MYTHS, SECRETS AND THE TRUTH About Bankruptcy in Florida

The Essential Guide for Those Facing Financial Difficulties

By Robert Peters
All rights reserved. Unless otherwise indicated, all materials on these pages are copyrighted by Robert L. Peters. Reproduction, modification, storage in a retrieval system or retransmission, in any form or by any means, electronic, mechanical or otherwise, is strictly prohibited without the publisher’s prior written permission.

For information, please contact:
Robert L. Peters, Attorney
1054 Kings Avenue
Jacksonville, Fl 32207
Tel. 904-421-6907 phone
Fax 904-491-5989
www.restartyourlifejax.com
rppalaw@gmail.com

LEGAL NOTICE
This Book Is Not Legal Advice

While this book does offer detailed, insightful information about bankruptcy, it is not to be considered as legal advice, nor does it establish a client-attorney relationship between us. Instead, consider this book as a provider of helpful “for your information” knowledge presented to give you a better understanding of what bankruptcy entails and if it is the right choice for you.

If you conclude at the end of this book that bankruptcy may be right for you, you will need additional information that pertains to your particular circumstances. When that time comes, I would be happy to discuss the legalities with you as your bankruptcy attorney. Once a retainer agreement is signed, we can promptly discuss any and all issues legally and thoroughly.
Introduction

My name is Robert Peters, and I am an attorney. I’ve been practicing law since 1993. Prior to starting Florida State University as an undergrad, I was in the United States Air Force where I got to see the world and serve my country.

I majored in accounting and real estate at Florida State University and earned a bachelors degree in 1987. I worked for Price Waterhouse as a CPA until law school in 1990. I graduated from Florida State University College of Law with high honors.

My law practice focuses on consumer bankruptcy and foreclosure defense. Most of my clients are concerned about problems with creditors, potential lawsuits and how an adverse judgment will affect their family’s future. I find this work interesting and challenging because it requires...
knowledge and integration of several different areas of law including creditor rights, bankruptcy law, tax law, estate planning, real estate and understanding of human nature. I feel a sense of accomplishment whenever I help my clients through a difficult financial period in their lives. I provide most legal services on a fixed-fee basis so clients know their legal cost in advance. The most rewarding aspect of being an attorney is helping people restart their lives after enduring financial hardship.

I handle hundreds of bankruptcies in Florida each year. I am a member of the National Association of Consumer Bankruptcy Attorneys and the America National Bankruptcy Institute. In other words, I know what I am doing! To maintain my expertise, I continue to educate myself, staying on top of the latest trends and developments in bankruptcy law so that I can provide unparalleled service to my clients. I selected bankruptcy law because so many people’s lives are affected by unexpected events that have devastating effects on their finances. What we understand about human nature is that many people in crisis become so overwhelmed that they go into a state of denial. Our goal is to help people address their problems by showing them there is a light at the end of the tunnel.

If you are struggling financially, this is the book for you. I want you to read this book and come away feeling empowered. I am going to show you that there is life during and after bankruptcy.

You don’t have to teeter on the precipice, wondering how you’re going to pay your mortgage and car payment. You don’t have to decide whether you’re going to skip getting your prescriptions filled so you can pay your credit card bills. You don’t have to wonder how you’re going to put food on the table for your children. You don’t have to deal with aggressive, belligerent, unsympathetic bill collectors who are too stupid to realize that they are only a paycheck or two away from being in the same situation that you’re in. If you are facing any of this, I can help you – I will help you “Restart Your Life”.

Unfortunately, the system is against the little guy. It’s against people like you who are simply trying to get by and take care of their families. It’s against people who don’t have a lot of money and resources. But I am here for you. I want to be your advocate. I want to be your partner and your confidante as you navigate through the storm of debt that is drowning you. I’ll fight your battles with your creditors for you, and I will help you get the fresh start you deserve.

Keep in mind, though, that for us to become a team, you’ve got to be serious about finding a
solution to your financial problems. That means that you’ve got to work with me by answering all of my questions honestly and by giving me all the paperwork and documentation that I request from you. You have got to make a commitment to be responsive to my calls, just as I will commit to being responsive to yours. You’ve got to commit to doing what I advise you to do, knowing that I have only your best interests in mind. You can’t listen to your Uncle Louie when he tells you what happened to him when he filed bankruptcy in Alaska, and you can’t listen to your co-worker when he tells you that his situation was just like yours, and he couldn’t file bankruptcy. Remember that no two bankruptcy cases are the same. Everyone’s facts and circumstances and temperament are different. Therefore, no one can tell you what to expect, other than an experienced bankruptcy attorney.

How much would your life change if you could just get some breathing room?

So, I’m going to require that you to listen to me and me alone. After all, I have the experience to help you, and I’m committed to working on your behalf to get you the best possible outcome under the circumstances.

The purpose of this book is to answer some of the most common questions that people who are considering bankruptcy have, to expose myths, tell the secrets and most of all give you the straight scoop. As you read this book, I want you to consider what your current circumstances are, and how much it would mean to you to change those circumstances. What bought you to this point? Did you lose your job, get a divorce or become ill?

Is the barrage of calls from your creditors driving you crazy? Are you about to lose your car or your home? Are you at your wit’s end, wondering how you will ever get out from under the mountain of debt that’s suffocating you? Well, I am here to help you find the answers and get you back on your feet.

How much would your life change if you could just get some breathing room? A lot, right? Well, your creditors don’t want you to have that breathing room. They don’t want you to get the fresh start afforded by the Bankruptcy Code. Believe me, the last thing your creditors want is to help you. The collection agents calling you on behalf of Visa or the hospital or your student loan company could not care less about whether you have lost a job or been ill, their primary concern is getting their money, regardless of how that may impact you and your family.
So, be assured that you are not alone. There are many, many people just like you who have sought the protection of our bankruptcy courts. I know that you want to pay your bills, but simply don’t have enough money coming in to do so. I know that you work hard and are facing tough times. I know that you are a good person and that you simply need some help getting your financial situation under control. Well, I can help you get some breathing room so that you can take control of your finances and restart your life.

I understand how scared and uncertain you are feeling right now. I know that you feel embarrassed about the possibility of filing bankruptcy. You may be worried that your credit will be ruined forever.

You may think you will lose everything you have. But I am here to tell you, though that the majority of people who file bankruptcy are just like you. They are good people who have fallen victim to circumstances beyond their control. They are hardworking people who just want to take care of their families and live a comfortable life. They are not trying to get over or shirk their responsibilities. On the contrary they want to pay their bills, but find themselves in a situation that is simply too overwhelming. Remember that famous quote from Bill Clinton, “It’s the economy.”

“After hearing an ad for Mr. Peters, we decided to make an appointment. We were both very impressed and satisfied with what we heard and what we learned at our free consultation. We both felt very comfortable and left our meeting with a feeling of relief and confidence that we had made the right decision with our appointment. Robert answered all of our questions and went beyond what we expected. We recommend him to anyone that is considering any type of bankruptcy or in need of financial advice.”
# TABLE OF CONTENTS

Introduction by Robert Peters

Chapter 1 – First Thing’s First – What is Bankruptcy?

Chapter 2 – What the Heck Happened?

Chapter 3 – Don’t Stick Your Head in the Sand

Chapter 4 – Debt Settlement – Too Good To Be True?

Chapter 5 – What Does The Bible Say About Bankruptcy

Chapter 6 – Myths, Secrets, and the Truth

Chapter 7 – Questions, Questions and More Questions

Chapter 8 – 10 Huge Mistakes to Avoid!

Chapter 9 – Why Do You Need an Attorney?

Chapter 10 – What To Expect After You Hire An Attorney?

*Expect the Exceptional!*
Bankruptcy is a legal proceeding in which a debtor, who is not able to make bill payments, is presented with a clean financial slate. Debtors obtaining a fresh start can be traced back to the Old Testament. Current bankruptcy laws are possibly as old as those from England under King Henry VIII’s ruling in 1542. Currently, the United States Constitution provides the right to file for bankruptcy, and federal courts handle all bankruptcy cases.

A fundamental goal of the federal bankruptcy laws enacted by Congress is to give debtors a financial “fresh start” from burdensome debts. The Supreme Court made this point about the purpose of the bankruptcy law in a 1934 decision:

“It gives to the honest but unfortunate debtor…a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of pre-existing debt”.

CHAPTER 1:

First Thing’s First – What is Bankruptcy?
This goal is accomplished through the bankruptcy discharge, which releases debtors from personal liability from specific debts and prohibits creditors from ever taking any action against the debtor to collect those debts.

A debtor’s involvement with the bankruptcy judge is usually very limited. A typical chapter 7 debtor will not appear in court and will not see the bankruptcy judge unless an objection is raised in the case. A chapter 13 debtor may only have to appear before the bankruptcy judge at a plan confirmation hearing. Usually, the only formal proceeding at which a debtor must appear is the meeting of creditors, which is held at the bankruptcy court. This meeting is informally called a “341 meeting” because section 341 of the Bankruptcy Code requires that the debtor attend this meeting so that creditors can question the debtor about debts and property. However, only in rare circumstances do creditors show up.

Chapter 7, entitled Liquidation, contemplates an orderly, court-supervised procedure by which a trustee takes over the assets of the debtor’s estate, reduces them to cash, and makes distributions to creditors, subject to the debtor’s right to retain certain exempt property and the rights of secured creditors. Because there is usually little or no nonexempt property in most chapter 7 cases, there may not be an actual liquidation of the debtor’s assets. These cases are called “no-asset cases.” A creditor holding an unsecured claim will get a distribution from the bankruptcy estate only if the case is an asset case and the creditor files a proof of claim with the bankruptcy court. In most chapter 7 cases, if the debtor is an individual, he or she receives a discharge that releases him from personal liability from certain dischargeable debts. The debtor normally receives a discharge just a few months after the petition is filed. Amendments to the Bankruptcy code enacted in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 require the application of a “means test” to determine whether individual consumer debtors qualify for relief under chapter 7. If such a debtor’s income is in excess of certain thresholds, the debtor may not be eligible for chapter 7 relief.

“It gives to the honest but unfortunate debtor… a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of pre-existing debt”.

This quote highlights the purpose of the bankruptcy discharge, providing debtors with a fresh start and the chance to build a new future without the burden of pre-existing debt.
Chapter 13 is a payment plan for debtors with regular income. Chapter 13 may be preferable to chapter 7 because it enables the debtor to keep a valuable asset, such as a house, and because it allows the debtors to propose a “plan” to repay creditors over time –usually three to five years. Chapter 13 is also used by consumer debtors who do not qualify for chapter 7 relief under the means test. At a confirmation hearing, the court either approves or disapproves the debtor’s repayment plan, depending on whether it meets the Bankruptcy Code’s requirements for confirmation. Since the chapter 13 is very different from chapter 7 the debtor usually remains in possession of the property of the estate and makes payments to creditors through the trustee, based on the debtor’s anticipated income over the life of the plan. Unlike chapter 7, the debtor does not receive an immediate discharge of debts. The debtor must complete the payments required under the plan before the discharge is received. The debtor is protected from lawsuits, garnishments, and other creditor actions while the plan is in effect. The discharge is also somewhat broader (i.e., more debts are eliminated) under chapter 13 than the discharge under chapter 7.

“As a current client at this firm, I have to say my experience with the entire firm has been nothing but fantastic. I am a single mother, recently divorced, and had gotten myself into a financial mess. My initial meeting with Mr. Peters made me feel better right from the get go. He was very informative and explained the entire process start to finish to me in terms I could understand. He also made it feel personal, like I wasn’t just a client, but a person he actually cared about. His staff is fantastic. His staff is with you every step of the way, always there for you no matter what you need. They have all made a great experience out of something that could be quite confusing and stressful for the average person. I feel like I am on the road to getting the financial aspects of my life back on track, and for this, myself and my daughter thank you guys from the bottom of our hearts!!!”
Chapter 2: What the Heck Happened?

There are many different paths that lead to bankruptcy. For some people, it’s the loss of a job, the death of a spouse, the illness of a spouse or child, or divorce. For others, it’s poor money management or that all-American phenomenon known as instant gratification. Whatever the case may be, one thing is certain. Most people incur debt with the intention of repaying it.

When people find themselves struggling to pay their bills and make ends meet, they often begin using their credit cards to pay for groceries and utilities or to pay other credit cards. They may take out a second mortgage or a home equity line to pay off their credit cards and other unsecured debt.

Sound familiar? Unfortunately, for most people, these are only short-term solutions. In my experience, people use their home equity line or second mortgage to pay off credit cards, only to start charging on those same credit cards within a few months’ time. So, all they’ve done is create additional debt for themselves, debt that they simply cannot afford.
The credit card companies and mortgage companies are also responsible for the financial crisis that many consumers find themselves in. Many credit card companies charge incredibly high interest rates, late fees, and over-the-limit fees. They use deceptive practices to lure people into incurring debt they cannot afford, and then they punish their customers by raising interest rates if a customer makes a few late payments. Some credit card companies will even raise the interest rate if the customer makes a late payment on a credit card from another bank. The goal of the credit card companies is to keep hardworking consumers like you mired in debt FOREVER!

Many people are in financial trouble because of the predatory loans they obtained over the past five to ten years. Among these dangerous loans are interest-only, negative amortization loans with adjustable interest rates, no documentation and low documentation loans, stated income loans, and loans with harsh prepayment penalties. Many people with interest-only and adjustable-rate mortgages expected to refinance before the first payment of principal became due or before the first interest rate adjustment was to occur, but found they could not refinance due to the crackdown by lenders after the fallout of the subprime mortgage market. As a result, these consumers have been left with mortgages whose payments increased significantly when they began making principal payments, and for those with adjustable-rate mortgages, payments that reset every six months.

Many people are in financial trouble because of the predatory loans they obtained over the past five to ten years.

Consider this. Bankruptcy is one of the top stresses—along with divorce, major illness, death of a loved one, and loss of a job—that a person can experience. So, how many people do you know who would choose bankruptcy if they had other viable options? I'd venture to guess not many!

There is no set formula for determining whether you should file bankruptcy. However, there are some indicators that you are in trouble and should be looking for options sooner rather than later.

- Do you owe the IRS?
- Are creditors threatening to garnish your wages?
- Are bill collectors blowing up your phone?
- Have you taken one or more cash advances on your credit card greater than $500 in the past few months?
• Do you ever borrow to meet regular expenses, such as food and utility bills?
• Can you barely make the minimum required payment on bills?
• Are your financial problems impacting your health or relationships?
• Have you or your spouse recently been laid off or lost your job?
• Have you recently been through a divorce?
• Do you owe two month’s salary or more on your credit cards?
• Have you borrowed money from friends or relatives?
• Are your credit cards charged to the limit?
• Do you bounce checks regularly?
• Are you without any savings?
• Are you behind on house or auto payments?
• Are your creditors threatening to take your car, house or other property?

If you answered “yes” to any of these questions, it’s time to stop procrastinating and to start being proactive. What if I told you I can help you stop worrying and put you in a situation where you can afford to put food on your table, buy your medication, put gasoline in your car, heat your home this winter, and buy Christmas gifts this year? What if I told you I could help you get your life back? What if I told you there’s a way to get those nasty bill collectors to stop calling you? Would you take a step toward that fresh start you so richly deserve? Well, I hope you answered “yes” to that question, too.

If you did, great. If you still need more convincing, read on . . .

How Can Bankruptcy Help Me?

Get control of your life.

One of the biggest benefits of filing bankruptcy is psychological. Filing bankruptcy allows you to regain control of your life. When you’re behind on your bills and you have creditors breathing down your neck, you have no control. Even if you try to work out a deal with your creditors, they’re in the driver’s seat. They want to tell you what to pay to stop the calls or the lawsuit that’s about to be filed against you. They have no concern for you or your family and no regard for the fact that if you agree to cough up several hundred dollars a month to pay a credit card that you’re going to lose
your home. When you file bankruptcy, it’s quite possible that your unsecured creditors will get little
or nothing. Your secured creditors (car, house etc.) get paid first. If there’s nothing left after they’re
paid, your unsecured creditors are out of luck. So, what exactly does this mean for you? It means
you can sleep at night. It means that you have peace of mind. It means that your stress level has
been cut in half. It means that you’ll have money to buy groceries, gas up the car, and maybe even
let the kids go to summer camp.

**It Can Stop Annoying Calls from Creditors and Bill Collectors.**

How humiliating and frustrating is it to receive collection calls at work or just as you’re sitting
down to dinner with your kids each evening? How disheartening is it to watch your kids check the
caller ID before answering the phone because they know mommy doesn’t want to talk to creditors?

Well, bankruptcy stops the harassment raining down on you from creditors. When you file bank-
ruptcy, the automatic stay goes into effect. The automatic stay prevents creditors from making ANY
collection efforts against you, including telephone calls, letters, lawsuits, garnishments, foreclosure,
and repossession. In short, you get some breathing room.

**THERE IS A SOLUTION TO YOUR FINANCIAL PROBLEMS.**

*Bankruptcy may make it possible for those in financial difficulty to:*

**Restart Your Life:**

- Diminish responsibility for most or all of their debts and get a fresh start.
  When the debt is released, the debtor has no more legal obligation to pay the debt.
- Prevent foreclosure
- Keep your car
- Lower the monthly payments and interest rates on debts in Chapter 13.
- Keep your home.
- Stop garnishment
- Stop lawsuits
- Regain sanity
- Organize your life
- Reduce anxiety
Chapter 3: Don’t Stick Your Head in the Sand

One thing that I can tell you with 100 percent certainty is if you ignore your financial problems, they will only get worse. Financial problems are like an infection; if it goes untreated, it can kill you.

If you are behind on your bills, you’re going to be charged late fees. Credit card companies will charge over the limit fees and will raise your interest rates. If you overdraw your checking account, you’ll pay insufficient funds fees to your bank, and it’s embarrassing. Your financial problems will only get worse. If you can’t afford to make your payments, you definitely can’t afford to pay any additional fees or have your payment go up because of higher interest rates.

All the while, your phone will be ringing off the hook with calls from your creditors trying to get their money. They’ll call you at home and work. They’ll call your cell phone. They’ll call you as early as 8:00 a.m. and as late at 9:00 p.m. If you gave personal references when you got the loan or credit card, they may even call your references. They figure they can harass you into paying. They think
they can humiliate you into paying. What they don’t realize is that no matter how many times they call you, it’s not going to magically make some money appear in your bank account so you can pay your bills. No matter how many times they call, it’s not going to get you a job, cure your illness, bring your spouse back to life, or resolve your marital problems. What I’m telling you here is that your creditors simply don’t care why you can’t pay. All they care about is getting the money.

So, once you are far behind on your credit card payments, you’ll start receiving letters and calls from collection agencies. And guess what? Collection agencies charge a fee, and that fee gets passed on to you. This means that your debt will go up even more.

If the collection agency is unsuccessful in getting you to pay the debt, either the collection agency or the bank who issued the credit card will sue you. It is very difficult for a consumer to win this type of lawsuit because it’s virtually impossible to prove that you did not make the purchases. If you lose the lawsuit or fail to respond, a judgment will be entered against you for the amount of the debt, plus attorney’s fees and costs. Once this happens, the creditor can try to garnish your paycheck or bank account. Moreover, the creditor can have the sheriff in your county levy on other property that you own and sell it to pay off or pay down the judgment. All the while, interest will continue to accrue until you pay off the judgment in its entirety.

If you default on a mortgage, your lender will eventually foreclose; if you default on an auto loan, the finance company will eventually repossess the vehicle. In Florida, lenders are allowed to seek deficiency judgments against you if they sell your house or vehicle at a loss. If the creditor successfully obtains a deficiency judgment, they can try to garnish your paycheck or bank account to collect the debt. If the creditor files a lawsuit seeking a deficiency judgment, it will be represented by an attorney. And you will be required to pay the attorney’s fees and costs incurred by your lender in filing the suit. Until the debt is paid in full, interest will accrue.

Borrowing from friends and relatives is also dicey. If you are not able to pay it back friendships are ruined and families are divided.

If the collection agency is unsuccessful in getting you to pay the debt, either the collection agency or the bank who issued the credit card will sue you.
Pay day loans are not a way out. On first glance, this may seem like a quick and easy solution to your financial problems. However, because of the high interest rates and short term nature of these types of loans, they are not a viable or realistic option for most people with financial problems. Generally, payday loans are due within 14 to 30 days and may carry interest rates of 15 percent or more. This may not sound like very much, but if you borrow $300 and must repay the loan in 14 days, the annual percentage rate calculates to almost 1200 percent.

Auto title loans are just as bad as payday loans. These loans usually mature in thirty days and can have incredibly high interest rates. Most title loans have a rollover option that allows you to extend the term of the loan for another thirty days. This is where most people get in trouble. Unless you pay the loan off at the end of the first thirty day term, any future payment that you make will be applied only to interest until you are able to pay the loan in full. If you fail to repay the loan, the lender can repossess the car and sell it to recover the amount of the loan plus any interest and fees that may be due.

It’s important that you take action as soon as you realize that you are in financial trouble. If you ignore your problems, they will only get worse and might result in foreclosure, repossession, or garnishment.

**AVOID THE NEWEST DEBT COLLECTION SCAM**

Do not believe it when a debt collector tells you that you can no longer file for bankruptcy. This is just the newest scare tactic used by unscrupulous debt collectors. You may have heard about a new bankruptcy law passed by Congress that went into effect in October 2005. While it is true that the new law makes the process more complicated, the basic right to file bankruptcy and most of the benefits derived from it remain unchanged for most consumers. In fact, we have found that the vast majority of our clients can still file for Chapter 7 bankruptcy protection.

“Robert Peters and his assistant Michelle are very committed to assisting their client. Although bankruptcy was not the solution for my wife and me their advice and help on other matters has been quite helpful. They seem to truly care about our financial well being.”
The process of debt settlement generally includes the process of negotiating with creditors, usually credit card companies, in order to pay less than you owe to satisfy the debt. For instance, if you currently owe $8000 on a credit card, and have fallen behind on the monthly payments, the credit card company may offer you the deal of having to pay only 75% sometimes even as low as 50% of the balance, and forgive the remaining debt. To attempt to qualify for debt settlement arrangement, the creditor may require you to have the settlement amount paid out over a very short amount of time, such as three months, or require it in the form of a lump sum.

You will find that debt settlement companies will sell you a program of sorts, which will require you to deposit, or automatically place a set amount of money into a special savings account. Once this account reaches a certain level, the debt settlement company will make a settlement offer to one of your creditors with a lump sum payment. In theory, it is possible for this method to work.
However, the “save and settle” plan has very significant problems. According to the New York Times article “Debtors Pushed into Deeper Hole by Settlement Companies”.

“Consumers rarely emerge from debt settlement programs with their credit card balances eliminated, these critics say, and many wind up worse off, with severely damaged credit, ceaseless threats from collection agents and lawsuits from creditors.” “The industry's not legitimate,” said Norman Googel, Assistant Attorney General in West Virginia, which has prosecuted debt settlement companies. “They’re targeting a group of people who are already drowning in debt. We’re talking about middle-class and lower middle-class people who had incomes, but were using credit cards to survive. The industry’s own figures show that clients typically fail to secure relief. In a survey of its members, the Association of Settlement Companies found that three years after enrolling, only 34 percent of customers had either completed programs or were still saving for settlements.”

**Dirty Secrets of Debt Settlement**

1. **YOU ARE RECOMMENDED TO STOP PAYING YOUR DEBTS IMMEDIATELY.**

   The process of settling your debt will ultimately ruin your credit. On your credit reports, a settled debt will appear as a “charge-off,” which is much worse for your credit than a few months of late payments. A charge-off is basically a company declaring your debt as a loss for the company. This will damage your credit for quite a bit of time.

   By taking such a route, not only are you harming your credit, but also this will NOT stop the constant irritating, hassling calls from any creditor’s collection departments. If you are already receiving these aggravating calls, the debt settlement company will not be able to stop the calls. They will continue until your debt situation has been figured out. It is not uncommon for the creditors waiting to be “settled” to sue the debtor.

2. **THE DEBT SETTLEMENT COMPANY TAKES A BIG CHUNK.**

   Fees may vary, but 15%-20% of the outstanding debt, not the amount it is settled for, is common.
If you are attempting to settle a credit card debt of $10,000 you will most likely end up paying the debt settlement company around $1,500 to $2,000 regardless of how much of the debt you actually pay after you settle.

As you work hard to get together some money for the settlement funds, your creditor is working hard to increase your debt with fees, interest and late charges. The more time it takes to pay this debt as a lump sum, the more money you will end up owing in the long run. Not only will you be paying a significant portion of the debt, but you will be paying off the increasing interest and fees as well. Once you reach this point, it’s possible you could have just stuck with making the minimum payments on the debt, as well as any additional principle payments to have the ability to wipe out the debt completely on your own.

3. IT DOESN’T STOP BILL COLLECTORS.

By the time you’re able to collect enough cash to settle the first debt, you’d be able to move on to the next. By this time, months have gone by and the creditors that have yet to get paid are noticeably rude, impatient and have reached a third-party debt collector or an attorney. Possibly even both. You would now have a credit report that has various 30-90 day late notices, as well as some charge-offs. Creditors will not patiently sit around and wait for your money while you try to figure out your finances.

4. YOU ARE A TARGET.

Some of the less helpful Debt Settlement companies decided that one of the “services” they provide to you and your situation would be to contact your creditors on your behalf. While doing so, they will inform them that you have entered a debt settlement plan, and further instruct them to wait, as a settlement offer will be coming their way shortly. The creditors will hear this and know that you have an extra amount of money each month to put into a settlement plan, so you must have enough money to pay them immediately. They will not hesitate to go to the courthouse, and demand to have the money sent to them as soon as possible.
Had you found an alternative route to pay off this money, you would have had about 6-8 extra months of the debt collectors not knowing that you had money that you intend to turn into a settlement. Now that the creditors know of the extra, disposable income, you will be sent to litigation. Here, you may experience wage garnishment and judgments. The creditors could not care anymore about your so-called “debt settlement plan”, they only care to get their money from you.

By the time this happens, debt settlement companies usually have received their percentage from you, and enlighten you that they can no longer service you in any way. Some of the bolder companies will try to persuade you to stick with the plan, which would in turn allow them to continue to take their percentage.

5. 1099(c)

What is a 1099(c) you ask? And why didn’t they tell you about it? It’s a form sent to the IRS when debt is forgiven. So if you “settle” your $7,000.00 Citibank Visa balance for $3,000.00, you will get a 1099(c) (miscellaneous income) from Citibank Visa for $4,000.00. Now you have IRS trouble and there is nothing worse than trouble with the IRS. They make the Mafia seem fair. A client of mine, and former Debt Settlement user, recently got one for $15,000.00 and now they owe the IRS $4,500.00 in taxes.

6. IT JUST DOESN’T WORK.

At best, after dealing with a debt settlement company, you will be left with a credit report full of negatives and maybe, if you are lucky, one or two settled accounts and still have to file bankruptcy.

At worst, you will be stuck with a mailbox full of judgments, a wage garnishment, an atrocious credit report, a settlement savings account that you may not even be able to access in order to close it out and IRS trouble because of phantom income from a 1099(C) miscellaneous income. For all this, you will have ended up paying this company around 15-20% of what you originally owed.

All of this is assuming you have found a halfway decent debt relief company. There are plenty of “debt settlement” companies readily available to take your deposit and promptly skip town. You would have nothing left other than a disconnected phone number and phony e-mail address.
Another option would have been to file bankruptcy for much less money, no 1099’s and likely walk away with much less harm to your credit.

TRY IT YOURSELF IF YOU MUST.
If you have good income and not much debt, debt settlement is something that you can do for yourself by being persistent and working directly with creditors.

A FINAL WORD: BE CAREFUL, REAL CAREFUL.
According to the New York Times article “Debtor’s Pushed Deeper into Hole”
“The industry’s not legitimate”, says Normal Googel, Assistant Attorney General in West Virginia, which has prosecuted debt settlement companies. “They’re targeting a group of people who are already drowning in debt. We’re talking about middle class and lower middle-class people who had incomes, but they were using creditor cards to survive.”
The industry’s own figures show that clients typically fail to secure relief. In a survey of its members, the Association of Settlement Companies found that three years after enrolling, only 34 percent of customers had either completed programs or were still saving for settlements.”

“ I tried debt settlement and paid over 70K to creditors, but finally had to file bankruptcy anyway. I could not get ahead. In hindsight, I should have discussed my situation with an attorney BEFORE I tried to debt settlement on my own.”
CHAPTER 5
What Does The Bible Say About Bankruptcy?

Many Christians feel guilty about seeking bankruptcy protection. They feel guilty because they ran up large debts on their credit cards and now are unable to pay the money back. Some Christians feel bad that their creditors will not be paid. Others have heard that the Bible condemns bankruptcy. Yet before we begin, it is important for us to define what is meant by the term “bankruptcy”; then we can critically examine what the Bible tells us.

In the United States our founding fathers recognized the importance of bankruptcy. In the U.S. constitution, they provided our government with the right to make bankruptcy laws. The bankruptcy laws and procedures we have today, instituted by our federal government, provide relief for overburdened debtors. Persons/entities that are over their head in debt can get a fresh start. Normally, a bankruptcy will discharge the debtor’s obligation to repay some or all debts.
Bankruptcy contemplates the “forgiveness” of debt. The Bible, likewise, contains debt forgiveness laws. Under U.S. law, a debtor may only receive a discharge of debts in a Chapter 7 bankruptcy once every eight (8) years. In the Old Testament, the release of debts came at the end of seven (7) years.

“At the end of every seven years you shall grant a release of debts. And this is the form of the release: Every creditor who has lent anything to his neighbor shall release it; he shall not require it of his neighbor or his brother, because it is called the LORD’s release” (Deuteronomy 15:1-2)

The Bible refers to debt as a type of bondage: “…….the borrower is a slave to the lender” (Proverbs 22:7). Thus, the debtor is a slave to the creditor. Interestingly, the Bible declares, at the end of the sixth year:

“….in the seventh years you shall let [your Hebrew slave] go free from you. And when you send him away free from you, you shall not let him go away empty-handed; but you shall supply him liberally from your flock…. ” (Deuteronomy 15:12-14)

Modern bankruptcy laws, like the Biblical provision above, allow debtors to keep certain property when they file bankruptcy. This gives debtors a fresh start and discourages debtors from going into debt bondage again, after the bankruptcy is over, in order to survive.

Jesus taught us that sin is a type of spiritual debt. Jesus also taught us to ask God to “forgive us our debts [sins] as we forgive our debtors [those who sin against us]” (Matthew 6:12, Luke 11:4). Sin creates a spiritual debt. Borrowing produces a financial debt. Regarding our spiritual debt, the law of justice declares; “the wages of sin is death [separation from God]” (Romans 6:23a). However, the law of grace and mercy states that “the gift of God is eternal life in Jesus Christ our Lord” (Romans 6:23b). Jesus paid for our debt of sin on the cross, a debt too big for us to pay.

Likewise, economically, the law of justice states that if you agree to borrow money and repay the debt, you must pay back such debt. The law of mercy, on the other hand, states that is you cannot pay the debt back, you may, through bankruptcy, obtain forgiveness for your obligation.

As with any act of mercy, someone must bear the cost of the burden, just as Jesus did in dying for our sins. With bankruptcy, the creditor and ultimately the consumers must, in mercy, bear the burden of the unpaid debt, but God said he will bless us for such acts of forgiveness and mercy (Deuteronomy 15:5, 10, 18).
Jesus in two (2) parables used the illustration of forgiveness of financial debt to teach about God’s forgiveness and the requirement that mankind forgive *(see Matthew 18:21-35 and Luke 7:36-50).* “And when they had nothing with which to repay, he freely forgave them both” *(Luke 7:42).*

On a spiritual level, by the grace and mercy of God, Jesus gave us a “fresh start” by canceling all our “sin” debts through His suffering and death on the cross. On an economic level, our nation will graciously help overburdened debtors, if necessary, by giving them a fresh start economically.

A guiding principle of U.S. Bankruptcy law requires persons who file for bankruptcy to have “clean hands.” Accordingly, a debtor may not be freed from debts involving fraud, drunk driving and deliberate wrongdoing. Moreover, bankruptcy law does not allow the discharge of child support and alimony debts. Further, most student loans, taxes *(Romans 13:1, 4, 7)* and secured loans are not forgiven in bankruptcy. Through these restrictions, bankruptcy laws seek to balance justice and equity *(Proverbs 1:3).*

As with most biblical principles, there is a balance. If you can repay your debts, you must. If you cannot, then you should determine how God would have you freed from the bondage of debt. Our modern bankruptcy laws were derived from the Bible *(Deuteronomy 15:1-2).* Further, the Bible describes financial miracles *(2 Kings 4:1-7).* Ultimately, you must seek wisdom and guidance from God as to the direction He would have you choose.

God promises to give such wisdom to those who ask with a trusting heart *(James 1:5-7; Proverbs 3:5-6).* Further, the Bible admonishes us to seek Godly counsel *(Psalms 1:1, Proverbs 12:15, 11:14, 15:22).*

If you have mismanaged your finances, confess your failings to God now. You can receive, by faith, His forgiveness and cleansings *(1 John 1:9).* Remember, there is no condemnation or guilt to those who are in Christ Jesus *(Romans 8:1).* Jesus, by His love and mercy, gave us a fresh start, a new birth. Bankruptcy, based on the law of mercy with divine origins, if necessary, may provide you with a fresh start – a new and brighter economic outlook.

*The words “Thank You” sometimes seems so small for someone who did so much. Not once did you ever let us down and you always followed through on what you said you would do to take care of paperwork, filings and most important a listening ear which is by far more valuable to the ones in need (us). I am glad God brought us to you and I am very glad to have met you, a person of kindness and an angel working for God.*
CHAPTER 6
Myths, Secrets and the Truth

Bankruptcy is meant to give financially overwhelmed consumers a fresh start. However, many people are embarrassed and humiliated by the prospect of filing because, like you, they truly want to pay their bills. They are not dishonest people looking for an easy way out. They are hardworking people who have run into hard times and who are looking for some relief.

When I think of my clients, I honestly cannot think of a single one who didn’t feel an obligation to repay their debts. For most people, it’s a question of morals; they borrowed the money, so they should repay the money. Because of this mindset, it’s quite difficult for most people to come to terms with the idea of filing bankruptcy. General Motors didn’t hesitate to file when it became necessary. Neither did Donald Trump or Larry King or NFL Great Mark Brunnell or the Amelia Island Plantation Company. What about Ireland, Greece and Portugal? If an entire Country can fall on hard times and seek relief why can’t you?
But bankruptcy is legal, and until it comes illegal, there is absolutely no reason not to file if you are on the brink of financial disasters. You deserve the fresh start that bankruptcy offers. You deserve the peace of mind and relief from the endless barrage of phone calls from your creditors. You deserve to know that you will be able to feed and clothe your children and keep a roof over their heads while you get your financial situation worked out.

**MYTH #1**

*Filing bankruptcy will hurt my credit for ten years*

**FALSE.** Although bankruptcy can stay on your credit report for seven to ten years, assuming you begin rebuilding your credit immediately and keep your credit clean, it is possible to obtain a mortgage within eighteen to twenty-four months after discharge. Without a bankruptcy you will have a hard time rebuilding credit. It’s bad and stays bad.

You can begin building your credit after bankruptcy by getting a secured credit card and using it, making sure to pay the balance off each month. Avoid secured cards that do not convert to an unsecured card after a period of on-time payments. You can also get an installment loan or personal loan and make your payments on time in an effort to rebuild your credit.

If you have a student loan, mortgage or car payment that was not paid in full during your bankruptcy, continue making your payments after your bankruptcy case is discharged. This is a great way to reestablish credit.

Finally, as an extra service, we work with an outstanding credit repair company to restore your credit as quickly as possible after bankruptcy. Ask about our 90 day credit makeover by calling our office at 904-491-1083 or 904-421-6907.

**MYTH #2**

*Everyone will know that I filed bankruptcy*

**WRONG.** Although bankruptcy filings are a matter of public record, no one you know will know about it unless you tell them. Our office staff and court personnel will, of course, know about it.

**MYTH #3**

*If I file for bankruptcy, my boss will fire me*

**B.S.** Lots of bankruptcy clients worry about whether or not bankruptcy filings are a public matter and about the effect filing for bankruptcy might have on their current job or their ability to get a job in the future. It is absolutely illegal for your boss to fire you because you have filed for bankruptcy.
MYTH #4

*Every single one of my debts will be wiped away if I file for bankruptcy*

**NOT TRUE.** There are people out there that assume by filing a bankruptcy you will be able to wipe away every single last possible debt owed. However, there are a few debts that are not generally discharged in a bankruptcy like child support, student loans, criminal fines and some taxes.

MYTH #5

*I am a bad person for filing bankruptcy*

**FALSE.** There is a stigma associated with filing bankruptcy. The truth is that bad things happen to good people. There’s a reason that over one million people file bankruptcy each year, and it’s not because they are bad people. On the contrary, they are good people looking for a solution to their financial problems. Bankruptcy provides hard-working people like you with the fresh start they deserve, but would otherwise be unable to obtain.

MYTH #6

*I can pick and choose what to include in my bankruptcy*

**WRONG.** You must include all of your assets and liabilities in your bankruptcy petition. You cannot exclude a creditor from your bankruptcy because you plan to continue paying them.

It’s great that you want to pay, but it is mandatory that you list each and every one of your debts. Once your case is discharged, you can continue paying any debt, but you are under no obligation to do so.

MYTH #7

*I will never be able to own property again*

**NOT TRUE.** Immediately after you receive your discharge, you will receive credit card offers and may even receive credit offers from auto finance companies. You can keep the money you earn from your job, unemployment or any source. In short, you can have your life back.

MYTH #8

*I’ll be thrown in jail if I don’t pay my debts*

**NONSENSE.** As a method of intimidation, debt collectors may tell you that nonsense. Not only is this not the truth, but they may be breaking federal law by threatening you with such outlandish things.
If you have been threatened by a creditor in this manner, contact our office immediately. You may have a case against them.

**MYTH #9**

*If I file for bankruptcy I will be homeless and lose my car.*

**FALSE.** Contrary to popular believe, filing for bankruptcy might be the easiest way to keep such items. Immediately after filing for bankruptcy, all creditors must stop attempting to collect. That includes repossession and foreclosure.

**MYTH #10**

*I will lose everything I own.*

**FOOEY.** Bankruptcy makes it possible for you to keep the majority of your property, and it offers you protection from the collection efforts of your creditors, protections you simply don’t have outside of bankruptcy. Bankruptcy doesn’t wipe out secured loans such as for a house or car. This means that you will have to continue to pay for certain property if you want to keep it.

**MYTH #11**

*I can’t get rid of IRS taxes by filing bankruptcy.*

**WRONG.** You may get rid of income taxes that are more than three years old by filing bankruptcy. There are several qualifications that you must meet for the taxes to be wiped out, but having a portion wiped out is better than having none wiped out at all.

**MYTH #12**

*I can only file bankruptcy once.*

**NOT TRUE.** You can file bankruptcy as many times as you want. However, you are limited on how often you can receive a discharge. You can receive a Chapter 7 discharge once every eight years or a Chapter 13 discharge every two years. If you receive a Chapter 7 discharge, you have to wait six years before you can receive a Chapter 13 discharge. If you receive a Chapter 13 discharge, you cannot receive a Chapter 7 discharge for four years.

If you do not receive a discharge, you can refile as many times as you want. Be advised, however, that the court will punish serial filers by preventing them from filing again for six months or more.
MYTH #13

*Creditors can still harass me after I file bankruptcy*

**FALSE.** When you file bankruptcy, the automatic stay protects you from the collection efforts of your creditors. Creditors are not allowed to contact you for ANY reason, which includes phone calls, letters, and even billing statements. If a creditor persists in contacting you after you file bankruptcy, you should let me know.

MYTH #14

*Filing bankruptcy causes more family trouble and divorce.*

**FALSE.** Bankruptcy eliminates debt, thus eliminating stress. Filing bankruptcy can be the solution to a major problem that, unresolved, often leads to divorce. Although making the decision to file bankruptcy is difficult, the relief provided will lift a huge weight off of you. The absence of financial stress will give your relationship a fighting chance.

MYTH #15

*I am all alone.*

**MAYBE.** This is up to you! You can either keep trying to figure things out yourself, or you can contact a bankruptcy attorney and accept their help to determine what is possible for you.

MYTH #16

*Bankruptcy relief is no longer available.*

Since the bankruptcy laws where changed in 2005, it is a little more involved and somewhat more expensive, but it still works.

MYTH #17

*You can’t file bankruptcy if you have a job*

**FALSE.** The new “means test” is supposed to divert some filers who make more than the median income for households of their size in Florida from a chapter 7 to a chapter 13. The only way to fund a Chapter 13 plans is to HAVE a job. So, this is utterly untrue.

MYTH #18

*Medical bills can’t be discharged in bankruptcy*

**B.S.** A variation on this myth is that “you can’t discharge credit card debt in bankruptcy”. This is the
sound of the law as described by bill collectors. Almost all unsecured contract debt, like credit cards, personal loans, and medical bills, are dischargeable in bankruptcy.

**MYTH #19**

*Chapter 13 plans require repayment in full of debt*

Chapter 13 plans range from plans that pay general unsecured creditors nothing to plans that pay 100%, with every variation calculable in between. How much you must pay in a 13 is driven by the interplay between your disposable income, expenses, the value of your non-exempt assets and the total of priority debts that you have.

**MYTH #20**

*People who file bankruptcy can’t get credit for 10 years*

**NONSENSE.** People in Chapter 13 can borrow money during the case; people who’ve filed Chapter 7 get credit card offers before and after they get their discharge. This is not credit at the best rates, but credit is available. The myth probably got its start in the fact that the Fair Credit Reporting Act allows the reporting of a bankruptcy filing for 10 years. This is especially not true for our clients who have benefited with our 90 day credit makeover after bankruptcy. Just ask our staff in Jacksonville at 904-421-6907 or Fernandina Beach at 904-491-1083 about repairing your credit.

**MYTH #21**

*Bankruptcy costs our society too much*

**B.S.** Credit card issuers are wildly profitable despite the small percentage of loans discharged in bankruptcy. Our economy has benefited by the purchasing power facilitated by credit and the pricing of credit takes into account that not everyone will be able to repay.

**MYTH #22**

*There is a minimum amount of debt required to file bankruptcy*

**Nope.** Bankruptcy law does not set any minimum amount of debt necessary to file. If the debt appears to be beyond your ability to pay, you can elect to file bankruptcy if it represents a smart choice in your personal and financial situation.

“Thank you so much for your time and wisdom.”
Can I Own Anything After Bankruptcy?

**YES.** Many people are under the impression that they will not be able to own anything for a period of time following filing for bankruptcy. This is not the truth. After the bankruptcy is filed, you will be allowed to keep your exempt property and anything acquired after the filing date. However, within 180 days after filing for bankruptcy, if you receive life insurance benefits, an inheritance or a property settlement, that property or money might have to be paid to your creditors if it is not exempt.

Will I Ever Get Credit Again?

**IT DEPENDS.** Although it is true that bankruptcy can be listed on your credit report up to ten years after your case is filed, the actual effect on our credit score depends on the pre-bankruptcy filing score. This is temporary because you will be able to immediately start rebuilding your credit after your case is filed. It is not rare that people with low credit scores, prior to filing bankruptcy, experience their
credit scores rising shortly after filing, as long as necessary payments are maintained from then on out. Many banks now offer “secured” credit cards, allowing a debtor to put up a certain amount of money, sometimes as low as $200, in an account at the bank in order to guarantee payment. More often than not the credit limit is equivalent to the security provided and is gradually increased as the debtor proves their capacity to pay off the debt. Two years after a bankruptcy discharge, debtors can qualify for a mortgage. The stability of one’s income, your post bankruptcy payment record and the size of the down payment will be much more important than the bankruptcy filed in the past. However, if you are not working after the bankruptcy and you continue with late payments and bad habits your credit may never recover.

**Can My Boss Fire Me For Filing Bankruptcy**

**NO.** There is a specific law prohibiting discrimination against those that have filed bankruptcy. The law is 11 U.S.C. Section 525. Although that doesn’t guarantee that a possible employee won’t hold it against you, legally they should not. Your credit report will show if you have filed for bankruptcy to rid yourself of all debts. But what happens if you don’t file bankruptcy? They pull that same credit report and it does not have a bankruptcy on it, but rather a long list of many unpaid debts, which doesn’t look great. This basically brings you to a “six in one, half a dozen in the other” type of situation. In the big pictures, your choices would be to file and have a large black mark on your credit report, or not file and have numerous smaller black marks on the report. Another viewpoint on the situation would be someone taking a look at your credit report, noticing a past bankruptcy, and thinking, “there’s someone who realized they were in trouble and actually did something about it.” A friend of mine who manages a car dealership told me “Bankruptcy means the person has dealt with their financial problems, reduced their debt and if they have a job I can put them in a car”. Finally, we work with Credit Justice Services, a top ranked National Credit Repair Company to help you restore your credit as fast as legally possible. Just ask us 904-421-6907 Jacksonville or 904-491-1083 Fernandina Beach.

**Will Bankruptcy Wipe Out All My Debts?**

**YES, BUT THERE ARE EXCEPTIONS.** Bankruptcy will not wipe out: (1) money owed for child support or alimony, fines and some taxes; (2) debts not listed on your bankruptcy petition; (3) loans you got by knowingly giving false information to a creditor, who reasonably relied on it in making you the loan; (4) debts resulting from “willful and malicious” harm (5) student loans, unless if the court decides that payment would be an undue hardship (rarely).
Can Filing Bankruptcy Stop Bill Collectors From Calling?

**DEFINITELY, YES.** An automatic stay is put into effect and forbids bill collectors from taking ANY action to collect debts.

**Who Will Know?**

Bankruptcy filings are public records. But, under normal circumstances, no one will know you filed for bankruptcy. The Credit Bureaus will record your bankruptcy and it can remain on your credit record for 10 years.

**What Will Happen To My Bank Account If I File Bankruptcy?**

Another common question during initial bankruptcy meetings is how bank accounts will be affected if someone chooses to file. It seems reasonable enough that all credit cards will be canceled during the bankruptcy process, but what about banking accounts? Most of the time, your bank accounts are safe. Banks generally do not touch, let alone close their customer’s accounts simply because the customer has filed for bankruptcy. Wachovia was closing customer accounts and sending the balance to the trustee but they were forced to stop. If you have a checking account and owe on an account, especially if it is a credit union, it would be sensible to move your money to a new bank with which you have no previous relationship. The reasoning behind this is banks and credit unions may be able to use the concept of a “set off” in order to obtain any money you may owe them.

**Can My Utility Company Cut Off Services If I File for Bankruptcy?**

**NO.** If you have filed for bankruptcy in Florida, public utilities can not cut off or refuse service solely based on the bankruptcy case. Conversely, the utility company can require a deposit for future service, and obviously you must pay any bills that arise after your bankruptcy is filed.

**Will I Have to Go To Court?**

**NOT REALLY.** In most bankruptcy cases, you will have to go to only one meeting in person. The “meeting of creditors”, is a designated time for you to meet with the bankruptcy trustee and any creditor that wants to join. More often than not, it’s a non event. You will be asked about your bankruptcy forms and general financial situation. From time to time, if any complications arise or if you choose to dispute
a debt, you may have to appear before a judge at a hearing. If this situation does occur, you will receive notice with a court date and time from the court as well as from your attorney. There are 7 trustees all with different personalities and different ways of overseeing the case and the law. You need an experienced attorney to guide you. I have personally witnessed “train wrecks” involving unrepresented debtors and overzealous trustees in the Jacksonville, Florida bankruptcy courthouse.

What Is Chapter 7 Bankruptcy?

A Chapter 7 bankruptcy, often referred to as a “straight bankruptcy,” is a liquidation proceeding. The debtor is expected to turn over all non-exempt property to the bankruptcy trustee. The trustee then converts it to cash and distributes it to the creditors. Usually within four months the debtor will receive a discharge of all dischargeable debts. More often than not in a Chapter 7 bankruptcy, the debtor has no assets he would lose, making this filing choice a way for the debtor to come out with a fresh start.

What Is Chapter 13 Bankruptcy?

It is mainly used if you make too much money to qualify for a chapter 7 or if you need to save your home. It is most commonly known as a “reorganization bankruptcy.” People who are able to pay off some or all of their debts in a time period of three to five years generally file Chapter 13 bankruptcies. This type of bankruptcy also appeals to individuals that own non-exempt property that they are not willing to give up. It is also an option for those with a predictable income and whose income is enough to pay their living expenses with enough left over to pay off some of their accumulated debts.

Will My Spouse Be Affected?

This is a little tricky. Yes and No, both incomes have to be counted to determine if you qualify. But once the family or household qualifies either spouse can file alone.

How Quickly Can I File Bankruptcy?

How quickly are you able to provide your attorney with the information needed to prepare your bankruptcy case is how fast you will be able to file. Typically, filing for bankruptcy takes about a month. However, in an urgent situation our office may be able to file the same day, if you are able to supply us with the adequate paperwork to do so.
What Is A 341 Meeting of Creditors?

Within thirty days after filing bankruptcy, a debtor must attend a meeting controlled by the assigned bankruptcy trustee. This meeting is most commonly referred to as the “341 Meeting of Creditors.” Each debtor is given a notice of the meeting two to three weeks ahead of time. Provided that there is nothing to suggest to the trustee that the case is unusual in any fashion, the 341 meeting is usually very quick and painless. Rarely do creditors attend the 341 meeting. Finally we provide our clients with a list of questions to expect from the trustee who has been assigned to your case.

Can I Keep Any Credit Cards?

It depends. You don’t have to list a credit card with a zero balance. Whether or not a debtor is entitled to keep a credit card after filing a bankruptcy is solely up to the credit card company. But, if you owe on a credit card, unless you reaffirm the debt, the creditor will cancel the credit card. But, even with a balance of zero, the credit card company may choose to cancel the card.

Do I Have to Use A Lawyer To File Bankruptcy?

No, but, it’s like cutting your own hair to save money. You can do it but be damn careful. Chances are it’s not going to be pretty. A lawyer is not required for you to file a Chapter 7 or a Chapter 13 bankruptcy. Thanks to changing laws requirements and aggressive trustees, filing for bankruptcy is a very complex matter. It is advised that you seek the services of an experienced bankruptcy attorney. Although it may require the payment of some legal fees, you will end up with peace of mind, less stress, and quite possibly more money saved than if you were to file on your own. I have seen some bad train wrecks with self filers when they get the wrong trustee.

Can A Creditor Prevent My Discharge?

In a few situations, a creditor may have the ability to keep a debtor from discharging their debt. For example, if a creditor is able to prove that credit was provided based on false information from the debtor or if they can show that the debt was incurred in anticipation of filing bankruptcy.

Do I Need To Take A Class To File Bankruptcy?

**YES.** There are actually two required classes you must complete to finalize a Bankruptcy in Florida. The first class is a credit counseling class which must be done before filing. This class is available on
the internet and let you know about your options as well as whether or not bankruptcy is the best route for you. After your case is filed, you will be required to take a Financial Management class. This class, among many other things, will help you learn how to best budget your money, avoid incurring loads of debt that may have led you to bankruptcy in the first place, and help you learn how to re-establish your credit in the future. Like the credit counseling class, this class is also offered on the internet and must be completed before your case is over. If it is not completed before the end of the case, you will be denied your discharge.

What About A Bankruptcy Petition Preparer?

State and Federal law strictly limits what a petition preparer can do for you. Basically, you would be hiring a typist; you would still have to make every legal decision on your own. Unless you are extremely familiar with the intricacies of the new Bankruptcy Code and new Rules of Bankruptcy Procedures, this can be a very complicated task. Be aware that there are many things that a Bankruptcy Petition Preparer cannot do for you, such as giving legal advice, including which chapter to file that would best suit your needs, whether or not the debtor’s debts will be discharged, whether or not the debtor will be able to retain their home, car, or other property. Also, the preparer cannot mention any tax consequences of a case, or anything concerning bankruptcy procedures and rights. Remember that you only get one shot at a Chapter 7, make it count. There are no do overs or mulligans!

What Will Bankruptcy Do To My Future Credit?

**IT DEPENDS.** Creditors often look to see what steps you are taking to be financially responsible post bankruptcy to renew your credit score.

**The following steps will help:**

- Get a low limit credit card, a secured credit card, or a personal loan. Each month, do not exceed 30% of your available credit, and be sure to pay off your balance in full.
- Six months after your bankruptcy case is closed, order your credit report from the three credit bureaus. Make sure the reports state that your debts have been “discharged in bankruptcy”.
- If you still have student loans, each month try to pay more than the minimum required payment.
- Do not co-sign for a loan for someone else.
• If you are planning on keeping your car, sign a reaffirmation agreement with your lender. Reaffirmation agreements are often made and signed in order to protect a house or a car. By signing a reaffirmation agreement, you are legally obligated to pay the debt and the creditor will report payments to the credit bureaus. If you don’t sign a reaffirmation agreement payments are not reflected to the credit bureaus.

• Work with a firm like ours to repair your credit. We work hand in hand with Credit Justice Services (a National Credit Repair Company) to rebuild your credit after bankruptcy.

**What Is A Bankruptcy Discharge?**

Under the federal bankruptcy law, a discharge releases the debtor from personal accountability for certain detailed types of debt. It’s gone. You are no longer obligated to pay debts that are discharged in your bankruptcy case. The discharge acts as a permanent order to your creditors; halting them from taking any form of collection action on discharge debts.

**What is Reaffirmation?**

It is a process by which you re-agree to pay a secured debt usually a car loan, but it could be a house or boat or furniture.

**Can A Bankruptcy Discharge Be Revoked?**

A Discharge can be revoked under particular conditions. For example, a trustee, creditor, or the United States trustee may request that the court revoke the debtor’s discharge in a Chapter 7 case based on:

• Accusations that the debtor acquired the discharge fraudulently;
• The debtor failed to disclose the fact that he or she obtained or became entitled to obtain property that would constitute property of the bankruptcy estate or;
• The debtor committed one of several acts of impropriety described in section 727(a) (6) of the Bankruptcy Code.

Generally, a request to revoke the debtor’s discharge must be filed within one year after the granting of the discharge. In some cases, it is required to be filed before the case has closed. It is up to the court to determine whether such allegations are true and, if so, to revoke the discharge. In a Chapter 13 case, if confirmation of a plan or the discharge is obtained thought fraud, the court can remove the order of confirmation or discharge.
What Is the Means Test?

The means test is one of the first things that any attorney needs to know to prepare in order to file a consumer bankruptcy case. The results of this process will tell you whether you qualify to file a Chapter 7. And it will tell you what your monthly payments would be if you were to file a Chapter 13.

It’s really a two part test. First is the determination of whether or not you are under “median income”. If you are above “median income” then the more compressive “means test” needs to be completed. This is a calculation starting with your income (and all income contributed to the household for the last six (6) months prior to filing the bankruptcy petition) less your normal living expenses. Sounds easy? It’s not.

Although the means test needs to be done, at least to some extent, in both a chapter 7 and a chapter 13 bankruptcy, it is perceived somewhat differently in each. There just seems to be an easier, more cursory examination of the form in a Chapter 7 then in a 13.

The reason for this can be understood by examining the chief difference between the two types of bankruptcy. In the Chapter 7, the means test is a snapshot of your financial condition on the day you file the bankruptcy. Thus, if you owe money on a house payment, you have that expense, even if you are giving up the house or it is in foreclosure.

In a chapter 13, however, the purpose of the means test is to measure the amount of money you will have available to pay your creditors over a three to five year prior. So, if you are giving up the house, that money will be available for you to use to pay creditors and therefore cannot be included in your expenses.

The means test can be as simple as completing a comparison between your annual gross income and the “median income” allowable in Florida. Or it can be as complicated as a corporate tax return. As of November 1, 2010 the new median family income figures from Florida based on family size are:

- 2 person families $50,130
- 3 person families $54,594
- 4 person families $65,135
- 5 person families $72,635
- 6 person families $80,135

Bankruptcy can be complex and many cases are routine but it takes a competent bankruptcy attorney to guide you through the process. So call the Law Office of Robert Peters at 904-421-6907 (Jacksonville) or 904-491-1083 (Fernandina Beach) or go to our website at www.restartyourlifejax.com.
Do I Need A Lawyer To File?

**NO.** There are three main costs in filing bankruptcy: 1) the attorney fees; 2) the court costs; and 3) the credit counseling classes. By filing the case on your own, you will save on the attorney fees. This is referred to in the court as “pro se” filing. Within the Jacksonville, Florida area, you will find that most bankruptcy attorneys charge approximately $1500 for a chapter 7 and $3500 for a chapter 13. In order to file on your own, you will need copies of all necessary forms that are provided to you on the bankruptcy court’s website. Once all of these forms have been looked over and filled out correctly, the bankruptcy court will charge you a filing fee ($299 for a Chapter 7 and $274 for a Chapter 13). Even if you decide to file “pro se”, the court will still charge you the filing fee. You must also obtain the credit counseling (typical cost $50) and the financial management course (usually another $50). The U.S. Trustee’s office keeps up with a list of places that will guide you through the class and provide you with one of the obligatory certificates. However, there is a way to have to court waive your filing fee, which, in turn, will also qualify you for a waiver of credit counseling fee. In order to be eligible for these waivers, the court needs quite a bit of financial information from you in order to compare it to the guidelines for granting a waiver. There will then be a hearing in front of the bankruptcy judge, where he would determine whether or not to waive these fees. There are many determining factors, but the main of criteria is based on how much money you truly have, but only 2% of bankruptcy cases will actually qualify for the waivers. The waivers are left for those with absolutely no way to pay the necessary fees. Technically, it is possible for file a bankruptcy free of charge, but it’s difficult.

Bankruptcy can be complex and many cases are routine but it takes a competent Bankruptcy Attorney to guide you throughout the process. Don’t try an inexperienced Attorney or Petition Preparer or try and do it yourself or you may find it’s like trying to put toothpaste back in the tube.

“Yes…it worked out the best I could possible imagine given all we had to do to make it happen. You are really good at what you do. There are lots of bankruptcy attorney’s out there but I don’t think anyone would have made the effort that you did. You worked really hard and made extra effort. It took me a long time to make the decision to file BK and even longer to choose an attorney. I am SO glad I chose you. I can’t imagine what would have turned out with some of the other jerks I met with. I know it’s your job, but it felt like I was the only case you had. Very personal attention…imagine…an attorney who cares???? Who would have known???”
1. **WAITING TO LONG** – It is human nature to put off unpleasant events like bankruptcy. No one wants to file bankruptcy. Most people feel terrible about filing bankruptcy so they postpone bankruptcy as long as possible. Waiting too long to file gives your creditors the opportunity to seize your assets by garnishment and levy. Also, people who postpone bankruptcy often deplete protected assets such as their retirement funds and are left after filing with no savings. Wage garnishment, foreclosure, and repossession can all be stopped by filing bankruptcy before creditors begin these collection actions. The purpose of bankruptcy is to help you recover from financial difficulty, and waiting too long to file makes recovery more difficult.

2. **GETTING A SECOND MORTGAGE INSTEAD OF FILING BANKRUPTCY** – Many clients try to put off inevitable bankruptcy by obtaining a second mortgage to pay off their unsecured debts. If you cannot make your first and second mortgage payments, you can lose your home. It is not wise to risk your home for the benefit of unsecured creditors.
3. DEPLETING IRA AND 401K PLANS TO PAY CREDITORS – In Florida, your IRA and 401K plans, as well as other tax qualified plans, are exempt assets. You can file bankruptcy and still keep all of your retirement savings to help reestablish your normal lifestyle after bankruptcy. Do not sacrifice your retirement security to pay your unsecured creditors. Eventually, you may still have to file bankruptcy, and in that case, there is no benefit to having depleted retirement funds in an effort to postpone filing.

4. FILING WHEN YOU HAVE A SUBSTANTIAL TAX REFUND PENDING – The exemption for income tax refunds is limited and an ill-timed bankruptcy may jeopardize your refund. You should discuss any expected refunds with your attorney before filing.

5. REAFFIRMING BURDENSOME DEBT – Reaffirming (keeping) loans that you really cannot afford through bankruptcy will make it difficult or impossible for you to recover financially. For example if you are significantly upside on your car and your payment is high and your interest rate is high. Reaffirming may be a very bad idea.

6. FAILING TO LIST ALL CREDITORS – A creditor you forgot to list on your bankruptcy petition may not be discharged. You should list all creditors, even if you intend to repay the creditor. You must also include debts owed to family members and other insiders.

7. LARGE CREDIT USAGE SHORTLY BEFORE FILING BANKRUPTCY – You must tell your attorney if you have taken significant cash advances, made balances transfers, or made other large purchases within the previous three (3) months.

8. PAYING BACK LOANS TO FAMILY MEMBERS BEFORE FILING BANKRUPTCY – People generally do not want to file bankruptcy against their family members or business partners so they sometimes repay these loans before contacting a bankruptcy attorney. Repaying loans to family members (or insiders) within one year of filing bankruptcy should be avoided. The Trustee can sue your family members and insiders to recover sums paid to them within the past year.
9. TRANSFERRING NON-EXEMPT ASSETS TO OTHERS – Assets transferred in anticipation of filing bankruptcy may be recovered by the Trustee as a fraudulent conveyance. Giving away money or other assets to your children, parents, or friends will not protect the assets from the bankruptcy trustee, and such transfers may jeopardize your bankruptcy discharge. The trustee may sue your family members or friends to reverse such transfers.

10. IGNORING LETTERS FROM THE COURT AND YOUR ATTORNEY – Any notice or letter you receive either from the Bankruptcy Court or your attorney is important. Failure to respond to a communication may have adverse consequences. There is probably a good reason why your attorney is trying to contact you or is asking you for information and documents.

“ I just wanted to thank you again for the time you took to counsel me. I am taking your advice. You lifted a heavy burden.”
Why Do You Need An Attorney?

We have all heard “do it yourself” horror stories and filing bankruptcy is no exception. Yes, it does cost money to hire an attorney but how much could it cost you if you don’t? Yes, you can represent yourself, but how much could it cost you if you do? By not allowing a bankruptcy expert to assist you, it is possible that it could cost you more than you are willing to pay.

When considering whether or not to hire a bankruptcy attorney, consider other important scenarios in your life when you chose to consult a professional in the field. Perhaps it was taking your injured pet to the veterinarian, having a licensed minister perform your wedding, or hiring a realtor to aid you in finding your new home. Now consider how different the outcome may have been if you chose to complete the task yourself, or allowed an inexperienced, uneducated stranger to the field to complete it on your behalf. Would the result have been satisfactory?

People who choose to file bankruptcy on their own believe that it is easy because all of the forms are available online. Little do they realize at that time, that the forms require an immense amount of data
that the filer may not understand. Additionally, mistakes can be made very easily – mistakes that can cause the filings to be rejected:

1. **Incorrectly Selecting Exemptions**

   State and Federal exemptions protect the filer’s property and must be claimed. However, different states have different exemptions rules. If the incorrect exemptions are filled out, it could result in the seizure and liquidation of your property.

2. **Not Listing Every Asset**

   Assets are widely varied; the most common assets include cash in the bank, investment accounts, retirement accounts, tax refunds, monies gained through lawsuits, and personal property. If any asset is not listed, and the court or trustee becomes aware of it, it could be considered that you attempted to hide it. The consequence of hiding an asset can be as simple as not being able to claim it as an exemption, or as detrimental as having your case dismissed.

3. **Reaffirming Debts**

   Without a bankruptcy attorney to work with, creditors can communicate with you directly about Property you own through them. Reaffirming means that you agree to exclude that debt from the discharge, and thereby agree to pay the entirety of the debt. Whether to reaffirm or not is a critical decision that can have consequences long after the bankruptcy is filed and over with. Be very careful.

4. **Incorrectly Submitting A Chapter 13 Plan**

   Filing Chapter 13 bankruptcy is a precise process that can easily result in objections and dismissals, particularly when it is completed by individuals who are unfamiliar with how to compile a successful plan. This process can become very confusing, very quickly.

5. **Not knowing the Trustee**

   There are 8 Trustees in Jacksonville and are all different. They look at things differently and attack your case differently. If you don’t know who you are dealing with you might be dead in the water. We saw this recently when we watched someone file themselves. She got a very difficult Trustee and I can guarantee you that she regrets the day she ever heard the word bankruptcy.
After considering these common mistakes (and related consequences) made by self-represented filers, you can see how hiring a professional bankruptcy attorney is an assurance. It assures you that your individual situation is carefully evaluated; that all of your questions and concerns are addressed; that the right bankruptcy is chosen based on your particular financial circumstance; that the bankruptcy forms are filed correctly and promptly and that every possible task is accomplished to achieve a successful discharge. How much is peace of mind worth?

Mistakes to Avoid In Choosing the Right Bankruptcy Lawyer

1. **Hiring an attorney who lacks the necessary bankruptcy knowledge and experience:**
   It isn’t uncommon that someone will hire an attorney that lacks the proper experience in the practice in which they seek representation. Even if you have had wonderful previous experience with a certain lawyer in one area of law, that doesn’t mean you should seek them out for a different field of practice. The practice of law has become more and more specialized, and there are not many “general practitioners” who continue to practice all areas of law. It is difficult to effectively handle various facets of the law in a professional manner. If you seek out an attorney who mainly concentrates on the area of help you need, you will have a much better success rate in the end.

2. **Basing your decisions solely on the cost of the attorney’s fees:**
   Plenty of people never hesitate to choose an attorney bases on price. While this is a good thing to do in other areas of life, such as while comparing cars, buying groceries or clothing, or other various retail goods, but when it comes to choosing an attorney, you will want to get the best “personal services” from an attorney possible and not the cheapest personal services. This common mistake is magnified when you consider the disastrous consequences that can come your way if your legal issues are handled incorrectly. Fixing a poorly filed bankruptcy is like trying to put tooth paste back in the tube.

   It is also wise to steer clear of the attorney who charges an outrageous amount. This is capitalistic society, and many attorneys won’t hesitate to charge you an arm and a leg. The most expensive is not necessarily the best.
3. **Hesitating to ask all the necessary background questions.**

   It is not uncommon for people to fail to ask the critical questions during the hiring stage. Questions about the attorney’s ability, experience, and knowledge and success rate are all very important things to know before you hire them to represent you. Be prepared to ask the attorney some direct questions. You are the consumer and you are able to choose where to spend your money. Make sure you have a very clear and understandable picture of the attorney you may end up hiring.

**Things that you should consider asking the attorney are as follows:**

- Does he handle this type of case regularly?
- What is the percentage of his practice in this specific area?
- Will it be her that personally oversees the case matters, or will it be one of his associates or paralegals?
- How readily available will he be to answer your questions either in person, e-mail or over the phone?
- How many years has she been part of this area of practice, and what is her general success rate?
- Is he able to provide names of satisfied clients?
- Does he take any ongoing legal education training in this field?
- Is she a member of any organizations, whether local, state or national, that relate to the particular area?
- What is his reputation among his peers?
- Is he willing to provide any references?
- Does she have any published works on the matter?
- Has he prepared any helpful educational materials on the subject for review?

   These area just a few examples of what you could ultimately ask any prospective attorney during the initial interview stage. If you receive vague, evasive answers that may be a red flag that you should seek help elsewhere.

   Lawyers are in business to provide a specific service. If they fail to provide excellent service to their clients, they are not worth hiring. Just as paying to eat at a restaurant with cheap food and poor service is not worth the tip money. Don’t overpay only to receive inferior service.
There are many attorneys out there that will charge a very high premium, yet fail to provide great service. There are also attorneys that limit access by restricting the times; days and hours that file information may be obtained.

For some lawyers, bankruptcy has turned into a volume business. Debtors facing a bankruptcy sometimes, unfortunately, acquire inferior legal services and advise. The client should be able to have access to the attorney, as well as their own personal file information.

4. **Are they overworked?**

You, as a client, should always be treated with respect. This mean you should have your questions answered as well as your phone calls and e-mails returned promptly under normal circumstances within 24 hours. In order to be guaranteed such quality service, make sure the attorney and law firm that you hire will value you as a client, as opposed to just another number. Make sure you receive friendly treatment from the attorney and his staff. These can be very important factors that you should take into consideration while you decide on which attorney to hire for your situation.

“**Time itself is an invaluable gift. It is wise to cherish it carefully and give it away generously. When I was on the internet looking for an attorney to help us with our bankruptcy, I know God’s hand was helping and pointed me into your website. Both my husband and I are grateful for you being their for us. You are a man of integrity and honor.”**
CHAPTER 10

What Should We Expect?

What Happens After I Hire An Attorney?

If you hire my law firm to represent you in a bankruptcy, we will aggressively represent you. We will evaluate every aspect of your case to ensure that you get the best outcome under the circumstances. Here’s what you can expect:

*Retainer Agreement*—the first thing you will do is sign a retainer agreement. The retainer agreement specifically sets forth the terms of our representation of you in writing. Think of the retainer agreement as our promise of loyalty to you and our commitment to represent you in a professional, courteous, and zealous fashion.

*Interview/Case Evaluation*—we will conduct an extensive interview with you to get a firm grasp of your situation. No two people, circumstances or bankruptcies are the same. Therefore, it is essential that we evaluate each case individually to ensure that we address and prepare for any unique issues or circumstances that may arise.
**Review of Documentation**—we will provide you with a detailed list of the documentation that we will need to prepare your petition. Once you provide us with that documentation, we will go over it with a fine-tooth comb. When necessary, we will obtain copies of legal documents, such as judgments, divorce decrees, and other liens. We will need your cooperation here so we expect you to do your part.

**Pre-bankruptcy Counseling**—we will assist you in obtaining the pre-bankruptcy counseling required.

**Analysis of Legal Issues**—we will analyze the legal issues of your case, including exemptions, validity of liens, and any factors that may affect your ability to obtain a discharge.

**Draft the Petition**—we will draft your bankruptcy petition, schedules, and other documents required to be filed by law.

**Review the Petition**—we will meet with you and go over your petition page by page to make sure that all of your assets and liabilities are properly listed and to ensure that all other information contained in the petition is accurate.

**File Petition**—we will file your petition with the court and ensure that each of your creditors receives notice of the filing.

**Serve Chapter 13 Plan**—if you’re filing a Chapter 13 case, we will make sure that each of your creditors is properly served with a copy of the Chapter 13 plan.

**Pending Litigation**—if any of your creditors has commenced a lawsuit against you, has begun foreclosure proceedings, or threatened repossession; we will provide them with a Notice of Bankruptcy Filing immediately after your petition is filed. Additionally, we will file the appropriate Notice of Bankruptcy in the courts in which litigation against you is pending.

**Meeting of Creditors**—we will prepare you for and attend the meeting of creditors with you.

**Pre-discharge Counseling**—we will assist you in completing the personal financial management course necessary to obtain a discharge.
**Trustee and Creditor Objections**—if the bankruptcy trustee or any of your creditors files an objection we will work aggressively to cure the objection.

**Chapter 13 Confirmation Hearing**—we will prepare you for and attend the confirmation hearing with you. We will make sure that any documentation required by the trustee to confirm your plan passes muster.

**Defense of Actions by Creditors**—if any of your creditors files a motion, complaint to determine discharge ability, or other action against you; we will thoroughly review the pleading, discuss it with you, and formulate a plan of action to defend against it.

**Review of Proofs of Claim**—we will thoroughly review each proof of claim filed by your creditors and, where necessary, file the appropriate objection. After the deadline to file proofs of claim has expired, we will file the necessary notice with the court to prevent any late filed proofs of claim from being included in your bankruptcy case.

**Reaffirmation of Debts**—we will discuss with you each of your debts to ascertain whether it would be in your best interest to reaffirm. If you decide to reaffirm any of your debts, we will review the reaffirmation agreement with you before you sign it, and appear at any hearing arising from your desire to reaffirm.

**Lien Avoidance**—we will analyze any liens against your personal or real property and, where warranted, file a Motion to Avoid Lien.

**Final Case Review**—we will review your case to make sure you have satisfied all requirements necessary for discharge.

**Miscellaneous**—we will evaluate any miscellaneous matters as they arise and will file the appropriate motions to address them.

Keep in mind that each case is different. Therefore, every one of the above steps may not be necessary in your case.
As an attorney specializing in bankruptcy, I have worked with many clients over the years and time and time again I am made aware that bad things happen to good people. I realize that unfortunate circumstances can happen to anyone and sometimes bankruptcy becomes the only viable option. For this reason I am committed to provide unbiased, non-judgmental representation to the absolute best of my ability to every one of clients. My goal is to achieve success; success that is measured by helping my clients acquire the best possible outcome for their circumstances.

My years of expertise enables me to help all sorts of would be filers. If you have filed before or are filing for the first time; if your case was dismissed or you are changing attorney and need new representation; if you are overwhelmed by creditors, I would like to offer you a complimentary phone consultation to discuss your situation and what I can do for you.

But don’t just listen to all the positive things I have to say about myself, consider the testimonials from a few of my past clients that can be found at the end of each chapter. Furthermore, if you would like additional or specific references, please give me a call at 904-421-6907 (Jacksonville) or 904-491-1083 (Fernandina Beach).

My years of expertise enables me to help all sorts of would be filers.

My hope is that by having ready my book, you are more educated about bankruptcy in Florida and have obtained confidence in determining whether or not bankruptcy is the right choice for you. If indeed you choose to pursue bankruptcy, I would appreciate the opportunity to provide you with a complimentary consult. Please visit my website, (restartyourlifejax.com) send me an email (rppalaw@gmail.com) or give me a call (904-421-6907 Jacksonville or 904-491-1083 Fernandina Beach) so that we may schedule your consultation.

I have spoken in this book about making sure the lawyer you choose to solve your financial problems will do a job for you. Here are the guarantees used by my firm, so you can see if other lawyers are willing to put their money where their mouth is.
Guaranteed Level of Service:

I guarantee you will always receive the highest level of personal care and attention from my law firm. No one likes to be thought of as a case number. Every person in my office is here for one purpose: to serve you and to get the best possible result in your case. If you do not receive the close personal care attention you want, nothing else matters. I will treat each client the way I would want to be treated if I were the client and not the lawyer. When you are a client of my law firm, you become part of our family. And we guarantee you will receive the best we can offer. We are not perfect, just like a member of your family; we do make mistakes from time to time. We encourage clients to bring these mistakes to our attention so that we can correct any problems.

I guarantee that if you have not filed another bankruptcy case with in the last twelve months that was dismissed, that the filing of a new bankruptcy case will automatically stop all foreclosures, repossessions, court proceedings (except for criminal prosecutions), garnishments, threats, telephone calls, collections calls, bills, statements, demand letters and general creditor harassment.

In a Chapter 7 case I can guarantee you a discharge as long as you were honest and upfront and listened to my advice and abided by the orders of the court.

WHAT DO I EXPECT IN RETURN?

- I EXPECT you to listen to me and not your friends or what you read on the internet.
- I EXPECT you to be honest with me. I can deal with just about anything if I know the truth.
- I EXPECT you to read my emails and letters and read what you receive from the trustee or bankruptcy court.
- I EXPECT you to respond to my requests for information in a timely manner.
- I EXPECT you to give me feedback on how we are doing.

If you can do the above we can do business and help you

RESTART YOUR LIFE.
“After hearing an ad for Mr. Peters office, we decided to make an appointment. We were both very impressed and satisfied with what we heard and what we learned at our free consultation. We both felt very comfortable and left our meeting with a feeling of relief and confidence that we had made the right decision with our appointment. Robert Peters answered all of our questions and went beyond what we expected. We recommend Robert Peters to anyone that is considering any type of bankruptcy or is in need of financial advice.”