

SHERRY ELLIS LAW, PLLC

Attorney & Counselor at Law

(941) 363-0800 • 1834 Main Street, Sarasota, FL 34236 • VeniceSarasotaBankruptcy.com

Hello and thank you for calling and coming in:

Looking at your options:

If you have debt or assets you want to protect, an experienced attorney can help you explore all of your options. The individual facts of your case may encompass many strategies that can help you avoid filing a bankruptcy.

If other options are available, we will flesh it out and decide the direction best for you. If bankruptcy is the best alternative now or later, we can discuss the law, timing, your choices, avenues to explore and how to proceed.

Bankruptcy is the caboose or last resort.

Clients often find themselves in a unique predicament and they don't know what to do. Let's face it, financial hardship is not a topic generally discussed on Facebook, at the water cooler and with your neighbor. So when my clients encounter these problems it's foreign to them. Usually it's the first time they are confronted with this, some have never had to see a lawyer. They really don't know where to turn.

I use an eclectic systemic approach.:

Financial issues usually don't happen over night and it may take assistance from different disciplines to guide you. This approach is efficient and cost effective for the client. I am not going to waste your resources re-inventing the wheel when I can direct you to someone who can get the job done.

The old adage rings true, "It's who you know." Your needs may require different professionals and I can put you in contact with them and even work with them. Often times divorce attorneys and CPA's have a client who requires collaboration and I consult them.

An Attorney is a Counselor at Law. We are to counsel. Putting people in touch with the right professional, the right organizations and supplying them with helpful resources is important.

SHERRY ELLIS CLIENT INFORMATION SHEET
WWW.VENICE-SARASOTA-BANKRUPTCY.COM

Please do your best to fill out this form as it will assist me in going over all your options during our Free Consultation.

Date: _____

Name: _____ Spouses name: _____

Address: _____

_____ zip code _____

What County do you live in? _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

Email address _____ Emergency Contact? _____

HOW WERE YOU REFERRED?

Web Site: _____

Google, Yelp _____

AVVO _____

LinkedIn _____

Friend _____

Attorney _____

Other _____

What is the cause of your current situation did you experience:

Loss of Job? _____

Loss of health? _____

Divorce? _____ Death of spouse? _____

The economic virus that has struck the entire Country? _____

Describe in writing when the problem started and how:

How long have you lived in Florida? _____ Where did you move from?

Marital status: Single _____ Married _____ Separated _____ Divorced _____

If Divorced, what year did you divorce? _____ Who did the divorce? _____

Do you receive Alimony? _____ If so, how much? _____

Do you receive Child Support? _____ If so, how much per month? _____

Names, ages of children living in your home?

Where do you work? _____

What is your gross income for the past SIX (6) Months? _____

Gross Income is the amount of money you earn before taxes, etc., are deducted.

If married, where does **your spouse work**? _____

Your spouse's **last SIX months GROSS income**? _____

List any government benefits or other income you and/or your spouse receives: _____

*****The last page of this questionnaire has what is called a means test. This means test determines whether or not you have the means to pay back any portion of your unsecured debt. Count the last 6 months of gross income and multiply by two. That is your means test number. If you are married and your spouse is not filing the means test still looks at your spouse's income it is called **Household Income**. We also take into consideration your spouse's expenses as well.

Are you using credit cards? _____ If so, are you paying them? _____

How much per month? _____

If you are not using credit cards, when did you last stop? _____ When did you last pay them? _____ How many credit cards do you have? _____

Within the last six months, have you taken a cash advance from a credit card, or a balance transfer? _____ If yes, explain:

_____ What is the approximate amount of your total **credit card** debt? _____

What is the approximate amount of your **medical bill** debt? _____

Do you owe money on an over draft protection card? _____

Real Property: Your Homestead: Address: _____

When did you purchase it? _____

Current value of your home: _____ Who is on the title? _____

Who holds the first mortgage? _____ The amount? _____ Who is on the note? _____

Who holds the second Mortgage? _____ Amount? _____ Who is on the Note? _____

Do you have a home equity line? _____ If so, for how much? _____

Do you want to keep the home? _____ Are you behind on payments?

How many months behind are you? _____

What was your down payment and where did the money come from? _____

Is filing a Chapter 13 Bankruptcy something you would consider if you could strip the second and third mortgages or liens? _____

ARE YOU STILL IN THE HOME? _____ Are your HOA fees up to date? _____

IF YOU MOVED OUT OF THE HOME DO YOU HAVE PAST HOME OWNER ASSOCIATION FEES OR DUES? _____ WHAT IS THE AMOUNT? _____

Other Property?

Do you own any other lots, investment properties, cemetery lots, timeshares and/or vacation homes? _____ If so, list address: _____

List the value of your other property: _____

Who is on the title? _____

Who holds the first mortgage? _____ The amount? _____ Who is on the note? _____

Who is on the second mortgage? _____ Amount? _____ Who is on the Note? _____

Do you have a home equity line? _____ If so, for how much? _____

Do you want to keep the home? _____ Are you behind on payments?

How many months behind are you? _____

What was your down payment and where did the money come from? _____

Are their renters in the property? _____ What do they pay you each month? _____

Other Property: Turn paper over and list-

Personal Property: List ALL Cars, Trucks, Campers, trailers, RV's, boats, jet skis or other vehicles?

List the year, make model of the property: _____

What is the value? _____ Who is on the title? _____

What is owed? _____ Who is on the loan? _____

Are you behind on payments? _____

Do you wish to keep it? _____

Who drives it? _____

List the year, make model of the property: _____

What is the value? _____ Who is on the title? _____

What is owed? _____ Who is on the loan? _____

Are you behind on payments? _____

Do you wish to keep it? _____

Who drives it? _____

List the year, make model of the property: _____

What is the value? _____ Who is on the title? _____

What is owed? _____ Who is on the loan? _____

Are you behind on payments? _____

Do you wish to keep it? _____

Who is on the title? _____

Who drives it? _____

Do you own any collectibles, Antiques, crystal, Lladro, Art Work? If so describe:

Are you listed as an account holder on any other person's checking, savings, investment, mutual fund, retirement account or other financial account for estate purposes? If so, describe: _____

List any retirement accounts, IRA's, money market accounts, stocks, bonds or pension you have: _____

List all retirement accounts you have liquidated and how for how much?

Do you have credit cards, lines of credit, home loans, car loans or other loans issued by the bank where you maintained your bank accounts?

Have you filed all required Income Tax Returns? If not, list what years? _____

Do you owe IRS any monies for personal income, self-employment or corporate income taxes? ___ If so, for what amount and what years? _____

Are you expecting to receive a tax refund from any prior tax year? _____

Have you ever used a credit card to pay for property taxes? _____

Do you owe any monies to the Florida Department of Revenue or any other state taxing authority? _____

Are you contributing to any retirement plan or paying back any loan secured by a retirement plan? _____ If so, how much? _____

Do you own or have a title interest in any real estate other than you have listed above? This includes timeshares and/or cemetery lots. _____

Have you liquidated any assets within the last 10 years and utilized the proceeds to pay down the debt owed on your homestead? If so, describe:

Have you purchased a homestead within the past 3.3 years? _____

Do you have a title interest in any automobiles, trucks, recreational vehicles, boats, motorcycles, etc other than what you have listed? _____

Do you have any other valuable assets such as expensive tools, jewelry, art collections, expensive video or electronic equipment like big screen TV'S? If so, list the item and

what it is worth:

Are you involved in any lawsuits wherein you are the plaintiff and expect to receive any type of recovery financially or otherwise? If so, tell the date of the injury, who is handling your case and if you expect to settle or go to trial anytime soon?

Do you now or have you owned a business or been part of a business within the past 5 years? If So, Explain the type of business, beginning and/or ending dates:

Is it sole proprietor? ____ DBA-doing business as? ____ S Corp? ____ C Corp? ____

Who formed the corporation? _____ How are the shares split? _____

Is there inventory? _____ If so, are there any liens, or is the property free and clear? _____

What is the approximate value of your inventory and business? _____

Do you wish to keep the business going? Explain:

Are you currently waiting to receive or are you anticipating the death of an individual, which would result in you receiving any type of bequest, devise, inheritance, life insurance proceeds, or any other type of death benefit? _____

Are you expecting to divorce a spouse that may/will result in a property settlement distribution to you? If so, explain: _____

Do you owe on student loans? ____ Are you presently paying those loans? ____
Have you pledged any of your real estate or personal property as collateral for a loan within the last 12 months? If so, explain:

Have you transferred or sold any real estate or personal property worth \$1,000 within the last four years by any means including gift sale, trade, or other means? If so, explain:

Have you made any payment to or for the benefit of any family member or friend of \$600 or more within the last 12 months on an account of a debt owed by you to them? If so, explain:

List all property you have sold or transferred to another individual within the last two years:

Who did you sell or transfer it to? _____ What was the equity in the property?

Do you owe any friends or family money? If so, list whom and how much:

Have you paid back any friends or family members in the past year? _____
Do you have any repossession, foreclosures pending or Judgments? If so, explain:

Do you have any prior Bankruptcies? _____ If so, what year? _____
Chapter 7 or 13? _____ What County was it filed? _____

List things you have sold or liquidated in the past two years to make ends meet:

Have you worked with a Debt consolidation company in the past year? If so, which one? _____ How many payments have you made? _____ What was the amount of the payment? _____

Do you have other people's belongings in your home or on your property? Please list.

Do you have some of your property in storage, up north or at someone else's home or on someone else's property such as a boat, trailer, RV? Please list:

Are creditors currently harassing you by telephone?

TO CALCULATE MEDIAN INCOME

To determine if you fall above or below the annual median income allowed, calculate your annual median income by taking the last six (6) months gross income and multiply by two.

The revised bankruptcy rules require Debtors use their “household” income. This means, if you are filing without your spouse, we must still calculate your spouses’ last six months income in the Means Test. However, we also get to include your spouse’s household expenses and this would include your spouse’s credit card payments, vehicle payments, etc.

YOU control when you file and which six (6) months of gross income you report. For example, if you choose to file in December, you will be required to report the gross income you received from May 1 through November 30. Please refer to the median income chart on the last page of this Client Intake Sheet.

Median Income for Florida: 2016

ONE PERSON: \$42,718.00

TWO PERSON FAMILY \$52,421.00

THREE PERSON FAMILY \$57,977.00

FOUR PERSON FAMILY \$67,539.00

**IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE
SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PRE-
PARER**

The new Bankruptcy reform act requires an attorney to inform you of your rights. Please read this paper carefully and sign for me. I will keep this copy for my records. There are 3 additional pages explaining the difference between a Chapter 7 and Chapter 13. Please take time to read this before our initial consultation. There is an informational video on my website to watch as well: www.venice-sarasota-bankruptcy.com.

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 3 to 5 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.

DEBT ASSISTANCE INITIAL CONSULTATION AGREEMENT

1. The client desires to obtain advice and assistance with debt issues and relief from debt. Client understands that in order for the attorney to give meaningful advice, certain detailed financial information must be provided fully and accurately. Client agrees to give accurate, full and fair disclosure of financial information concerning average income over the previous 6 months from all sources, monthly living expenses, the type and amount of all debts (including names and addresses of all creditors), and a disclosure of all assets and property owned by the client.
2. The attorney agrees to interview the client and give advice and counsel to assist the client in making decisions about debt problems, the possibility of filing bankruptcy, selecting the appropriate chapter of bankruptcy, and how a bankruptcy case may help or hurt the debt problems of the client. The interview may be terminated at any time by either the attorney or the client.
3. **Initial Consultation is FREE:** Ms. Ellis will review your client information sheet first. This is critical information for Ms. Ellis to analyze and go through your options. You may email us for the paperwork ahead of time; download it on our web site or come a few minutes early to fill it out. After reviewing the Client Information Sheet Ms. Ellis will meet with you in person for approximately 20- 30 minutes or so.
4. **Second Consultation:** Clients often have follow up questions for Ms. Ellis after the free consultation. She books free consultations in 30 minute increments, so in the event the debtor would like to speak with Ms. Ellis again you are welcome to schedule a ½ hour case evaluation for \$125.00 or an hour case evaluation for \$250.00. If you are with Ms. Ellis at the time and wish to proceed, if her schedule permits, she will gladly meet with you for an extended period of time. Some client's like to leave the first con-

sultation, get their ducks in a row and write out all their questions and then return for an Second Consultation. In the event that the client decides to file a bankruptcy case, a new agreement will be signed by client and attorney outlining the duties and responsibilities of each.

5. ALL INFORMATION PROVIDED BY CLIENT IN REGARD TO FILING A BANKRUPTCY PETITION MUST BE COMPLETE, ACCURATE, AND TRUTHFUL. ALL ASSETS AND ALL LIABILITIES ARE REQUIRED TO BE COMPLETELY AND ACCURATELY DISCLOSED IN THE DOCUMENTS FILED TO COMMENCE THE CASE. REPLACEMENT VALUE OF EACH ASSET DEFINED IN TITLE 11 UNITED STATES CODE SECTION 506 MUST BE STATED IN THOSE DOCUMENTS WHERE REQUESTED AFTER REASONABLE INQUIRE TO ESTABLISH SUCH VALUE. INFORMATION PROVIDED DURING THE CASE MAY BE AUDITED, AND FAILURE TO PROVIDE TRUTHFUL INFORMATION MAY RESULT IN DISMISSAL OF THE CASE OR OTHER SANCTION, INCLUDING A CRIMINAL SANCTION.

6. Client acknowledges receipt of the document entitled: IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

Thank you,

I/We have read and understand the above:

Client: **(Print and Sign)** _____ Date:

Client: **(Print and Sign)** _____ Date:

This discussion is intended only as a brief overview of the types of bankruptcy. You should not decide whether or not to file for bankruptcy relief solely on this information. Bankruptcy law is complex, and there are many considerations that must be taken into account in making the determination whether or not to file. Anyone considering bankruptcy is encouraged to make a decision only after seeking the advice and assistance of an experienced bankruptcy attorney.

When a person is discharged in bankruptcy, he or she is relieved from liability for most debts incurred before the bankruptcy was filed and protected from future collection of those debts. The purpose of bankruptcy is to give you a “fresh start”, and the bankruptcy code is interpreted by the Courts to give effect to these words.

Types of Bankruptcy

The Bankruptcy Code is divided into chapters. The chapters that usually apply to consumers are Chapter 7, where most or all of your debt is wiped out, and Chapter 13, which involves a repayment plan.

In most cases, once you file your case, the “Automatic Stay” immediately goes into effect. The Automatic Stay means that a bankruptcy filing automatically stops, or stays, and brings to a halt most lawsuits, repossessions, foreclosures, evictions, garnishments, attachments, utility shut-offs, and debt collection harassment. Generally, creditors cannot take any further action against you or your property without permission from the Bankruptcy Court.

Chapter 7. Chapter 7 is designed for people who are having financial difficulties and are not able to re-pay their debts.

Under the changes to the Bankruptcy Code that took effect October 17, 2005, you can usually qualify for a Chapter 7 if your average gross monthly income for the last six months is below your state’s Median Income, your gross income less certain expenses is below your state’s Median income, or you can show “special circumstances” that would allow you to qualify for Chapter 7. The filing fee for a Chapter 7 is \$299.00.

Under Chapter 7, you may exempt, or keep, certain assets under Florida law, or, if you have not lived in Florida for the past two years, then under the state’s exemption law that applies to your case. Most retirement accounts and pensions are exempt. Secured property, normally your car and house, may not have any net equity, in which case you can keep it as well. The Trustee liquidates most non-exempt property and uses the proceeds to pay your creditors according to priorities of the Bankruptcy Code.

Once your Chapter 7 case is over, you receive a Discharge. The discharge prevents your creditors from taking any steps to try to collect their unsecured debt. They cannot call you, write you, sue you, or take any steps that could be considered an attempt to collect its debt. If you want to keep property that has a lien on it, you must keep your payments current, and may be required to reaffirm your debt. Some debts can not be discharged. Typical examples are child support, alimony, and other domestic support obligations, some taxes, student loans, criminal restitution, and debts for death or personal injury caused by operating vehicles while intoxicated with alcohol or drugs.

Chapter 13. Chapter 13 is a valuable tool that lets you catch up overdue mortgage or car payments, taxes and domestic support obligations; It also applies where you have the ability to repay some or all of your debts over time. You must have less than \$336,900 in unsecured debt (such as credit cards and doctor’s bills) and less than \$1,010,650.00 in secured debt (such as mortgages and car loans) to qualify for Chapter 13. The filing fee for a Chapter 13 is \$274.00.

Under Chapter 13, you keep all of your property, both exempt and non-exempt, as long as you resume making your regular payments on secured debt and keep current under the repayment plan that you propose. A repayment plan can last for up to five years. After finishing your payments, most of your unsecured debts are discharged.

Chapter 11. Chapter 11 is designed primarily for business reorganization, but is also available to consumer debtors. Its provisions are quite complex. In the vast majority of cases, Chapter 11 is unnecessary and too expensive for most consumer debtors. The filing fee for Chapter 11 is \$1,039.00.

Chapter 12. Chapter 12 lets family farmers repay their debts over a period of time, and is in many ways similar to a Chapter 13. The filing fee for a Chapter 12 is \$239.00.

Credit Counseling. Reputable credit counselors can advise you on managing your money and your debts. They may also be able to develop a plan to repay your debts. Unfortunately, many credit counselors are not reputable and charge high fees and contributions that will cause you to fall deeper into debt and damage your credit rating. Furthermore, many misrepresent their non-profit status and/or their affiliations with religious or charitable organizations, and are little more than collection agents for the credit card companies.

Under the changes to the Bankruptcy Code that took effect October 17, 2005, you are required to take two short credit counseling courses, one before you file bankruptcy, and one after you have filed. We will refer you to a reputable credit counselor who has been approved by the United States Trustee Department for these courses.

**BAPCPA REQUIRED NOTICE NO.2 (§527 (a) (2) of the Bankruptcy Code)
NOTICE OF MANDATORY DISCLOSURE TO CONSUMERS WHO CONTEMPLATE
FILING BANKRUPTCY**

1. All information that the assisted person is required to provide with a petition thereafter during a case under this title is required to be complete, accurate and truthful.
2. 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.
3. 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
4. Information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the case under this title or other sanction, including a criminal sanction.

**BAPCPA REQUIRED NOTICE NO. 3 (§ 342 (b) (2) of the Bankruptcy Code)
FRAUD & CONCEALMENT PROHIBITED**

If you decide to file bankruptcy, it is important that you understand the following:

1. Some or all of the information you provide in connection with your bankruptcy will be filed with the bankruptcy court on forms or documents that you will be required to sign and declare as true under penalty of perjury.
2. A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a bankruptcy case shall be subject to fine, imprisonment, or both.
3. All information you provide in connection with your bankruptcy case is subject to examination by the Attorney General.

**BAPCPA REQUIRED NOTICE NO. 4 (§527 (b) of the Bankruptcy Code)
IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES**

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. An attorney can help guide you through this intricate process, making it easier and less stressful for you.

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 will be questioned by a court official called a “trustee” and, much more rarely, 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. It may not be in your best interest to reaffirm a debt.

If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 or 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which, if held, 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. However, please be advised that in most cases, you will only be concerned with chapter 7 and chapter 13.

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.