



## **BANKRUPTCY CHECKLIST AND INSTRUCTIONS**

**PLEASE READ THIS WHOLE THING.**

*(YES, IT IS BORING. YES, YOU STILL HAVE READ IT)*

**BE SURE TO READ THIS ENTIRE DOCUMENT - WE CANNOT**  
**STRESS THIS STRONGLY ENOUGH!**

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## **Introduction**

When you file bankruptcy you have to list all of your assets and give them a value, list all of your debts, and provide verification of income and expenses.

We can help you with some of these items, but most of the information we need is in your control, so you need to provide it to us. This includes things like your tax returns and pay stubs.

Please read all the way through these instructions before you begin.

### **STEP ONE: Complete MyCaseInfo Questionnaire**



A. Register for the MyCaseInfo Questionnaire by using this link:

<https://tinyurl.com/4995f5j4>

B. Once you have registered, complete the MyCaseInfo Questionnaire by following the instructions below:

This questionnaire is where you fill out your personal information like addresses, property, and expenses. It is important that you complete the questionnaire at least 72 hours **before** your screenshare appointment so we have time to review it and get set up for your appointment. Don't get overwhelmed by the instructions on the website as not all of the items listed in the instructions will be needed since we have turned off some of the options.

- a. **Whose information goes on the questionnaire?** Anyone who is filing bankruptcy. If you are married and both spouses are filing, complete one questionnaire that

has both of your information on it. If you are married, but your spouse is not filing, complete the questionnaire as if you were single.

b. **What information goes on the questionnaire?** Personal info, Property, Expenses. That's it! We have turned off the ability for you to list your unsecured creditors or input your income.

i. List all of your personal property.

1. If you are married and your spouse is not filing too, do NOT list your spouse's belongings that they own by themselves, but DO list any jointly owned property that they own with you.

2. Yes, you really do have to list all of your property. You don't need to list every single fork or pair of socks. You can group things together like silverware/plates/pots/pans or clothing.

3. Use yard sale values - the price you would expect to get if selling this item to your neighbors in the condition it currently is in - not what it cost when it was new.

4. Motor Vehicles and Campers: Remember you are looking for USED - this is your actual car, not your car, new. **I NEED SCREEN SHOTS OF EVERY VALUE UPLOADED.**

a. For cars, trucks, vans: you must use Kelly Blue Book [www.kbb.com](http://www.kbb.com) private party value - not the trade in value. Do this on your PHONE. KBB requires that ad blockers be deactivated on your web browser and it does not always recognize when you deactivate them.

b. You can also use: <https://www.jdpower.com/cars> - be sure to use the USED value. This website tends to be higher than Kelly Blue Book.

c. For campers, fifth wheels, travel trailers, I recommend: <https://www.jdpower.com/rv>

5. Real Estate and Mobile homes:

a. Real Estate: For real estate (house, vacant land, hunting cabin etc) you will need to either get a market analysis from

a Realtor or an appraisal. Zillow and similar websites are not acceptable. You can use any appraiser you want.

- b. I refer all my clients to Heather McFarland. If you want to use her, her contact information is below. You are NOT required to use her; you can use any appraiser you want. If you choose to use her, you should EMAIL her your name and address and schedule, so that she knows when to set up the appointment to come to your home. Be sure to provide her with your cell phone number as well. Just tell her that Dawn the bankruptcy lawyer referred you. Heather sets her own prices and she is not affiliated with my law firm. But she does give my clients a discounted rate since I refer everyone to her. Currently she is charging \$395 for an appraisal and you will pay that to her directly. Contact info: Heather McFarland, 717-843-8100, [value@amaster.com](mailto:value@amaster.com)
- c. Mobile Home: If you own a mobile home but do not own the land it is sitting on, I recommend that you order an appraisal from the link below. The cost is \$55:  
<https://www.jdpower.com/expanded-value-reports/online>
- d. You can also hire an appraiser to come out and appraise your home, but it will likely cost you A LOT more than \$55.

ii. List all of your household expenses.

- 1. Don't guess! Go through your bank statements and really try to get a solid estimate as to what you are spending per month.
  - a. If you are paying an expense quarterly, divide it by 3 before you put it on the budget.
  - b. If you pay an expense annually, divide it by 12 before you put it on the budget.
  - c. For utilities, take your highest and lowest bills over a 12 month period and add those two numbers together and

divide by two. That's your average. Put that number in your budget.

2. If you are married and your spouse is **not** filing with you, you will need to list all of your spouse's separate expenses under the miscellaneous section. Include their debt payment, car payment, car insurance, car maintenance and gasoline, discretionary spending etc.
  
- iii. **Miscellaneous Section:** The miscellaneous section in MyCaseInfo asks you questions about prior bankruptcy cases, criminal cases, lawsuits and other questions.
  
- iv. Do you want to see a list of all the questions before you get started? You can access it here - but remember - we have turned off the income and debt sections, so you won't see most of those questions:  
<https://tinyurl.com/44mdb8dh>
  
- v. Once the MyCaseInfo Questionnaire has been completed and approved, you will never need to log back into MyCaseInfo.
  
- vi. **IMPORTANT NOTE ABOUT YOUR EX-SPOUSE:** Do NOT list your ex-spouse in My Case Info or they will get notice of your bankruptcy. Even if you were married previously, answer this question NO. However, if your ex is a co-signor on a loan or has a joint debt obligation with you, we are REQUIRED to give them notice of your bankruptcy.
  
- vii. **Child Support and Spousal Support:** If you are currently PAYING child support or spousal support, the bankruptcy court trustee MUST notify the person you are paying that you filed bankruptcy. There is unfortunately no way around this. We will need their full name, address, phone number, and your PACSES number.

## **STEP TWO: Upload your Documents to your mycase**



**8amMyCase** is our case management program and that is where most of the work will be done on your case. This program used to be called just “MyCase” but they changed it to 8am MyCase. What does that mean? We don’t know. *We will refer to this program as simply **MyCase** in the rest of this document because 8amMyCase is stupid.*

You will sign your documents through My Case; review documents; communicate with our office, pay your bill, and sign your documents. This is the website you logged into to get this Checklist. If you forgot how to log into mycase, go to

<https://www.mycase.com/login>. After logging in, there is a button to “Add Documents”.

**\*\*\* WE MUST INVITE YOU TO MYCASE BEFORE YOU CAN LOGIN. IF YOU DIDN'T GET AN INVITE, PLEASE EMAIL US: [dawncutaia@gmail.com](mailto:dawncutaia@gmail.com)\*\*\***

**Remember - mycaseinfo and MyCase are not the same programs and have different web addresses.**

**Please upload to MyCase the following documents:**

- A. **Pay stubs:** All paystubs for the seven (7) months prior to your appointment.
  - 1. This includes all employment - main income, 2nd jobs, part time employment, etc.
  - 2. If you had a job for only part of those 7 months, we need stubs for whatever period of time you were employed.
  - 3. Seven months of paystubs for your spouse - even if your spouse is not filing bankruptcy with you.
  
- B. **FEDERAL and STATE Tax Returns for the last TWO years.**
  - 1. We need the actual returns with all of the W-2s, 1099s etc.

2. If you do not have them, please download a tax return transcript from irs.gov. (Note: we only need “tax return transcripts”, not “account transcripts”, unless we have told you otherwise.)

C. **Driver's License and Social Security Card:** We are required by law to examine your photo ID and social security card. A photo of each is acceptable.

1. Driver's license or other photo ID. We must have this in order to do the Screenshare appointment.
2. Social Security card. We can also use a W-2 (as long as it lists your entire social security number). If you do not have either of these, you will need to replace your Social Security card, which takes a few weeks.

D. **Profit and Loss:** If you are self-employed, I need to see **six months (6)** worth of gross income, expenses, and net income. I need it broken down if at all possible. This six month period is for the six full months prior to when you think you are going to file. So, for example, if you think you are going to file in June, I will need a profit and loss for December 1st through May 31st. If we have your first appointment in June, but you don't file until July you will need to redo the profit and loss for January through June. If you don't know what a Profit and Loss is, I have created a short cheat sheet for you: [P&L Outline and Instructions](#)

E. **Non-spouse Family Contributions:** If someone in your household who is not filing bankruptcy is contributing to household expenses, I need to know how much that person has given you over the last six (6) months. You can create a google spreadsheet or just write it out on a piece of paper and upload it.

F. **Mortgage and Car Loan Information:** Please upload the following:

1. A recent mortgage statement
2. A recent statement for all cars and other secured debts
3. The **INTEREST RATE** on your mortgages and car loans
4. The number of **MONTHS REMAINING** on those loans

- G. **Bank Statements:** We need three months of bank statements for all bank accounts that are in your name, including joint bank accounts (spouse, child, other 3rd party). This includes:
1. Checking and savings accounts
  2. Paypal, Venmo, Cashapp, Chime. etc.
  3. Business accounts. Even if this is a personal bankruptcy, we still need business bank accounts because the business is an asset that you own.

### **STEP THREE: Take Your First Credit Counseling**

1. **BEFORE you file:** Under the new bankruptcy law, passed in 2005, Debtors are **required** to take a credit counseling class **PRIOR** to filing bankruptcy. This certificate is good for only six months so if you don't file bankruptcy within six months of taking the course, you will have to take it again. You can use any provider but I suggest [www.summitfe.org](http://www.summitfe.org). Be sure to put my email address ([dmcutaia@gmail.com](mailto:dmcutaia@gmail.com)) so that I get a copy of your certificate. We do NOT use a code; you pay for the counseling directly instead of paying us.
2. **AFTER You File:** Under the new bankruptcy law, Debtors also must take a SECOND credit counseling class, called a Financial Management Class. You can also take this course at [www.summitfe.org](http://www.summitfe.org)
3. DO NOT PAY EXTRA FOR THE FILING OF THIS CERTIFICATE; as long as you put my email address in the attorney section (use your own e-mail address to sign up!) they will file it for you without you having to pay extra.
4. *What happens if you forget to take your second credit counseling class?* Your case will be dismissed WITHOUT a discharge. You MAY be permitted by the Court to reopen the case and file your certificate, but there is no guarantee the Court will permit that and there is a filing fee of \$240, and attorneys fees of \$150, which you will be required to pay before your case is opened.
5. *When do you have to take the second counseling class?* We will send you a reminder to do this before your 341 meeting, but you can do it as soon as the day after you file. However, you **MUST** take this class within 60 days of filing your bankruptcy or your case will be dismissed without a discharge. **Do not forget to take this second financial management class.**

6. NOTE: All these counseling places will try to sell you extra features etc - just pay for the counseling and don't feel compelled to sign up for anything else. There are other counseling places you can use, but this is the fastest and cheapest one we have found.

#### **STEP FOUR: Schedule your Zoom screenshare appointment**

[Use this link to schedule your zoom appointment.](#) If you can't find a time that works best for you, choose your second best option and then reach out to us about finding a better time.

#### **IMPORTANT NOTICES - DON'T SKIP THIS PART!**

##### **What Not to Do Once you Decide to File Bankruptcy:**

Now that you have contacted a bankruptcy attorney, you need to be careful about how you use your credit cards and what you do with your assets. Unless you are 100% sure that you are NOT going to file bankruptcy in the next year, I would suggest that you follow the guidelines below:

- Do NOT pay your credit cards or other unsecured creditors, unless we discussed this and I told you that you should continue to pay them.
- If you have a credit union and you owe them money take your money **OUT** of that account and change your direct deposit. The credit union can take money out of your account to pay your bill without your permission and without telling you in advance and I cannot get that money back for you.
- You SHOULD continue to pay your mortgage and car loans if you want to keep your house and cars. However, if I told you that you should not pay them, then you should not pay them.
- Remember that if you want to keep your house, but are behind in the payments, the mortgage company probably won't accept payments from you. If you are filing bankruptcy to save your house, don't worry that the bank won't accept your

payments. Just put that money aside and once you file bankruptcy the bank will start accepting your payments again.

- Do NOT transfer assets, sell assets, or change ownership of assets (such as remove yourself from the title to a car) without first speaking with me.
- Do NOT make any large lump sum payments on any debts and Do NOT make ANY payment on debts owed to **family or friends** until we talk. If you do make payments on loans to family or friends, depending on how much you pay them, if you file bankruptcy within one year of making those payments, your family or friends could be required to pay the bankruptcy court the money you paid them. That's right - the bankruptcy trustee will SUE your friend or family member. So DO NOT pay back loans to family members or friends and if you already did so, be sure to tell me.
- Do NOT use your credit cards, take out any cash advances, transfer balances on your credit cards, take out unsecured personal loans, purchase any "luxury" items, or go away on vacation using a credit card to pay for the vacation. If you have done any of these things within the last six months, you must let us know.
- If you have an unreliable vehicle and want to trade it in and/or purchase a different vehicle, you are permitted to do so. However, I strongly suggest that your monthly payment be reasonable and something you can afford. DO NOT trade in a car with negative equity. Please speak with me if you have negative equity in your car before you trade it in.
- IF YOU HAVE TRANSFERRED OR SOLD ASSETS OR PAID OR PAID OFF FRIENDS OR FAMILY LOANS WITHIN THE LAST YEAR, OR WITHIN THE LAST 90 DAYS YOU TOOK CASH ADVANCES OR INCREASED YOUR DEBT SIGNIFICANTLY, YOU MUST TELL US THIS. It does not mean you cannot file bankruptcy or are going to be in trouble as long as we disclose it and deal with it appropriately. But not telling us *will* get you in trouble.

**Car Loans and Mortgage in Bankruptcy:** Even if you are keeping your house or your car, you still must list those debts on your bankruptcy petition and those creditors will therefore get notice of your bankruptcy. When they get notice of your bankruptcy, they

often close your online account, and stop reporting the loan to your credit. This is normal.

Once you file bankruptcy, your secured loans are separated into the loan and the security. Your personal responsibility to pay the loan actually gets discharged in the bankruptcy, but the lien still exists on the house or the car, so if you don't pay the loan, the collateral (house or car) can be repossessed. As long as you want to keep the car or house, you must continue to make voluntary payments on those loans. The loan companies do not always make it easy to do this. They often won't allow you to pay online, and they are not allowed to call and harass you if your mortgage or car payment is late. Especially for car loans, it is extremely important that you write your due date down on your calendar because if your car is repossessed you will NOT be able to get it back even if you pay the past due amount; you will have to pay the complete balance of the loan.

If at any time you decide you do not want to keep the car or house, you can give them back, and the creditor cannot come after you for any balance on the loan because your personal liability got discharged. What this means is that if you have a car that is underwater, you should NOT roll over negative equity from that car into a new car loan; you should just give the car back. Please be sure to reach out to me if you have any questions or concerns about how this works, but do not be worried if you can't log into your online loan accounts after you file bankruptcy.

## **IMPORTANT NOTICE REGARDING LIMITATIONS ON BANKRUPTCY REPRESENTATION**

Oftentimes a client will reach out to us, have a free phone consultation, and take many months to actually file bankruptcy or may never file bankruptcy or may hire someone else. *This is perfectly fine, as the client gets the final say whether to file bankruptcy at all, or when to file bankruptcy if they decide to do so, or who to hire to represent them.*

Until our retainer is **paid in full and you have signed the fee agreement**, we cannot take responsibility for your case - meaning we won't be keeping track of deadlines if you are being sued and you should be sure to put those deadlines on your calendar. We

absolutely can help you determine what those deadlines are - that is never a problem - but you have to keep track of them. Even after your zoom appointment, if you have not paid the full balance of the retainer, you will still be required to keep track of your own deadlines.

Keep in mind too that between the free consultation and our zoom appointment, you will be uploading your documents, but we do NOT review these documents until you pay the \$325 and schedule the zoom appointment and then usually just a few days before the appointment. If you have a question about a document you are uploading you need to reach out to us via mycase (both Kelley and Dawn) and then we will review the document and answer your question if we can. Sometimes we can't answer the question until we have all the info so we would have to wait to answer it until we have your zoom appointment. **If there is something time sensitive in a document do NOT rely on us reviewing that document before your zoom appointment; if you need us to review it sooner because it is time sensitive you MUST bring that to our attention.**

In addition, keep in mind that the free initial phone consultation is not a full review of your entire financial and legal situation. We are limited in the advice we give you during that consultation because we don't know everything - not because we are trying to hide information or keep information from you - but we don't have all the numbers and facts about your case. At the zoom appointment we will have the information we need to fully advise you. The zoom appointment is more comprehensive and takes more time, which quite frankly is why we charge for it.

Regardless of whether you end up hiring us or not, everything you say to us and the documents you provide to us are still covered by the attorney-client privilege as provided by Pennsylvania law. See our communication policy for more details about that.

### **Why are we telling you this?**

We are a law firm and we carry malpractice insurance. Our insurance provider requires us to make sure that clients understand when they have officially retained an attorney and the scope of the representation and any limits on that representation. Hiring a lawyer can be confusing and we want to be completely transparent about the entire process.

If you have any questions at all regarding this, please do not hesitate to reach out to us.

The paperwork really is the worst part – but you are on your way to getting a fresh start so hang in there and don't get discouraged. We are here to help you, so if you get stuck, please reach out to us.