

**Immigration and Bankruptcy  
Law Center  
Wallace Law Firm, P.C.**

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**INITIAL CONSULTATION AGREEMENT AND REQUIRED NOTICES**

You are hereby requesting the opportunity to consult with and obtain information and advice from Wallace Law Firm, P.C. ("Law Firm"), regarding relief from debts, including possible relief from debts by filing bankruptcy under the United States Bankruptcy Code. This agreement is for purposes of that consultation only. If at the end of the Consultation, the parties agree the Attorney is to provide any additional services short of being retained to file a bankruptcy, the parties shall attach an addendum to this contract setting forth the additional services the Attorney is to provide to the Client, the obligations of the Client, and the Attorney's fees for such services. If the Client retains the Attorney to file a bankruptcy the parties shall execute a separate contract setting forth the fees and other terms of such representations. With respect to the consultation, the parties agree as follows:

1. There is no fee for the completion and review of your initial Consultation by phone or by e-mail. In the event Client wishes to hire Attorney for any purpose other than a limited e-mail or Phone Consultation, a separate agreement must be executed. A nominal fee (\$250), will be charged for the initial consultation and opening of your case. The fees may vary for a Chapter 7 or Chapter 13 case.
2. Wallace Law Firm, P.C., shall provide the Client the following services:
  - A. Analyze the client's financial circumstances based on information provided by the Client.
  - B. To the extent possible, based on the information provided by the Client, advise the Client of the Client's bankruptcy options and non-bankruptcy options.
  - C. If the Client has no provided the Law Firm with sufficient information upon which to fully advise the Client on the Client's options, inform the Client what information the Clients needs to provide to enable the Law Firm to provide such advice and information.
  - D. Advise the Client of the requirement placed upon the Client to file a Chapter 7 or 13 Bankruptcy.
  - E. To the extent possible, quote the Client an estimated fee for the Law Firm's services to provide bankruptcy assistance or other legal services to the Client.

We are required by the Bankruptcy Code to provide this disclosure. Please read it and then print your name, and sign and date below.

Initial here: debtor \_\_\_\_\_ co-debtor \_\_\_\_\_

Please Note: The following documents and disclosures are required by legislation adopted by Congress in 2005. Please rest assured as long as you are honest and meet the requirements set out under the law, you are entitled to debt relief. We can guide you through all the requirements of filing for bankruptcy, as long as you provide us accurate and complete information.

**Disclosure required by 11 U.S.C. 528 (a) (4)**

**We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.**

**Disclosure required by 11 U.S.C. 527 (a)**

Rule #1 - If you decide to file a bankruptcy case, the information you give to an attorney, a staff member of the law firm, the bankruptcy Trustee, or the Bankruptcy Court that is provided with your petition and during the case must be complete, accurate, and truthful.

Rule #2 - If you decide to file bankruptcy, everything you own and every debt you owe must be completely and accurately disclosed in the documents filed to commence this case. Bankruptcy is not a “pick and choose” proceeding. You cannot put some debts in and leave some debts out. The same thing applies to your assets: everything must be included. You must value each item you own at the rate it would cost you to replace with one of the same condition, age, and usefulness.

Rule #3 - You will be required to complete a current monthly budget. This will be performed with your attorney. This budget will be based on your Current Monthly Income and your regular monthly expenses. This Current Monthly Income is more than just that paid to you by your employer and will include any income received in the past 6 months commencing with the first full month before your bankruptcy filing. This could include government assistance, social security, unemployment, or side jobs or any other sources. The regular expenses should be as close as possible and should be based on a reasonable inquiry.

Rule #4 - Information you provide during your case may be audited pursuant to a provision of the Bankruptcy Code. Failure to provide such information may result in the dismissal of your bankruptcy or other sanctions, including jail time and other criminal sanctions.

*These rules are given as a warning and not as an attempt to scare you from filing bankruptcy. Bankruptcy is a right provided to you under Federal Law. These Rules are only given to prevent people from intentionally abusing this by cheating and being dishonest. This notice is required by law under the Bankruptcy Reform Act enacted by Congress under intense lobbying by the credit industry and should not intimidate you from filing bankruptcy.*

**By signing below you acknowledge that you have received, read, and understood the foregoing.**

**IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER (required by Section 527(b))**

If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent

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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 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 retain Wallace Law Firm, P. C., your attorney will thoroughly explain all of this to you.

If you choose to file a Chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want to help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts. Again, a bankruptcy petition preparer is prohibited by law from assisting you in any way to do this; only an attorney may help you prepare and confirm your plan.

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 with preparing your Chapter 13 plan with the confirmation hearing on your plan which will be before a bankruptcy judge. Again, a bankruptcy petition preparer is prohibited by law from assisting you in any way to do this; only an attorney may help you prepare and confirm you plan.

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. The only other type of relief available to you under the Bankruptcy Code is under Chapter 11, and only an attorney may assist or represent you in these matters; it is recommended you retain an attorney specifically qualified to deal in Chapter 11 matters if you choose to file under this chapter.

Your bankruptcy case may 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, as noted above.

**By signing below you acknowledge that you have received, read and understood the foregoing.**

**NOTICE REQUIRED UNDER 11 U.S.C. 342(b)**

In accordance with *Section 342(b)* of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence, and (3) Informs you about bankruptcy crimes and

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notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advise of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

**1. Services Available from Credit Counseling Agencies**

**With limited exceptions, Section 109 (h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis.** The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

**In addition, after filing a bankruptcy case, an individual debtor must complete a financial management instructional course before he or she can receive a discharge.** The clerk also have a list of approved financial management instructional courses.

**2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors  
(the following fees are required court filing fees, NOT attorney fees which are of course, extra).**

**Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total court fees \$299)**

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors who debts are primarily consumer debts are subject to a “means test” designed to determine whether the case should be permitted to proceed under Chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under Section 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under Chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a Chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and , if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law.

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Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operation a motor vehicle, vessel or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

**Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income**  
**(\$235 filing fee, \$39 administrative fee: Total court fees \$274)**

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for Chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under Chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debt may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long-term secured obligations.

**Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total court fees \$1039).**

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a Chapter 11 petition should be reviewed by an attorney.

**Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total court fees \$239).**

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to Chapter 13. The eligibility requirements are restrictive, limiting its use to those whose incomes arise primarily from a family-owned farm or commercial fishing operation.

**3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials**

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under

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penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** *Section 521(a)(1) of the Bankruptcy Code* requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

**Certificate of Debtor**

**I (We), the debtor(s), affirm I (we) have received and read this notice.**

\_\_\_\_\_  
Printed Names(s) of Debtor(s)

\_\_\_\_\_  
Signature of Debtor                      Date

\_\_\_\_\_  
Name of Joint Debtor

\_\_\_\_\_  
Signature of Joint Debtor (if any)      Date

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