



We are required by law to furnish you with the attached Initial Consultation Agreement and Acknowledgement of Receipt of Disclosures. Please read it, sign it and retain one copy for your records. We cannot meet with you until the agreement is signed.

This agreement is not an engagement agreement. You are not a client of the Balbus Law Firm and we are not retained to represent you until an engagement agreement has been signed.

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Contact Information

Name: \_\_\_\_\_

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

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Referred by: \_\_\_\_\_

Attorneys previously consulted regarding bankruptcy or debt restructuring:  
\_\_\_\_\_



Initial Consultation Agreement and  
Acknowledgment of Receipt of Disclosures

This agreement is entered into on the date set forth below by and between prospective client, whose name and signature is set forth below, his or her spouse, if he or she is a prospective co-client, whose name and signature is set forth below, and the Balbus Law Firm (referred to as the "Attorney").

1. I (We) have requested a consultation with the Attorney to obtain information and advice about debt issues and relief from debt, including the possibility of filing bankruptcy under the federal Bankruptcy Code. The Attorney agrees to provide an initial consultation concerning these matters. **There is no charge for this initial consultation.**

2. The Attorney agrees to provide the following services at the initial consultation, based on the information I (we) have provided:

(a) Analyze my (our) financial circumstances and advise me (us) of possible bankruptcy and nonbankruptcy options for responding to my (our) financial problems. I (We) understand that this analysis is only preliminary, because the Attorney does not have all of the information and documents that will be required to fully evaluate my (our) situation.

(b) Describe the potential benefits and the disadvantages of filing bankruptcy, and explain the relief available under chapters 7, 11, 12 and 13 of the Bankruptcy Code.

(c) Advise me (us) of the requirements, obligations and costs for filing a chapter 7 or 13 bankruptcy.

(d) Inform me (us) of the additional information that I (we) will need to provide to enable the Attorney to more fully advise me (us) of my (our) potential options and legal rights.

3. I (We) agree to provide at the initial consultation information and documents, if any, concerning my (our) income, expenses, assets, and liabilities. I (We) understand that in order for the Attorney to give meaningful advice, detailed financial information must be provided completely and accurately.

4. The Attorney will provide at this time only the services specifically stated in this Agreement. If I (we) retain the Attorney to represent me (us) and provide additional services, including the filing of bankruptcy or other bankruptcy assistance, I (we) and the Attorney will sign a separate retainer agreement detailing the services and their cost, and the other terms of such representation.

5. I (We) acknowledge that the Attorney gave to me (us) at the initial consultation copies of this agreement and several notices required by the Bankruptcy Code listed below. If my spouse was not present when these notices were received at the initial consultation, I also acknowledge receipt of these notices on behalf of my spouse, and agree to provide my spouse with a copy of these notices. All of the following documents were given to and read by me (us):

(a)Initial Consultation Agreement

(b)Notice Required by Sections 342(b) and 527(a) of the Bankruptcy Code

(c)Notice Required by Section 527(b) of the Bankruptcy Code

(d)Notice regarding Debtor Audits)

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

BY: \_\_\_\_\_  
*[prospective client signature]*

Printed Name: \_\_\_\_\_

BY: \_\_\_\_\_  
*[prospective client signature]*

Printed Name: \_\_\_\_\_

## **Notice to Individual Consumer Debtor Under Section 342(b) and 527(a) of the Bankruptcy Code**

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 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 advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees can not 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 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 generally must complete a financial management instructional course before he or she can receive a discharge.** The clerk also has a list of approved financial management instructional courses.

### **2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**

**Chapter 7: Liquidation (\$274 filing fee, \$46 administrative fee, \$15 trustee surcharge: Total fee \$335)**

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose 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.

2. 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.

3. 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.

4. Even if you receive a general discharge, some particular debts are not discharged under the law. 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 operating 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 (\$264 filing fee, \$46 administrative fee: Total fee \$310)**

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 debts 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 (\$1,661 filing fee, \$46 administrative fee: Total fee \$1,717)**

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 with an attorney.

## **Chapter 12: Family Farmer or Fisherman (\$229 filing fee, \$46 administrative fee: Total fee \$275)**

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 income arises 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 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.

#### **In accordance with section 527(a)(2) of the Bankruptcy Code, be advised that:**

1. All information that you are required to provide with the filing of your bankruptcy petition, during your bankruptcy case and thereafter must be complete, accurate, and truthful.

2. All of your assets and all of your liabilities must be completely and accurately disclosed in the documents filed in your case.

3. Some places in the Bankruptcy Code and on your petition require you to determine and list the replacement value of an asset, such as a car or furniture. When replacement value is required, it means the replacement value, established after a reasonable inquiry, as of the date of the filing of your bankruptcy petition, without deduction for the costs of sales or marketing. With respect to property acquired for personal, family or household purposes, replacement value means the price a retail merchant would charge for “used” property of the same kind, age and condition as your property.

4. Before your case can be filed, it is subject to what is called “Means Testing”. The Means Test was designed by Congress to determine whether or not you qualify to file a case under chapter 7 of the Bankruptcy Code and, if not, approximately how much you will need to pay your unsecured creditors in a chapter 13 case. For purposes of the Means Test, you must state, after reasonable inquiry, your total current monthly income, the amount of all expenses as specified and allowed pursuant to section 707(b)(2) of the Bankruptcy Code, and, if your plan is to file a chapter 13 case, your disposable income, as that term is defined in the Bankruptcy Code.

4. Information that you provide during your bankruptcy case may be audited. Your failure to provide complete, accurate, and truthful information may result in the dismissal of your case or other sanctions, including criminal sanctions.

**Notice to Individual Consumer Debtor Under  
Section 527(b) of the Bankruptcy Code**

**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 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 three to five years, you may also want help with preparing your chapter 13 plan and 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.



**IMPORTANT INFORMATION ABOUT DEBTOR AUDITS**  
**(1 IN EVERY 250 CASES WILL BE AUDITED)**

Individuals who file for relief under Chapter 7 or Chapter 13 of the Bankruptcy Code are subject to audits. At least 1 in every 250 cases will be randomly selected for audit. In addition, other cases may be selected for audit. 28 U.S.C. Section 586(f)(1).

Therefore, small as it is, there is a chance that your case will be selected for audit. If your case is selected, here is information about the audit process.

An audit would involve the verification of the accuracy, veracity, and completeness of the income, expenses, and assets reported by you in the bankruptcy schedules and statements. For this purpose, you would be required to promptly provide some additional information and records. You would also be required to cooperate with the audit firm.

As of 1/7/07, here is a list of the documents and information being requested by the auditors:

1. Payment advices or other evidence of payment received from all employers you worked for, covering the six full calendar months preceding the date your bankruptcy was filed. This applies to you and your spouse, even if your spouse is not filing bankruptcy, unless you and your spouse are legally separated.
2. Federal income tax returns, including all schedules and all W-2, 1099, and K-1 forms, for the two most recent taxable years prior to the date of the bankruptcy petition. If either of those returns have not been filed, the 2 most recently filed Federal income tax returns.
3. Account statements for the six months preceding the filing of your bankruptcy case for all depository and investment accounts in which you had an interest at any time during that 6 month period, including statements (even if received after the filing of your bankruptcy case) that reflect activity in the month in which your case was filed. You would also need to provide sufficient documentation to explain the source of every deposit or credit, and the purpose of every check, withdrawal, or debit. (This will include information for checking, savings, money market, mutual fund, and brokerage accounts. Examples of documentation for deposit and withdrawal transactions would include canceled or imaged checks, check registers, and annotations on or attached to the account statements.)
4. If you are divorced, a copy of your divorce decree, any orders regarding property settlements entered within the last 3 years, and any alimony or child support orders currently in effect and amendments thereto.

5. An explanation to explain why you cannot provide some of the required documentation.
6. A declaration under penalty of perjury that the documents and information provided are true and correct.

The information that you provide in connection with your case is also subject to examination by the Attorney General or his designee.

Thereafter, the audit firm would file a report containing the results of the audit. A copy of the report would be provided to your attorney. If the audit firm finds material misstatements of income, expenses, or assets, the clerk of the bankruptcy court would notify your creditors.

Furthermore, failure to cooperate with the audit firm, or failure to reasonably explain to the bankruptcy court any material misstatements contained in the audit firm's report, may result in the dismissal of your case or in the denial or revocation of your discharge, and, possibly, in referral of the matter to the United States Attorney for criminal investigation.

There is no cost to you for the audit itself, except for the cost of making copies of documents needed for the audit. However, please note that representation in the filing of your bankruptcy case does not include the services necessary to assist you in the handling of an audit or as may be necessary in the event that any actions or proceedings are commenced against you as a result of the audit.

Therefore, even though you only stand a 1 in 250 chance to be audited, it is imperative that you provide your bankruptcy attorney with full and accurate answers and documentation, and that you keep your attorney apprised of any changes in those answers and in that documentation up to and including the date that your bankruptcy case is filed.