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### ATTORNEY'S DISCLOSURE UNDER THE DEBT RELIEF AGENCY ACT

WELCOME to the Law Center's Free Initial Consultation for the New Bankruptcy Law. You are meeting with an attorney licensed to practice in the state of Florida. Under the New Bankruptcy Law our law firm is considered to be a Debt Relief Agency. As such we help people file for bankruptcy relief under the Bankruptcy Code.

As part of our Free Initial Consultation we need to be certain that you are aware of certain rights and responsibilities under the new law. Please initial the individual paragraphs on this checklist to acknowledge your receipt of the following information, disclosures, and notices:

1. \_\_\_\_\_ I (We) have received a copy of the bankruptcy information booklet and the attorney has explained to me a brief description of chapter 7, 11, 12, and 13 of the Bankruptcy Code and the general purpose, benefits, and costs of proceeding under each of those chapters.
2. \_\_\_\_\_ I (We) have been given a brief description of the services available from credit counseling agencies and a list of agencies approved for credit counseling. I understand that before I can file a bankruptcy petition, I must complete credit counseling (at my additional expense) from an approved credit counselor.
3. \_\_\_\_\_ I (We) understand that if I file a bankruptcy petition before my debts can be discharged, I must take and complete an approved debtor education course (at my additional expense).
4. \_\_\_\_\_ I have had called to my attention during this Free Initial Consultation the following specific provisions of the Bankruptcy Code:
  - (A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under this title shall be subject to fine, imprisonment, or both; and
  - (B) all information supplied by a debtor in connection with a case under this title is subject to examination by the Attorney General.

5. \_\_\_\_\_ I (We) have received a copy of the Law Center's Bankruptcy Retainer Agreement detailing my contractual relationship with the Law Center should I retain a Law Center attorney. I have reviewed this Retainer Agreement with the attorney. If I retain the Law Center I understand that I will receive a complete copy of the fully executed and completed contract.

6. \_\_\_\_\_ I (We) have received a copy of the Bankruptcy Information Disclosure required under Section 527(b) of the Bankruptcy Code in a separate sheet from the Law Center and I agree to read it.

7. \_\_\_\_\_ I (We) herewith acknowledge receipt of the following written Section 527(a)(2) notice from my attorney. I agree to read this notice and to comply with these legal requirements, which essentially mean that I will be truthful and make a full, accurate, and complete disclosure of all my financial matters:

(A) all information that the assisted person is required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;

(B) all assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 must be stated in those documents where requested after reasonable inquiry to establish such value;

(C) current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13 of this title, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

(D) information that an assisted person provides during the case may be audited pursuant to this title, and failure to provide such information may result in dismissal of the case under this title, or other sanction, including a criminal sanction.

Dated:

\_\_\_\_\_

I ACKNOWLEDGE RECEIPT OF A  
TWO PAGE COPY OF THIS CHECKLIST

Intake Attorney:

\_\_\_\_\_

Prospective Client(s):

\_\_\_\_\_

\_\_\_\_\_

**“IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.**

If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and determine which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules, and Statement of Financial Affairs, as well as in some cases a Statement of Intention, need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a “trustee” and by creditors.

If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help preparing your chapter 13 plan and help also with the confirmation hearing on your plan which will be before a bankruptcy judge.

If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.

Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.

The debt relief agency may diligently obtain information from the assisted person or others and thereafter include this information on the petition, schedules, or statement of financial affairs. Alternatively, a debt relief agency providing bankruptcy assistance shall give to each assisted person reasonably sufficient directions (which shall be stated in a clear and conspicuous writing) on how to provide all the information required under this title pursuant to section 521, including--

(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

\_\_\_\_\_ Debtor’s Initials \_\_\_\_\_ Joint Debtor’s Initials

(2) how to complete the list of creditors, including how to determine what amount is owed and what

address for the creditor should be shown; and

(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506(d). A debt relief agency shall maintain a copy of the required notices for two years after the date on which the notice is given to the assisted person.

I (We) acknowledge receipt of this Important Information About Bankruptcy Assistance Services this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Joint Debtor