV attorney. Fill it out in longhand and make sure that it is readable. If you need extra room to provide the necessary information, you can add a page or pages. If you add extra pages, make sure that you note the section of the Questionnaire, your name and the date on each added page.

When you come to the interview with the LSNV attorney you must have in addition to the completed Bankruptcy Questionnaire, the following:

1. Credit reports from all three credit bureaus www.annualcreditreport.com.
2. Copies of all your bills, collections notices, and court papers, grouped according to creditors.
3. Bank statements from all of your bank accounts for the past 6 months.
4. A copy of the most recent tax return you filed. If you can't find it, you can call the IRS at 1-800-829-1040 and ask that they mail you a "tax transcript" for the most recent return you filed.
5. Copies of your pay-stubs for the past 6 months. Keep saving your pay-stubs and give them to your attorney each time you meet. If you do not have pay-stubs, you will need something that shows your income for those months, such as bank statements.
6. Prior homestead deeds.
7. Statement of where you've lived if you haven't lived in Virginia for the past two years.
8. Have a check in the amount of \$320.00 for filing fees.

Once you are approved by an LSNV attorney for a *pro bono* bankruptcy, LSNV will sign you up for free credit counseling with the Institute for Financial Literacy.

III. Interview with a *pro bono* Bankruptcy Attorney

You and the *pro bono* attorney will go over and sign all your paperwork. Give your *pro bono* attorney:

1. your up-to-date paystubs and
2. your credit counseling certificate.

After this meeting, your *pro bono* attorney can file your bankruptcy with the court. This is also when she/he can stop any foreclosures or court actions pending against you.

After your case is filed, you will receive a notice with your **Case Number** on it from the bankruptcy court telling you the date and time of your hearing.

IV. Complete the Following Instructions

When you get your notice/Case Number, it is time to call and do the financial management/debt or education case with the Institute for Financial Literacy.

Your hearing will be held about 4-5 weeks after your case is filed.

1. Your attorney will meet you at the hearing. It takes place in Old Town, Alexandria, at 115 S. Union Street, Suite 206. **This is not a courthouse.** Use Mapquest or ask your attorney for directions.
2. Bring a photo ID.
3. Bring proof of your Social Security Number.
4. Bring your most recent bank statement(s) showing the balance you had in the bank on the date your case was filed.
5. Do not be SCARED. You will only be asked about what assets you own so the trustee (the person conducting the hearing) can determine if you have any money she/he can use to pay your bills. Most people don't have anything, and their case takes less than 5 minutes.

After the hearing, your creditors get 2 months to object to your bankruptcy. They usually don't object unless you have committed fraud or lied on a credit application. Once the two months are over, you will get a **Discharge Order** in the mail from the bankruptcy court and your case is done!

LSNV Bankruptcy Questionnaire

Date _____

CHARM ID _____

Your Home phone number (____) _____

Cell (____) _____

Your Work phone number (____) _____

E-Mail _____

PERSONAL INFORMATION

Your Name:

(List your name the way you want it on your legal forms)

Your SSN _____

Your Spouse's Name _____

(Only list spouse if they are joining you on the bankruptcy)

Your Spouse's SSN _____

Other names you or your spouse have used for credit (married names, single names, and business names - within the last 8 years).

Home address _____

City/State/ Zip _____

County _____

How Long Have You Lived at this Address? _____

Mailing Address or other Addresses in last three years:

Address _____

City/State/Zip _____ Dates _____

Address _____

City/State/Zip _____ Dates _____

Dependents - List children, their age and/or parents and their age that you financially support:

Name _____ Age _____

Relationship _____

Name _____ Age _____

Relationship _____

Name _____ Age _____

Relationship _____

Are You ? : Married Separated Divorced Single

Have you filed a chapter 7 bankruptcy within the prior 8 years?

Yes No

Do you have a probability of a substantial inheritance within 6 months (180 days) and/or have you made substantial payments on loans or other debts owed to family members within the last 5 years?

Yes No

EMPLOYMENT

Your Employer _____

Address: _____

How long? _____ Phone: (____) _____

Job Title _____

Your Gross Income (for example, wages, retirement, Social Security, Support)

Yours: 2008 \$ _____ 2007 \$ _____
 2006 \$ _____

LAWSUITS

Has anyone sued you in the last year or is anyone suing you now?

Yes No

If Yes, Please make sure we have copies of all court the papers you have.

PAYMENTS

Have you made payments to any of the following creditors? Please check all that apply that total \$600 or more in the last 3 months:

Rent or House Payment Total Amount Paid (monthly payment x 3)

\$ _____

Car Payment Total Amount Paid (monthly payment x 3)

\$ _____

Credit Cards

_____ \$ _____
Credit Company Amount

_____ \$ _____
Credit Company Amount

Have you been in any debt consolidation/settlement programs during the past 2 years?

Company name: _____

Amount paid in the last 2 years \$ _____

Domestic Support (Alimony)

_____ \$ _____
Paid to Whom Amount

Child Support

_____ \$ _____
Paid to Whom Amount

Other Payments

_____ \$ _____
Paid to Whom Amount

Tell us about any big payments--other than child support--to family members in the last year.

_____ \$ _____

To Whom _____ Relationship _____

\$ _____

MONTHLY EXPENSES

Rent House Payment \$ _____

HOA/Condo Dues \$ _____

Monthly Home Maintenance \$ _____

Monthly Car Payments \$ _____ Monthly Car Insurance \$ _____

Monthly Car Taxes \$ _____

Other Monthly Insurance: Health \$ _____ Home \$ _____

Life \$ _____ If you are your spouse have health insurance through an employer, provide details _____

Monthly Gas & Electric \$ _____ Water \$ _____ Phone \$ _____

Monthly Cable TV \$ _____

Monthly Food \$ _____ Lunch Money \$ _____

Monthly Restaurant Meals \$ _____

Monthly Child Care and Baby Sitting \$ _____

Monthly Clothing \$ _____ Monthly Laundry/Dry Cleaning \$ _____

Monthly Medical/Dental/Vision \$ _____
(out of pocket)

Monthly Hair Cuts \$ _____

Monthly Transportation

Gasoline \$ _____

Bus/Metro/Cab \$ _____

Parking \$ _____

Monthly Recreation \$ _____ Monthly School/Activities \$ _____

Monthly Charity \$ _____

Other (Explain) _____ \$ _____

Total Monthly \$ _____

Do you expect your income or expenses to increase or decrease within the next year?

Explain: _____

PROPERTY YOU OWN

Instructions: You are required to list EVERYTHING you own on your bankruptcy petition, no matter how worthless it may be. Don't leave anything out.

Instructions: Value your property at thrift-store or yard-sale prices. Don't list what you would have to pay to replace the item with a NEW item; rather, if you bought the property at a thrift store, what would you have to pay for it?

Your Car

Instructions: For cars used in business, see the section below, "DO YOU OWN YOUR OWN BUSINESS?"

The "value" of your car is the "Private Party" value for used cars found at Kelley Blue Book www.kbb.com or the "Loan Value" listed in the NADA Book. (If you don't have access to these resources, just list the mileage.)

Owner H = Husband W = Wife J = Joint - Please circle the one that applies:

1. H W J & Car: Make _____ Model _____

Year _____ \$ _____

2. H W J & Car: Make _____ Model _____

Year _____ \$ _____

3. Leased or Borrowed Car:

From _____ Make _____ Model _____ Year _____

\$ _____

House and Real Estate

Instructions: If you are claiming that your house is exempt because you own it with your spouse as "tenants by the entireties" (marital property), you must get a copy of your RECORDED DEED from Land Records at the courthouse in the county where the land is located.

Your House

H W J & Address _____

\$ _____

H W J & Address _____

\$ _____

Other Property (including timeshares, land, and burial plots).

Address _____

\$ _____

Your Closed Bank Account(s)

Where _____ When Closed _____

Closing Balance \$ _____

Have you had any fire, theft or gambling losses in the last year?

Describe _____

\$ _____

Your Gifts

Instructions: You have to tell the court about anything you've given away in the last two years, and of other types of property transfers in the last 12 months. Hiding assets can be a criminal violation.

What property have you given away or transferred in the last 2 years?

What property have you sold (or traded in) in the last 12 months?

What property has been repossessed, foreclosed, or garnished in the last 12 months?

Have you refinanced your house in the last 12 months? If yes, how much money did you take out? What did you do with it?

Have you transferred any funds to a trust for which you are a beneficiary in the past 10 years? Yes No

If Yes, explain _____

Do you have an education savings account or prepaid tuition plan?

Yes No Name of Institution: _____

\$_____

Your Cash and Investments

Instructions: Tell us how much money you usually have in the bank after you have paid all of your monthly expenses. You must list all open accounts you have, no matter how little there is in the account.

1. H W J & Checking Account \$_____

Bank Name_____

City _____ Account No. _____

2. H W J & Checking Account \$_____

Bank Name_____

City _____ Account No. _____

Instructions: Cash value life insurance means you don't have to die to get the money. It's insurance you can borrow against. If you have whole life insurance or universal life insurance you may have cash value. Get a statement from the insurance company.

Insurance Company _____

Cash Value \$_____

Do you own stocks, bonds or mutual funds (not in a retirement plan)?

Describe _____ Shares _____

\$_____

Your Jewelry

Instructions: Indicate all that apply and what you could sell or pawn it for.

___ Watches \$ _____ ___ Costume jewelry \$ _____

Valuable Jewelry _____

___ Wedding and Engagement Rings \$ _____

Household Items

Instructions: List all your household furniture/items. "Value" is what you could buy it for at a thrift store or yard sale.

Your Family Heirlooms

Instructions: List here anything valuable that came from someone else in your family.

Antiques _____ \$ _____

Artwork _____ \$ _____

Family Jewelry _____ \$ _____

Family Bible _____ \$ _____

Other _____ \$ _____

Your Household Furnishings

Kitchen & Dining Room Furniture

___ Kitchen Table \$ _____ ___ Kitchen Chairs \$ _____

Cookware \$ _____

___ Dining Room Table \$ _____ ___ Dining Room Chairs \$ _____

Washer \$ _____

___ Microwave \$_____ ___ Drier \$_____

___ Eating Utensils \$_____

Kitchen Items Total \$_____

Living Room Furniture

___ Living Room Chairs \$_____ ___ Sofa \$_____

___ Lamps \$_____

___ Tables \$_____ ___ Other _____

\$_____

Living Room Furniture Totals \$_____

Bedroom Furniture & Items

___ Beds \$_____ ___ Chest \$_____

Bedroom Chairs \$_____

___ Bedroom Table \$_____ ___ Bedroom Lamps \$_____

Other _____

___ Vacuum Cleaner \$_____ ___ Sewing Machine \$_____

___ Sheets, Towels, Blankets, Etc. \$ _____

Clocks \$_____

___ Other Household Items _____

\$_____

Bedroom Furniture & Items Totals \$_____

Art and Knickknacks

Describe _____ \$ _____ Describe _____
\$ _____

Entertainment & Electronics

___ TV \$ _____ VCR/DVD \$ _____ Stereo \$ _____
___ CD's \$ _____
___ Game System \$ _____ DVD/Videos \$ _____ Video Games
\$ _____
___ Computer \$ _____ Other What _____ \$ _____

Entertainment & Electronics Total \$ _____

Clothing

Ordinary Clothing \$ _____ Leather Coat \$ _____
Fur Coat \$ _____ Any Particularly Valuable Clothing \$ _____

Miscellaneous

Sporting Equipment Describe _____
\$ _____

Firearms Describe _____ \$ _____

House & Garden Tools Describe _____
\$ _____

Books Describe _____
\$ _____

Pets

Describe _____ \$ _____

DO YOU OWN YOUR OWN BUSINESS?

Instructions: If you are in business for yourself, you must show all money you received for the 2 months prior to your bankruptcy. For example, copies of checks, receipts and your bank statements.

Do you own a business? Corporation _____ Sole Proprietorship _____

Partnership _____

Name _____ Type _____ \$ _____

Dates: _____

Do you have any outstanding accounts receivable? \$ _____

Are you owed a tax refund? From Where _____ \$ _____

How much total tax refund did you get last year? \$ _____

Does anyone owe you money? Whom _____

How much cash do you have on you right now? _____

Is there anybody you might be able to sue? _____

List any other lawyers, besides LSNV lawyers, you have had in the last two years?

INHERITANCE

Has anyone died and left you something? Whom _____ Describe _____

\$ _____

RETIREMENT

What kind of retirement plan do you have? (Please indicate all that you have and list the value).

H ____ I do not have a retirement plan W ____ I do not have a retirement plan

H W Company Pension Plan (Employee Retirement Income Security Act of 1974 (ERISA)) \$_____

H W Company 401(k) or 403(b) Plan ERISA \$_____

H W IRA \$_____

How much money did you put in during 2005, 2006 & 2007 \$_____

H W Government Employee Retirement ERISA \$_____

H W Federal Thrift Savings Plan 5 USC 8437(e)(2) \$_____

H W Other _____ \$_____

TOOLS USED IN BUSINESS OR TRADE

What Business/Trade _____ Vehicle Make _____

Model _____ Year _____ \$_____

Tools, machinery, etc. Describe_____

\$ _____

Other Describe_____

\$ _____

Have you left anything valuable out?

Describe _____

\$_____

UTILITY DEPOSITS

Do you have deposits with utilities or rental companies?

Whom _____ \$_____

Can you think of anything else you own that you haven't already listed?

_____ \$ _____

_____ \$ _____

YOUR DEBTS

**Instructions: List all of your debts (secured – mortgage and unsecured – credit card)
Include where the debt is only the husband's H, only the wife's W or joint J.**

1. Creditor's and Address

H W J & Type of Claim (credit card, mortgage, car loan):

\$ _____

2.Creditor's and Address _____

H W J Type of Claim (credit card, mortgage, car loan):

\$ _____

3.Creditor's and Address _____

H W J Type of Claim (credit card, mortgage, car loan):

\$ _____

4.Creditor's and Address _____

H W J Type of Claim (credit card, mortgage, car loan):

\$ _____

5.Creditor's and Address _____

H W J Type of Claim (credit card, mortgage, car loan):

\$_____

Copies of Documents You Must Provide

Instructions: Make copies of the following documents and give them to the LSNV attorney that interviews you:

- 1. last six months of current pay stubs;**
- 2. last year tax return or a transcript of your return from the IRS;**
- 3. all invoices from creditors and bill collectors, grouped according to creditors;**
- 4. current credit reports from all three agencies;**
- 5. any prior homestead deeds; and**
- 6. if you have not lived in Virginia for the past two years, information on where you have lived.**

Additional Information You Want to Furnish:

Your Signature

Date