

## CONSUMER BANKRUPTCY CHECKLIST

- Chapter 7
- Chapter 13 (Unsecured debts under \$250,000, secured debt under \$750,000 disposable income sufficient to fund plan)
  
- 1. JURISDICTION
  - Resided in district for the majority of last 180 days before filing
  - Previous Chapter 7 Filing (Date: \_\_\_\_\_)
  - Venue
  
- 2. IDENTIFY ALL DEBT
  - Non-dischargeable Debt
    - Student loans
      - Date first payment due and payment history determined
    - Tax debt
      - Date of filing or assessment determined
    - Fines/Penalties
    - Fraud, intentional, DUI, fiduciary duty, etc.
    - Restitution
    - Child / Spousal Support
    - Other \_\_\_\_\_
  
  - Business Debt
    - Business still operating
    - Corporation / Partnership or Solo
  
  - Marital Dispute / Separation or Divorce Pending or Imminent
    - Spouse / Ex-spouse as creditor
  
  - Unsecured Priority Creditors (CLIENT TO PROVIDE LIST)
    - Taxes, employee withholdings
    - Deposits for others
    - Wages of employees
    - Other \_\_\_\_\_
  
  - Unsecured Non-Priority Creditors (CLIENT TO PROVIDE LIST)
    - Name / addresses / amount owed
    - Judgments / lawsuits pending
    - Preference payments to any creditors
    - Co-signors, joint debtors indentified
    - Business or Consumer
    - Liquidated or Unliquidated
    - Disputed
    - Guarantees
  
  - Secured Creditors (CLIENT TO PROVIDE LIST)
    - Names / Addresses
    - Value of secured property

- Value of security interest
- Any unsecured portion
- Debtor's intent regarding secured property
- Business or consumer property secured
- Judgments
- Garnishments

3. ASSETS

- All assets identified
- Joint or common property identified
  - Real Property
  - Personal Property (all objects owned)
    - Items held for debtor by third party
    - Items held by debtor for third party
    - Other tangible personal party
    - Cash
    - Bank / brokerage / credit union accounts
    - Stocks / bonds / investments
    - Interest in closely held business / corporation
    - Tax, rental, or other refunds
    - Pension / retirement / stock options
    - Other\_\_\_\_\_
  - Intangible Property
    - Claims by debtor against third parties
    - Earned but unpaid wages due to debtor from employer
    - Inheritance
    - Assets not yet acquired, but acquisition imminent—dates established
    - Executory contracts
    - Other\_\_\_\_\_

4. EXEMPTIONS

- Homestead / Mobile Home
- Books, pictures, musical instruments
- Wearing apparel, jewelry
- Tools of trade
- Vehicles
- Animals
- Household goods
- Public property
- Spousal / Child Support
- Victim's assistance
- Personal injury claim / Future Earnings
- Miscellaneous exemption
- Public benefits (i.e., Social Security, Workers' Compensation, Welfare)
- Public benefits deposited in bank less than \$7,500
- Wages
- Retirement plans / Pensions / Stock options

- Firearms
- Other \_\_\_\_\_

5. ATTORNEYS

- All attorneys identified
- Attorneys fees disclosed
- Attorney fees shared
- Funds in attorney trust accounts

6. STATUS OF DEBTOR

- Income—all sources
- Specific expenses / Disposable income established
- Judgment proof?

7. EFFECTS OF BANKRUPTCY

- Credit
- Existing contracts / Mortgages
- Automatic stay
- Preferences / Fraudulent conveyances
- Wage payments
- Payment to creditors
- Other \_\_\_\_\_