



## National Association of Consumer Bankruptcy Attorneys

2200 Pennsylvania Avenue • NW 4th Floor East • Washington, D.C. 20037

TELEPHONE 800.499.9040 FACSMILE 202.331.8535 WEB [www.nacba.org](http://www.nacba.org)

June 11, 2020

Clifford J. White, III  
Director, Executive Office for  
United States Trustees  
U.S. Department of Justice  
Washington, D.C. 20530  
[Clifford.J.White@usdoj.gov](mailto:Clifford.J.White@usdoj.gov)

Ilene Laskinsky  
United States Trustee  
Office of the United States Trustee  
230 N. 1<sup>st</sup> Avenue, Suite 204  
Phoenix, AZ 85003  
[Ilene.J.Lashinsky@usdoj.gov](mailto:Ilene.J.Lashinsky@usdoj.gov)

Dear Mr. White and Ms. Lashinsky:

The National Association of Consumer Bankruptcy Attorneys and the Arizona Consumer Bankruptcy Counsel are writing to express their concern and to request action regarding the burdensome and excessive document requests used by bankruptcy trustees in the District of Arizona. Specifically, many trustees uniformly demand from all debtors the production of information and documents not required to be produced under the Bankruptcy Code or Rules before conducting the meeting of creditors pursuant to Section 341 of the Bankruptcy Code. These document requests also require a debtor to answer questions already answered and filed in their schedules and statement of financial affairs.

The Bankruptcy Code, Bankruptcy Rules, the Handbook for Chapter 7 Trustees and the Best Practices for Document Production Requests by Trustees in Consumer Bankruptcy Cases govern the information and documents that must be

given to the trustee in advance of the meeting of creditors.<sup>1</sup> The problem of routine requests for documents, not otherwise required by the Bankruptcy Code or Rules, has already been addressed by the United States Trustee Program.

In 2012, representatives of the National Association of Consumer Bankruptcy Attorneys (“NACBA”), the National Association of Chapter 13 Trustees (“NACTT”) and the National Association of Bankruptcy Trustees (“NABT”), under the auspices of the United States Trustee, worked to develop a set of Best Practices For Document Production Requests by Trustees in Consumer Bankruptcy Cases (“Best Practices”). This was meant to serve as a brake on the generic and overly broad questionnaires and document requests that had been required by some trustees on all debtors, without being tailored to the specific debtor, and sought to minimize unnecessary burdens and expenses without curtailing legitimate inquiries by trustees. The United States Trustee Program adopted the Best Practices document on May 14, 2012 and included it as “Other Policy Guidance” with the chapter 7 trustee handbooks and reference material on the USTP website.<sup>2</sup>

Despite the work of the bankruptcy community in developing these Best Practices, it appears that many of the chapter 7 trustees from the District of Arizona continue to send blanket questionnaires directly to consumer debtors.

We have collected and attached the questionnaires used by these trustees. As you will see, some requested information is already required and provided on the bankruptcy schedules. Thus, many of the requests are duplicative of information already available to the trustee. In addition, many of the questionnaires request information that was specifically identified as excessive in the Best Practices. Particularly, the Best Practices states that an example of potentially unreasonable or overly burdensome document requests include:

A trustee asks every debtor to supply copies of automobile titles, copies of a county treasurer’s tax statement for real property, six months of bank statements, three years of tax returns, an itemized inventory of household goods, copies of divorce decrees or property settlements entered in the last three years, and copies of the complaint and answer in any legal proceeding to which the debtor is a party. This request is excessive. There may be good reasons to make

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<sup>1</sup> The Bankruptcy Code requires a debtor to provide, within 7 days of the meeting of creditors, a copy of the debtor’s most recently filed federal income tax return or transcript thereof. 11 U.S.C. § 521(e)(2)(A). Further, if requested, the debtor shall provide a document establishing the identity of the debtor. 11 U.S.C. § 521(h). The Bankruptcy Rules require a debtor to bring to the meeting of creditors: Personal photo identification and evidence of Social Security number (or a written statement that the debtor has no Social Security number); Evidence of current income such as most recent payment advice; Statements for the period that includes the petition date for all bank, investment, and other financial accounts; and Documentation of certain monthly expenses, as required by sections 707(b)(2)(A) or (B). *See* Fed. R. Bankr. P. 4002(b)(2); Exec. Office for U.S. Trustees, U.S. Dep’t of Justice, Handbook for Chapter 7 Trustees, 3-4 (2012).

<sup>2</sup> *See* [https://www.justice.gov/ust/eo/private\\_trustee/library/chapter07/docs/other\\_poli/best\\_practices.pdf](https://www.justice.gov/ust/eo/private_trustee/library/chapter07/docs/other_poli/best_practices.pdf).

any or all of these requests in an individual case, but a blanket request for all of these documents should not be made in all cases

Blanket questionnaire and documents requests, such as that described above as excessive, are exactly what many of the chapter 7 trustees in Arizona are sending to consumer debtors. Many of the questionnaires require automobile titles, which requires debtors to expend additional time and money to acquire the necessary documentation.<sup>3</sup> Some contain a blanket demand for divorce decrees and property settlements in direct contravention of the Best Practices. Others require two to six months of pre-petition bank statements. Copies of any appraisals, retirement account statements, real estate deeds, homeowner's insurance policies, and documentation of credit card balance transfers are among the many items included in these blanket requests.

In light of the burdens these requests place on debtors and their counsel, we request that you review the Best Practices with the chapter 7 trustees and instruct them to immediately refrain from sending overly burdensome and/or unreasonable document requests to debtors in every case.

Sincerely,

/s/ John C. Colwell

/s/ Diane L. Drain

John C. Colwell

Diane L. Drain

President, National Association  
of Consumer Bankruptcy Attorneys

Co-Executive Director, Arizona  
Consumer Bankruptcy Counsel

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<sup>3</sup> As Arizona is a Title retaining State, each Debtor who owns a vehicle with a lien on the Title is expected to go online ([www.ServiceArizona.com](http://www.ServiceArizona.com)) to obtain a "Motor Vehicle Record" ("MVR") for the Trustee. Debtor must pay a fee of \$3 to obtain the MVR. If *any* information is entered incorrectly on the website (VIN, Driver's License number, etc.), Debtor receives a "NO RECORD FOUND" message and must do it all over again, including paying another \$3 fee. Attorneys can gain access to the system to obtain MVRs, but registration (and the required bond) is very burdensome.

## **DISTRICT OF ARIZONA**

### **Chapter 7 Trustees' Mandatory Questionnaires**

1. Anderson, Dina L.
2. Birdsell, David A.
3. Brown, Roger W.
4. Flores, Costantino
5. Ford, Jill H.
6. Gaughan, Maureen
7. Goernitz, Lothar
8. Haley, Eric M.
9. Kartchner, Stanley
10. MacKenzie, Robert A.
11. Mason, Anthony
12. Mullen, Brian J.
13. Nowak, Trudy A.
14. Reaves, David M.
15. Ulrich, Dale D.
16. Warfield, Lawrence J.

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

1. Anderson, Dina L.



**DINA L. ANDERSON, CHAPTER 7 TRUSTEE**

MAILING ADDRESS: 21001 N. Tatum Blvd., #1630- 608, Phoenix, AZ 85050

EMAIL: [tkim@DLATrustee.com](mailto:tkim@DLATrustee.com)\*

PHONE: 480-304-8311\*

Case No. \_\_\_\_\_

I have been appointed as the Trustee of your bankruptcy proceedings by the U.S. Trustee for the District of Arizona. Your first Meeting of Creditors has been set for **September 25, 2018 at 10:30 a.m. at the U.S. Trustee Meeting Room located at 230 N 1<sup>st</sup> Avenue, Suite 102, Phoenix, Arizona 85003.** You will receive a separate notice from the Court with the time of your meeting.

Your attendance and compliance is **MANDATORY. YOUR CASE MAY BE DISMISSED IF YOU DO NOT ATTEND OR IF YOU FAIL TO TIMELY COMPLY WITH TURNING OVER THE DOCUMENTATION THAT I REQUEST.**

YOU MUST BRING WITH YOU YOUR PHOTO ID AND PROOF OF SOCIAL SECURITY #:

**(1) ORIGINAL PHOTO ID:** A driver's license, U.S. government issued ID, State ID, Passport, current U.S. Visa, military ID, resident alien card, or green card.

**AND**

**(2) ORIGINAL PROOF OF YOUR SOCIAL SECURITY NUMBER:** Social Security card, pay stub, W-2, or IRS Form 1099. Failure to provide both forms of identification will require you to return for a second Meeting of Creditors, which will delay the entering of your discharge. **Copies will not be accepted.**

**DOCUMENT CHECKLIST AND QUESTIONNAIRE:** You **MUST** complete and return the enclosed 2-page Document Production and Questionnaire form and provide all documents requested. Failure to do so may delay your case, require you to return for a second Meeting of Creditors, or affect your ability to receive or keep your discharge. The complete 2-page form and all copies of documents **MUST BE RETURNED TO ME BY MAIL ON OR BEFORE SEPTEMBER 7, 2018.** Read and complete the Document Checklist and Questionnaire carefully and fully. DOCUMENTS SENT TO ME WILL NOT BE RETURNED. DO NOT SEND ME ORIGINALS. FAILURE TO FULLY COMPLY MAY RESULT IN THE DISMISSAL OF YOUR CASE!

**SEND THE DOCUMENTS VIA MAIL:** The Document Production and Questionnaire form and all documents **MUST** be sent to my office in one package by the deadline. I will **ONLY** accept paper copies of the documents. Do not hand-deliver, email, or fax me the documentation. It is strongly recommended that you use a trackable mailing service when submitting your documents to the Trustee due to the sensitivity of the information contained in those documents.

**YOUR DISCHARGE:** Refusal to cooperate with a trustee may result in a denial or revocation of your discharge. Even if you receive your discharge, you are required to continue to cooperate with me throughout the bankruptcy process and provide me with requested information and turn over assets, tax returns and refunds, etc. If you fail to do so, your discharge can be denied or revoked. Your case will remain open until you have satisfied all of my requests and I have completed the administration of your case.

**DEBTOR EDUCATION CERTIFICATES:** These must be filed with the Bankruptcy Court. **Do NOT send a copy to me.**

**BANKRUPTCY INFORMATION SHEET:** This is on the back of this letter. You must read it carefully before you come to your § 341 Meeting of Creditors. I will ask you at your meeting if you have read and understood it.

**DOMESTIC SUPPORT FORM AND DECLARATION FOR DEBTORS WITHOUT AN ATTORNEY:** These forms are also enclosed. **IF** these forms apply to you, you must fill them out, sign and return them to me with all other documents.

**\*DO NOT CALL OR EMAIL MY OFFICE:** unless you have read this letter and the enclosures at least two times completely and carefully and need further explanation OR you are returning a call from my office. Also, do **NOT** call or email me to ask if I have received your documents, to reschedule your § 341 Meeting of Creditors, to ask when you will receive your discharge, or to ask me for any legal advice. **I WILL NOT TAKE OR RETURN THESE TYPES OF INQUIRIES.** I CANNOT AND WILL NOT advise you regarding ANY legal matters in your case. You must consult an attorney or research the law yourself. If you hired an attorney to assist you with your bankruptcy filing, please call that attorney with your questions. **The Bankruptcy Court's website at [www.azb.uscourts.gov](http://www.azb.uscourts.gov) also has general information and a debtor-help page with answers to frequently asked questions.**

*Dina L Anderson*  
Chapter 7 Trustee

## **BANKRUPTCY INFORMATION SHEET**

BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET GIVES YOU SOME GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.

**IMPORTANT NOTE TO INDIVIDUAL DEBTORS:** Effective January 1, 2001, all individual debtors must provide photo identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in your case being dismissed.

### **WHEN YOU FILE BANKRUPTCY:**

You can choose the kind of bankruptcy that best meets your needs:

Chapter 7 - A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the state where you reside.

Chapter 13 - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The Court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 - Like chapter 13, but is only for family farmers and fishermen.

Chapter 11 - This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary. If a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### **WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a Court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for:

- Most taxes;
- child support;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed.

Also, if the Judge finds that you received money or property, by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The Judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records or lie, or if you disobey a Court order.

You can only receive a chapter 7 discharge once every eight years. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the Court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements-

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the Court issues your discharge or within 60 days after the agreement is filed with the Court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the Court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the Court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt-the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you

**IF YOU WANT MORE INFORMATION OR HAVE QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

***Noten Bien: Si no entienden el ingles, es necesario traer su interpretario(a).***



# DOCUMENT PRODUCTION AND QUESTIONNAIRE (2 PAGES)

DEBTOR NAME: \_\_\_\_\_

Case No. \_\_\_\_\_

JOINT DEBTOR NAME: \_\_\_\_\_

- **RETURN THIS CHECKLIST WITH THE REQUIRED DOCUMENTS TO ME VIA MAIL TO:  
21001 N. TATUM BLVD., #1630-608, PHOENIX, AZ 85050**  
\*\*\* ONLY PAPER COPIES WILL BE ACCEPTED \*\*\*
- **LABEL EACH DOCUMENT TO CORRESPOND WITH THE ITEM NUMBERS BELOW**
- **PUT ALL DOCUMENTS IN THIS ORDER – DO NOT USE STAPLES**

Enclosed  
for your  
review

Does Not  
Apply  
to Me

## DOCUMENTS (COPIES ONLY – ANY ORIGINALS WILL NOT BE RETURNED):

- |                          |                          |    |  |
|--------------------------|--------------------------|----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1  | <b><u>TAX RETURNS:</u></b> All pages, in order, of your 2016 and 2017 federal and state tax returns <u>including</u> copies of your W2s, 1099s, etc. <b>Failure to provide a copy of your most recent Federal income tax return may result in the dismissal of your case. All federal and state income tax refunds received after you filed bankruptcy are property of your bankruptcy estate. You must send these checks directly to my office. Do not cash, deposit or endorse these checks.</b><br><b><u>**IF YOU HAVE NOT FILED YOUR 2017 TAX RETURNS YET, CHECK THIS BOX <input type="checkbox"/> AND SEND ME A COPY OF THOSE RETURNS IMMEDIATELY AFTER YOU FILE THEM</u></b> |
| <input type="checkbox"/> | <input type="checkbox"/> | 2  | <b><u>PAYCHECK STUBS:</u></b> Your paycheck stubs for the period of 3 months before you filed bankruptcy <u>through</u> the pay period <u>after</u> you filed bankruptcy. If not employed, indicate how long you've been unemployed: _____   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3  | <b><u>BANK STATEMENTS:</u></b> All pages of bank statements for every open and closed bank account for the period of 3 months before you filed bankruptcy <u>through</u> the date you filed your bankruptcy. <b>I MUST BE ABLE TO SEE THE BALANCE IN EACH ACCOUNT ON THE DATE YOU FILED BANKRUPTCY.</b>  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4  | <b><u>RETIREMENT ACCOUNTS:</u></b> The statements for each of your retirement accounts (i.e., IRA, 401(k), SEP, TSP, 529, or other type of pension or annuity) <u>and</u> investment accounts covering the date on which you filed your bankruptcy and for the previous <u>four</u> months.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5  | <b><u>DIVORCE DECREE:</u></b> Any divorce decree with all exhibits, child support order, and property settlements <i>if you were divorced in the last two years.</i>   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6  | <b><u>TIMESHARES:</u></b> Copy of the Certificate or Deed for any and all timeshare interests that you own.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7  | <b><u>PERSONAL INJURY AND CLASS ACTION CLAIMS:</u></b> Personal injury or class action case information or information relating to an accident or injury caused by another in last 3 years.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8  | <b><u>BUSINESSES:</u></b> If you own or co-own a business, copies of the business federal tax returns for last two years, the business balance sheet and profit and loss statement as of the date you filed bankruptcy and business bank statements for the last year.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 9  | <b><u>LIFE INSURANCE &amp; ANNUITIES:</u></b> WHOLE life insurance policies and annuities statements showing the cash surrender value, the date the policy was formed and the beneficiary of the policy as of the date you filed bankruptcy for each and every whole life insurance policy.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 10 | <b><u>VEHICLES:</u></b> The Certificate of Title <u>or</u> the Title and Registration Motor Vehicle Record <u>and</u> proof of Insurance for <b><u>each and every</u></b> vehicle you own. You may obtain a Title and Registration Motor Vehicle Record online at <a href="http://www.servicearizona.com">www.servicearizona.com</a> or directly at the MVD.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 11 | <b><u>GARNISHMENTS:</u></b> ALL documents relating to any and all garnishments of your wages and/or bank accounts made within the 90 day period prior to the date you filed bankruptcy. <b>I MUST BE ABLE SEE THE TOTAL AMOUNT GARNISHED DURING THIS 90 DAY PERIOD <u>AND</u> WHO GARNISHED YOUR WAGES OR BANK ACCOUNTS.</b>   |
| <input type="checkbox"/> | <input type="checkbox"/> | 12 | <b><u>DOMESTIC SUPPORT FORM:</u></b> The "Support Form" enclosed with this questionnaire with the amount of domestic support obligations you may <u>owe</u> , the name and address of your ex-spouse, the name and address of the governmental agency to which all payments are sent, the total amount of arrears and your monthly payment amount.   |

(CONTINUED – TURN OVER)



**ANSWER THE FOLLOWING QUESTIONS (attach a separate sheet of paper if necessary):**

**YES**   **NO**

- ☐ ☐ A. I/We acknowledge receipt of the "Notice of Legal Duty Re: Tax Refunds" enclosed herewith.
- ☐ ☐ B. I/We acknowledge my/our requirement to turn over to my Chapter 7 Bankruptcy Trustee my/our **2017 and 2018** (and any and all prior years) tax refunds, if received after the date in which I/we filed bankruptcy or was in my possession on the date in which I/we filed bankruptcy.
- ☐ ☐ C. I/We acknowledge my/our requirement to turn over to my Chapter 7 Bankruptcy Trustee any and all payment(s) I/we received in connection with the "Independent Foreclosure Review Payment Agreement" which resulted from agreements between federal banking regulators and 13 mortgage servicers if received after the date in which I/we filed bankruptcy or was in my possession on the date in which I/we filed bankruptcy.
- ☐ ☐ D. Does anyone owe you money? If so, provide name(s) and address(es), amount(s) owed and copies of the related documentation on separate sheet of paper.
- ☐ ☐ E. Do you have an unpaid claim against an insurance company for any theft, loss, injury or damages? If so, on a separate sheet of paper, state the nature of such claim, claim number, name of insurance company and phone number for claims adjuster.
- ☐ ☐ F. I/We are entitled to or expecting life insurance proceeds or an inheritance. If so, provide name and address of personal representative or executor or attorney for the decedent's estate on a separate sheet of paper.
- ☐ ☐ G. I/We have transferred assets or money or repaid loans to family members during the last 12 months. If so, provide the name(s), address(es), dates and amounts of payments and the relationship(s) of the person(s) you paid on a separate sheet of paper.
- ☐ ☐ H. I/We have filed bankruptcy in the past. If so, provide the case number, state and year you filed on a separate sheet of paper.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION AND ANSWERS CONTAINED IN THIS DOCUMENT REQUEST, CHECKLIST AND QUESTIONNAIRE (2 PAGES) ARE TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

\_\_\_\_\_  
Debtor's Signature

Date: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Email Address: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor's Signature

Date: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Email Address: \_\_\_\_\_

**YOUR FAILURE TO COMPLY WITH EVERYTHING IN THIS PACKET CAREFULLY AND COMPLETELY MAY DELAY YOUR CASE, CAUSE YOU TO HAVE TO COME BACK TO THE COURTHOUSE FOR ANOTHER MEETING, AND/OR AFFECT YOUR ABILITY TO RECEIVE A BANKRUPTCY DISCHARGE.**

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

2. Birdsell, David A.

Dear Chapter 7 Petitioner:

I have been assigned as the Trustee for your bankruptcy case. As a representative of the Court, it is my responsibility to determine whether or not you have any assets which can be reduced to cash in order to bring about a dividend to your creditors. I am not an attorney. I do not represent you. I cannot provide you legal advice.

It is important that you are aware that your case will remain open or will be re-opened until all of my requests have been satisfied. **Even after you have received your discharge in the mail, your case will remain open and your discharge will be subject to revocation if you fail to meet any of the Trustee's requirements.** The attached checklist details the MINIMUM requirements for your trustee. If you have any questions regarding this letter, the checklist or any other requirements, please visit the website above, as all information is available there.

**You MUST have the requested documents to our office no less than 5 business days prior to the 341 Hearing/First Meeting of Creditors to avoid a motion to dismiss the bankruptcy. Any case in which documents are not received by the deadline above is subject to a motion for dismissal. There will be no further warnings regarding this issue.**

**Submitting Documents:**

Email, fax or mail the attached checklists with your documents as soon as possible, after receipt of this letter and **AT LEAST 5 BUSINESS DAYS** prior to your 341 hearing (first meeting of creditors). Submit by email to: [debtordocs@azbktrustee.com](mailto:debtordocs@azbktrustee.com). Please note that we do not open .zip files or retrieve documents from cloud services/third-party websites; all emailed documents must be sent as regular .pdf attachments to an email(s). If submitting hard copies of documents, please send **copies only** as we do not return documents submitted to this office.

The office has a secure drop box that is available 24 hours a day at the address above. Your documents must be in an envelope with your case number and name written on the outside. My office is not able to assist any debtors without an appointment. We will not provide directions to the office, as that information is available on our website.

**Other Requirements:**

1. Be prepared to turnover to the Trustee any non-exempt assets (tax refunds are not exempt).
2. Do not drive any non-exempt vehicles (of any kind) without insurance
3. Please complete the enclosed questionnaires and return them to my office along with the other requested documents.
4. If you own a business, it is your responsibility to file all payroll reports and W-2's
5. Be prepared to turnover any personal and/or business records
6. You will receive a notice in the near future regarding your 341 hearing which you are required to attend. When you prepare to come to this hearing please be advised that you must bring with you two (2) forms of identification:
  - a. **PHOTO IDENTIFICATION** (approved forms: state driver license, state issued picture identification card, passport or legal resident alien card.)
  - b. **SOCIAL SECURITY IDENTIFICATION** (approved forms: social security card, a W-2 form for the most recent tax year, recent pay stub or other official document which identifies your name along with your social security number) Make sure the ID you provide has your complete SSN on it.

Enclosed you will find a Bankruptcy Information Sheet that has been prepared by the United States Trustee. **This statement must be read by each Chapter 7 petitioner prior to your 341 hearing.** At your 341 Hearing, you will be required to take an oath prior to testifying. At this hearing, you will be specifically asked if you read the included Bankruptcy Information Sheet. If you state that you have not read this information sheet, your hearing will be continued to a later date in order to give you additional time to review this letter. You will be required to have turned in your documents by the first hearing date to avoid a motion for dismissal. You will be required to attend the second hearing date.

Thank you for your anticipated cooperation regarding these requests for documents and information.  
Very truly yours,

*David A. Birdsell*  
Bankruptcy Trustee

**Please do NOT use fasteners or dividers on any documents sent to the Trustee's office!  
(staples, paperclips, binder clips, page dividers, tabs, sticky notes, tape, etc.)**

Please do **NOT** use fasteners or dividers on any documents sent to the Trustee's office!  
(staples, paperclips, binder clips, page dividers, tabs, sticky notes, tape, etc.)

## DOCUMENT CHECKLIST

(Use this document as a coversheet for your packet)

If submitting hard copies of documents, please send copies only as we cannot guarantee original documents will be returned

Complete Name(s): \_\_\_\_\_

Case Number: \_\_\_\_\_

**Documents will not be accepted unless full name(s) and case number are filled out above.**

Check if enclosed, (if not applicable please write "n/a"):

1. \_\_\_\_\_ Complete copies (all pages) of your 2016, 2017, and 2018 federal and state tax returns for now and 2018 federal & state tax returns (if requested) when you file them in 2018. If you do not have your tax returns, request federal transcripts from the IRS online at <http://www.irs.gov/Individuals/Get-Transcript> & state transcripts from the AZDOR by completing *Arizona Form 450* found on the AZDOR website at <http://www.azdor.gov/About/FAQs/Individual.aspx>
2. \_\_\_\_\_ **Any tax refunds you receive after your date of filing bankruptcy, including prior year(s) tax refunds are the property of your bankruptcy estate. Refund checks may not be cashed by you and must be turned over to my office.** Do not endorse the back of your refund checks. If you receive direct deposit, you will need to cut a cashier's check for the amount matching the refund listed on the tax returns. **Failure to do so will result in my objection to your bankruptcy discharge.**
3. \_\_\_\_\_ Date & amount you received last tax refunds:  
Date: \_\_\_\_\_ Fed \$: \_\_\_\_\_ Date: \_\_\_\_\_ State \$: \_\_\_\_\_
4. \_\_\_\_\_ Copies of all auto, boat, mobile home and any other recreational vehicle titles/registrations, payoff statements and proof of insurance. Please complete the attached checklist on ALL vehicles in your possession.
5. \_\_\_\_\_ Complete copies (all pages) of your last six months bank statements, including the full month of your bankruptcy filing date, for each checking, savings, prepaid card(s), PayPal or other online financial account(s), and investment accounts(s) held in your name(s), either individually or jointly.  
(Example #1: Filing date is in July 20xx, so provide statements for the time period 02/01/xx to 07/31/xx).  
(Example #2: Filing date is in Aug 20xx, so provide statements for the time period 03/01/xx to 08/31/xx).
6. \_\_\_\_\_ Copies of the last statements you received from your pension, 401K or IRA accounts
7. \_\_\_\_\_ Completed questionnaires regarding documents, contact information, vehicles and life insurance policies. Also include a current statement showing the cash surrender value of any life insurance policy (if it applies to you).
8. \_\_\_\_\_ Copies of last two year tax returns of any corporation or partnership of which you are a partner/ shareholder
9. \_\_\_\_\_ Copies of deeds for ANY REAL ESTATE. If you purchased real estate within the last 5 years, send copies of your mortgage application, declaration page of homeowner's insurance policy, and mortgage payoff statement.

IF YOU HAVE QUESTIONS... Please visit our website at [www.azbktrustee.com](http://www.azbktrustee.com). The office does not provide info available online.

**SEE NEXT TWO PAGES FOR REQUIRED QUESTIONNAIRES (#7 above)**

**Debtor Questionnaire**

**Vehicle Questionnaire**



Please do **NOT** use fasteners or dividers on any documents sent to the Trustee's office!  
(staples, paperclips, binder clips, page dividers, tabs, sticky notes, tape, etc.)

Complete Name(s): \_\_\_\_\_

Case Number: \_\_\_\_\_

Documents will not be accepted unless full  
name(s) and case number are filled out above.

## DEBTOR QUESTIONNAIRE

Please answer each question below, sign and date the form, and return to your trustee by the date indicated in the

letter.

### ALL QUESTIONS ARE REQUIRED:

YES

NO

1. Do you understand and acknowledge the requirement to turn over your **2019** refunds and any other tax refunds if received after your filing date? \_\_\_\_\_

2. Are you currently married and filing bankruptcy individually? \_\_\_\_\_

If yes, have you included all of your community property in your bankruptcy schedules? \_\_\_\_\_

3. Have you been divorced in the past 2 years? If yes, Please send a copy of your divorce decree, insuring you include the property settlement documentation. \_\_\_\_\_

4. Do you have a claim or could you file a claim (lawsuit) for money, property or person injury? If so, Claim Description \_\_\_\_\_ Amount \_\_\_\_\_

5. Are you the beneficiary in any trusts or estates? If so, please provide the name of the trust and a written explanation of your benefit interest in the trust. \_\_\_\_\_

6. In the last 4 years, did you ever have the right to a trust or inheritance that you refused to accept? \_\_\_\_\_

7. Should you become entitled to receive an inheritance at any time within the next 6 months, it is property of the bankruptcy estate, and you will have to notify the trustee. Do you understand? \_\_\_\_\_

8. In the 24 months prior to filing, did you give any gifts, payments, loans or transfers to any friends, family members, or persons close to you? If so, attach a supplemental schedule of such payments and to whom the payments were made to. \_\_\_\_\_

9. Have you financed a vehicle in the last 4 months? If so, list the vehicle year, make model and date financed. Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ Date \_\_\_\_\_

10. Have you contributed any money to a retirement plan in the past 6 months? \_\_\_\_\_

11. Have you purchased or made a down payment, or do you hold any season tickets for any future sporting events and/or concerts or plays? If so, list on separate schedule. \_\_\_\_\_

12. Have you purchased or made any deposits for future travel? \_\_\_\_\_

13. Do you have any rewards accounts? If so, list accounts and balances on separate schedule. Do \_\_\_\_\_

14. you have any Paypal or Bit Coin/Crypto currency accounts? If so, provide statements for the last 6 months. \_\_\_\_\_

15. Do you have any IRA's? Explain if inherited or self-directed on additional paper. \_\_\_\_\_

Home Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_ Email: \_\_\_\_\_

(if different from mobile)

I declare under penalty of perjury that the information I have provided in this questionnaire is accurate and true.

Debtor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Joint Debtor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Please do **NOT** use fasteners or dividers on any documents sent to the Trustee's office!  
(staples, paperclips, binder clips, page dividers, tabs, sticky notes, tape, etc.)

### VEHICLE QUESTIONNAIRE

(If more than three vehicles, include information on additional sheets)

<b>Vehicle 1:</b>		Transmission: Automatic or Manual (circle one)					
Make _____	Model _____	Year _____	Miles _____	# of Doors _____			
Circle applicable specifications:	cruise control	air conditioning	power windows/locks	stereo, cassette, cd	tilt wheel	4x4	
	power seats	sun roof	convertible	leather seats	abs brakes	airbag	
Condition _____				Lien amount \$_____ (current balance due) <b>attach most recent statement</b>			

<b>Vehicle 2:</b>		Transmission: Automatic or Manual (circle one)					
Make _____	Model _____	Year _____	Miles _____	# of Doors _____			
Circle applicable specifications:	cruise control	air conditioning	power windows/locks	stereo, cassette, cd	tilt wheel	4x4	
	power seats	sun roof	convertible	leather seats	abs brakes	airbag	
Condition _____				Lien amount \$_____ (current balance due) <b>attach most recent statement</b>			

<b>Vehicle 3:</b>		Transmission: Automatic or Manual (circle one)					
Make _____	Model _____	Year _____	Miles _____	# of Doors _____			
Circle applicable specifications:	cruise control	air conditioning	power windows/locks	stereo, cassette, cd	tilt wheel	4x4	
	power seats	sun roof	convertible	leather seats	abs brakes	airbag	
Condition _____				Lien amount \$_____ (current balance due) <b>attach most recent statement</b>			

### LIFE INSURANCE POLICY QUESTIONNAIRE

(If more than three policies, include information on additional sheets)

<b>Policy #1:</b>				Face amount of Insurance Policy: \$_____	Age of person Insured: _____
Insurance Co. _____				Cash surrender value of Policy: \$_____	Loans Against CSV: \$_____
Kind of Policy:	Term	cash value	(circle)		

<b>Policy #2:</b>				Face amount of Insurance Policy: \$_____	Age of person Insured: _____
Insurance Co. _____				Cash surrender value of Policy: \$_____	Loans Against CSV: \$_____
Kind of Policy:	Term	cash value	(circle)		

<b>Policy #3:</b>				Face amount of Insurance Policy: \$_____	Age of person Insured: _____
Insurance Co. _____				Cash surrender value of Policy: \$_____	Loans Against CSV: \$_____
Kind of Policy:	Term	cash value	(circle)		

If your life insurance is through your employer, the trustee understands that you may not be able to provide a copy of a policy. Please note any policy that is provided by through an employer. Please be prepared to provide the trustee with a copy of any insurance policies held by you at the Trustee's request.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA  
**SUPPORT FORM**

Case No.: \_\_\_\_\_ Case Name: \_\_\_\_\_

Chapter: 7 Trustee: David A. Birdsell

*If you are required to pay **COURT ORDERED** alimony or child support, you **MUST** complete this form and return it to your Trustee.*

Provide the following information:

Name of <b><u>person</u></b> you owe support:	Address & phone number of <b><u>person</u></b> you owe support:     Phone #:
Your employer's name:	Address & phone number of your employer:
Amount of support owed as of petition date:  \$ _____	Divorce Case # and Court Name:

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Printed Name

.....  
(Submit this form with all other requested information to your Trustee)

## **BANKRUPTCY INFORMATION SHEET**

**BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET PROVIDES YOU WITH GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.**

### **WHEN YOU FILE BANKRUPTCY**

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

Chapter 7 – A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the State where you live and applicable federal laws.

Chapter 13 – You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 – Like chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 – This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### **WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for—

- most taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do



something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements—

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

Se dispone de una copia de este documento traducida al español.

Một bản dịch của tài liệu này hiện có bằng tiếng Việt.

Une copie de ce document est disponible en traduction française.

本文件有繁體中文譯本。

이 서류는 한국말로 된 사본도 있습니다.

Daim ntawv no muaj txhais ua lus Hmoob.

Ang isinalin na kopya ng dokumentong ito ay maaaring makuha sa Tagalog.

يمكن الحصول على نسخة مترجمة بالعربية لهذه الوثيقة.

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

3. Brown, Roger W.

**Roger W. Brown, Bankruptcy Trustee**  
PO Box 32967  
Phoenix, AZ 85064  
Phone: 602-274-4231  
FAX: 602-294-2391  
Email: rogerbrowntrustee@live.com

Dear Chapter 7 Petitioner:

I have been assigned as the Trustee for your bankruptcy case. As a representative of the Court, it is my responsibility to determine whether or not you have any assets which can be reduced to cash in order to bring about a dividend to your creditors.

It is important that you are aware that your case will remain open until all of my requests have been satisfied. Please note that even after you have received your discharge notice in the mail, **your case will remain open, your discharge will be subject to revocation, and your case may be dismissed** if you fail to meet any of these requirements.

The following are the minimum requirements and **must be received by me at least one week prior to your 341 hearing** (first meeting of creditors). **You are expected to provide all of the requested documents outlined in this letter to your attorney** who will then upload them to the Trustee. Documents that do not include your full name(s) and case number where requested will not be accepted.

**Document Checklist:**

1. Completed, Signed and Dated: 1) **Debtor Questionnaire** 2) **Statement Re: Secured Consumer Debt** 3) **Bankruptcy Information Sheet**.
2. Completed, Signed and Dated **Support Form** if you are required to pay alimony or child support.
3. Copies of your driver's license and proof of social security number as well as a daytime telephone number and valid e-mail address.
4. Copy of your **most recently filed Federal and State Income Tax Returns (2017) today**, and then a **copy of your 2018 Federal and State tax returns when you file them in 2019**. Also, please include any Corporate or Partnership Tax Returns in which you are a partner or member. Please ensure that the date the returns were filed is indicated.

**Important Note: Any tax refunds you are entitled to receive after your date of filing bankruptcy, including prior year(s) tax refunds are the property of your bankruptcy estate. Do not spend any tax refunds to which you are entitled. Refund checks may not be cashed by you and must be turned over to my office. Do not endorse the back of the refund checks. If you receive direct deposit, you will be expected to remit a check for the full amount of the refund to my office. Failure to provide copies of tax returns will result in automatic dismissal of your case.**

5. Copies of bank statements for each checking, savings, prepaid card(s), PayPal, or other on-line financial account, and investment account(s) held in your name either individually or jointly, for the period covering one (1) month before and including your bankruptcy filing date. Aggregate sums for any amounts in excess of statutory limits on your filing date may have to be turned over to me.

6. Copies of all your motorized vehicle titles or registrations (including trailers, fishing boats, etc.).
7. Kelley Blue Book (kbb.com) **Private Party** (Not Trade-In) valuations for all vehicles. NADAguides (nadaguides.com) may be used for all vehicles not supported by Kelley Blue Book.
8. Proof of insurance on all vehicles. **Do not drive any non-exempt vehicle of any kind without collision and liability insurance.**

### **Other Notes and Requirements**

Preserve any/all non-exempt assets and financial records and be prepared to turn them over to me, upon request. Assets with a value in excess of statutory limits may be sold at auction and you may make a written offer to purchase such assets.

Debtors engaged in business are responsible for filing W-2 forms for their employees.

You are required to attend your 341 hearing (first meeting of creditors). When you prepare to come to this hearing, **please be advised that you must bring with you two (2) original forms of identification**:

- **PHOTO IDENTIFICATION** (approved forms: state driver's license, state issued picture id card, passport or legal resident alien card) **AND**,
- **SOCIAL SECURITY IDENTIFICATION** (approved forms: social security card, W-2, 1099, recent pay stub with SS included, Medicare card with SS included)

**Please note that your timely response to the above requests will enable me to process your case promptly.**

Sincerely,

**Roger W. Brown, Trustee**

**SI NO HABLAS INGLES, NECESITAS TRAER UN INTREPETADOR**



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

**CHAPTER 7**

**STATEMENT REGARDING SECURED CONSUMER DEBTS**

<b>Debtor Name:</b> _____	<b>Case No:</b> _____
<b>Joint Debtor Name:</b> _____	

I (We) hereby certify under penalty of perjury with regard to all secured consumer debts.

As to each debt I (We) have done the following:

1. Surrendered to the appropriate secured creditor any and all secured items as indicated on the document filed herewith entitled "Statement of Intentions re: Secured Debts."
2. Reaffirmed any and all debts in compliance with the aforementioned "Statement of Intentions".
3. Redeemed all property as indicated in the aforementioned "Statement of Intentions".

\_\_\_\_\_  
**Debtor Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Joint Debtor Signature**

\_\_\_\_\_  
**Date**

Debtor Name: \_\_\_\_\_

Case No: \_\_\_\_\_

Joint Debtor Name: \_\_\_\_\_

## DEBTOR QUESTIONNAIRE

Please answer each question and sign below

	Yes	No
1. Do you understand that after you file your 2018 tax returns (after the beginning of 2019) that you must send a full copy of the returns to the Trustee and that you may not spend or cash any tax refunds received after your filing date without the Trustee's permission?		
2. Have you lived in Arizona for at least two (2) years before you filing date? If no, list prior residence state: _____		
3. Do you understand that if you become entitled to an inheritance within six (6) months <u>AFTER</u> your bankruptcy was filed, it must be turned over to the Trustee?		
4. Are you expecting any proceeds from insurance or an inheritance?		
5. Are you required to pay or do you owe alimony or child support?		
6. Are you presently married and filing bankruptcy individually?		
7. Do you have a claim or could you file a claim (lawsuit) for money, property or personal injury?		
8. Have you disclaimed any inheritances or bequests in the past three (3) years?		
9. Have you transferred any money to an attorney's trust account during the past 24 months? (Excluding your bankruptcy attorney)		
10. Have you transferred any assets to family members, friends or persons close to you in the past 24 months?		
11. Have you filed a previous bankruptcy using another social security number?		
12. Are you due any funds from any partnerships, limited liability companies, corporations or from any investments or individuals?		
13. Have you been involved in any real estate transactions within the last ten (10) years? If so, list all such transactions on a separate sheet of paper.		
14. Do you have a disability plate or placard for your vehicle? (Please provide a copy of the placard or evidence of the plate)		

15. What is the address of your current employer?

Employer Address (Debtor) \_\_\_\_\_

Employer Address (Joint Debtor) \_\_\_\_\_

Debtor Phone Number \_\_\_\_\_ Debtor Email \_\_\_\_\_

I/We hereby declare under penalty of perjury that the information provided herein is true and correct.

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joint Debtor's Signature

\_\_\_\_\_  
Date

If any of the answers to questions #4 through #14 are "YES", provide a detailed explanation including documentation.

Debtor Name: \_\_\_\_\_

Case No: \_\_\_\_\_

Joint Debtor Name: \_\_\_\_\_

**Please sign and date below after you have read this document in full**

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joint Debtor's Signature

\_\_\_\_\_  
Date

## **BANKRUPTCY INFORMATION SHEET (REQUIRED BY 11 U.S.C. 341)**

BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET GIVES YOU SOME GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. **YOU MAY NEED LEGAL ADVICE.**

**IMPORTANT NOTE TO INDIVIDUAL DEBTORS:** Effective January 1, 2001, all individual debtors **must provide photo identification and proof of social security number to the Trustee at the meeting of creditors.** Failure to do so may result in your case being dismissed.

### **WHEN YOU FILE BANKRUPTCY:**

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

Chapter 7 - A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the state where you live and applicable federal laws.

Chapter 13 - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The Court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 - Like Chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 - This is used mostly by businesses. In Chapter 11, you may continue to operate your business, but your creditors and the Court must approve a plan to repay your debts. There is no trustee unless the Judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under Chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### **WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a "discharge". A discharge is a Court Order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for --

- most taxes;
- child support;
- alimony;

- most student loans;
- Court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the Judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The Judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case. Such as destroy or hide property, falsify records, or lie, or if you disobey a Court Order.

You can only receive a Chapter 7 discharge once every eight (8) years. Other rules may apply if you previously received a discharge in a Chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the Court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements --

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be cancelled any time before the Court issues your discharge or within 60 days after the agreement is filed with the Court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the Court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the Court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as if there were no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action or recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**



Debtor Name: \_\_\_\_\_

Case No: \_\_\_\_\_

Joint Debtor Name: \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA

**SUPPORT FORM**

Chapter 7

Trustee: Roger W. Brown

***If you are required to pay alimony or child support, you MUST complete this form and return it to the Trustee.***

**Provide the following information:**

Name of Person you owe Support:	Address of Person owed Support:  Telephone Number:
Your Employer's Name:	Address of Employer:  Telephone Number:
Total Amount of Support owed as of the Petition  \$ _____	Required Monthly Payment Amount:  \$ _____

\_\_\_\_\_  
Debtor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joint Debtor Signature

\_\_\_\_\_  
Date

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

### **4. Flores, Costantino**

PLEASE ARRANGE DOCUMENTS  
IN THE ORDER REQUESTED IN  
MY LETTER.

**DO NOT** STAPLE, PAPER CLIP  
OR FOLD DOCUMENTS.

PLEASE ARRANGE DOCUMENTS  
IN THE ORDER REQUESTED IN  
MY LETTER.

**DO NOT** STAPLE, PAPER CLIP  
OR FOLD DOCUMENTS.

**CONSTANTINO FLORES, BANKRUPTCY TRUSTEE**  
**P.O. BOX 95080**  
**PHOENIX, AZ 85070-5080**  
**602.274.4200**

Date: \_\_\_\_\_

RE:    BANKRUPTCY CASE NUMBER: \_\_\_\_\_

Dear Chapter 7 Petitioner(s):

I am the assigned Trustee in your bankruptcy case. Below are the minimum required documents which must be mailed to the Trustee, as well as other important requirements. Please check each line below if the document is being mailed, and if the item is not applicable, please write "n/a." **MAIL THIS CHECKLIST ALONG WITH YOUR DOCUMENTS and completed forms attached, to the PO BOX PROVIDED ABOVE, WITHIN 14 DAYS FROM THE DATE OF THIS LETTER.**

**Please note that even after you have received your discharge in the mail, your discharge will be subject to revocation if you fail to meet ANY of the Trustee's requirements.**

- 1)        \_\_\_\_\_ Copies of your 201~~8~~ and 201~~7~~ federal & state tax returns, as well as copies of your 2018 tax returns when you complete them in 2019 (complete returns please). If you do not have your tax returns, request transcripts by calling the IRS @ (800) 829-1040 & AZDOR (State) @ (602) 255-3381 or (800) 352-4090.
- 2)        \_\_\_\_\_ **Any tax refunds you receive after your date of filing bankruptcy including your 2018 tax refunds are the property of your bankruptcy estate. Refund checks may not be cashed by you and must be turned over to my office.** Do not endorse the back of your refund checks. If you receive direct deposit you will need to cut a cashier's check for the amount matching the refund listed on your tax returns. This includes tax refunds from any other prior years. **Failure to do so will result in my objection to your bankruptcy discharge.**
- 3)        \_\_\_\_\_ Date and amount you received your last tax refunds  
Date: \_\_\_\_\_ Federal:\$ \_\_\_\_\_ Date: \_\_\_\_\_ State:\$ \_\_\_\_\_
- 4)        \_\_\_\_\_ Copies of all auto, boat, motor home and any other recreational vehicle titles or registrations, payoff statements and proof of insurance.
- 5)        \_\_\_\_\_ Copies of the last six months of your bank statements for each checking, savings and investment account(s) held in your name(s). Also include the statements for the month that corresponds to your bankruptcy filing date. (All pages please)
- 6)        \_\_\_\_\_ Copies of all the pay stubs you received for the last three months before your case was filed, AND a copy of the first pay stub you received after your case was filed.
- 7)        \_\_\_\_\_ Complete copies of any divorce decree, separation agreement, alimony/child support orders and property settlements entered by a court during the last 3 years to which you were a party.
- 8)        \_\_\_\_\_ Copies of the last statements you received from your pension, 401K or IRA accounts.

- 9) \_\_\_\_\_ Also include a current statement showing the cash surrender value of any life insurance policy, the name(s) of the beneficiary(ies), your relationship to the beneficiary(ies), as well as the effective date of the insurance policy.
- 10) \_\_\_\_\_ Copies of the last two year tax returns of any corporation or partnership of which you are a partner or shareholder.
- 11) \_\_\_\_\_ Declaration page of homeowner's insurance policies, latest tax assessment page from the county and mortgage payoff statements for all real property that you own.
- 12) \_\_\_\_\_ If you own a timeshare or any other real property other than your primary residence, supply copies of any and all information regarding your ownership.

### **Other Important Requirements:**

- Be prepared to turnover to the Trustee any non-exempt assets. (tax refunds are not exempt)
- Do not drive any non-exempt vehicles without insurance
- If you own a business, it is your responsibility to file all payroll reports and W-2's
- Be prepared to turnover any personal or business records
- You will receive a notice in the near future regarding your 341 hearing which you are required to attend. When you prepare to come to this hearing please be advised that you must bring with you two (2) forms of identification:
  - a) **PHOTO IDENTIFICATION** (approved forms: state driver license, state issued picture identification card, passport or legal resident alien card.)
  - b) **SOCIAL SECURITY IDENTIFICATION** (approved forms: social security card, a W-2 form for the most recent tax year, recent pay stub or official document which identifies your name along with your social security number)

### **REQUIRED INFORMATION**

PLEASE PROVIDE THE FOLLOWING INFORMATION. THERE IS NO PROCESS SERVICE IN BANKRUPTCY. IT IS IMPORTANT TO KEEP YOUR CONTACT INFORMATION CURRENT WITH THE BANKRUPTCY COURT AND YOUR TRUSTEE.

**NAME:** \_\_\_\_\_

**CASE NUMBER:** \_\_\_\_\_

**DAYTIME PHONE NUMBER:** \_\_\_\_\_  
(WHERE THE TRUSTEE CAN CONTACT YOU/LEAVE A MESSAGE DURING THE DAY)

**HOME NUMBER:** \_\_\_\_\_

**FAX NUMBER:** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_



# SUPPORT FORM

Case No.: \_\_\_\_\_

Case Name: \_\_\_\_\_

Chapter: 7

Trustee: Constantino Flores

*If you are required to pay alimony or child support, you MUST complete this form and return to your Trustee.*

Provide the following information:

Name of Person you owe Support:	Address & phone number of Person you owe Support:
	Phone #:
Your Employer's Name:	Address and phone number of your Employer:
Amount of Support owed as of the Petition date:	
\$ _____	

DATED: \_\_\_\_\_

**SIGNED**

PRINTED NAME

\*\*\*\*\*  
\*\*\*\*\*

**(Submit this form with all other requested information to your Trustee.)**

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

5. Ford, Jill H.

JILL H. FORD, Esq.

Bankruptcy Trustee  
P.O. Box 5845  
Carefree, AZ 85377

Telephone (480) 575-8250  
Fax (480) 575-8251

April 3, 2018

[REDACTED]  
[REDACTED]  
[REDACTED]

Case No.: [REDACTED]

Dear Chapter 7 Petitioner:

I have been appointed as Trustee of your bankruptcy proceedings. Your first Meeting of Creditors has been set for [REDACTED] at the U.S. Trustee's Office at 230 N. 1<sup>st</sup> Avenue, Room 102, Phoenix, AZ. The Court will send you the notice of your meeting time. **You MUST attend this meeting.**

To make this meeting go smoothly, my office must receive the items listed below **no later than** [REDACTED]. Failure to send the requested documents by the requested date may result in postponement of your hearing and a delay of your discharge.

Please **mail the documents** to the post office box indicated at the top of this letter. We do not accept hand deliveries or faxes. Do **not** send your information by certified/express/return receipt mail since this may delay the delivery. **Send only copies**, not the original documents. No documents will be returned to you.

The following is the minimum list of documents to be returned by mail to your Trustee:

- 2017      2018
1. **Copies of your entire [REDACTED] and [REDACTED] Federal and State Tax Returns**, including your W-2 Employee Statements. On a separate sheet of paper, note the date on which you received your latest refund(s), with proof of when you received your latest tax refund checks. **Do not cash any tax refund(s)** you received **after** you filed your bankruptcy petition – these refunds must be sent to the Trustee. A portion of your [REDACTED] Tax refunds will also be part of your bankruptcy estate. 2019

2018

Any unfiled Federal or State tax returns prior to [REDACTED] must be prepared and filed as soon as possible. Copies of these returns must also be mailed to the Trustee when filed.

2. **Copies of your paycheck stubs** for two (2) months before your filing date.

3. Copies of your **bank statements** for all accounts in your name(s) for the six (6) months prior to your Bankruptcy filing date, **including the day you filed bankruptcy.**
4. For each of your **motor vehicles, copies of the title or registration, proof of insurance, and payoff statement** if there is a lien on the vehicle. This applies to cars, trucks, motorcycles, trailers, jet skis, boats, ATVs, etc. On the title or registration, write a brief description of the vehicle such as: model, style, 2- or 4-door, mileage, and condition (e.g. "2016 Ford F150, Super Cab XL, 6 ½ ft., 20,000 miles, good condition." If you purchased a vehicle within 1 year of filing, please include the date of the purchase and provide a copy of the loan application if you obtained a loan to buy the vehicle.
5. A copy of your **separation agreement and divorce decree** if you were divorced within the past two (2) years. If you are married and have a **prenuptial agreement**, send a copy.
6. A copy of any **child support orders** you are required to pay. Indicate the amount you are to pay each month and the amount you currently owe. You must complete and return the **Support Form** if you pay or are obligated to pay alimony or child support, whether or not you are current with your payments.
7. Copies of all **life insurance policies, court judgments in your favor, and retirement and investment accounts**, including stock and bond certificates, annuities, IRAs, 401(k)s, pensions, mutual funds, brokerage accounts, etc. Include the amount of all payments to any IRA, pension, ESOP, or 401K for the four (4) months prior to your filing. Life insurance policies should state the cash surrender value.
8. **Copies of your homeowner's insurance policy, mortgage application (if you applied within the last two years), and latest mortgage statement for all forms of real estate** (land, houses, condos, timeshares, purchase/lease agreements, cemetery plots, rental or commercial property, etc.) owned at the time you filed bankruptcy.
9. **Documentation of any credit card balance transfers** made within 120 days of your filing date. Provide dates, amounts, and account numbers for the credit cards involved.
10. Complete and sign the enclosed **Debtor Questionnaire.**
11. You may return the enclosed **Statement Regarding Secured Consumer Debt** with the documents above, or mail it to me no later than 10 days after the Meeting of Creditors.

**On a separate sheet of paper, for each item # 1-9 indicate whether it applies to you, and whether it has been provided or why it has not been provided. If you have any delay in obtaining information, please send the majority of the items required, then mail me the missing documents when you receive them.**

**Include your name, phone number, and case number on the cover sheet sent with your documentation.**

### **Other important information**

- For your Meeting of Creditors to be conducted, you **must** bring:
  1. **driver's license** or other government-issued photo ID. Other forms of acceptable photo ID are a passport, military ID, government ID, or resident alien card.
  - AND**
  2. **your SOCIAL SECURITY CARD**. In place of a social security card you may bring a W-2 or 1099 form, Medicare card, or letter from the Social Security Administration as long as these documents include your **full** social security number.

**BOTH** forms of identification are required to proceed with the meeting. **Only original documents will be accepted** – not photocopies.

- **Read the enclosed "Bankruptcy Information Sheet" before your meeting.**
- **Please contact my office immediately if yours is a business case.** Debtors engaged in a business are responsible for filing W-2 Forms for their employees.
- **If your case has been converted from a Chapter 13 case, please call me to verify your filing date and the information requested.**
- **Do not drive any non-exempt vehicle without collision and liability insurance coverage.**
- **Preserve any/all non-exempt assets** and be prepared to turn over any nonexempt assets to your Trustee, if requested. You may make a written offer to purchase non-exempt assets from the Trustee.
- **Credit Counseling and Debtor Education Certification must be mailed to the U.S. Bankruptcy Court, not to my office.**

Should you have any questions, do not hesitate to contact my office. However, please be advised that **I am unable to provide any legal advice** as to how the bankruptcy laws relate to your specific case.

**Your refusal to cooperate with the Trustee may result in a complaint to deny or to set aside your discharge.**

Very truly yours,

JILL H. FORD, Chapter 7 Trustee

IN Re:

) CHAPTER 7  
)  
) CASE NO.  
)  
) STATEMENT REGARDING  
) SECURED CONSUMER DEBT  
)  
)

Debtor(s).  
\_\_\_\_\_

I (We) hereby certify under penalty of perjury with regard to all secured consumer debts.

As to each secured debt I (We) have done the following: (You may write on this form any comments or references to a specific asset next to the number that applies to that asset.

- \_\_\_\_ 1. Surrendered to the appropriate secured creditors all secured items as indicated on the document filed with the Court entitled, "Statement of Intention, Re: Secured Debts."
- \_\_\_\_ 2. Reaffirmed any and all debts in compliance with the "Statement of Intention" which was filed with your schedules.
- \_\_\_\_ 3. Redeemed all property as indicated in the "Statement of Intention" which was filed with your schedules.
- \_\_\_\_ 4. Payments are current.

DATED: \_\_\_\_\_

\_\_\_\_\_  
DEBTOR

\_\_\_\_\_  
JOINT DEBTOR

TELEPHONE NO.: \_\_\_\_\_

Mail Original To:  
JILL FORD, Trustee  
P.O. Box 5845  
Carefree, AZ 85377  
(480) 575-8250



## SUPPORT FORM

Case No.: \_\_\_\_\_ Case Name: \_\_\_\_\_

Chapter: 7 Trustee: JILL H. FORD

***If you are required to pay or you owe alimony or child support, you MUST complete this form and return to your Trustee.***

Provide the Following information:

Name of Person you owe Support:	Address & phone number of Person you owe Support:
	Phone #:
Your Employer's Name:	Address and phone number of your Employer:
	Phone #:
Amount of Support owed as of the Petition date: \$ _____	Amount you are to pay each month: \$ _____

DATED: \_\_\_\_\_

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
PRINTED NAME

\*\*\*\*\*

(Submit this form with all other requested information to your Trustee.)

## DEBTOR QUESTIONNAIRE

Case Number: \_\_\_\_\_

Please answer each question below, sign and date this form, insert your case number and return to your Trustee with the documents requested on the enclosed instruction letter.

	<u>Yes</u>	<u>No</u>
1. Do you understand and acknowledge the requirement to turn over your 2018 tax returns and a portion of any refunds to your Bankruptcy Trustee?	___	___
2. Are you presently married and filing bankruptcy individually?	___	___
3. Are you a beneficiary of any estates or trusts?	___	___
4. Have you declined any inheritance or bequest in the past four (4) years?	___	___
5. Have you contributed money to a retirement plan in the past six (6) months?	___	___
6. Have you received any inheritance or trust in the past ten (10) years?	___	___
7. Have you transferred any personal property to anyone in the past two (2) years?	___	___
8. Have you transferred any real estate (house, land, timeshare) in the past 3 1/2 years?	___	___
9. Have you filed Bankruptcy using a different name or a different Social Security Number?	___	___
10. Have you been divorced in the last two (2) years?	___	___
11. Have you had a bank account outside the United States in the past five (5) years?	___	___
12. Have you transferred any property to a trust in the past ten (10) years?	___	___
13. Have you received income from a trust, partnership or rental property in the last two (2) years?	___	___
14. Have you purchased any item valued at \$5,000.00 or more in the last year?	___	___
15. Did you sell or transfer a business in the last five (5) years?	___	___
If you did sell/transfer a business, are you owed any money from the transaction?	___	___

**I declare under penalty of perjury that the above information is true.**

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Joint Debtor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Phone Number

\_\_\_\_\_  
Contact Email

## **BANKRUPTCY INFORMATION SHEET**

**BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET PROVIDES YOU WITH GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.**

### **WHEN YOU FILE BANKRUPTCY**

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

Chapter 7 – A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the State where you live and applicable federal laws.

Chapter 13 – You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 – Like chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 – This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### **WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a “discharge.” A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for—

- most taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do

something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements--

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

6. Gaughan, Maureen

**Maureen Gaughan Esq.**  
**Bankruptcy Trustee**  
PO Box 6729  
Chandler, Arizona 85246-6729

Dear Chapter 7 Petitioner:

I have been assigned the Trustee for your Bankruptcy case. As a representative of the Court, it is my responsibility to determine whether or not you have any assets which can be reduced to cash in order to bring about a dividend to your creditors. It is important that you are aware that your case will remain open until all requests have been satisfied. Even after you have received your discharge in the mail, your case will remain open and your discharge will be subject to revocation if you fail to meet any of the following minimum requirements.

**PLEASE NOTE THAT YOU MUST PROVIDE PHOTO IDENTIFICATION AND PROOF OF SOCIAL SECURITY NUMBER TO ME AT YOUR HEARING. I CANNOT CONCLUDE YOUR MEETING UNTIL PROOF OF IDENTITY IS PROVIDED. FAILURE TO DO SO MAY RESULT IN YOUR CASE BEING DISMISSED.**

PLEASE RETURN THIS CHECKLIST AND DEBTOR QUESTIONNAIRE WITH YOUR REQUIRED DOCUMENTS. ATTACH IT AS THE FRONT PAGE AND INITIAL EACH LINE. IF A REQUIRED DOCUMENT DOES NOT APPLY TO YOU, MARK "N/A" AND PROVIDE AN EXPLANATION AS TO WHY IT DOES NOT APPLY TO YOU.

Your Name: \_\_\_\_\_ Case No. \_\_\_\_\_  
Telephone No: \_\_\_\_\_ Email Address: \_\_\_\_\_

\_\_\_\_\_ Copies of your **entire**, 2017 and 2018 Federal **AND** State Income Tax Returns. Please also send to me your 2019 Federal and State Tax Return and any and all Refunds. Note: ALL FEDERAL AND STATE INCOME TAX REFUNDS RECEIVED FOLLOWING THE DATE OF YOUR BANKRUPTCY FILING INCLUDING TAX REFUNDS FOR 2017, 2018 and 2019 AND ANY ECONOMIC STIMULUS FEDERAL REFUNDS ARE PROPERTY OF YOUR BANKRUPTCY ESTATE. YOU MUST SEND THESE CHECKS TO ME AT THE ABOVE ADDRESS. DO NOT CASH OR ENDORSE THE CHECKS OR ACCEPT ELECTRONIC DEPOSITS. If you do not have copies of your tax returns for any years you can request transcripts by calling IRS @ 800-829-1040 and AZDOR (State) @ 602-255-3381 or 800-352-4090

\_\_\_\_\_ Debtor Questionnaire. \_\_\_\_\_ Vehicle Questionnaire. \_\_\_\_\_ Insurance Questionnaire \_\_\_\_\_

\_\_\_\_\_ Copies of all vehicles, boat, motor homes or any other recreational vehicle Titles, original date stamped Application for title and registration, payoff statements and proof of insurance. You can obtain a copy of your title from the lienholder or the "Lienholder Record" or a MOTOR VEHICLE RECORD from Arizona Department of Vehicle <https://servicearizona.com/motorvehiclerecord>.

\_\_\_\_\_ Copies of your last six month bank statements for each account in your name. Include the statement which covers the balance in each account on the date you filed bankruptcy.

\_\_\_\_\_ Copies of your divorce decree and settlement agreement (if you have been divorced within the last two years).

\_\_\_\_\_ Copies of your payroll check stub(s) received for the two months prior to your filing date and the payroll stub received immediately following your filing date.

\_\_\_\_\_ Debtors engaged in business are responsible for filing W-2 forms for their employees. Please contact my office if this is a business case.

\_\_\_\_\_ Copies of statements of IRA's, retirements, annuities, and pensions etc. for the month prior to the date you filed bankruptcy. For life insurance policies and annuities, you must send a statement of when you purchased the contract, who is the owner and who are the beneficiaries.

\_\_\_\_\_ Real property declaration page of homeowner's insurance policy and mortgage payoff.

\_\_\_\_\_ If you own a timeshare or real property supply copies of any and all deeds or contracts regarding your ownership.

\_\_\_\_\_ Copies of all stock and bond certificates.

\_\_\_\_\_ Copies of any trust agreements, option agreements, notes receivables and other documents relating to property of this type.



\_\_\_\_\_ If you have a potential or pending lawsuit in which you are the plaintiff, provide the name and address of your attorney and describe the claim you are asserting.

\_\_\_\_\_ Copies of all canceled checks, money orders, etc. in the amount of \$600.00 or more to creditors, friends, relatives, business partners or any other person within ninety days of filing.

As to each secured debt, I (We) have done the following (Please check all that are applicable):

\_\_\_\_\_ Surrendered to the appropriate secured creditor any and all secured items as stated in your Bankruptcy Schedules, or;

\_\_\_\_\_ Reaffirmed any and all debts, or;

\_\_\_\_\_ Redeemed all property.

\_\_\_\_\_ other (please state) \_\_\_\_\_

You must also read the enclosed Bankruptcy Information Sheet before the meeting.

The above information must be mailed (post marked or emailed to office@mgaughan.com) to the above address at least 7 business days before your hearing date. All emailed documents must be in PDF format and less than 1 megabyte in size. NO DELIVERIES ACCEPTED. Failure to do so will result in the postponement of your hearing and your discharge. If you fail to send me your tax returns, a Motion to Dismiss your case will be filed. Please note the use of email address is only for documents not for correspondence.

If an item does not pertain to you, state so in your reply. If you have delays in getting any information from the bank, etc. report those delays to me in writing and send the remainder of the information to me as requested.

Be sure to include your case number in the upper right hand corner of any correspondence sent to this office. It is your responsibility to keep your current address on file with clerk of the Bankruptcy Court and my office. All correspondence will be sent to the address on file with the court. All change of addresses must be in writing and sent to both the court and my office.

Do not send any original documents to this office, with the exception of the Debtor Questionnaire form and Vehicle Questionnaire form. No documents will be returned.

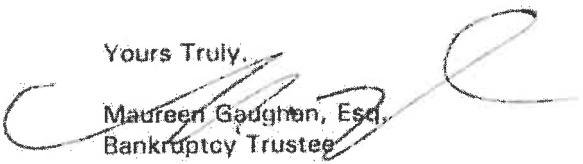
You must complete a debtor education program and file a Certificate with the Bankruptcy Court (not my office) within forty five (45) days of your hearing. The court will not issue your discharge unless you file the Certificate. The Bankruptcy Court issues your discharge approximately 90 days after your 341 hearing provided there have been no objections to your discharge by any interested party. DO NOT CALL MY OFFICE if you have not received it after the 90 days, please contact the Bankruptcy Court. Refusal to cooperate with the trustee may result in a complaint to completely deny or set aside your bankruptcy discharge.

**IF YOU OWE ANY TYPE OF DOMESTIC SUPPORT OBLIGATION, ie. ALIMONY, CHILD SUPPORT OR MAINTENANCE, COMPLETE THE ENCLOSED SUPPORT FORM AND RETURN IT IMMEDIATELY. YOUR HEARING WILL NOT BE ADJOURNED UNLESS WE RECEIVE THIS FORM.**

The Trustee cannot give you legal advice. You should contact your attorney to assist you with this letter or your case.

The Trustee does not provide letters for Title Companies to close real estate transactions, written abandonments of property, copies of discharges, or information on closed cases.

Yours Truly,

  
Maureen Gaughan, Esq.  
Bankruptcy Trustee

## **BANKRUPTCY INFORMATION SHEET**

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Chapter 13 – You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 – Like chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 – This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### **WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a “discharge.” A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for—

- most taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do

## VEHICLE QUESTIONNAIRE

PRINT NAME: \_\_\_\_\_

Number of vehicles: \_\_\_\_\_ (if more than 3, please put additional vehicle(s) on extra sheet of paper and attach to this questionnaire)

Vehicle #1	Vehicle #2	Vehicle #3
Date purchased: _____	Date purchased: _____	Date purchased: _____
Make _____ Year _____	Make _____ Year _____	Make _____ Year _____
Model _____	Model _____	Model _____
Trim _____	Trim _____	Trim _____
Miles _____	Miles _____	Miles _____
4/2Doors _____	4/2Doors _____	4/2Doors _____
Trans: Automatic/Manual (circle one)	Trans: Automatic/Manual (circle one)	Trans: Automatic/Manual (circle one)
Engine _____	Engine _____	Engine _____
Drive Train _____	Drive Train _____	Drive Train _____
Condition _____ (poor, good, fair, excellent)	Condition _____ (poor, good, fair, excellent)	Condition _____ (poor, good, fair, excellent)
Other Extras (Please circle)	Other Extras (Please circle)	Other Extras (Please circle)
air conditioning	air conditioning	air conditioning
power windows/locks	power windows/locks	power windows/locks
stereo, cassette, cd	stereo, cassette, cd	stereo, cassette, cd
tilt wheel	tilt wheel	tilt wheel
cruise control	cruise control	cruise control
power seats	power seats	power seats
sun roof	sun roof	sun roof
convertible	convertible	convertible
leather seats	leather seats	leather seats
4x4	4x4	4x4
Long Bed, Short Bed (6, 8 etc)	Long Bed, Short Bed (6, 8 etc)	Long Bed, Short Bed(6, 8 etc)
Super Cab, Crew Cab	Super Cab, Crew Cab	Super Cab, Crew Cab
Quad Cab, Extended Cab	Quad Cab, Extended Cab	Quad Cab, Extended Cab
1500; 2500; 3500, Diesel	1500; 2500; 3500; Diesel	1500; 2500; 3500; Diesel
others _____	others _____	others _____
Purchase amount \$ _____	Purchase amount \$ _____	Purchase amount \$ _____
current balance due \$ _____ (attach most recent statement)	current balance due \$ _____ (attach most recent statement)	current balance due \$ _____ (attach most recent statement)

PRINT NAME \_\_\_\_\_

## Debtor Questionnaire

Please answer each question below, sign and date the form, insert your case number and return to your trustee by the date indicated on the instruction letter.

	YES	NO
1. Do you understand and acknowledge the requirement to turn over your 2017, 2018 & 2019 (and all preceding years) tax refunds which you receive after you filed bankruptcy? _____	_____	_____
2. Are you presently married and filing bankruptcy individually? _____	_____	_____
3. Have you been divorced in the past 2 years? If yes, please send a copy of your divorce decree including the property settlement documentation. _____	_____	_____
4. Have you been a plaintiff in any personal injury litigation in the past 3 years? _____	_____	_____
5. Do you have any pending personal injury or class action claim? If so, state whether litigation has begun? Who is your lawyer: _____	_____	_____
6. Are you the beneficiary of any estates or trusts? _____	_____	_____
7. Have you ever filed a Bankruptcy using a different Social Security Number? _____	_____	_____
8. Have you transferred any property to a trust or similar device in the last ten years? _____	_____	_____
9. Have you transferred any money to an attorney trust account during the past 12 months? _____	_____	_____
10. Are you due any funds from any partnership, limited liability companies, corporations or from any investments? _____	_____	_____
11. Have you been in a car accident in the last two years? _____	_____	_____
12. Did you understand that you need to surrender to your bankruptcy trustee all monies received or expected to be received from a death or inheritance that occurs prior to your bankruptcy filing date OR 180 days AFTER your bankruptcy filing date? _____	_____	_____
13. Have you contributed any money to a retirement plan in the past 4 months? If so, how much? _____	_____	_____
14. Do you owe child support, alimony or maintenance? _____	_____	_____
15. Is there any real estate in your name other than your residence? If yes, please send a copy of the deed (this includes timeshare Interests). _____	_____	_____
16. Have you sold or transferred title to any real property in the last year? _____	_____	_____
17. Have you transferred any assets or paid back any loans to family members or friends during the past 24 months? _____	_____	_____
18. Have you engaged in any loan modification in the last three years? If so, state whether you still own the property. _____	_____	_____
19. Have you purchased a vehicle in the last 6 months? _____	_____	_____
20. Have you filed for bankruptcy in the past 8 years? If so, When? _____ Where? _____	_____	_____

I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.

Date \_\_\_\_\_

Debtor's Signature \_\_\_\_\_

Joint Debtor's Signature \_\_\_\_\_

Case Number: \_\_\_\_\_ Telephone number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Mail to: **Maureen Gaughan, Esq.**  
**Bankruptcy Trustee**  
**PO Box 6729**  
**Chandler, Arizona 85246**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA  
**SUPPORT FORM**

Case No.: \_\_\_\_\_ Case Name: \_\_\_\_\_

Chapter: 7 Trustee: \_\_\_\_\_

*If you are required to pay alimony or child support, you **MUST** complete this form and return to your Trustee.*

Provide the Following information:

Name of Person you owe Support:	Address & phone number of Person you owe Support:  Phone #: _____
Your Employer's Name:	Address and phone number of your Employer:  Phone #: _____
Amount of Support owed as of the Petition date: \$ _____	

DATED: \_\_\_\_\_

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
PRINTED NAME

\*\*\*\*\*

(Submit this form with all other requested information to your Trustee.)

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

### **7. Goernitz, Lothar**



**LOTHAR GOERNITZ  
TRUSTEE  
PO BOX 32961  
PHOENIX, AZ 85064  
(602) 263-5413**

March 13, 2018

CASE:

Dear Chapter 7 Petitioner:

I have been appointed as the Trustee of your bankruptcy proceedings by the U.S. Trustee for the District of Arizona. Your first meeting of creditors is set for \_\_\_\_\_ You must attend this meeting and you are required to send me the following items:

1. **COPIES** of your and **2016 & 2017** Federal and State Income Tax Returns. Your **2017** Federal and State Income Tax Refunds are property of your Bankruptcy Estate. **Do not cash these checks.** You may be required to mail your refund checks to my office. It is not necessary to endorse your checks. Please do not e-mail tax returns.
2. **COPIES** of title(s) to your vehicle(s). If you do not have a title(s) you will be required to provide a copy of your motor vehicle registration.
3. **COPIES** of **BANK STATEMENTS** for each account in your name for the **4 months prior** to your bankruptcy filing date, if your most recent statement does not include your bankruptcy filing date, we will need copies of the subsequent bank statement that includes the filing date.
4. **COPIES** of your **divorce decree** and **property settlement** agreement if you have been divorced within the last **two** years.
5. **COPIES** of **payroll check stubs** for the **six months** prior to your filing date and the payroll check stub covering your bankruptcy filing date.
6. **COPIES** of any appraisal you may have received for any personal or real property in the last two years.
7. If you have any claims against any party, or pending lawsuits at the time of filing your bankruptcy, provide an explanation and details of that possible claim.
8. Please sign & return this form with the items requested. If you are required to pay **child support** or **alimony** please include **Support Form**.

**If this is a business case,** please contact this office immediately regarding the assets of your business. Debtors engaged in business MUST FILE W-2's for employees.

***PLEASE MAIL ALL INFORMATION REQUESTED TO MY OFFICE WITHIN (7) DAYS FROM THE DATE YOU RECEIVE THIS LETTER, DO NOT E-MAIL. Any legal questions should be answered by your attorney. FAILURE TO COMPLY WITH EACH AND EVERY ONE OF THESE REQUIREMENTS MAY RESULT IN A COMPLAINT TO DENY OR SET ASIDE YOUR DISCHARGE.***

**You are required to provide photo I.D. and verification of your social security number at the time of 341 creditor hearing.**

Debtor (if individual) signature \_\_\_\_\_ Joint (Spouse) Debtor signature \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET GIVES YOU SOME GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.**

### **When You File Bankruptcy**

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

Chapter 7 – A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the State where you live and applicable federal laws.

Chapter 13 – You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 – Like chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 – This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### **What Is a Bankruptcy Discharge and How Does It Operate?**

One of the reasons people file bankruptcy is to get a “discharge.” A discharge is a court order, which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for–

- most taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **What Is a Reaffirmation Agreement?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements–

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

8. Haley, Eric M.

*Do Not Use Staples to Secure Anything Mailed to Trustee*

Eric M. Haley  
CHAPTER 7 BANKRUPTCY TRUSTEE  
P.O. BOX 13390  
SCOTTSDALE, AZ 85267  
TELEPHONE (602) 218-5136  
FACSIMILE (623) 258-4016  
trustee@haley-law.com

October 22, 2018

Dear Chapter 7 Petitioner:

I have been appointed the Chapter 7 Trustee of your bankruptcy case by the United States Trustee's Office. As a representative of the Court, it is my responsibility to determine whether or not you have any assets to be reduced to cash and distributed to your creditors. It is important that you are aware that your case will remain open until all requests have been satisfied. Even after you have received your discharge in the mail, your case will remain open and your discharge can be revoked if you fail to meet any of the following minimum requirements.

Your first meeting of creditors has been set for **NOVEMBER 19, 2018**, at the U.S. Trustee Meeting Room, located at 230 N. First Avenue, Suite 102, in Phoenix, Arizona. The Bankruptcy Court will be sending you a notice stating your meeting time. **PLEASE BRING A DRIVER'S LICENSE OR OTHER PHOTO IDENTIFICATION, AS WELL AS YOUR SOCIAL SECURITY CARD.**

It is important that you attend this meeting. In order for the meeting to proceed smoothly, my office must receive the requested information **NO LATER THAN NOVEMBER 9, 2018.** Please email in **PDF format** ([docs@haley-law.com](mailto:docs@haley-law.com)), fax (623-258-4016), or mail the documents listed on the enclosed Checklist Requirements for Trustee to the address indicated at the top of this letter. **Your failure to provide the requested information may lead to the dismissal of your case or denial of your discharge. Specifically, the recent amendments to the Bankruptcy Code require that copies of your most recent tax returns be provided to the Trustee prior to the meeting of creditors, failing which the case may be dismissed.**

If this is a business case, please call my office immediately.

**Please read the enclosed Bankruptcy Information sheet prior to your meeting.** It gives some general information about what happens in a bankruptcy case. I have also enclosed some responses to some commonly asked questions. If you have any questions, please call my office at the number listed above.

Sincerely,  
/s/ Eric M. Haley  
Eric M. Haley  
Bankruptcy Trustee

-Over-

**FREQUENTLY ASKED QUESTIONS**

Q: If I do not have copies of my tax returns, may I send you my W2's?

A: No. Copies of your W2's will not be sufficient. Please contact your tax preparer or the Internal Revenue Service and/or Arizona Department of Revenue to obtain a copy of your return(s).

Q: I have all the requested information except for one item? Should I wait and give it to you all at one time?

A: No. We understand that there are times when you will have to wait for a third party to provide you with information that has been requested. Please send documents that you already have and send the missing item(s) separately.

Q: May I bring my paperwork to the hearing with me?

A: Yes. However, it is very important that we receive the requested information at least ten days before the hearing. If your documentation does not reach this office before your deadline, the hearing may be continued, thus delaying your discharge.

Q: May I hand-deliver the requested documents?

A: No. Please use the address, fax number, or email address provided.

Q: What do I do if I cannot get a copy of the title from my bank?

A: You can get a motor vehicle record from the Departments of Motor Vehicles or their website. Instructions on how to obtain a motor vehicle record are included with this packet.

Q: I do not have an attorney and have legal questions. Can the Trustee give me legal advice?

A: No. The Trustee cannot give you legal advice. The Bankruptcy Court has a walk-in Bankruptcy Self Center located on the 6<sup>th</sup> floor of the U.S. Bankruptcy Courthouse. The hours of operation are 9:00 a.m. to 1:00 p.m. daily. The Bankruptcy Section of the Arizona State Bar provides volunteer attorneys to consult with debtors for 20-30 minutes without charge concerning their bankruptcy situation on Tuesday's between 10:00 a.m. and Noon. For information about the Bankruptcy Self Help Center, please contact the Bankruptcy Court at (602) 682-4000. In addition, the Bankruptcy Court website has a debtor help page, which includes many answers to frequently answered questions and useful forms. You can find the website at [www.azb.uscourts.gov](http://www.azb.uscourts.gov).

## **CHECKLIST FOR REQUIREMENTS FOR TRUSTEE**

**PLEASE RETURN THIS CHECKLIST AND DEBTOR QUESTIONNAIRE WITH YOUR REQUIRED DOCUMENTS. IF A REQUIRED DOCUMENT DOES NOT APPLY TO YOU, MARK "N/A". YOUR INFORMATION WILL BE SCANNED UPON RECEIPT BY THE TRUSTEE; PLEASE DO NOT USE STAPLES TO SECURE PAGES.**

**Your Name:** \_\_\_\_\_ **Case No.** \_\_\_\_\_  
**Telephone Number:** \_\_\_\_\_

\_\_\_\_\_ Debtor Questionnaire (enclosed).

\_\_\_\_\_ Support Form

If you have any domestic support obligations, such as child support or spousal maintenance payments, please complete the enclosed *Support Form*.

\_\_\_\_\_ Authorization to Release Income Tax Refunds to Bankruptcy Trustee form.

\_\_\_\_\_ Vehicle Questionnaire

Please fill out Vehicle Questionnaire with complete details of ALL vehicles, boats, travel trailers etc. on your property (enclosed). Do not drive any non-exempt vehicles without insurance (enclosed).

\_\_\_\_\_ Copies of your 2016 and 2017 Federal **AND** State income tax returns.  
Note: **ALL FEDERAL AND STATE INCOME TAX REFUNDS RECEIVED AFTER YOUR BANKRUPTCY FILING DATE FOR TAX YEARS PRIOR TO AND PARTIALLY INCLUDING THAT FOR THE YEAR IN WHICH YOU FILED YOUR CASE ARE PROPERTY OF YOUR BANKRUPTCY ESTATE. YOU MUST SEND THESE CHECKS TO ME.**

\_\_\_\_\_ Copies of your payroll check stub received immediately following your bankruptcy filing date. If you have a non-filing spouse, you must also send a copy of his or her payroll check stub.

\_\_\_\_\_ Copies of your **entire bank statements for every bank account** in your name for the **four months prior** to your bankruptcy filing (or conversion) date, plus the statement that **covers the date you filed (or converted) bankruptcy (five months total)**. If you have a non-filing spouse, you must also send a copy of his or her bank statements.

\_\_\_\_\_ Copies of statements to any brokerage or retirement accounts in your name.  
Please send copies of all stock certificates, bonds, and certificates of deposit.

FOR OFFICE USE ONLY

Case Name: \_\_\_\_\_

Case No.: \_\_\_\_\_

341(a): \_\_\_\_\_

☐ Checked In

☐ Criminal Referral

RTS ☐ Scanned ☐

-OVER-



- \_\_\_\_\_ Copies of any cancelled checks, money orders, etc. evidencing one payment of \$600.00 or more to any creditor within the ninety days before filing your bankruptcy.
- \_\_\_\_\_ Copies of the most recent homeowner's insurance policies in place for any and all real property owned in the past year. Include any and all riders for additional property coverage.
- \_\_\_\_\_ Explanation as to the source of any deposit exceeding \$5,000.00 on the bank statements provided. You may attach separate sheets to the bank statement if necessary to explain, or you may indicate the source in the margin of the bank statement as long as doing so does not obscure any bank activity or other banking information.
- \_\_\_\_\_ Copies of your title OR the "motor vehicle record" for all vehicles. Please include a copy of the proof of insurance for each vehicle. Instructions on how to obtain a motor vehicle record from the Department of Motor Vehicles are enclosed.
- \_\_\_\_\_ If you have been divorced within the past two years, please send copies of your divorce decree and settlement agreement.
- \_\_\_\_\_ If you have a potential or pending lawsuit in which you are the plaintiff, provide the name and address of your attorney.
- \_\_\_\_\_ If you own any real estate other than your current residence (including timeshare interests), please send copies of any deeds and any recent appraisals.

Please read the enclosed Bankruptcy Information Sheet before the meeting.

- FAILURE TO SEND THE REQUESTED DOCUMENTS BY THE DEADLINE MAY RESULT IN THE POSTPONEMENT OF YOUR HEARING AND YOUR DISCHARGE.
- EXCEPT FOR FORMS TRUSTEE PROVIDES, DO NOT SEND ANY ORIGINAL DOCUMENTS TO THIS OFFICE. NO DOCUMENTS WILL BE RETURNED.
- **HAND DELIVERIES ARE NOT ACCEPTED.**
- **YOUR DEBTOR CERTIFICATE OF EDUCATION MUST BE FILED WITH THE BANKRUPTCY COURT. DO NOT SEND A COPY TO ME OR MY OFFICE.**
- IT IS YOUR RESPONSIBILITY TO KEEP YOUR CURRENT ADDRESS ON FILE WITH THE CLERK OF THE BANKRUPTCY COURT AT ALL TIMES. ALL CORRESPONDENCE WILL BE SENT TO THE ADDRESS ON FILE WITH THE COURT. IF YOU MOVE, YOU MUST FILE A CHANGE OF ADDRESS FORM WITH THE CLERK OF THE BANKRUPTCY COURT.
- **DO NOT SEND VIA CERTIFIED OR OTHER U.S. MAIL PRODUCT REQUIRING A SIGNATURE. IT DELAYS MY RECEIPT OF THE INFORMATION.**

**Refusal to cooperate with the Trustee may result in a complaint to completely deny or set aside your bankruptcy Discharge**

Name: \_\_\_\_\_

**DEBTOR QUESTIONNAIRE**

Please fill out the Debtor Questionnaire and return it to your trustee by the date indicated on the instruction letter. Please review the **Support Form** on the reverse side of this page and complete it *if you are required to pay alimony or child support* **REGARDLESS OF WHETHER YOU ARE BEHIND ON PAYMENTS.**

- |     |   |      |     |       |    |       |
|-----|---|------|-----|-------|----|-------|
| 1.  | Do you understand and acknowledge the requirement to turn over your 2017 (and older) tax refunds if they are received after you filed bankruptcy as well as a portion of your 2018 refund to be prorated according to your filing date if you filed bankruptcy in 2018? | .... | Yes | _____ | No | _____ |
| 2.  | Are you presently married but your spouse is not joining you in the filing of this bankruptcy case? If so, do you understand that all community assets are property of this bankruptcy estate, subject to any applicable exemptions?                                    | .... | Yes | _____ | No | _____ |
| 3.  | Have you been divorced in the past 2 years? If yes, please send a copy of your divorce decree including the property settlement documentation?  | .... | Yes | _____ | No | _____ |
| 4.  | Have you been a plaintiff in any personal injury litigation in the past 3 years?  | .... | Yes | _____ | No | _____ |
| 5.  | Do you have any pending personal injury or class action claims for which litigation has not begun? This would include bladder or pelvic mesh claims.  | .... | Yes | _____ | No | _____ |
| 6.  | Are you the beneficiary of any estates or trusts?   | .... | Yes | _____ | No | _____ |
| 7.  | Have you transferred any money to an attorney trust account during the past 12 months?  | .... | Yes | _____ | No | _____ |
| 8.  | Have you disclaimed (refused to accept) any inheritances or bequests in the past four years?  | .... | Yes | _____ | No | _____ |
| 9.  | Have you contributed any money to a retirement plan in the past 4 months? If so, how much?  | .... | Yes | _____ | No | _____ |
| 10. | Is there any real estate in your name other than your residence? If yes, please send a copy of the deed (this includes timeshare interests)?  | .... | Yes | _____ | No | _____ |
| 11. | Have you transferred any assets or paid back any loans to family members during the past 12 months?   | .... | Yes | _____ | No | _____ |
| 12. | Do you have any outstanding/current domestic support obligations?   | .... | Yes | _____ | No | _____ |

As to each secured debt, I (We) have done the following:

- |    |       |   |
|----|-------|---|
| 1. | _____ | Surrendered to the appropriate secured creditor any and all secured items as indicated in the document filed with the Court and entitled "Statement of Intentions re: Secured Debts." |
| 2. | _____ | Reaffirmed any and all debts in compliance with the aforementioned "Statement of Intentions."   |
| 3. | _____ | Redeemed all property as indicated in the aforementioned "Statement of Intentions."   |
| 4. | _____ | Other (Please State):   |

I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.

Date: \_\_\_\_\_

Debtor's Signature: \_\_\_\_\_

Joint Debtor's Signature: \_\_\_\_\_

Case No.: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

*Do Not Use Staples to Secure Anything Mailed to Trustee*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

**SUPPORT FORM**

Case No: \_\_\_\_\_ Case Name: \_\_\_\_\_

Chapter: \_\_\_\_\_ Trustee: \_\_\_\_\_

*If you are required by Court order to pay alimony or child support, you **MUST** complete this form and return to your Trustee. If not, please check the box before the following statement:*

**. I AM NOT REQUIRED BY COURT ORDER TO PAY CHILD OR SPOUSAL SUPPORT**

**Provide the Following information:**

Name of person you owe support:	Address and phone number of person you owe support:  Phone No:
Your employer's name:	Address and phone number of your employer:  Phone No:
Amount of support owed as of petition date:	

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name**

(Submit this form with all other requested information to your Trustee)

-Over-

*Do Not Use Staples to Secure Anything Mailed to Trustee*

ERIC M. HALEY  
CHAPTER 7 BANKRUPTCY TRUSTEE  
P.O. BOX 13390  
SCOTTSDALE, AZ 85267

**AUTHORIZATION TO RELEASE INCOME TAX REFUNDS TO BANKRUPTCY TRUSTEE**

Chapter 7 Bankruptcy Case No. \_\_\_\_\_

By my/our signatures(s) below, I/we hereby authorize the Internal Revenue Service, Special Procedures Section (and/or any other branch of the Internal Revenue Service), to release my/our federal income tax refund check for the year(s) 2017, and 2018 (of which we understand our bankruptcy estate has an interest in that portion which begins at the start of the 2018 tax year and extends to my/our filing date, and is applicable if I/we filed bankruptcy in 2018) and all preceding years directly to Chapter 7 Trustee, Eric M. Haley, at the address indicated above.

Immediately upon completion of my/our federal and state tax returns for the tax year 2017 and 2018, I/we hereby acknowledge that I/we must provide the Trustee dated and signed copies of these tax returns, and upon receipt of all tax refund checks for 2017 and 2018, I/we must turn over these refund checks to the Trustee. I/we understand that by signing this document, I/we acknowledge these tax refunds to be assets of the bankruptcy estate, subject to administration on behalf of my/our creditors.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Joint Debtor's Signature

\_\_\_\_\_  
Debtor's Printed Name

\_\_\_\_\_  
Joint Debtor's Printed Name

\_\_\_\_\_  
Debtor's Social Security Number

\_\_\_\_\_  
Joint Debtor's Social Security Number

\_\_\_\_\_  
Debtor's Phone Number

\_\_\_\_\_  
Joint Debtor's Phone Number (if different)

**Please sign and return to the Trustee at the address listed above.**

**MAKE NOTE OF INFORMATION IN THIS LETTER FOR YOUR RECORDS**

Dear Debtor(s):

This is a reminder that **you are required to forward to my office copies of your 2018 federal and state income tax returns** upon your filing them with the respective taxing authorities. Further, unless I instruct otherwise after I have reviewed your returns, **you must forward to me any refunds resulting from the filing of those 2018 returns. THIS WILL BE THE REFUND MOST PEOPLE WILL RECEIVE BETWEEN JANUARY 2019 AND MAY 2019.**

**If you filed bankruptcy in 2018, no part of your 2017 (or older) refunds (if received post-bankruptcy filing) will be returned to you if I administer those assets for the benefit of your creditors.** The entire amount is property of your bankruptcy estate. If, however, you filed bankruptcy in 2018, a portion of your 2018 refund may be returned to you. The entire refund in such a case will be prorated from January 1, 2018 to your 2018 filing date. Your bankruptcy estate would be due the amount of the refunds calculated from this period, and you may receive an estate check representing your portion of the remainder (i.e., your filing date through December 31, 2018). This amount, however, could be offset for any nonexempt cash on hand, bank account balances that exceed your exemptions, or the acceleration of any payments being made to your estate by you for settlement or asset purchases.

**RECEIPT OF YOUR DISCHARGE DOES NOT MEAN THAT YOUR TRUSTEE IS FINISHED  
ADMINISTERING ASSETS IN YOUR CASE.**

Following are some points to remember concerning your surrender of your tax refunds:

- ❖ If you have not already prepared your returns, do not opt to receive your refunds by way of some kind of refund-anticipation loan or debit card;
- ❖ Do not choose to have your refund directly deposited into your bank account;
- ❖ If you receive a tax refund check, do not endorse it before you send it to my office;
- ❖ Also, you may not simply send me a personal check for your estate's share of the refunds, particularly if I have not had an opportunity to review your filed returns, without prior approval;
- ❖ Send copies of 2018 tax returns as soon as they are filed if not done so prior to sending material to the Trustee. Do not wait until you receive refund checks;
- ❖ Send copies of 2018 tax returns (if you filed bankruptcy in 2018) on or before they are due to be filed near April 15, 2019. If you request a filing extension, send a copy of the IRS extension request by the deadline.
- ❖ Be advised the IRS may send your refund check directly to me. In which case I will calculate your share and return the amount to you as soon as possible if there are no issues preventing me from doing so.

Your anticipated cooperation is appreciated and will prevent my having to file any motions or complaints with the Bankruptcy Court to compel your cooperation in this matter. It will also speed the closing of your case.

Sincerely,

/s/ Eric M. Haley  
Eric M. Haley  
Bankruptcy Trustee

# Vehicle Questionnaire

No. of vehicles \_\_\_\_\_ (if more than 4, please attach additional sheets)

Vehicle #1	Vehicle #2	Vehicle #3	Vehicle #4
Year _____	Year _____	Year _____	Year _____
Make _____	Make _____	Make _____	Make _____
_____ (Ex. Honda)	_____ (Ex. Honda)	_____ (Ex. Honda)	_____ (Ex. Honda)
Model _____	Model _____	Model _____	Model _____
_____ (Ex. Civic)	_____ (Ex. Civic)	_____ (Ex. Civic)	_____ (Ex. Civic)
Trim Pkg. _____	Trim Pkg. _____	Trim Pkg. _____	Trim Pkg. _____
_____ (Ex. Si)	_____ (Ex. Si)	_____ (Ex. Si)	_____ (Ex. Si)
4/2 Doors _____	4/2 Doors _____	4/2 Doors _____	4/2 Doors _____
Trans: Auto / Manual	Trans: Auto / Manual	Trans: Auto / Manual	Trans: Auto / Manual
(Circle one)	(Circle one)	(Circle one)	(Circle one)
Cylinders: 4 / 6 / 8 /	Cylinders: 4 / 6 / 8 /	Cylinders: 4 / 6 / 8 /	Cylinders: 4 / 6 / 8 /
Other	Other	Other	Other
(Circle one)	(Circle one)	(Circle one)	(Circle one)
Mileage: _____	Mileage: _____	Mileage: _____	Mileage: _____
Condition: _____	Condition: _____	Condition: _____	Condition: _____
(poor, good, fair, excellent)	(poor, good, fair, excellent)	(poor, good, fair, excellent)	(poor, good, fair, excellent)
<b>Extras (please circle)</b>	<b>Extras (please circle)</b>	<b>Extras (please circle)</b>	<b>Extras (please circle)</b>
Air conditioning	Air conditioning	Air conditioning	Air conditioning
Power windows/locks	Power windows/locks	Power windows/locks	Power windows/locks
Stereo, cassette, cd	Stereo, cassette, cd	Stereo, cassette, cd	Stereo, cassette, cd
Tilt wheel	Tilt wheel	Tilt wheel	Tilt wheel
Cruise control	Cruise control	Cruise control	Cruise control
Power seats	Power seats	Power seats	Power seats
Sun/moon roof	Sun/moon roof	Sun/moon roof	Sun/moon roof
Convertible	Convertible	Convertible	Convertible
Leather seats	Leather seats	Leather seats	Leather seats
4 or all wheel drive	4 or all wheel drive	4 or all wheel drive	4 or all wheel drive
Abs brakes	Abs brakes	Abs brakes	Abs brakes
airbag	airbag	airbag	Airbag
Other _____	Other _____	Other _____	Other _____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Lien amt</b>	<b>Lien amt</b>	<b>Lien amt</b>	<b>Lien amt</b>
\$ _____	\$ _____	\$ _____	\$ _____
(payoff balance due	(payoff balance due	(payoff balance due	(payoff balance due
Attach most recent statement	Attach most recent statement	Attach most recent statement	Attach most recent statement
from lender)	from lender)	from lender)	from lender)
<b>Value from Schedule B</b>	<b>Value from Schedule B</b>	<b>Value from Schedule B</b>	<b>Value from Schedule B</b>
(Bankruptcy Paperwork)	(Bankruptcy Paperwork)	(Bankruptcy Paperwork)	(Bankruptcy Paperwork)
\$ _____	\$ _____	\$ _____	\$ _____
<b>Amount of Exemption</b>	<b>Amount of Exemption</b>	<b>Amount of Exemption</b>	<b>Amount of Exemption</b>
<b>Claimed on Schedule C</b>	<b>Claimed on Schedule C</b>	<b>Claimed on Schedule C</b>	<b>Claimed on Schedule C</b>
(Bankruptcy Paperwork)	(Bankruptcy Paperwork)	(Bankruptcy Paperwork)	(Bankruptcy Paperwork)
\$ _____	\$ _____	\$ _____	\$ _____

## **How to Obtain a Lienholder Record for your Vehicle(s)**

In Arizona, the title to a vehicle is held by the lienholder until the lien has been satisfied. If there is still a lien on your vehicle(s), then the Trustee needs a copy of the lienholder record. This can be obtained in one of the following ways:

### **Online**

- Visit **www.servicearizona.com** and select **Motor Vehicle Record**.
- Select **Title and Registration Motor Vehicle Record** as the record type.
- After entering the vehicle information, you will be able to print the record directly from the website.

### **At the MVD**

- Request a copy of your Motor Vehicle Record. Specify that you would like the record to include the lienholder information.
- If you are told that this cannot be done, keep trying. Ask someone else; be clear that you do not want a copy of your title, just a lienholder record.

### **From the Lienholder**

- Contact the lienholder of your vehicle and request that they send you a copy of the lienholder record.

**BANKRUPTCY INFORMATION SHEET**

BANKRUPTCY LAW IS FEDERAL LAW. THIS SHEET PROVIDES YOU WITH GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.

**WHEN YOU FILE BANKRUPTCY**

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

Chapter 7 – A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possible real estate depending on the law of the state where you live and applicable federal laws.

Chapter 13 – You can usually keep your property, but you must earn wages or have some other source of regular income, and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 – Like chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 – This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

**WHAT IS A BANKRUPTCY DISCHARGE, AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a “discharge.” A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for –

- Most taxes;
- Child support;
- Alimony;
- Most student loans;
- Court fines and criminal restitution; and
- Personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but



***Do Not Use Staples to Secure Anything Mailed to Trustee***

you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

**WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements—

- Must be voluntary;
- Must not place too heavy a burden on you or your family;
- Must be in your best interest; and
- Can be canceled any time before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

9. Kartchner, Stanley

STANLEY J. KARTCHNER, CHAPTER 7 TRUSTEE  
7090 N ORACLE ROAD #178-204, TUCSON, AZ 85704

EMAIL: [trustee@aztrustee.com](mailto:trustee@aztrustee.com)

TEL (520) 742-1210

ONLINE: [aztrustee.com](http://aztrustee.com)

(Date)

la version en español de la carta está disponible  
en "Documents" en [aztrustee.com](http://aztrustee.com)

To: (Name(s))

Re: (Case Number)

I am the Trustee assigned to administer your bankruptcy case. **It is critical to the success of your case that you do each of the following:**

1. **Attend** the meeting at the date, time and location shown on the *Notice of Chapter 7 Bankruptcy Case* you have received or will receive from the Court.
2. **Bring** with you to the meeting a government issued picture ID (such as a driver's license) and proof of your social security number (such as a social security card, pay stub (if the full social security number is shown), W2, military ID or insurance card). **Tax returns or a driver's license are not acceptable proof of your social security number.**
3. **Read** the enclosed *Bankruptcy Information Sheet* prior to the meeting of creditors; I will ask you at the meeting if you have received and read it.
4. **Turn over to me all federal and state tax refunds** you received after the date your case was filed or that you expect to receive. **The refunds are property of the bankruptcy estate and are not yours to keep or spend. Do not** have your refunds direct deposited, or use rapid refund, or obtain a refund advance loan, or apply your refunds to next year's taxes. (*See the back of this sheet for further instructions regarding tax refunds.*)
5. **Provide to me** (*not your attorney*) **without delay** the following by mail or delivery to the above address (faxes are not accepted):
  - a. Copies of your complete 2012 and 2013 federal and state income tax returns (transcripts of your federal returns are acceptable);
  - b. The completed and signed **original** of the enclosed *Questionnaire*.
  - c. The detailed written list referred to in paragraph B of the additional instructions on the back of this sheet.
  - d. Please note that failure to provide me a copy of your most recently filed federal tax return no later than seven days prior to your meeting may result in dismissal of your case (*see the additional instructions on the back of this sheet*).
6. **File your Certificate of Debtor Education** with the Court. Do **NOT** mail that to me.

You are required by law to fully cooperate with your Trustee. Failure to timely and fully cooperate may result in the dismissal of your case and/or denial of your discharge. If you need legal advice, you must contact an attorney; as your Trustee, I cannot give you legal advice.

## **ADDITIONAL INSTRUCTIONS RE TAX REFUNDS AND DOCUMENTS**

### **A. Documents:**

I do not have a public office. You may deliver documents to the **Pak Mail** located on the south side of the Safeway shopping center at the southeast corner of Ina and Oracle in Tucson (7090 N. Oracle, Suite 178). Give the documents to the person at the counter and he or she will place those in my box. **Do not ask for a receipt; the person at the counter will not provide a receipt.** Otherwise you may mail the documents to the address shown at the top of this letter. Provide **copies** of documents only and not originals (except for the enclosed *Questionnaire*). Also, please **do not call my office to see if I have received your documents.** With the hundreds of cases I am administering, those calls place a considerable burden on me and my staff.

If you do not have a required tax return, you can obtain a transcript of a federal return from the IRS and copies of your Arizona state returns from the Arizona Department of Revenue. It is your responsibility to obtain the returns or transcripts and provide those to me timely. (Click on **<http://aztrustee.com>, Links, IRS (to request tax return transcripts)** to see the IRS web page with instructions for obtaining a transcript from the IRS.)

### **B. Tax Refunds:**

If you already received and spent your tax refunds before the date you filed bankruptcy, provide me a detailed written list showing the date(s) you received your refunds and when and how you spent your refunds (be specific and include dates, amounts, who was paid, and purpose for any payment over \$200). Do not provide bank statements as a substitute for the list.

A list of frequently asked questions and answers regarding tax refunds can be found at [aztrustee.com](http://aztrustee.com) under documents.

### **C. Failure to Timely Provide Federal Income Tax Return to Trustee:**

Bankruptcy Code Section 521(e)(2) states as follows:

**“(A) The debtor shall provide—**

**(i) not later than 7 days** before the date first set for the first meeting of creditors, **to the trustee** a copy of the **Federal income tax return** required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed; and

**(B) If the debtor fails to comply with [the above requirement], the court shall dismiss the case** unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor.”

As stated, it is your responsibility to provide me with a copy of your most recently filed Federal tax return (or transcript of the return) no later than seven days prior to your scheduled meeting, and failure to do so may result in dismissal of your case.

## RETURN TO TRUSTEE WITHOUT DELAY

### QUESTIONNAIRE

(Case No. \_\_\_\_\_)

**Answer the following questions for each debtor. Sign and date where indicated.**

1. State the name and address of your current employer (write n/a if not employed):

Debtor: \_\_\_\_\_

Spouse: \_\_\_\_\_

2. Are you required to pay alimony or child support? yes \_\_\_\_\_ no \_\_\_\_\_

3. Do you have a possible claim or lawsuit against anyone for an injury, loss or accident? If yes, provide details on a separate sheet. yes \_\_\_\_\_ no \_\_\_\_\_

4. Are you entitled to life insurance proceeds or an inheritance, or do you have an interest in a will, trust or other estate or tax planning device? yes \_\_\_\_\_ no \_\_\_\_\_  
If yes, provide details on a separate sheet.

**You must also immediately advise your Trustee if you become a beneficiary of someone's estate within six months following the date you filed bankruptcy.**

5. List all tax refunds you received for 2013: Federal \$ \_\_\_\_\_ State \$ \_\_\_\_\_  
If spent prior to filing, list all payments over \$200 including dates, who was paid and purpose.

6. Does anyone owe you more than \$1,000? yes \_\_\_\_\_ no \_\_\_\_\_  
If yes, on a separate sheet provide details including the amount owed, whether the money is collectible, and the name, address and telephone number of the person who owes the money.

7. Did you purchase a vehicle within the last six months? yes \_\_\_\_\_ no \_\_\_\_\_  
If yes, state on a separate sheet the purchase price, make, model, year and VIN of the vehicle.

8. Do you anticipate receiving any cash or property as a result of a divorce or separation proceeding? If yes, provide details on a separate sheet. yes \_\_\_\_\_ no \_\_\_\_\_

9. Have you owned a business during the last six years? yes \_\_\_\_\_ no \_\_\_\_\_  
If yes, provide details on a separate sheet, including whether it is currently operating.

10. Have you lived in Arizona for at least two years prior to filing bankruptcy?  
If no, indicate the state where you lived prior to that 2 year period. \_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_

**I hereby declare under penalty of perjury that my responses to the foregoing questions are true, accurate and complete to the best of my knowledge.**

X \_\_\_\_\_ X \_\_\_\_\_

Name (print) \_\_\_\_\_ Name (print) \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_



## **BANKRUPTCY INFORMATION SHEET**

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It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

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Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements—

- must be voluntary;
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**IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**



# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

10. MacKenzie, Robert A.

**Robert A. MacKenzie, Trustee**  
2001 East Campbell Avenue  
Suite 200  
Phoenix, Arizona 85016  
(602) 229-8575

Dear Chapter 7 Petitioner:

I have been appointed as the Trustee of your in your Chapter 7 case. Your First Meeting of Creditors, also referred to as your §341 hearing, has been set for [REDACTED] at 230 North First Avenue, Suite 102, Phoenix, Arizona. A formal notice of the hearing date and time will come directly from the Bankruptcy Court Clerk's office. **IN ADDITION TO THOSE DOCUMENTS WHICH YOU ARE REQUIRED TO PRODUCE BY LAW**, in order to make this proceeding go smoothly, please send me the following items **no later than** [REDACTED]

1. COMPLETE COPIES of your most recently filed State and Federal Income Tax Returns (2017). Please sign the attached acknowledgment regarding your tax refunds. **NOTE: ALL INCOME TAX REFUNDS RECEIVED FOLLOWING YOUR BANKRUPTCY FILING DATE ARE PROPERTY OF THE BANKRUPTCY ESTATE AND MUST BE TURNED OVER TO ME.**

2. COPIES of your payroll check stub(s) that cover your bankruptcy filing date and a written statement or record of any other money or compensation owed to you as of your bankruptcy filing date (including, but not limited to, any commission income). Please note the date you actually received or expect to receive these funds.

3. COPIES of titles OR registrations to all vehicles in your name (including trailers, boats, motor homes, motorcycles, ATVs etc...). Do not drive any non-exempt vehicle without current collision and liability insurance. **Send proof of current insurance on all vehicles.**

4. COMPLETE COPIES of all bank statements for each account in your name for the three months immediately preceding and including your bankruptcy filing date.

5. If you have been divorced within the past five years, send a copy of your property settlement and divorce decree.

6. COPIES of statements for all pension plan and retirement plan interests and cash surrender values of life insurance policies.

7. Preserve any and all non-exempt assets and financial records and be prepared to turn them over to me, upon request. Assets with a value in excess of the statutory limit may be sold at auction and you may make a written offer to purchase such assets.

8. COPIES of deeds to all real estate in which you have any ownership interest.

9. If this is a business case or if you are self employed, please contact my office immediately regarding the assets of the business. Debtors engaged in business MUST FILE W-2's for employees.

10. Please read the enclosed Bankruptcy Information Statement prior to attending your §341 hearing.

11. All debtors are required to produce two forms of identification at the §341 hearing. One form of identification must contain your photo, the other must include your social security number. Be prepared to produce these forms of identification at your §341 hearing. Failure to produce the required identification will result in your hearing being continued or your case being dismissed.

Any and all legal questions must be addressed to and answered by your attorney. However, you, not your attorney, are responsible for providing the above listed information and documents to the Trustee. **FAILURE TO TIMELY COMPLY WITH EACH AND EVERY ONE OF THESE REQUIREMENTS MAY RESULT IN DISMISSAL OF YOUR CASE OR A COMPLAINT TO DENY OR SET ASIDE YOUR DISCHARGE.** Your case will remain open until all of my requests have been satisfied.

Sincerely,



ROBERT A. MACKENZIE

encl.

# DEBTOR QUESTIONNAIRE

Please answer each of the questions below, sign and date the Questionnaire, insert your case number and return this completed questionnaire to Robert A. MacKenzie by the date indicated on the instruction letter.

- |   | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| 1. Were you a resident of the State of Arizona continuously for at least 730 days (two years) immediately preceding the filing of your case?  | _____      | _____     |
| If you answered NO, what state did you move to Arizona from? _____  |            |           |
| 2. Do you owe <i>anything</i> to a spouse, former spouse, child or such child's parent, legal guardian or responsible relative?   | _____      | _____     |
| 3. Do you understand and acknowledge the requirement that you must turn over your 2018 state and federal tax refunds to the Trustee if the refunds are received after you filed bankruptcy? | _____      | _____     |
| 4. Are you currently married <u>and</u> filing this bankruptcy <u>individually</u> ?  | _____      | _____     |
| 5. Have you been divorced in the past five years? If yes, please send a copy of your divorce decree including the property settlement documentation.  | _____      | _____     |
| 6. Have you been a plaintiff in any personal injury litigation in the past three years?   | _____      | _____     |
| 7. Do you have any personal injury or class action claims for which litigation has not yet begun?   | _____      | _____     |
| 8. Are you the beneficiary of any estate or trust?  | _____      | _____     |
| 9. Have you transferred any money or property of any kind to an attorney trust account during the past twelve months?   | _____      | _____     |
| 10. Have you disclaimed any inheritances or bequests in the past year?  | _____      | _____     |
| 11. Have you contributed any money to a retirement plan in the past six months?   | _____      | _____     |
| 12. Is there any real estate in your name other than your primary residence?  | _____      | _____     |
| 13. Have you transferred any assets to any family members during the past twelve months?  | _____      | _____     |
| 14. Are there any questions on this questionnaire that you do not understand?   | _____      | _____     |

\_\_\_\_\_  
Debtor's Signature, Date

\_\_\_\_\_  
Joint Debtor's Signature, Date

Your Phone Number: \_\_\_\_\_

CASE NUMBER \_\_\_\_\_

**ACKNOWLEDGMENT OF TRUSTEE'S INSTRUCTIONS  
REGARDING TAX REFUNDS**

CHAPTER 7 CASE NUMBER: \_\_\_\_\_

I hereby acknowledge my Trustee's Instructions regarding my 2018 Federal and State Income tax refunds.

I understand and hereby acknowledge that I must immediately upon receipt, turn over to the Trustee any and all tax refund checks for tax year 2018, as well as any other tax refunds for years preceding my bankruptcy filing date in which I am entitled to a refund but had not received such refunds as of my bankruptcy filing date. I understand that by signing this acknowledgment, I acknowledge my understanding that these tax refunds are assets of the bankruptcy estate, subject to administration on behalf of my creditors. I further understand that if applicable, I may receive a pro-rata share of these refunds back based on the date of the filing of my bankruptcy and taking into consideration any outstanding non-exempt assets due to the bankruptcy estate.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Joint Debtor's Signature

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

11. Mason, Anthony

ANTHONY H. MASON  
BANKRUPTCY TRUSTEE  
P.O. BOX 27028  
TEMPE, ARIZONA 85285-7028  
(602) 808-7770

DEAR CHAPTER 7 PETITIONER:

I have been appointed as the Trustee of your bankruptcy proceedings by the U.S. Trustee for the District of Arizona. Your first meeting of creditors has been set for **July 2, 2018** at the U.S. Trustee Meeting Room located at 230 N 1<sup>st</sup> Avenue, Suite 102, Phoenix, Arizona 85003. You will receive a separate notice from the Court with the time of your meeting. **It is important that you attend this meeting.**

**BEFORE JUNE 15, 2018**

You must **mail** the following documents to me **before June 15, 2018**. Send your documents to:

Anthony H. Mason  
PO Box 27028  
Tempe, AZ 85285-7028

**Copies** of your 2016 and 2017 Federal **and** State Income Tax Returns.

**Note:** All federal and state income tax refunds for tax years 2017 and earlier **that you receive after the filing** of your bankruptcy are property of your bankruptcy estate. You must send these checks to me.

**Failure to provide your most recent tax returns to your Trustee will result in automatic dismissal of your case.**

**Copies** of the title(s) to your vehicle(s) as well as a copy of the proof of insurance for each vehicle. If your title is not available to you, please provide a copy of your registration.

**Copies** of bank, pre-paid card or online account statements for each account in your name for three months before your filing date, **plus the statement that includes your filing date** (four months total).

**Copies** of your divorce decree and settlement agreement, if you have been divorced within the last two years.

**Copies** of all pension plan, 401K, and IRA statements and documents stating the cash surrender values of life insurance policies.

**Copies** of deeds to real estate owned (except your residence).

**ON THE DAY OF YOUR MEETING**

You **must** bring government issued photo ID such as a driver's license, DMV Identification Card, military ID or passport.

You **must** bring your social security card.

\_\_\_\_\_  
If you do not have your social security card:

**I will accept:**

1. A letter from the Social Security Administration verifying your social security number.  
**Note:** A letter that simply states that you have filed for a new card **is not acceptable**. The letter must include your social security number.
2. An original W-2 or 1099 that includes your full social security number.
3. An original Medicare card that contains your full social security number
4. An original military ID that includes your full social security number.

**I will not accept;**

1. A photocopy of your social security card.
2. A birth certificate.
3. A Social Security Earnings Statement that contains only the last four digits of your social security number.
4. A letter from the Social Security Administration that simply states that you have applied for a new card.
5. A tax return.

To make this proceeding go smoothly, my office must receive the items listed above **NO LATER THAN JUNE 15, 2018**. Please note that we do not accept hand deliveries; all documents must be mailed.

Please **DO NOT USE STAPLES**. **Write your case number** in the top right corner of all documents you mail to my office.

## ***FREQUENTLY ASKED QUESTIONS***

**Q:** If I don't have copies of my tax returns may I send you my W2s?

**A:** No. Copies of your W2s will **NOT** be sufficient. Please contact your tax preparer or the IRS/Arizona Department of Revenue to obtain a copy of your **tax return** and forward it to this office.

---

**Q:** I have all of the requested information except for **one** item. Should I wait and give it to you all at one time?

**A:** No. We understand that there are times when you will have to wait for a third party to provide you with information that has been requested. Please send the documents that you already have and send the missing item(s) separately.

---

**Q:** May I bring the requested paperwork to the meeting with me?

**A: NO. It is very important that we receive the requested information before your meeting. If your documentation does not reach this office before your meeting, the meeting may be continued, thus delaying your discharge.**

---

**Q:** May I hand-deliver the requested paperwork?

**A:** No. Please use the **P.O. Box number** provided.

---

**Q:** Will you return original documents?

**A:** No. We do **not** make copies. Any originals forwarded to our office will be shredded and **not** be returned.

---

**Q:** I don't have the bank statement that covers my filing date. What should I do?

**A:** You may submit a printout of all transactions from the date of your most recent statement through the filing date. You can obtain this printout from your bank, or if you have access to your account online, we will accept an online printout **if it shows balance information.**

---

## **Contact Information Sheet**

Please complete and return this information sheet with your documents.

Case No.: \_\_\_\_\_

Debtor 1 Name:	
Primary Phone:	
Work Phone:	
Email Address:	

Debtor 2 Name:	
Primary Phone:	
Work Phone:	
Email Address:	



## VEHICLE INFORMATION

### **PLEASE LIST ALL VEHICLES REGISTERED IN YOUR NAME.**

Vehicles include all cars, trucks, RVs, ATVs, and trailers (anything that is required to be titled and/or registered with the MVD). Do NOT list leased vehicles. List all vehicles even if there is a lien against the vehicle.

### **INCLUDE THE KELLY BLUE BOOK VALUATION FROM KBB.COM.**

#### EXAMPLES

Year: 2006 Make: Toyota  
Make: Camry  
Trim/Style/Body: SE, Sedan  
Month/Year purchased: 10/07  
Mileage: 36,524  
Condition (Circle 1): Good Fair Poor

Year: 2008 Make: Ford  
Make: F150 Super Cab  
Trim/Style/Body: XL, 4 Door, 6 1/2 ft bed  
Month/Year purchased: 6/10  
Mileage: 62,876  
Condition (Circle 1): Good Fair Poor

#### **VEHICLE #1**

Year: \_\_\_\_\_ Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Trim/Style/Body: \_\_\_\_\_  
Month/Year purchased: \_\_\_\_\_  
Mileage: \_\_\_\_\_  
Condition (Circle 1): Good Fair Poor

#### **VEHICLE #2**

Year: \_\_\_\_\_ Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Trim/Style/Body: \_\_\_\_\_  
Month/Year purchased: \_\_\_\_\_  
Mileage: \_\_\_\_\_  
Condition (Circle 1): Good Fair Poor

#### **VEHICLE #3**

Year: \_\_\_\_\_ Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Trim/Style/Body: \_\_\_\_\_  
Month/Year purchased: \_\_\_\_\_  
Mileage: \_\_\_\_\_  
Condition (Circle 1): Good Fair Poor

#### **VEHICLE #4**

Year: \_\_\_\_\_ Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Trim/Style/Body: \_\_\_\_\_  
Month/Year purchased: \_\_\_\_\_  
Mileage: \_\_\_\_\_  
Condition (Circle 1): Good Fair Poor

#### **VEHICLE #5**

Year: \_\_\_\_\_ Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Trim/Style/Body: \_\_\_\_\_  
Month/Year purchased: \_\_\_\_\_  
Mileage: \_\_\_\_\_  
Condition (Circle 1): Good Fair Poor

#### **VEHICLE #6**

Year: \_\_\_\_\_ Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Trim/Style/Body: \_\_\_\_\_  
Month/Year purchased: \_\_\_\_\_  
Mileage: \_\_\_\_\_  
Condition (Circle 1): Good Fair Poor

### **How to Obtain a Lienholder Record for your Vehicle(s)**

In Arizona, the title to a vehicle is held by the lienholder until the lien has been satisfied. If there is still a lien on your vehicle(s), then the Trustee needs a copy of the lienholder record. A lienholder record can be obtained in one of the following ways:

#### **Online**

- Visit **www.servicearizona.com** and select **Motor Vehicle Record** located under the “All Services” tab.
- Select **Title and Registration Motor Vehicle Record** as the record type.
- After entering the vehicle information, you will be able to print the record directly from the website.

#### **At the MVD**

- Request a copy of your Motor Vehicle Record. Specify that you would like the record to include the lienholder information.

#### **From the Lienholder**

- Contact the lienholder of your vehicle and request that they send you a copy of the lienholder record.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA

**SUPPORT FORM**

Case No.: \_\_\_\_\_ Case Name: \_\_\_\_\_

Chapter: 7 Trustee: \_\_\_\_\_

***If you are required to pay alimony or child support, you MUST complete this form and return to your Trustee.***

Provide the Following information:

Name of Person you owe Support:	Address & phone number of Person you owe Support:  Phone #:
Your Employer's Name:	Address and phone number of your Employer:  Phone #:
Amount of Support owed as of the Petition date:  \$ _____	

DATED: \_\_\_\_\_

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
PRINTED NAME

\*\*\*\*\*

(Submit this form with all other requested information to your Trustee.)

**NOTICE OF YOUR LEGAL DUTY**  
**RE: 2018 TAX REFUNDS**

**YOU MUST FILE A TIMELY TAX RETURN**

11 U.S.C. §523(a)(1)(B) authorizes the United States Bankruptcy Court to revoke your discharge if you do not file a timely tax return. You **must provide a copy** of your 2018 tax return to your Trustee.

**YOU MUST TURN OVER YOUR 2018 TAX REFUNDS  
TO YOUR BANKRUPTCY TRUSTEE**

Pursuant to 11 U.S.C. §541(a)(1), your bankruptcy estate is entitled to **all** your legal and equitable interests in property as of the commencement of the case. This includes your Federal and State tax refunds for the year 2018. Failure to comply with this provision is grounds for revocation of your discharge and the imposition of criminal penalty (see below). Receipt of a bankruptcy discharge **does not** relieve you of this obligation.

**CONCEALMENT OF ASSETS IS A CRIME**

Under 18 U.S.C. §152, concealment of assets, such as a tax refund, by the Debtor is a felony punishable by as much as five years' imprisonment.

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**ACKNOWLEDGEMENT OF TRUSTEE'S INSTRUCTIONS REGARDING TAX REFUNDS**

I hereby acknowledge that I understand that I must provide the Trustee with a copy of my 2018 federal and state tax returns and must, immediately upon receipt, turn over to the Trustee any and all tax refund checks for tax year 2018 as well as any other tax refunds for other tax years prior to 2018 for which I am entitled to a refund but had not received the refund prior to the filing of my bankruptcy.

By signing this acknowledgement, I am indicating that I understand that these tax refunds are property of the bankruptcy estate and subject to administration on behalf of my creditors. I understand that receipt of a bankruptcy discharge does not relieve me of this obligation.

\_\_\_\_ I am not required to file tax returns.

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Debtor 1 Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Debtor 2 Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

## **BANKRUPTCY INFORMATION SHEET**

**BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET GIVES YOU SOME GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.**

### **WHEN YOU FILE BANKRUPTCY:**

You can choose the kind of bankruptcy that best meets your needs:

Chapter 7 - A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the state where you live.

Chapter 13 - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The Court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 - Like chapter 13, but it is only for family farmers.

Chapter 11 - This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the Court must approve a plan to repay your debts. There is no trustee unless the Judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### **WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a Court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for—

- most taxes;
- child support;
- alimony;
- most student loans;
- Court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed.

(Cont'd)

Also, if the Judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged.

The Judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a Court order.

You can only receive a chapter 7 discharge once every six years. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the Court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements—

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest;
- can be canceled any time before the Court issues your discharge or within 60 days after the agreement is filed with the Court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the Court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the Court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

12. Mullen, Brian J.

**BRIAN J. MULLEN  
BANKRUPTCY TRUSTEE  
P.O. BOX 32247  
PHOENIX, AZ 85064**

**Please read this entire letter. It contains important instructions about your bankruptcy case.**

I have been appointed as the Chapter 7 Trustee in your bankruptcy case. Your 341 meeting of creditors is scheduled for **FRIDAY MARCH 1, 2019**, at the Pinal County Superior Court, 971 Jason Lopez Cir., Bldg A, 3<sup>rd</sup> Floor Hrg. Room, Florence, AZ. You will receive a notice from the Court informing you of the time of your hearing.

**YOU MUST ATTEND THIS HEARING AND BRING A VALID PHOTO ID AND YOUR SOCIAL SECURITY CARD OR OTHER OFFICIALLY ISSUED PROOF OF SOCIAL SECURITY NUMBER**

In order for your meeting to proceed smoothly, my office must receive copies of the following documents no later than **Monday February 21, 2019**. Please **MAIL** copies to my address at the top of this page. I am unable to accept hand delivery of your documents. Please do not call to verify that I have received your documents. Mail the documents that you have. Additional documents may be brought to the hearing.

**PLEASE WRITE "MARCH 1, 2019" ON THE OUTSIDE OF YOUR ENVELOPE**

- 1. COPIES OF YOUR 2018 STATE AND FEDERAL TAX RETURNS AND ANY TAX REFUNDS YOU RECEIVE.** If you have not yet filed your 2018 taxes, send your 2017 tax returns and provide copies of the 2018 returns when they are filed. **Failure to provide tax returns or tax refunds received may result in dismissal of your case or an objection to your discharge**
2. Copies of the title(s) to your vehicle(s) if you have them. If your lender has your title, send me a copy of the coupon or statement that you send with your payment.
3. Copies of bank statements for every account in your name and accounts that you control for the 3 months prior to your bankruptcy filing date, plus the next statement you receive after your filing date.
4. Copy of your divorce decree/property settlement if you have been divorced in the last 2 years.
5. Copy of the last statement for your retirement account, 401K or IRA if you have such an account.
6. If you have been ordered to pay child support, alimony or spousal maintenance, provide the name and address of the person you have been ordered to pay.
7. Copies of the last payroll stub prior to your filing and the first payroll stub received following your filing.
8. If you have been injured in an accident and have a pending lawsuit provide the name and address of your attorney. If you have any type of potential claim for money or property, provide details of that claim.

Failure to timely **MAIL** this information may result in a delay of your hearing. It is your responsibility to send me these documents. **Do not assume they are being sent by your attorney or the court.**

Keep your address on file with the Bankruptcy Court current. If you move, file a change of address notice with the Bankruptcy Court. Your discharge will be sent by the Court to the address on file.

**REFUSAL TO COOPERATE WITH THE TRUSTEE MAY RESULT IN A COMPLAINT TO DENY OR SET ASIDE YOUR BANKRUPTCY DISCHARGE.**

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

13. Nowak, Trudy A.



# TRUDY A. NOWAK, CHAPTER 7 TRUSTEE

2001 E. CAMPBELL AVE., SUITE 201 PHOENIX, AZ 85016  
EMAIL: DKW@TANOWAK.COM (DONNA WYATT, TRUSTEE ASSISTANT)

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June 5, 2019

Case No. 4:19-bk-06704-BMW  
§ 341 Meeting Date: July 8, 2019  
§ 341 Meeting Time: 11:00AM

**\*\*\*\*Deadline to Return Questionnaire and Documents is June 19, 2019\*\*\*\***

Bethanie Shae Morris  
401 N. 1200 W  
Pima, AZ 85543

I am your Chapter 7 bankruptcy trustee. It is my responsibility to handle the administration of your case. I review your bankruptcy schedules and statements, all documents and information I request from you, examine you about your financial affairs at a § 341 Meeting of Creditors ("§ 341 Meeting"), and determine whether or not you have any non-exempt assets to be turned over, liquidated, and distributed to your creditors.

**YOUR § 341 MEETING:** Your Meeting of Creditors was scheduled by the Bankruptcy Court for the date and time shown above. Your attendance is MANDATORY. I must request that your case be dismissed if you do not attend. These are only rescheduled in the event of a dire emergency (such as hospitalization, death in your family, loss of job if absent, jury duty, etc.). Also, I am not allowed to conduct your § 341 Meeting if I have not received your most recently filed tax returns at least 7 days before your § 341 Meeting.

**YOU MUST BRING YOUR ID TO THE § 341 MEETING:** You must bring (1) PHOTO ID (examples: original driver's license, government issued ID, or passport) and (2) proof of your SOCIAL SECURITY NUMBER (examples: original Social Security card or Medicare card). Your failure to bring both forms of ID will require you to return for a second § 341 Meeting. I am required to review your ID and compare it to the Court records. Without fail, every time I conduct § 341 Meetings, one or more debtors forget to bring both forms of ID. Please remember this important requirement.

**DOCUMENT REQUEST AND QUESTIONNAIRE FORM ("DCQ") (ATTACHED):** You are REQUIRED to complete the DCQ and provide all documents requested. Your failure to do so may delay your case, require you to return for a second § 341 Meeting, or affect your ability to receive or keep your discharge. Mail these to me by the Due Date shown above. DO NOT STAPLE ANY OF THE PAPERS YOU MAIL TO ME so I can easily scan them. Be sure you have put enough postage on your package.

**BANKRUPTCY INFORMATION SHEET:** This is on the back of this letter. I must ask you at your § 341 Meeting if you have read it. Read it before you come to your § 341 Meeting so you can say "yes."

**IMPORTANT – 2018 & 2017 FEDERAL AND STATE TAX RETURNS AND REFUNDS:** You must also send all tax refunds received after you filed your case to me immediately upon receipt. Bring any refund checks (or your check for the refund amount if the refunds were directly deposited into your bank account) received before your § 341 Meeting to the § 341 Meeting so you can deliver these to me at that time. **YOU ARE NOT permitted to spend the refunds for any purpose. No exceptions.** If you spend the refunds, I will object to your bankruptcy discharge.

Neither my staff nor I can advise you regarding ANY legal matters in your case. You should consult an attorney, research the law yourself or set up a time to get assistance from the Bankruptcy Court Self Help Center. If you hired an attorney to assist you, you should contact that attorney with your questions. The Bankruptcy Court website at [www.azb.uscourts.gov](http://www.azb.uscourts.gov) also has general information for debtors.

## **BANKRUPTCY INFORMATION SHEET**

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### **IMPORTANT NOTE TO INDIVIDUAL DEBTORS:**

Effective January 1, 2001, all individual debtors must provide photo identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in your case being dismissed.

### **WHEN YOU FILE BANKRUPTCY:**

You can choose the kind of bankruptcy that best meets your needs:

Chapter 7 - A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the state where you reside.

Chapter 13 - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The Court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 - Like chapter 13, but is only for family farmers.

Chapter 11 - This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter. Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### **WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a Court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for:

- Most taxes;
- child support;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed.

Also, if the Judge finds that you received money or property, by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged.

The Judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records or lie, or if you disobey a Court order.

You can only receive a chapter 7 discharge one every eight years. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the Court.

Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements-

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the Court issues your discharge or within 60 days after the agreement is filed with the Court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the Court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the Court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt-the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

IF YOU WANT MORE INFORMATION OR HAVE QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.

# DOCUMENT CHECKLIST AND QUESTIONNAIRE (4 PAGES)

## RETURN THIS WITH YOUR PAPERWORK

DEBTOR NAME: <u>BETHANIE SHAE MORRIS</u>	PETITION DATE: <u>MAY 30, 2019</u>
JOINT DEBTOR NAME:	<u>341 MEETING: JULY 8, 2019</u>
CASE No. <u>4:19-BK-06704-BMW</u>	<u>341 MEETINGTIME: 11:00AM</u>

ENCLOSED  
FOR YOUR  
REVIEW

DOES NOT  
APPLY  
TO ME-  
ATTACH  
EXPLANATION

**SEND COPIES ONLY, NOT ORIGINALS!! DO NOT USE ANY STAPLES!**

**NUMBER EACH ITEM TO CORRESPOND WITH THE ITEMS BELOW**  
**PUT ALL DOCUMENTS IN THIS ORDER**

- ☐ ☐ 1 **TAX RETURNS/REFUNDS:** All pages, in order, of your 2018 & 2017 federal and state tax returns. If you did not file tax returns, explain why on page 4. If you do not have copies of returns, you can request transcripts from IRS (800-829-1040 and AZ Dept of Revenue (800-352-4090). Also, you must forward all tax refunds you receive after your bankruptcy filing date. These refunds are property of the bankruptcy estate. Do not cash or endorse the checks received.  
2018 Federal refund: \$ \_\_\_\_\_ received on \_\_\_\_\_ (date).  
2018 State refund: \$ \_\_\_\_\_ received on \_\_\_\_\_ (date).
- ☐ ☐ 2 **WAGE STATEMENTS:** The two most recent wage statements for each person who filed for bankruptcy. **BE SURE ONE OF THESE FOR EACH DEBTOR COVERS YOUR BANKRUPTCY FILING DATE.** If currently unemployed, indicate how long you've been unemployed: \_\_\_\_\_ months.
- ☐ ☐ 3 **BANK STATEMENTS:** For each and every one of your bank accounts listed on Schedule B and any closed account within the dates provided. Please provide online print out if statements date cuts off before the date provided or obtain letter from bank providing end of balance on day of bankruptcy filing. **MUST INCLUDE THE DAY YOUR BANKRUPTCY WAS FILED**  
**February 15, 2019 through June 5, 2019**
- ☐ ☐ 4 **CHECKS:** Cancelled checks, money orders, and receipts for withdrawals over \$1500 and indicate payor name and purpose of payment or withdrawal. Also, explain all non-wage deposits over \$2000.
- ☐ ☐ 5 **RETIREMENT/INVESTMENT ACCOUNT STATEMENTS:** The most recent statement for each of your retirement accounts (IRA, 401(k), 403, SEP, TSP, deferred comp, pension plan, annuity, etc.) AND investment accounts (stocks, bonds, mutual funds, annuities, trade, CDs, etc.). The statements must include the balances on the date of your bankruptcy filing.
- ☐ ☐ 6 **RECENT DIVORCE DECREES:** All pages of your divorce decree with all exhibits, child support order, and property settlements if you were divorced on or after January 1, 2017 **ONLY**.
- ☐ ☐ 7 **REAL PROPERTY DOCS:** Current mortgage statement and homeowner's insurance. Also, provide your mortgage application if you obtained a new mortgage or refinanced in the last two years.
- ☐ ☐ 8 **LAW SUITS WHERE YOU ARE THE PLAINTIFF OR ACTIONS YOU HAVE AGAINST OTHERS:** Personal injury/class action/other case information (if you've already filed the case and hired an attorney) or information re accident or injury caused by another person or company in last 3 years.
- ☐ ☐ 9 **TRUSTS:** Trust agreement if you are a beneficiary under a trust.
- ☐ ☐ 10 **BUSINESSES:** If you own or co-own a business (LLC, corp, sole proprietorship, partnership) provide federal tax returns for business for last two years, balance sheet and profit and loss statement for date you filed bankruptcy and bank statements for all accounts for last year.  
Is business is currently operating: Yes \_\_\_\_\_ No \_\_\_\_\_ (Date operations stopped: \_\_\_\_\_)

Enclosed for  
your review:

Does Not Apply  
to my case:

Check boxes below:

<b>#11 WHOLE LIFE INSURANCE POLICY</b>  <input type="checkbox"/> <input type="checkbox"/>  <b><u>PROVIDE COPIES OF ALL POLICIES</u></b>	How long have you owned the policy? _____ years Face amount of insurance \$ _____ Cash Surrender Value on filing date: \$ _____ Outstanding loans against cash surrender value: \$ _____ Name of Beneficiary: _____ Relationship to Filer: _____ Age: _____ If you have more than one whole life policy, include info on those other policies on page 4.
<b>#12 VEHICLE #1</b>  <b>Provide Copy Of Title Or Current Registration And Current Insurance</b>  <b>Copy Of Purchase Contract Agreement If Purchased Within 6 Months Of Filing Bankruptcy</b>  <b>Provide copy of Kelly Blue Book Value</b>	This applies to all vehicles: cars, trucks, RVs, ATVs, trailers, motor home, etc. VIN: _____ Year, Make and Model: _____ Mileage: _____ Condition: _____ # of doors: _____ Automatic or Manual Transmission? _____ Power windows/locks? _____ A/C? _____ Stereo/CD? _____ Cruise? _____ Sunroof? _____ Leather seats? _____ Month/Year purchased: _____ Purchase Price: _____ Lienholder: _____ Amt Owed: \$ _____ Value: \$ _____ from: __ KBB __ Edmunds __ Appraisal __ Other basis <b>DO NOT DRIVE ANY UNINSURED VEHICLES</b>
<b>#13 VEHICLE #2</b>  <b>Provide Copy Of Title Or Current Registration And Current Insurance</b>  <b>Copy Of Purchase Contract Agreement If Purchased Within 6 Months Of Filing Bk</b>  <b>Provide copy of Kelly Blue Book Value</b>	This applies to all vehicles: cars, trucks, RVs, ATVs, trailers, motor home, etc. VIN: _____ Year, Make and Model: _____ Mileage: _____ Condition: _____ # of doors: _____ Automatic or Manual Transmission? _____ Power windows/locks? _____ A/C? _____ Stereo/CD? _____ Cruise? _____ Sunroof? _____ Leather seats? _____ Month/Year purchased: _____ Purchase Price: _____ Lienholder: _____ Amt Owed: \$ _____ Value: \$ _____ from: __ KBB __ Edmunds __ Appraisal __ Other basis <b>DO NOT DRIVE ANY UNINSURED VEHICLES</b>
<b>#14 FIREARMS</b>  <input type="checkbox"/> <input type="checkbox"/>  <b><u>PROVIDE PHOTOS OF FIREARMS</u></b>	Provide Year, make, Model and Serial Number for each firearm: Firearm #1: _____ Value: \$ _____ Firearm #2: _____ Value: \$ _____ Firearm #3: _____ Value: \$ _____ Firearm #4: _____ Value: \$ _____
<b>#15 GARNISHMENTS</b>  <input type="checkbox"/> <input type="checkbox"/>  <b><u>ATTACH DOCS RE GARNISHMENT</u></b>	Creditor or creditor's attorney who is garnishing wages or accounts: Name: _____ Address: _____ Court Case No. _____ Has garnishment stopped? _____ Approx Amt of wages garnished over 3 mo period before filing date: \$ _____ <b>Amount of funds returned to you after filing bankruptcy.</b> _____ Provide all payroll advices for the 3 months for correct calculations.
<b>#16 BOATS/MOTORS</b>  <input type="checkbox"/> <input type="checkbox"/>  <b><u>ATTACH PURCHASE CONTRACT</u></b>	List trailers above under Vehicles or attach a separate sheet of paper with info set forth above that is required of vehicles Year/Manufacturer of Boat/Motor: _____ Condition: _____ Month/year purchased: _____ Purchase Price: _____ Value: _____

DEBTOR NAME: Bethanie Shae Morris

JOINT DEBTOR NAME:

Case No. 4:19-bk-06704-BMW

**YES NO ANSWER THE FOLLOWING QUESTIONS:**

- ☐ ☐ **17** Have you lived in AZ for at least two years before I/We filed bankruptcy?  
If not, what state did you live in prior to that two-year period? \_\_\_\_\_
- ☐ ☐ **18** INDIVIDUAL DEBTORS ONLY: Were you married on the date you filed bankruptcy?
- ☐ ☐ **19** Did you make any credit card balance transfers within 120 days of your filing date? If yes, provide details including dates, amounts, and credit cards involved here and provide related documentation:
- ☐ ☐ **20** Does anyone owe you more than \$1000? If so, provide name and address, amount owed here and provide related documentation:
- ☐ ☐ **21** Do you have an unpaid claim against an insurance company for any theft, loss, injury or damages? If yes, state the nature of such claim, claim number, name of insurance company and phone number for claims adjuster here and provide related documentation:
- ☐ ☐ **22** Are you entitled to or expecting life insurance proceeds or an inheritance or have an interest in a will or trust? If yes, provide name and address of personal representative or executor or attorney for the decedent's estate here. **YOU MUST ALSO ADVISE YOUR TRUSTEE IF YOU BECOME A BENEFICIARY UNDER SOMEONE'S WILL OR TRUST OR LIFE INSURANCE WITHIN SIX MONTHS FOLLOWING YOUR FILING DATE.**
- ☐ ☐ **23** Have you transferred assets or money or repaid loans to family members during the last 14 months.  
Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
Dates and Amounts of Payments: \_\_\_\_\_  
Gifts: \_\_\_\_\_ Dates: \_\_\_\_\_

**ATTACH COPIES OF NOTES/SECURITY AGREEMENTS**

- ☐ ☐ **24** Have you filed bankruptcy in the past 10 years? If yes:  
Case No. \_\_\_\_\_ State: \_\_\_\_\_ Year Filed: \_\_\_\_\_
- ☐ ☐ **25** Have you modified a mortgage or tried to do so in the last 2 years? If so,  
Name of person or company used to assist you: \_\_\_\_\_  
Address of person or company: \_\_\_\_\_  
Amount paid for services: \$ \_\_\_\_\_ Outcome: \_\_\_\_\_

PROVIDE EXPLANATIONS, FURTHER INFORMATION OR COMMENTS REGARDING ANY ABOVE REQUESTS OR QUESTIONS IN THIS SPACE:

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<b>DOMESTIC SUPPORT OBLIGATIONS YOU OWE</b>  Total Arrears Owed: \$ _____  Monthly Payment Amount: \$ _____	Are you required to pay child support or alimony?    Yes _____    No _____ Which Debtor owes this? _____  Ex-Spouse Name and Complete Address: _____ _____ _____  Name and Address of Govt Agency to which payments are sent: _____ _____ _____
---	--

**CURRENT EMPLOYER NAMES WITH ADDRESSES:**

DEBTOR:	JOINT DEBTOR:
---------	---------------

**\*\*DO NOT STAPLE ANY PAPERS TOGETHER SO I CAN EASILY SCAN THE PAPERS INTO MY COMPUTER!!!!**

**I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION AND ANSWERS CONTAINED IN THIS DOCUMENT CHECKLIST AND QUESTIONNAIRE (4 PAGES) ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE READ THE BANKRUPTCY INFORMATION SHEET PROVIDED. I ACKNOWLEDGE THAT I MUST TURN OVER ALL TAX REFUNDS RECEIVED AFTER MY BANKRUPTCY FILING DATE.**

\_\_\_\_\_  
 Debtor's Signature

Date: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Email Address: \_\_\_\_\_  
 Please write very CLEARLY

\_\_\_\_\_  
 Joint Debtor's Signature

Date: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Email Address: \_\_\_\_\_  
 Please write very CLEARLY

Will you need an interpreter for the meeting of creditors? If so what language? \_\_\_\_\_

How much did you pay your attorney for fees (if applicable)? \_\_\_\_\_

**Do not send your Credit Counseling or Debtor Education Certificates to me.**

**Review this 4-page Document Checklist and Questionnaire carefully and more than once before you return it along with the requested documents.**

**Be sure to put a corresponding number (1-25) on each document you send me and put all documents in the order listed above.**

**YOUR FAILURE TO COMPLY WITH EVERYTHING IN THIS PACKET CAREFULLY AND COMPLETELY MAY DELAY YOUR CASE, CAUSE YOU TO HAVE TO COME BACK TO THE COURTHOUSE FOR ANOTHER EXAMINATION, OR MAY AFFECT YOUR ABILITY TO RECEIVE A BANKRUPTCY DISCHARGE. TAKE YOUR DEBTOR RESPONSIBILITIES VERY SERIOUSLY.**

**READ AND SIGN THIS DOCUMENT**

**Acknowledgment of Trustee's Instructions Re:  
2018 and 2019 TAX RETURNS & REFUNDS**

Chapter 7 Bankruptcy Case No. \_\_\_\_\_, District of Arizona

I/We hereby acknowledge my/our Trustee's instructions regarding my/our 2018 and 2019 Federal and State income tax returns and refunds.

**TAX RETURNS:** I/We understand and hereby acknowledge that I/We must immediately, upon filing with the tax authorities, turn over to the Trustee copies of Federal and State tax returns for the year 2018 and 2019 and earlier years, if applicable.

**TAX REFUNDS:**

- I/We understand and hereby acknowledge that I/We must immediately, upon receipt, turn over to the Trustee all tax refunds for the year 2018 if received after filing bankruptcy.
- I/We understand and hereby acknowledge that I/We must immediately, upon receipt, turn over to the Trustee all tax refunds for the year 2019 and earlier years, if applicable.
- I/We understand that by signing this document, I/We acknowledge these tax refunds to be assets of the bankruptcy estate, subject to administration on behalf of my/our creditors.
- I/We further give our approval to the Internal Revenue Service, Special Procedures, to send the federal refund check for the above-specified years directly to the Trustee, Trudy A. Nowak.

**DEBTOR(S)' PRORATED REFUNDS FROM FILING DATE TO DEC 31:** If applicable, the trustee will send the debtor(s) a pro-rata share of all tax refunds she receives. The bankruptcy estate is entitled to a percentage of the refunds (# of days in the year up to the filing date of the bankruptcy, divided by 365). The debtor(s) are entitled to a percentage of the refunds (# of days from the filing date until December 31, 2019, divided by 365), less any outstanding non-exempt assets due to the estate.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Joint Debtor's Signature



**BANKRUPTCY DEBTOR ACCOUNTING OF TAX REFUNDS**

Debtor Name: \_\_\_\_\_ Joint Debtor Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_ Bankruptcy Filing Date: \_\_\_\_\_

2018 Federal Tax Refund Amount: \$ \_\_\_\_\_ Date Received: \_\_\_\_\_

2018 State Tax Refund Amount: \$ \_\_\_\_\_ Date Received: \_\_\_\_\_

Name of Bank the Tax Refunds were deposited into: \_\_\_\_\_ Account No. \_\_\_\_\_

No.	Date:	Name of person or business paid:	How was refund used? What goods/services were bought?	Amount of payment	Receipt attached: "Yes" or why not
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
--	---	-----	TOTAL:	\$	



# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

14. Reaves, David M.

**DAVID M. REAVES  
CHAPTER 7 BANKRUPTCY TRUSTEE**

P.O. BOX 44320  
PHOENIX, AZ 85064-4320  
TELEPHONE (602) 241-0101  
FAX (602) 241-0114

February 20, 2018

Dear Chapter 7 Petitioner:

I have been appointed as Chapter 7 Trustee for your bankruptcy case by the United States Trustee's Office. As a representative of the Court, it is my responsibility to determine whether or not you have any assets to be reduced to cash and distributed to your creditors. Your case will remain open until all requests have been satisfied. Even after you have received your discharge, your case will remain open and your discharge may be revoked if you fail to comply.

Your meeting of creditors has been set for \_\_\_\_\_, at the U.S. Trustee Meeting Room, located at 230 N. First Avenue, Suite 102, in Phoenix, Arizona. The Bankruptcy Court will be sending you a notice stating your meeting time. **PLEASE BRING A DRIVER'S LICENSE OR OTHER PHOTO IDENTIFICATION, AS WELL AS YOUR SOCIAL SECURITY CARD.**

It is important that you attend this meeting. In order for this meeting to proceed smoothly, my office must receive the information requested on the Trustee's Checklist **NO LATER THAN** \_\_\_\_\_. Your failure to provide the requested information may lead to the dismissal of your case or denial of your discharge. Specifically, the Bankruptcy Code requires that copies of your most recent tax returns be provided to the Trustee prior to the meeting of creditors or your case may be dismissed.

Please read the enclosed Bankruptcy Information sheet prior to your meeting for general information about the bankruptcy process. If you have any questions, please email me at: [trustee@reaves-law.com](mailto:trustee@reaves-law.com). While you may also call if you have questions, you will receive an answer to your question much quicker via email. I am unable to provide you with legal advice. You should address legal questions to an attorney.

Sincerely,

/s/ David M. Reaves  
David M. Reaves

## **TRUSTEE'S CHECKLIST**

Please return this checklist and the required documents to the Trustee via mail, email or fax to:

David M. Reaves  
Bankruptcy Trustee  
Post Office Box 44320  
Phoenix, AZ 85064-4320  
602-241-0114 (fax)  
[info@reaves-law.com](mailto:info@reaves-law.com)

**Please do not send your information via certified mail.**

**Documents sent via email will only be accepted if sent in PDF format to the email address above.  
If possible, please send one email and group documents together to limit the number of attachments.**

**Name(s):** \_\_\_\_\_

**Case No.** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

If a required document does not apply to you, mark "N/A" on this sheet.

\_\_\_\_\_ Debtor Questionnaire (enclosed)

\_\_\_\_\_ Declaration of Debtors without an Attorney (enclosed)  
If you are NOT represented by an attorney, the original signed Declaration of Debtors without an Attorney form.

\_\_\_\_\_ Support Form (enclosed)  
If you have any domestic support obligations, such as child support or spousal maintenance payments, please complete this form.

\_\_\_\_\_ Authorization to Release Income Tax Refunds to Bankruptcy Trustee (enclosed)  
Please fill out and sign this form.

\_\_\_\_\_ Copies of your 2015 and 2016 Federal and state income tax returns.

\_\_\_\_\_ A copy of your 2017 Federal and state income tax returns upon filing.

\_\_\_\_\_ A copy of the payroll check stub for the pay period which covers the date that you filed for bankruptcy. (For example: If you filed for bankruptcy on 11/24, you would send the pay stub for the pay period of 11/20-12/4.) If you have a non-filing spouse, you must also send a copy of their payroll check stub.

\_\_\_\_\_ Copies of statements for every bank account and/or prepaid debit card held by you or on your behalf for the three (3) months prior to your bankruptcy filing date, plus the statement that covers the date you filed bankruptcy (four months total). If you have a non-filing spouse, you must also send a copy of their bank statements.

\_\_\_\_\_ Copies of statements to any brokerage or retirement accounts in your name. Please send copies of all stock certificates, bonds, and certificates of deposit.

\_\_\_\_\_ Copies of any cancelled checks, money orders, etc. evidencing one payment of \$2,500.00 or more to any creditor within the ninety days before filing your bankruptcy.

\_\_\_\_\_ Copies of your title or the "motor vehicle record" for all vehicles. You can obtain a copy of your motor vehicle record from <https://servicearizona.com>.

\_\_\_\_\_ If you have been divorced within the past two years, please send copies of your divorce decree and settlement agreement.

\_\_\_\_\_ If you have a potential or pending lawsuit in which you are the plaintiff, provide the name and address of your attorney.

\_\_\_\_\_ If you own any real estate other than your current residence (including timeshare interests), please send copies of any deeds and any recent appraisals.

**Please keep your current address on file with the Clerk of the Bankruptcy Court at all times. All correspondence will be sent to the address on file with the court. If you move, you must file a change of address form with the court. Visit the court's website at <http://www.azb.uscourts.gov> for more information.**

**Please do not send your Financial Management Course Certificates to the Trustee, these must be filed with the Bankruptcy Court.**

**Your discharge is not issued by the Trustee, but is instead issued by the Clerk of the Bankruptcy Court approximately 60 days after the date of your meeting of creditors. Please direct inquiries about your discharge to the Clerk's office.**

## DEBTOR QUESTIONNAIRE

Please fill out this form and return it to your trustee by the date indicated on the cover letter.

1. Have you filed your 2015 and 2016 Federal and state tax returns? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Do you understand and acknowledge the requirement to turn over a copy of your 2017 Federal and state tax returns upon filing? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Do you understand and acknowledge that your 2017 Federal and state tax refunds are property of your bankruptcy estate and must be turned over to the trustee upon receipt? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Are you present married and filing bankruptcy individually? If so, do you understand that all community assets are property of this bankruptcy estate, subject to any applicable exemptions? Yes \_\_\_\_\_ No \_\_\_\_\_
5. If you are married and filing bankruptcy individually, did you provide copies of the bank statements, vehicle information, paystubs and retirement information for your non filing spouse? Yes \_\_\_\_\_ No \_\_\_\_\_
6. Have you been divorced in the past 2 years? If yes, please send a copy of your divorce decree, including the property settlement documentation. Yes \_\_\_\_\_ No \_\_\_\_\_
7. Have you been a plaintiff in any litigation, including personal injury litigation, in the past 3 years? Yes \_\_\_\_\_ No \_\_\_\_\_
8. Are you aware of any potential or pending claims for which litigation has not yet begun, including but not limited to, personal injury claims, foreclosure settlements or class action claims where you are the plaintiff? Yes \_\_\_\_\_ No \_\_\_\_\_
9. Are you the beneficiary of any estates or trusts? Yes \_\_\_\_\_ No \_\_\_\_\_
10. Have you transferred any money to an attorney trust account during the past 12 months? This does not include funds paid to your bankruptcy attorney. Yes \_\_\_\_\_ No \_\_\_\_\_
11. Have you disclaimed any inheritances in the past four years? Yes \_\_\_\_\_ No \_\_\_\_\_
12. Have you contributed any money to a retirement plan in the past 4 months? How much? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_
13. Is there any real estate in your name other than your residence. If yes, please send a copy of the deed. Yes \_\_\_\_\_ No \_\_\_\_\_
14. Do you own a timeshare and/or timeshare points? If yes, please send a copy of the deed/agreement. Yes \_\_\_\_\_ No \_\_\_\_\_
15. Have you transferred any assets or paid back any loans to family members during the past 12 months? If so, to whom and how much? Yes \_\_\_\_\_ No \_\_\_\_\_
16. Do you have any outstanding/current domestic support obligations? Yes \_\_\_\_\_ No \_\_\_\_\_
17. Are you receiving, or entitled to receive, installment payments arising from the settlement of any claims, and/or from the sale of any assets? Yes \_\_\_\_\_ No \_\_\_\_\_

(Over)

18. Do you own a business? If so, please provide the ledger and bank statements. Yes\_\_\_\_\_ No\_\_\_\_\_
19. Have you purchased a vehicle within the last 6 months? Yes\_\_\_\_\_ No\_\_\_\_\_
20. Have you sold or transferred title to any real property in the last year? Yes\_\_\_\_\_ No\_\_\_\_\_
21. Do you have a claim against an insurance company for any theft, loss, injury, or damages? Yes\_\_\_\_\_ No\_\_\_\_\_
22. Have you refinanced any property within the last year? If so, please provide a copy of the appraisal. Yes\_\_\_\_\_ No\_\_\_\_\_

**I declare under the penalty and perjury that the above information is true and correct to the best of my knowledge.**

Debtor: \_\_\_\_\_

Date: \_\_\_\_\_

Joint Debtor: \_\_\_\_\_

Case No. \_\_\_\_\_

DAVID M. REAVES  
CHAPTER 7 BANKRUPTCY TRUSTEE  
P.O. BOX 44320  
PHOENIX, AZ 85064-4320  
TELEPHONE (602) 241-0101  
FAX (602) 241-0114  
trustee@reaves-law.com

**AUTHORIZATION TO RELEASE INCOME TAX REFUNDS TO BANKRUPTCY  
TRUSTEE**

Chapter 7 Bankruptcy Case No. \_\_\_\_\_

By my/our signatures(s) below, I/we hereby authorize the Internal Revenue Service, Special Procedures Section (and/or any other branch of the Internal Revenue Service), to release my/our Federal income tax refund check for the year 2017 and all preceding years directly to Chapter 7 Trustee, David M. Reaves, at the address indicated above.

Immediately upon completion of my/our Federal and state tax returns for the tax year 2017, I/we hereby acknowledge that I/we must provide the Trustee dated and signed copies of these tax returns, and upon receipt of all tax refund checks for 2017, I/we must turn over these refund checks to the Trustee. I/we understand that by signing this document, I/we acknowledge these tax refunds to be assets of the bankruptcy estate, subject to administration on behalf of my/our creditors.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Joint Debtor's Signature

\_\_\_\_\_  
Debtor's Printed Name

\_\_\_\_\_  
Joint Debtor's Printed Name

\_\_\_\_\_  
Debtor's Social Security Number

\_\_\_\_\_  
Joint Debtor's Social Security Number

**Please sign and return the original to the Trustee at the address listed above.**

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

15. Ulrich, Dale D.



**Dale D. Ulrich, Trustee**  
**1934 E Camelback Road, Ste 120-615**  
**Phoenix, AZ 85016**  
**(602) 264-4124**

**Please read this entire letter. It contains instructions about your bankruptcy case.**

I have been appointed as the Chapter 7 Trustee for your bankruptcy case. Your 341 meeting of creditors has been scheduled on [REDACTED] at the US Bankruptcy Court, 230 N 1<sup>st</sup> Avenue, Suite 102, Phoenix, Arizona. You will receive a separate notice from the Court informing you of the time of your meeting.

**YOU MUST ATTEND THIS HEARING AND YOU MUST BRING A PHOTO ID AND YOUR SOCIAL SECURITY CARD OR OTHER PROOF OF SOCIAL SECURITY NUMBER TO THE HEARING.**

In order for your meeting to proceed, my office must receive copies of the following documents no later than [REDACTED] [REDACTED]. Please MAIL copies to my address above. I cannot accept hand deliveries. Please do not call to see if I received your documents.

1. COPIES of your <sup>2018</sup>~~2017~~ Federal and State Income Tax Returns. If you have not yet filed your <sup>2018</sup>~~2017~~ tax returns send me your ~~2016~~ returns along with your extension request for ~~2017~~. Failure to provide tax returns or turnover tax refunds may result in dismissal of your case or an objection to your discharge.
2. COPIES of titles to your vehicles if you have them. If your lender has your title, send me a copy of a statement showing the current balance of your lien.
3. COPIES of bank statements for each account in your name for the last three months. Make sure the most recent statement includes your bankruptcy filing date.
4. COPIES of the last statements for any retirement accounts, 401(k), or IRA; if you have such an account.
5. If you have been ordered to pay child support, alimony, or spousal maintenance, provide the name and address of the person you have been ordered to pay and the name and address of your current employer.
6. COPIES of the last payroll stub prior to your filing and the first payroll stub received after your filing.
7. Complete and sign the Debtor Questionnaire attached.

Please read the enclosed Bankruptcy Information Sheet before your meeting.

Failure to timely mail this information may result in a delay of your hearing. It is your responsibility to send me these documents. Do not assume they are being sent by your attorney or the Court.

Keep your address on file with the Bankruptcy Court current. If you move file a change of address notice with the Clerk of the Bankruptcy Court. Your discharge will be sent by the Clerk to that address.

**REFUSAL TO COOPERATE WITH THE TRUSTEE MAY RESULT IN A COMPLAINT TO DENY OR SET ASIDE YOUR BANKRUPTCY DISCHARGE.**

# Debtor Questionnaire

Please answer each question below, sign and date the form, insert your case number, and return to your trustee by the date indicated on the instruction letter.

	<u>YES</u>	<u>NO</u>
1. Do you understand and acknowledge the requirement to turn over your <b>2017</b> income tax refunds to your bankruptcy trustee?	_____	_____
2. Are you presently married and filing bankruptcy individually?	_____	_____
3. Have you been divorced in the past two years? If yes, please send a copy of your divorce decree, including the property settlement documentation.	_____	_____
4. Do you have any pending personal injury or class action claims for which you are a plaintiff or for which litigation has not yet begun?	_____	_____
5. Are you the beneficiary of any estates or trusts?	_____	_____
6. Have you contributed any money to a retirement plan or 529 plan in the past six months?	_____	_____
7. Is there real estate in your name other than your personal residence? If yes, please send a copy of the deed (this includes timeshares)	_____	_____
8. Have you made any payments or transferred any assets to family members in the past 12 months?	_____	_____

I declare under penalty of perjury that the above information is true.

\_\_\_\_\_  
Debtor signature

\_\_\_\_\_  
Joint debtor signature

\_\_\_\_\_  
Case number

\_\_\_\_\_  
Date

## BANKRUPTCY INFORMATION SHEET

BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET PROVIDES YOU WITH GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.

### WHEN YOU FILE BANKRUPTCY

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

Chapter 7 – A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the State where you live and applicable federal laws.

Chapter 13 – You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 – Like chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 – This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for–

- most taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do

something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements—

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

# **DISTRICT OF ARIZONA**

## **Chapter 7 Trustees' Mandatory Questionnaires**

16. Warfield, Lawrence J.

DEBTOR NAME: \_\_\_\_\_ HOME/WORK PHONE \_\_\_\_\_ CASE # \_\_\_\_\_

PHYSICAL ADDRESS \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

[www.phxbankruptcy.com](http://www.phxbankruptcy.com)

[www.northernazbankruptcy.com](http://www.northernazbankruptcy.com)

## **FAILURE TO SEND THESE DOCUMENTS IN THEIR ENTIRETY COULD DELAY YOUR DISCHARGE!**

**COMPLETE THE CHECKLIST AND AFFIDAVITS AND RETURN TO YOUR ATTORNEY WITH THE REQUIRED DOCUMENTS FOR  
ELECTRONIC DELIVERY TO US**

**\*\*\*INCLUDE COPIES OF YOUR SOCIAL SECURITY CARD AND DRIVER'S LICENSE\*\*\***

CERTIFIED MAIL AND EXPRESS DELIVERIES SHOULD BE SENT TO: 100 EASY STREET, SUITE #3350, CAREFREE, AZ 85377  
U.S. POSTAL MAIL AND PAYMENTS SHOULD BE SENT TO P.O. BOX 3350, CAREFREE, AZ 85377  
EMAIL TO: INFO@PHXBANKRUPTCY.COM

Preserve any/all assets and financial records and be prepared to produce them upon request. Do not dispose of, transfer or relocate any assets owned by you on the date of filing, without Trustee and Court approval. Debtors engaged in businesses are responsible for filing W-2 forms for their employees, 1099's, state sales tax reports, State and Federal withholding reports and tax returns.

### **INSTRUCTION LISTING**

#### **PAYSTUBS**

Provide a copy of each wage earners wage receipt (stub) for the pay period that includes your filing/conversion date, and also for the pay period prior to that. Also include all employers' last pay stub for the prior year. On the copy for each wage earner, complete the following sentence: (Debtor Name) is paid on (Day of Week or Date of Month) for the (Prior or Current) pay period of (1 week, 2 weeks, month, 1/2 month, or Other \_\_\_\_\_).

#### **BANK ACCOUNTS**

***Copies of COMPLETE bank account statements or transactional activity from the bank or internet (for ALL accounts, to include any pre-paid credit card or debit card accounts) for the three months prior to filing, ending with the statement that included your filing date.***

Descriptions of debts or remittances of \$600 or more in total during 90 days prior to your bankruptcy filing, and to friends, relatives, business partners or any other person within one year (12 months) prior to your bankruptcy filing date.  
Explanation for all non-payroll deposits of \$600 or more in the 90 days prior to your filing date.

#### **TITLES**

Copies of all motorized vehicle titles in your possession or in your name as of the date of your filing (including trailers, boats, jet skis, motorcycles, etc.). If you have a lien on a vehicle please provide a copy of your vehicle registration. If you are leasing a vehicle, you must forward to us a COPY of the executed lease agreement, along with the vehicle registration.  
**Please indicate the current mileage of each vehicle on its title/registration copy.**

#### **TAX RETURNS**

All un-filed Federal and State tax returns must be prepared and filed with Federal and State taxing authorities immediately!

***Copies of current year and prior year State and Federal income tax returns, or a copy of any extension request. (If none are to be filed, provide a statement explaining why.)***

**DO NOT CASH ANY TAX REFUNDS RECEIVED AFTER YOUR  
FILING/CONVERSION DATE.**

If you received and cashed your income tax refund check(s) within 60 days prior to filing, you **MUST** provide evidence of date received, receipts, and proof of the extraordinary items that were purchased.

In the next year, when you complete and file your tax returns for the current year, copies **MUST** be provided to us.

If you are not required to file an income tax return, you must send us a statement to that effect, and if a wage earner, send copies of your last pay stub for the prior year and copies of any W-2's or 1099's received to validate your need not to file.

**OTHER ISSUES:**

1. Do either of you owe a Domestic or Child Support obligation to:

- A. A former spouse for alimony, maintenance, or support? \_\_\_\_\_
- B. Child support as agreed to or ordered by any agreement or divorce decree? \_\_\_\_\_

If yes, please provide us that information.

2. Are you due any funds from any partnership, limited liability companies, corporations or from any investments?

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3. Is there any real estate in your name other than your declared homestead? If yes, please send a copy of the deed (this includes timeshare interests). \_\_\_\_\_

4. Have you sold or transferred title to any real property in the last year? \_\_\_\_\_. If so, you need to provide us with a) a copy of the HUD1 statement from the sale/transfer, b) copies of 1) deeds to all real estate owned except for that which you have declared as your homestead, 2) declaration page of your homeowner's insurance policies, and 3) the latest tax assessment for ALL real property to include your homestead and mortgage payoff statement for all mortgage companies.

5. Have you refinanced any property in the last year? \_\_\_\_\_. If so, provide copy of appraisal.

6. Provide copies of all IRA's, retirement annuities and pension statements for the six months prior to the date you filed bankruptcy. Also, enclose the amount you contributed to any pension plan, IRA, TSA, or qualified plan within the 120 days prior to you filing for bankruptcy.

7. Provide copies of all stock certificates, statements of stock owned from brokerage accounts, or bonds.

8. Copies of any trust agreements, option agreements, and notes receivable listed on Schedule B.

9. Provide a written explanation if any of the above requested documents are not provided.

10. If you have been divorced in the two years prior to your filing/conversion date, provide a copy of your divorce decree with any addendums which is to include Property Settlement Statement.

**DEBTOR QUESTIONNAIRE:**

Please fill out and return this questionnaire to the Trustee. The answers to these questions will speed the process of the 341(a) meeting of creditors.

\_\_\_\_\_  
Debtor Signature and Date

\_\_\_\_\_  
Co-Debtor Signature and Date

**HAVE I:**

**Paystubs**

- \_\_\_\_\_ Provided my paystub to include my filing date?
- \_\_\_\_\_ Provided my paystub for the end of the year prior to my filing date?
- \_\_\_\_\_ Made the proper notations on these paystubs?

**Bank Accounts**

- \_\_\_\_\_ Provided bank transactional lists (or my check register) for all checking, savings, and prepaid debit cards for the period starting 90 days before my filing date and including up to my filing date?
- \_\_\_\_\_ Provided copies of and an explanations for all non-payroll related deposits over \$600 and debits/remittances/checks over \$600 written/cleared the bank in the 90 days prior to my filing date?

**Titles**

- \_\_\_\_\_ Provided copies of all titles or registrations for all motorized vehicles?
- \_\_\_\_\_ Provided copies of all titles or registrations for all trailers, jet skis and boats?
- \_\_\_\_\_ Provided copies of all vehicle leases?

**Taxes**

- \_\_\_\_\_ Provided full copies of my prior year State and Federal tax returns as filed?
- \_\_\_\_\_ Provided full copies of my current year State and Federal tax returns as filed?
- \_\_\_\_\_ Provided the date I received my State and Federal tax refunds?
- \_\_\_\_\_ If refunds were received within 60 days of my filing date, have I provided evidence of the date they were received and receipts and proof of extraordinary items that were purchased?

**Other**

- \_\_\_\_\_ Provided any and all pertinent information from the "other issues" category?
- \_\_\_\_\_ Provided and returned Trustee's Questionnaire?
- \_\_\_\_\_ Received and read the Statement of Information the Trustee has provided to you in conformity with 11 USC §341(a)?

\_\_\_\_\_  
Debtor's Signature and Date

\_\_\_\_\_  
Co-Debtor's Signature and Date



## Debtor Questionnaire

Please answer each question below, sign and date the form, and return it to me by the date indicated on the instruction letter. Failure to return this questionnaire prior to your 341(a) meeting could be grounds for a request by the Trustee to seek dismissal of your case or a hearing to order completion.

**YES**                      **NO**

I read and fully understand the English language (Debtor)

If no, my language is \_\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_

I read and fully understand the English language (Co-Debtor)

If no, my language is \_\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_

Do you understand and acknowledge the requirement to turn over all tax refunds for the current year and all years prior to your bankruptcy filing date if they are received after you filed bankruptcy?

\_\_\_\_\_

\_\_\_\_\_

Are you presently married and filing bankruptcy individually?

\_\_\_\_\_

\_\_\_\_\_

Have you been a plaintiff in any personal injury litigation in the past 3 years?

\_\_\_\_\_

\_\_\_\_\_

Do you have any pending personal injury or class action claims?

\_\_\_\_\_

\_\_\_\_\_

Has litigation begun?

\_\_\_\_\_

\_\_\_\_\_

Are you currently receiving benefits as a beneficiary of any estate or trust?

\_\_\_\_\_

\_\_\_\_\_

Other than fees and costs related to this bankruptcy filing, have you transferred any money to an attorney's trust account during the past 12 months?

\_\_\_\_\_

\_\_\_\_\_

Do you understand that you need to surrender to your bankruptcy trustee all monies received or expected to be received from a death or inheritance that occurs prior to your bankruptcy filing date OR 180 days AFTER your bankruptcy filing date?

\_\_\_\_\_

\_\_\_\_\_

Have you transferred any assets, anything of tangible value or money to family members or close personal friend during the 12 months prior to your filing date?

\_\_\_\_\_

\_\_\_\_\_

Have you paid any loans to any family member or close personal friend within the 12 months prior to your filing date?

\_\_\_\_\_

\_\_\_\_\_

Have you filed for bankruptcy in the past 8 years?

\_\_\_\_\_

\_\_\_\_\_

If so, when? \_\_\_\_\_ Where \_\_\_\_\_

Have you read and understand the Statement of Information prepared by the US Trustee's Office which explains some possible consequences of filing Chapter 7 Bankruptcy?

\_\_\_\_\_

\_\_\_\_\_

Have you been a resident of Arizona for the greater part of the 6 months prior to your filing date?

\_\_\_\_\_

\_\_\_\_\_

Daytime phone # \_\_\_\_\_ Email address \_\_\_\_\_ Case # \_\_\_\_\_

I declare under penalty of perjury that the foregoing statements are all true and correct:

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joint Debtor's Signature

\_\_\_\_\_  
Date

## DEBTOR'S OFFSET AGREEMENT

If I/we owe funds to the Bankruptcy Estate for non-exempt wages, excess bank funds, or cash on hand, and these funds have not been paid to the Trustee by the time the Trustee received my tax refunds for the year in which I/we filed bankruptcy, all outstanding funds owed to the Bankruptcy Estate I/we agree to allow to be withheld from my/our share of the tax refunds for the year in which I/we filed bankruptcy.

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Co-debtor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
CASE NUMBER

## Tax Information Authorization

OMB No. 1545-1165  
**For IRS Use Only**  
Received by \_\_\_\_\_  
Name \_\_\_\_\_  
Telephone \_\_\_\_\_  
Function \_\_\_\_\_  
Date \_\_\_\_\_

- Information about Form 8821 and its instructions is at [www.irs.gov/form8821](http://www.irs.gov/form8821).  
► Do not sign this form unless all applicable lines have been completed.  
► To request a copy or transcript of your tax return, use Form 4506, 4506-T, or 4506T-EZ.

**1 Taxpayer information.** Taxpayer must sign and date this form on line 7.

Taxpayer name and address (type or print)

Taxpayer identification number(s)

Daytime telephone number

Plan number (if applicable)

**2 Appointee.** If you wish to name more than one appointee, attach a list to this form.

Name and address

CAF No. \_\_\_\_\_

PTIN \_\_\_\_\_

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Check if new: Address ☐ Telephone No. ☐ Fax No. ☐

**3 Tax matters.** The appointee is authorized to inspect and/or receive confidential tax information for the tax matters listed on this line. Do not use Form 8821 to request copies of tax returns.

(a) Type of Tax (Income, Employment, Payroll, Excise, Estate, Gift, Civil Penalty, etc.) (see instructions)	(b) Tax Form Number (1040, 941, 720, etc.)	(c) Year(s) or Period(s) (see the instructions for line 3)	(d) Specific Tax Matters (see instr.)
The Office of Lawrence Warfield,			
- Chapter 7 Bankruptcy Trustee			

**4 Specific use not recorded on Centralized Authorization File (CAF).** If the tax information authorization is for a specific use not recorded on CAF, check this box. See the instructions. If you check this box, skip lines 5 and 6 ☐

**5 Disclosure of tax information** (you **must** check a box on line 5a or 5b unless the box on line 4 is checked):

a If you want copies of tax information, notices, and other written communications sent to the appointee on an ongoing basis, check this box ☐

**Note.** Appointees will no longer receive forms, publications and other related materials with the notices.

b If you do not want any copies of notices or communications sent to your appointee, check this box ☐

**6 Retention/revocation of tax information authorizations.** This tax information authorization automatically revokes all prior authorizations for the same tax matters you listed on line 3 above unless you checked the box on line 4. If you do not want to revoke a prior tax information authorization, you **must** attach a copy of any authorizations you want to remain in effect and check this box ☐

To revoke this tax information authorization, see the instructions.

**7 Signature of taxpayer.** If signed by a corporate officer, partner, guardian, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute this form with respect to the tax matters and tax periods shown on line 3 above.

► IF NOT SIGNED AND DATED, THIS TAX INFORMATION AUTHORIZATION WILL BE RETURNED.

► DO NOT SIGN THIS FORM IF IT IS BLANK OR INCOMPLETE.

Signature

Date

Print Name

Title (if applicable)

☐ ☐ ☐ ☐ ☐

PIN number for electronic signature

## DECLARATION FOR DEBTORS WITHOUT AN ATTORNEY

Debtor's Name: \_\_\_\_\_ Case No. \_\_\_\_\_

Joint Debtor's Name: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Debtor(s) Address: \_\_\_\_\_

Case Trustee Name: \_\_\_\_\_ §341(a) Meeting Date: \_\_\_\_\_

\*\*\*\*\*

1. Did you pay someone to assist you in preparing your bankruptcy documents? Yes \_\_\_\_\_ No \_\_\_\_\_  
(If no, skip the rest of the questions and sign and date this document at the bottom)

2. Information about the person who assisted you in preparing your bankruptcy documents (hereinafter the "preparer"):

Name of Preparer: \_\_\_\_\_ Telephone No.: (\_\_\_\_) \_\_\_\_\_

Company Name: \_\_\_\_\_ Fee Charged: \$ \_\_\_\_\_

Address: \_\_\_\_\_

3. Amount Paid: \$ \_\_\_\_\_ Date of Payment: \_\_\_\_\_

4. Form of Payment: Cash \_\_\_\_\_ Check \_\_\_\_\_ Money Order/Cashiers' Check \_\_\_\_\_  
Other (please describe): \_\_\_\_\_

5. Were you given a contract of services from the preparer? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please enclose a copy with this completed questionnaire.

6. Were you given a receipt for the money that you paid? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please enclose a copy with this completed questionnaire.

7. Was any amount paid to the preparer after the bankruptcy petition was filed? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, how much? \$ \_\_\_\_\_

8. Do you still owe any money to the preparer? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, how much? \$ \_\_\_\_\_

9. Did you give the preparer money for the Bankruptcy Court filing fee? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, how much? \$ \_\_\_\_\_. Was payment made payable to the Bankruptcy Court? Yes \_\_\_\_\_ No \_\_\_\_\_

10. Did the preparer give you the petition and schedules to review before you signed them? Yes \_\_\_\_\_ No \_\_\_\_\_

11. If yes, did you find any errors? Yes \_\_\_\_\_ No \_\_\_\_\_ If so, were they corrected? Yes \_\_\_\_\_ No \_\_\_\_\_

12. Was there an additional fee charged for any corrections or changes? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, how much? \$ \_\_\_\_\_

13. Did you sign your own name on the petition and schedules? Yes \_\_\_\_\_ No \_\_\_\_\_

14. Did anyone else assist you with the preparation of your petition and schedules in addition to the name of the person shown on your petition? Yes \_\_\_\_\_ No \_\_\_\_\_
15. Did the preparer file your bankruptcy petition and schedules for you with the Court? Yes \_\_\_\_\_ No \_\_\_\_\_
16. Did the preparer explain the differences between Chapter 7 and Chapter 13 to you? Yes \_\_\_\_\_ No \_\_\_\_\_
17. Did the preparer explain reaffirmation? Yes \_\_\_\_\_ No \_\_\_\_\_
18. Did the preparer explain the different exemptions to you? Yes \_\_\_\_\_ No \_\_\_\_\_
19. At any time did you believe the preparer was an attorney? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, when did you determine that they were not an attorney? \_\_\_\_\_
20. At any time did the preparer say or indicate he/she was working with an attorney or a retired attorney?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, did you meet with the attorney? Yes \_\_\_\_\_ No \_\_\_\_\_  
What was the attorney's name? \_\_\_\_\_
21. Did the preparer direct you to omit information from your bankruptcy documents? Yes \_\_\_\_\_ No \_\_\_\_\_
22. Were you directed by the preparer to put false information on your bankruptcy documents? Yes \_\_\_\_\_ No \_\_\_\_\_  
The false information is: \_\_\_\_\_
23. Did the preparer give you any written information about bankruptcy? Yes \_\_\_\_\_ No \_\_\_\_\_  
If so, what? \_\_\_\_\_
24. You engaged the services of the preparer as a result of: Newspaper advertisement \_\_\_\_\_ Billboard \_\_\_\_\_  
Telephone book advertisement \_\_\_\_\_ Referral \_\_\_\_\_ Other (specify) \_\_\_\_\_
25. Did the preparer charge you any fees for any other services? Yes \_\_\_\_\_ No \_\_\_\_\_
26. If yes, were any of the following services performed by the preparer: deed your home to the preparer or another person \_\_\_\_\_; have you sign a power of attorney \_\_\_\_\_; get a reverse mortgage for you \_\_\_\_\_; help with a short sale; \_\_\_\_\_?
27. Did the preparer tell you: to change where/how you paid your mortgage \_\_\_\_\_; to stop talking to your attorney or the mortgage company \_\_\_\_\_; the preparer would stop the foreclosure \_\_\_\_\_; keep you in your home after foreclosure: \_\_\_\_\_ change/modify your home loan \_\_\_\_\_?

Any other comments: \_\_\_\_\_

**I declare under penalty of perjury that the foregoing is true and correct.**

\_\_\_\_\_  
Signature (Debtor)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Joint Debtor, if any)

\_\_\_\_\_  
Date

**Lawrence J. Warfield, CPA**  
**United States Bankruptcy Trustee**  
**P. O. Box 3350**  
**Carefree, AZ 85377**  
**(480) 948-1711**

**AFFIDAVIT**

(Nosotros) entiendo que con la presentación de nuestras declaraciones de impuestos en curso, se enviará una copia de mi (nuestra) presentaciones que

(Nosotros) también entiendo que si yo (nosotros) no he presentado declaraciones de impuestos de cualquier year\ previo, yo (nosotros) prepararlos inmediatamente y remitir copias de estos impuestos cuando presentó.

Yo (nosotros) también entendemos que los reembolsos de impuestos aplicables al año en que yo (nosotros) archivamos bancarrota no son míos (nuestros) para retener, sino que son propiedad de mi (nuestra) quiebra y deben ser entregados a usted para el beneficio de mis (nuestros) acreedores.

Esto también se aplica a los reembolsos de impuestos aplicables a cualquier declaración de impuestos no presentada a partir de la fecha de mi (nuestro) declaración de bancarrota.

Yo (nosotros) entiendo que Si (nosotros) reteníamos estos reembolsos de impuestos, yo (nosotros) estaríamos cometiendo un posible delito de quiebra convirtiendo fondos que no me pertenecen (nosotros) para beneficio propio (nuestro), que podría ser motivo para la revocación de mi (nuestra) bancarrota.

Yo (nosotros) entiendo que si mi (nuestro) descargo de bancarrota es revocado, mis deudas serán una vez más mi (nuestra) responsabilidad y su descarga puede que nunca se permita en el futuro.

Yo (nosotros) estoy de acuerdo en que si yo (nosotros) no entregamos cualquier reembolso que sea propiedad del patrimonio de bancarrota, lo hacemos a mi (nuestra) intención y bajo mi (nuestro) propio riesgo.

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Debtor

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Co-Debtor

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Case #

---

Date

Lawrence J. Warfield, CPA  
United States Bankruptcy Trustee  
P. O. Box 3350  
Carefree, AZ 85377  
(480) 948-1711

**AFFIDAVIT**

I (we) understand that upon the filing of our current year tax returns, we will forward a copy of my (our) filings to you.

I (we) also understand that if I (we) have not filed any prior year's tax returns, I (we) will prepare them immediately and forward copies of these taxes to you when filed.

I (we) also understand that any tax refunds applicable to the year in which I (we) filed bankruptcy are not mine (ours) to retain, but are property of my (our) bankruptcy estate and must be surrendered to you for the benefit of my (our) creditors.

This also goes for any tax refunds applicable to any un-filed tax returns as of the date of my (our) bankruptcy filing.

I (we) understand that **IF** I (we) were to retain these tax refunds, I (we) would be committing a potential bankruptcy crime by converting funds that do not belong to me (us) for I (our) own benefit, which could be grounds for the revocation of my (our) bankruptcy discharge.

I (we) understand that **IF** my (our) bankruptcy discharge is revoked, my debts will once again be my (our) responsibility and their discharge may never be allowed in the future.

I (we) agree that if I (we) fail to surrender any refunds that are property of the bankruptcy estate are done so at my (our) intention and at my (our) own peril.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Co-Debtor

\_\_\_\_\_  
Case #

\_\_\_\_\_  
Date