

BANKRUPTCY "SELF HELP CENTER"

Self Help Center Rules and Policies:

- 1) **Prior** to meeting with a Self Help Center volunteer attorney you must:
 - a. Read and sign the Disclaimer,
 - b. Complete the General Information Form, and
 - c. Watch a bankruptcy education program. This computer program will take approximately thirty minutes to complete. You may access this program online at <http://www.uscourts.gov/bankruptcycourts/bankruptcybasics.html> or you may use computers located in the Self Help Center.

 - 2) Your appointment:
 - a. Be early for your meeting with the volunteer attorney. We are sure your time is valuable, as is that of our attorneys.

 - b. You must have your **signed** disclaimer and **completed** general information form with you. Also, remember that you must watch the Bankruptcy Basics videos. You will not be permitted to see an attorney until you have signed the disclaimer, completed the general information form, and viewed the Bankruptcy Basics videos. You may complete these items in the Self Help Center waiting area.

 - c. Make sure to make a list of your questions so that the volunteer lawyer can address all of your issues.

 - d. If you are late for your meeting the next person waiting will be given your appointment. It may not be possible to reschedule you on that same date.

 - e. If you are not able to make your meeting time, then you must call to cancel your meeting. Remember, hundreds of individuals need this service. If you fail to release your time slot then someone who is in desperate need may be told that they cannot be helped.

 - f. Your appointment is limited to 20 or 30 minutes. Be aware of the time and try to honor the needs of the next person waiting to see the attorney.

 - g. If you fail to make an appointment, it is possible that an attorney may see you; but to guarantee that appointment you must schedule with Clerk's Office personnel **in advance**.

 - 3) There is no fee for meeting with the volunteer attorney, or for any of the documents in the Self Help Center.
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DISCLAIMER: The following information is provided compliments of the Bankruptcy Section of the Arizona State Bar. The United States Bankruptcy Court does not supervise or monitor the volunteer lawyers. The information you receive cannot replace individual attorney representation and is only intended to assist individuals in gathering information about the bankruptcy process.

The lawyers who participate in the United States Bankruptcy Court's Self Help Center are volunteers offering limited pro bono consultations only to individuals who use the Bankruptcy Court's Self Help Center. The volunteer lawyers provide independent legal advice and are not representatives of or affiliated with the Bankruptcy Court.

The documents and information provided by the Self Help Center and the volunteer lawyers are designed to help individuals with basic Chapter 7 and Chapter 13 questions, and the information provided is general in nature. Chapter 12 and Chapter 11 cases, or complicated legal matters pertaining to any chapter of bankruptcy that require more time and assistance than can be provided through a Self Help Center consultation should be handled in a separate consultation with an experienced bankruptcy lawyer.

All information collected from you will be kept confidential and is for the sole use of the Self Help Center program. The lawyers you will see are provided for the sole purpose guiding you through the bankruptcy process, reviewing simple bankruptcy documents and explaining the various people or entities involved in the process, at no cost. In addition, **by signing this form, you acknowledge and agree that no attorney-client relationship or other professional relationship of any nature whatsoever will be deemed to have been created by your consultation with a volunteer lawyer in connection with your use of the Self Help Center.**

Your signature below acknowledges that you are aware that no lawyer you speak to in connection with your use of the Self Help Center has performed a conflict search on your name. If you are aware or become aware of any potential conflicts at the time of your meeting with these volunteers you further acknowledge that it is your obligation to inform them of the potential conflict at that time.

Finally, your signature below is also an acknowledgment that you understand that the United States Bankruptcy Court does not offer nor provide legal advice.

Signature: _____

Printed Name: _____

Date: _____

The General Information Form:

In order to assist you in your current situation it is important that you fill out the following form. If you are married, all questions apply to both you and your spouse. The General Information Form will be confidential and is not retained by the Bankruptcy Court. Please understand that just because you fill out this form you have not committed to filing a bankruptcy.

How did you find out about this program? _____

IF YOU HAVE ALREADY FILED A BANKRUPTCY - List the case number: _____

If you need assistance because of something that happened **after** you filed your bankruptcy, explain: _____

GENERAL INFORMATION – USE ONLY BLACK PEN

Name, First	Middle (spell out)	Last
County of Residence		How long have you lived in Arizona?
Home Phone:	Cell Phone:	Fax Number: Home Office
Email Address:	If married: Date of Marriage	
SPOUSE, First Name	Middle (spell out)	Last

Have you filed bankruptcy before? If so, year filed: ___ case number ___, chapter 7 or 13? ___

The following are general questions to determine your current situation. Check "yes" if applicable:

- Yes Are your wages or checking accounts being garnished?
- Yes Is a lawsuit pending or completed?
- Yes Is your home in a trustee's sale (foreclosure)? Date of trustee's sale _____
- Yes Is a lender trying to repossess your car?
- Yes If you are married, were most of the debts incurred prior to your marriage?
- Yes Other problems? Explain _____

There are certain issues that determine whether or not it is appropriate to file now. Check "yes" if any apply to you.

- Yes No Have you lived in Arizona for more than 3 months?
- Yes No Do you expect an inheritance in the next 6 months?
- Yes No Did you refuse any inheritance in the last 4 years?

Yes No Have you received an inheritance in the last 6 years?
 Yes No Have you sold or transferred any property (land, cars, businesses, any items of value) to a friend or relative in the last 2 years?
 Yes No Have you sold or transferred any property (land, cars, businesses, any items of value) to anyone who was not a friend or relative in the last 2 years?
 Yes No Have you paid any money to a friend or relative in the last 2 years?
 Yes No Have you paid more than \$600 to anyone who was not a friend or relative in the last 3 months?

Yes No Is a tax refund expected?

Yes No Do you expect money from anyone in the next 4 years (e.g.: investment coming payable or repayment of a loan)?

Yes No Even if you never expect to collect, does anyone owe you money for any reason whatsoever? Explain _____

Yes No Do you (or your spouse) have a personal injury claim that you can file, is pending or payable? Explain _____

Yes No Do you (or your spouse) have a right to sue anyone for anything?

If so, please explain _____

Yes No In the last year did you pay taxes with a credit card?

Yes No In the last 3 months have you charged on a credit card or obtain cash advances of more than \$250?

Note - Do not continue using credit cards if you are filing bankruptcy.

Yes No Are you in the middle of a divorce or separation?

Yes No Have you been divorced in the last 3 years?

Yes No Are you behind on any child support or alimony payments?

Yes No Do you have any student loans?

Note - Most student loans must be repaid, even if you file bankruptcy.

Yes No Do you owe any court fines or penalties, or have any debts that could be considered fraudulent?

Yes No Do you (or your spouse) owe any money to any friend or relative.

Assets: List the yard sale value of the following items. If you are married, include items owned by both you and your spouse.

Furniture and appliances \$_____	Pre-paid rent or security deposits \$_____
Collectables \$_____	Equipment you use in your business \$_____
Guns or burial lots \$_____	Stocks/Bonds/Mutual Funds \$_____
Paintings \$_____	Annuities/IRA/401 K, etc \$_____
Computers/printers \$_____	Life Insurance with cash surrender value \$_____
Jewelry \$_____	Interests in any corporations, partnerships, etc \$_____

Yes No Do you own a microwave, computer (not used for business), VCR, DVD? Is so, what are the item(s) yard sale value \$____ (Attorney note—these items are probably non-exempt.)

Yes No Do you own any valuable items that you are concerned about losing? If so describe, _____

Yes No Did you use your household furnishings or car to get a loan?

HOME AND VEHICLES

Yes No Do you own a home? Fair market value \$_____, Total amount owed: \$_____

Yes No Are the mortgage payments to your first lender current?
 Yes No Do you (or your spouse) own other real estate, (e.g. time shares, land, etc)? If so, list fair market value \$ _____, Debt owed \$ _____
 Yes No Do you (or your spouse) own any vehicles?
 If so, list Fair market value \$ _____, Debt owed \$ _____
 If so, list Fair market value \$ _____, Debt owed \$ _____

INCOME, TAXES and BUSINESSES

How much money do you earn (bring home) each month \$ _____
 How much money does your spouse earn (bring home) each month \$ _____
 How much from other sources (alimony, child support, rent)? \$ _____

Yes No Have all required federal and state income tax returns been filed?
 Yes No Is IRS or Arizona Department of Revenue collecting back taxes?
 Yes No Has IRS or Arizona Department of Revenue garnished your wages or put a lien on your property?

Yes No Do you (or your spouse) own any businesses?
 If so, what would a third party pay for your interest in the business: \$ _____
 If so, how much money do you receive each month from this business? \$ _____

MONTHLY BUDGET

This form details how much you spend **each month** for living expenses. Be sure to list the MONTHLY (not yearly) amount of each expense. If these expenses are deducted from your wages (for example – insurance), then do not list it on this form. For utilities, your bill may be higher in the summer than in the winter, so list an amount that is an average covering the last 12-month period. If your spouse does not reside in your home, include their expenses separately.

Rent (if you do not own your home) \$ _____	Are you paying taxes directly (not out of your wages)? Is so, how much \$ _____
Total mortgage payments \$ _____	Homeowners insurance \$ _____
Average utilities (electric/water/gas):\$ _____	Renters Insurance \$ _____
Telephone (Basic Service) \$ _____	Life/Health Insurance \$ _____
Home Maintenance (home owners) \$ _____	Automobile Insurance \$ _____
Food \$ _____	Other Insurance \$ _____
Clothing \$ _____	Alimony or Child Support \$ _____
Laundry, dry cleaning, soap, etc. \$ _____	Professional Dues \$ _____
Medical expenses \$ _____	Union Dues \$ _____
Vehicle payment \$ _____ Lease? _____	Other _____ \$ _____
Vehicle payment \$ _____ Lease? _____	
Vehicle payment \$ _____ Lease? _____	
Gas/maintenance/license \$ _____	Use the space below to describe any business monthly expenses that you must pay and are not reimbursed by your employer. Explain the type of expense, amount of expense and how long you will continue to have this expense:
Recreation, Entertainment \$ _____	_____
Charitable Giving (if claimed on taxes) \$ _____	_____
Babysitter/Day Care Expenses \$ _____	_____
Other child care Expenses \$ _____	_____
Student Loan Repayment \$ _____	_____
Newspapers, Books, Magazines \$ _____	_____

TOTAL AMOUNT OF MONTHLY INCOME: (see above) \$ _____

TOTAL AMOUNT OF MONTHLY EXPENSES: \$ _____

Total number of children _____ How many live in your house? _____

Special notes you want the attorney to know:

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Lawyer's Notes:

___ Chapter 7 or 13 (income exceeds expenses, foreclosure, taxes, fraud)

___ Fraudulent conveyance or preferential treatment

___ Non-exempt assets (microwave, PI claim, etc)

___ Tax issues (e.g. tax refund due)

___ Should both spouses file?

___ Judgment proof?

___ Business issue?

___ Student Loan

ARIZONA EXEMPTIONS:

(Use of federal bankruptcy exemptions in 11 U.S.C. 522(d) not permitted in Arizona. See A.R.S. § 33-1133.)

(Pursuant to A.R.S. § 33-1121.01 - each spouse/person has separate exemption. Therefore, \$4000 in household furnishings is doubled for two adults in the house. The dollar amounts listed below are the resale, not retail, value of the asset. The exception to this rule is that the homestead exemption is capped at \$150,000 per home (as of 8/25/04) (ARS § 33-1104). In order to qualify for a homestead the residence must be your primary residence. Items not on this list are not protected from your creditors. Nor are items on this list protected from creditors that you have granted a lien interest to - Deed of Trust on the home or security interest in personal property (charging your refrigerator at Sears using a Sears card, or using items as collateral for personal loans.)

TYPE OF PROPERTY	AMOUNT OF EXEMPTION	STATUTE
Homestead, consisting of debtor's equity in real property used as residence. 1 apartment of horizontal property regime, or mobile home and land upon which located.	150,000 (as of 8/25/04) - as against nonconsensual liens. Total exemption of \$150,000 for both spouses. Applies to identifiable cash proceeds of homestead sale for 18 months after sale.	A.R.S. § 33-1101 A.R.S. § 33-1104 – consensual liens excluded; A.R.S. § 33-1102 (recording not required)
Kitchen table/4 chairs; dining table/4 chairs (plus 1 for each dependant over 4), Living room: couch, chair, plus 1 chair per dependant, 3 coffee/end tables, 3 lamps, rug; 2 beds, plus 1 per dependant, bed table, dresser, lamp, bedding for each; pictures, Oil paintings and drawings made by Debtor, family portraits, TV, radio, stove, refrigerator, washer, dryer, and vacuum	\$4,000 aggregate value	A.R.S. § 33-1123
Food, fuel and provisions for 6 months used by Debtor & family	100%	A.R.S. § 33-1124
Wearing apparel	\$500	A.R.S. § 33-1125(1)
Musical instruments of Debtor and family	\$250	A.R.S. § 33-1125(2)
Domestic pets, horses, milk cows and poultry	\$500	A.R.S. § 33-1125(3)
Engagement and wedding rings	\$1,000	A.R.S. § 33-1125(4)
Library	\$250	A.R.S. § 33-1125(5)
Typewriter, bicycle, sewing machine, family bible, burial lot, rifle, shotgun or pistol	\$500 aggregate value	A.R.S. § 33-1125(7)
Watch	\$100	A.R.S. § 33-1125(6)
Motor Vehicle (must be in your name)	\$5,000 (\$10,000 if physically disabled)	A.R.S. § 33-1125(8)
Wheel Chair and prescribed health aids	100%	A.R.S. § 33-1125(9)
Interest in retirement plan qualified under Internal Revenue Code §§ 401(a), 403(a)(b), 408, 408(a), 409, 457 (deferred comp)	100% (except contributions within 120 days before filing petition)	A.R.S. § 33-1126(C)
Annuities or Life Insurance Proceeds	100% exempt – warning - new law, could change	A.R.S. § 20-1131
Prepaid rent and security deposits for Debtor's residence	Lesser of \$1,000 or 1 1/2 months rent	A.R.S. § 33-1126(D)
Life Insurance proceeds paid or payable to surviving Spouse or child	\$20,000	A.R.S. § 33-1126(A)(1)
Earning of minor child	100%	A.R.S. § 33-1126(A)(2)
Health, accident or disability insurance	100% (certain debts excepted)	A.R.S. § 33-1126(A)(4)
Insurance proceeds for damage or destruction of exempt property	100% for damaged or destroyed property	A.R.S. § 33-1126(A)(5)
Cash surrender value of life insurance policies owned by the debtor (owned for at least two unexpired, continuous years)	\$25,000 (beneficiary must be a dependant)	A.R.S. § 33-1126(A)(6)
Damages for wrongful levy or execution	100%	A.R.S. § 33-1126(A)(7)
One single bank account	\$150	A.R.S. § 33-1126(A)(8)
Necessary tools, equipment, instruments and books used in business or profession	\$2,500 (does not include personal motor vehicle)	A.R.S. § 33-1130(1)
Machinery, utensils, fee, grain seed and animals of farmer	\$2,500 (primary income from farming)	A.R.S. § 33-1130(2)
Arms, uniforms/accoutrements required by law	100%	A.R.S. § 33-1130(3)
Net disposable earnings (less deductions required by law) includes	75% or 30 X the federal minimum hourly wage, per week, whichever is greater. Does not apply to child support obligations	A.R.S. § 33-1131
pension and retirements payment	100%	A.R.S. § 23-783
Unemployment compensation benefits	100%	A.R.S. § 23-1068
Workmen's compensation benefits	100%	A.R.S. § 46-208
Welfare assistance	100%	A.R.S. § 33-1126(A)(3)
Child support or maintenance	100%	A.R.S. § 9-968
Firemen's relief and pension benefits	100%	A.R.S. § 9-931
Police pension benefits	100%	A.R.S. § 43-1201
Teachers' retirement benefits	100%	A.R.S. § 38-792
State employees' retirement benefits	100%	A.R.S. § 20-881
Fraternal Benefit Society benefits	100%	A.R.S. § 33-1127
School Equipment used to teach	100%	A.R.S. § 33-1128
Firefighting equipment	100%	A.R.S. § 33-1129
Property that belongs to the public	100%	A.R.S. § 29-255(B)(3)
Specific Partnership Property	100%	42 U.S.C. 407(a), SEC 207
Social Security	100%	