

ALL WASHINGTON LEGAL CLINIC OF SEATTLE/EVERETT

SEATTLE OFFICE:

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TACOMA OFFICE

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Tacoma, WA 98402
(253) 472-4448

EVERETT OFFICE:

Suite 602
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(425) 339-8000

A LEGAL SERVICE PROVIDED BY:

TOM S. HYDE
ATTORNEY AT LAW

NEW BANKRUPTCY LAW The new bankruptcy law is full of traps that can result in dismissal of your case or penalties against you. See the next page for examples. A skilled bankruptcy lawyer can help that you do not fall into any of these traps. All Washington Legal Clinic of Everett and Seattle is operated by attorney Tom S. Hyde who has experience in thousands of divorces and bankruptcies.

ATTORNEYS Every client has a personal conference with an attorney to get his or her questions answered. There is no charge for your initial conference with the attorney if you decided to proceed.

Beware of people calling themselves "bankruptcy petition preparers" or "paralegals" who want to charge you money to type up your court papers. These people are not lawyers, and they cannot answer your legal questions or go to court for you. They will tell you that you do not need a lawyer. Unfortunately, by the time you realize you *do* need a lawyer, it is too late. These non-lawyers cannot advise you regarding the new bankruptcy law.

LOW FEES You have the benefit of having a lawyer handle your bankruptcy at a fraction of what you would normally pay.

COURT APPEARANCES You do not have to go to court alone! An attorney from our office will attend your meeting of creditors with you at no additional charge if it is held in Seattle or Everett.

KEEPING YOUR PROPERTY The bankruptcy law allows you to keep a sufficient amount of specific types of property to give you a "fresh start" in life. As your attorneys, we will explain how you can keep the maximum amount of your property allowed by the law.

STOPPING HARASSMENT Stop those nasty telephone calls! As soon as you have met with the attorney and paid our fee, you can refer your creditors to us.

FOR YOUR FREE INITIAL BANKRUPTCY CONSULTATION CALL:

Seattle: (206) 623-6200 **Everett:** (425) 339-8000 **Tacoma** (253) 472-4448

\$350 INITIAL ATTORNEY RETAINER FEE

Your initial conference with the attorney is free and no fees are due at the conference. An initial payment of \$350 will need to be paid if you want the attorney to begin representing you and dealing with your creditors. Most clients want to stop the nasty phone calls by referring the creditors to us right away, so they bring the \$350 initial payment to the conference. The \$350 has to be paid in cash or a money order. Once you have paid \$350, you can begin referring your creditors to us and we will begin preparation of your case. You will need to pay the \$325 balance within a month after the initial payment is made. The total fee for Chapter 7 is \$675. If your case is a Chapter 13, there will be additional fees, but they will be paid from the plan payment. In both cases, there filing fees to be paid to the court. For Chapter 7, the fee is \$299 and for Chapter 13 it is \$274.

Pay Stubs, W-2 Forms, and Income Tax Returns: In order to answer your questions and advise you regarding your rights, the attorney will have to do detailed calculations at the initial conference regarding your income. These calculations cannot be done without copies of your income information. Consequently, you must bring copies of your most recent pay stubs showing year-to-date income, all W-2 forms for last year, and your most recent income tax return to the conference. If you do not have copies of these at the conference, there will be additional fees for doing the calculations later.

If you want a copy of this questionnaire for your records, you should make one before you return it. If you want us to make a copy of your questionnaire for you, you should bring an additional \$25 in cash or a money order to your conference with the attorney.

LAWSUITS, GARNISHMENTS, EVICTIONS & REPOSSESSIONS

In order for the attorney to properly protect you and your property, it will be necessary to review the court documents you have received regarding all lawsuits, garnishments, evictions, or repossessions. You should bring these to your initial conference.

CREDITORS

The attorney will need to know the information regarding mortgages, car loans, taxes, and some other creditors at the conference, so there is a place to list them in this questionnaire. You will be given a form after you pay the initial retainer on which to list the rest of your creditors.

SOME OF THE REASONS TO RETAIN AN ATTORNEY

The left column below shows some (not all) of the documents you will be required to file or deliver as part of your bankruptcy. The right column shows the penalties for not complying.

<p>11 USC § 521(a)(1): You must file:</p> <ol style="list-style-type: none">1. List of creditors2. Schedule of assets & liabilities3. Schedule of current income and expenditures4. Statement of Financial Affairs5. Certification of receipt of 11 USC § 342(b) notice, if any6. Copies of all pay stubs for past 60 days7. Itemized means income test8. Statement of expected income increases	<p>Dismissal: Failure to file all these documents will result in dismissal of your case 45 days after it is filed unless you file a separate motion to get another 45 days. 11 USC § 521(i)</p>
<p>11 USC § 521(b) & (c): You must file:</p> <ol style="list-style-type: none">1. Certificate from credit counselling agency2. Debt repayment plan if one was developed3. Record of any Educational IRA	<p>Denial of Protection: If you do not complete the credit briefing, you do not qualify for bankruptcy protection. 11 USC § 109(h)</p>
<p>11 USC § 521(e): You must deliver, at least 7 days before your meeting of creditors, a copy of your tax return for last year to the bankruptcy trustee and to any creditor who timely requests one.</p>	<p>Dismissal: You can substitute a transcript for the return, but your case will be dismissed if one or the other is not provided on time.</p>

	<u>Unmarried Person or Husband</u>	<u>Wife</u>
Full Name	_____	_____
Social Security Number	_____-_____-_____	_____-_____-_____
Other names used past 6 yrs	_____	_____
Home Telephone Number	() _____	() _____
Work Telephone Number	() _____	() _____
Mailing Address	_____	_____
City, State & Zip Code	_____	_____
County	_____	_____
Street Address (if different)	_____	_____
	_____	_____
Occupation	_____	_____
Current Employer's Name	_____	_____
Employer's Address	_____	_____
	_____	_____
How long employed here?	_____	_____

OTHER ADDRESSES IN THE PAST TWO YEARS

ADDRESS	CITY, STATE	NAME USED	FROM	TO
_____	_____, ____	_____	_____,20__	_____,20__
_____	_____, ____	_____	_____,20__	_____,20__

CHILDREN & OTHER PERSONS LIVING IN YOUR HOUSEHOLD (Do not include yourself)

Name	Age	Relationship	Is This Person		
			<u>Elderly</u>	<u>Chronically Ill</u>	<u>Disabled</u>
_____	____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CHILDREN & OTHER IMMEDIATE FAMILY MEMBERS LIVING ELSEWHERE YOU HELP TO SUPPORT

Name	Age	Relationship	Monthly Support Amount You Pay	Is this person		
				<u>Elderly</u>	<u>Chronically Ill</u>	<u>Disabled</u>
_____	____	_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	____	_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SAVING YOUR PROPERTY

HOW THOROUGH MUST I BE?

You must list *all* your property in this section. You will lose any property you do not list in this section. In order for you to be allowed to keep the property, you must describe it in detail in this section.

WHAT PROPERTY CAN I KEEP?

According to the bankruptcy laws, you are entitled to keep a sufficient amount of "exempt" property to allow you a fresh start. The allowable exemptions are too complex to set out here. The attorney will review your list of property and explain the exemptions to you at the conference. This is why it is important that you make a complete list of your property.

WHAT ABOUT VALUES?

The value of each piece of property is very important because the value determines whether or not you are allowed to keep it for your fresh start. "Value" does not mean what you could purchase a new replacement item for. Rather, it means the price you would have to pay if you located a similar, used item in the same condition. In other words, what you could get for the one you have if you sold it in its present condition. The value of real estate is established by a recent appraisal or recent sales of similar real estate. The value of vehicles and other personal property is determined by Blue Book value or the amount paid for similar vehicles in recent sales.

HIDING PROPERTY

You cannot protect property by putting it in someone else's name or not listing it in this section. Hiding property is a crime and will probably result in the loss of the property. If you list ALL your property in this section, I can usually help you save all of it.

DAMAGE & INJURY CLAIMS

If you have been in an accident or have been the victim of malpractice or have been otherwise harmed by the actions of another, you have a claim against that person or company *even if you have not yet filed a lawsuit or made a demand for compensation*. Your claim is a type of property and must be listed in this section or you will lose it. List the claim under "Amounts Owed to Us" on page 5, and I will discuss it with you.

FUTURE INHERITANCES AND LIFE INSURANCE

If you become entitled to any inheritance or life insurance proceeds within 180 days after we file your petition, your petition must be amended to claim it as an exemption. If the value is too great to fit within one of the exemptions, the court may use the excess value to pay creditors. You have a duty to notify the attorney of any inheritance or life insurance to which you become entitled within 180 days after we file your petition.

JOINT OWNERSHIP

If you are married, we will assume that all the property you list is community property unless you write in the margin that the particular property is the separate property of the husband or the wife. If you own property jointly with any other persons, be sure to make a note of this in the margin next to the joint property.

REAL ESTATE, RESIDENCES, AND MOBILE HOMES

I/We own no interest in any real estate, residence or mobile home, and I/we have no leases or options to purchase any real estate or residence.

I/We own an interest in the following residence or real estate:

1. **First Property** Address: _____

This is Community Property or Separate Property of _____

Value of this Property (what is could be sold for): \$ _____

This value is based on an appraisal in 20__ Comparable sales Other _____

First Mortgage Company Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Amount Owed: \$ _____ Year Loan Taken Out or Last Refinanced: _____

Cosigner, If Any: _____ Last 4 digits of Account Number, If Any: _____

Second Mortgage Company Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Amount Owed: \$ _____ Year Loan Taken Out or Last Refinanced: _____

Cosigner, If Any: _____ Last 4 digits of Account Number, If Any: _____

2. **Second Property** Address: _____

This is Community Property or Separate Property of _____

Value of this Property (what is could be sold for): \$ _____

This value is based on an appraisal in 20__ Comparable sales Other _____

Mortgage Company Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Amount Owed: \$ _____ Year Loan Taken Out or Last Refinanced: _____

Cosigner, If Any: _____ Last 4 digits of Account Number, If Any: _____

3. **Third Property** Address: _____

This is Community Property or Separate Property of _____

Value of this Property (what is could be sold for): \$ _____

This value is based on an appraisal in 20__ Comparable sales Other _____

Mortgage Company Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Amount Owed: \$ _____ Year Loan Taken Out or Last Refinanced: _____

Cosigner, If Any: _____ Last 4 digits of Account Number, If Any: _____

AUTOMOBILES, TRUCKS, TRAILERS, AIRCRAFT, AND OTHER VEHICLES

I/We have no automobiles, trucks, trailers or other vehicles.

I/We have the following vehicles:

1. Year: _____ Make/Model: _____ Value: \$ _____

Loan Company Name: _____ Amount Owed: \$ _____

Address: _____

City: _____ State: _____ Zip Code: _____ Last 4 digits of Act Number: _____

Year Loan Was Taken Out: 20____ Cosigner, If Any: _____

2. Year: _____ Make/Model: _____ Value: \$ _____

Loan Company Name: _____ Amount Owed: \$ _____

Address: _____

City: _____ State: _____ Zip Code: _____ Last 4 digits of Act Number: _____

Year Loan Was Taken Out: 20____ Cosigner, If Any: _____

<u>3. Year & Make of All Other Vehicles</u>	<u>Value</u>	<u>Amount Owed</u>	<u>Loan Company</u>
_____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	_____

BOATS, MOTORS, AND THEIR ACCESSORIES

I/We have no boats, motors or accessories.

I/We have the following boats, motors, or accessories:

1. Year: _____ Make/Model: _____ Value: \$ _____

Loan Company Name: _____ Amount Owed: \$ _____

Address: _____

City: _____ State: _____ Zip Code: _____ Last 4 digits of Act Number: _____

Year Loan Was Taken Out: 20____ Cosigner, If Any: _____

CASH ON HAND (MONEY IN YOUR POCKETS - NOT IN YOUR BANK ACCOUNTS)

I/We have the following amount of cash on hand: \$ _____

BANK ACCOUNTS, DEPOSITS WITH SAVINGS & LOANS, CREDIT UNIONS, ETC.

I/We have no bank accounts (including checking and saving), credit union accounts, certificates of deposit, or other shares or ownership interests in any banks, savings and loans, credit unions, or other institutions.

I/We have the following such accounts or ownership interests:

<u>NAME OF BANK, CREDIT UNION, ETC.</u>	<u>(Last 4 Digits of Acct #)</u>	<u>AMOUNT ON DEPOSIT</u>
_____	(_____)	\$ _____
_____	(_____)	\$ _____
_____	(_____)	\$ _____

SECURITY DEPOSITS WITH UTILITIES, TELEPHONE, LANDLORDS, ETC.

I/We have no deposits with utilities, telephone, landlords, etc.

I/We have the following such deposits:

NAME OF PERSON OR COMPANY HOLDING DEPOSIT

AMOUNT OF DEPOSIT

_____ \$ _____

HOUSEHOLD GOODS, FURNISHINGS, AUDIO, VIDEO, COMPUTER EQUIPMENT

My/Our household goods, supplies, and furnishings, including audio video and computer equipment, are worth approximately \$ _____ (Garage sale value it)

COLLECTIONS OF BOOKS, ART, STAMPS, PICTURES, COINS, TAPES, DISCS, ETC.

I/We have no such collections.

I/We have a collection of _____ located at _____

This collection is worth approximately: \$ _____ (use eBay value or garage sale it)

WEARING APPAREL

My/Our used clothes, coats, etc., are worth approximately \$ _____ (thrift store or garage sale it)

JEWELRY AND FURS

I/We have no furs or jewelry.

I/We have JEWELRY worth approximately \$ _____ and FURS worth approximately: \$ _____

FIREARMS, SPORTS, PHOTOGRAPHIC, AND HOBBY EQUIPMENT

I/We have no firearms, sports, photographic, or hobby equipment.

I/We have _____ located at _____

These are worth approximately: \$ _____ (garage sale it)

AMOUNTS OWED TO US - TAX REFUNDS, BACK CHILD SUPPORT, INJURY CLAIMS, ALIMONY, LAWSUITS, DISABILITY BENEFITS, PROPERTY SETTLEMENTS, MALPRACTICE CLAIMS, ETC.

I/We have no such claims for amounts owing to me/us which are disputed or are not in a specific dollar amount.

I/We have the following such claims:

Type of Claim: _____ Against Who: _____

What is the greatest amount you might receive from this claim: \$ _____

Type of Claim: _____ Against Who: _____

What is the greatest amount you might receive from this claim: \$ _____

ANNUITIES AND INSURANCE POLICIES

I/We have no annuities or insurance policies which have a cash surrender/refund value.

I/We have the following annuities or insurance policies which have a cash surrender value:

Description: _____ Cash Surrender or Refund Value: \$ _____

RETIREMENT PLANS: PENSIONS, PROFIT SHARING, IRAs, 401(k)s, DEFERRED COMPENSATION Etc.

- I/We have no pensions, profit sharing plans, IRAs, or 401(k), Deferred Compensation, etc.
- I/We have the following retirement benefits:
Type of Plan : _____ with (company): _____ Value: \$ _____
Type of Plan : _____ with (company): _____ Value: \$ _____

BUSINESSES, PATENTS, COPYRIGHTS, FRANCHISES, ETC. - PAST 6 YEARS

- I/We have had no ownership interest in any business, partnership, corporation, joint venture, patent, copyright, or franchise in the past 6 years.
- I/We have had an interest in the following in the past 6 years: Sole Proprietorship Partnership
 Corporation LLC Joint Venture Patent Copyright Franchise
- Business Name: _____ Type of Business: _____
Date Business Started: _____ Date Business Terminated: _____
Machinery equipment, furnishings or tools used in the business: _____
_____ Value: \$ _____
Vehicles used in business: _____ Value: \$ _____
Inventory: _____ Value: \$ _____ Receivables: \$ _____
Loan Company: _____ Amount Owed: \$ _____
Address: _____
Year Loan Was Taken Out: 20____ Cosigner, If Any: _____

STOCKS, BONDS, PROMISSORY NOTES, CHECKS

- I/We have no stocks, government bonds, corporate bonds, promissory notes, checks or business interests other than those listed above.
- I/We have the following other such stocks, bonds, promissory notes, checks or business interests:
Description: _____
Value: \$ _____ Location: _____

LIVESTOCK, POULTRY, PETS AND OTHER ANIMALS

- I/We have no livestock, poultry, pets or other animals.
- I/We have the following animals:
Description: _____
Value: \$ _____ Location: _____

ALL OTHER PROPERTY AND RIGHTS TO RECEIVE PROPERTY.

- I/We have no other property or rights to receive property from trusts, estates, death benefit plans, powers of appointment.
- I/We have the following additional property or right to receive property:
Description: _____ Value: \$ _____

INCOME TAXES YOU OWE THE IRS

1. Amounts owed to IRS for current calendar year and before: \$ _____ Which Years? _____

This is Personal Income Tax Payroll Taxes Other Persons Liable, If Any: _____

2. Amounts owed to IRS for past 3 years: \$ _____ for 20 ; \$ _____ for 20 ; \$ _____ for 20

This is Personal Income Tax Payroll Taxes Other Persons Liable, If Any: _____

STATE TAXES YOU OWE

1. State: _____ Amounts owed for calendar year and before: \$ _____ Which Years? _____

Amounts owed for calendar years to present: \$ _____ Which Years? _____

Type of Tax : Dept. Revenue (sales/B&O) Labor & Indust. Employment Sec Other: _____

2. State: _____ Amounts owed for calendar year and before: \$ _____ Which Years? _____

Amounts owed for calendar years 20 to present: \$ _____ Which Years? _____

Type of Tax : Dept. Revenue (sales/B&O) Labor & Indust. Employment Sec Other: _____

STUDENT LOANS

AMOUNT OWED

DATES OF LOANS

COSIGNERS

Direct Loans \$ _____

Sallie Mae \$ _____

Department of Education \$ _____

NW Educ. Financial Asst. \$ _____

Other: _____ \$ _____

Address of other lender: _____

Other: _____ \$ _____

Address of other lender: _____

TICKETS, FINES, RESTITUTION

AMOUNT OWED

YEAR

TICKET, FINE, OR RESTITUTION

_____ County Superior Court . . \$ _____

_____ County District Court . . \$ _____

_____ County Municipal Court . . \$ _____

Department of Corrections \$ _____

Other: _____ \$ _____

Address of other: _____

ALIMONY AND CHILD SUPPORT

AMOUNT OWED

YEAR

CHILD SUPPORT OR ALIMONY

State of Washington \$ _____

Other: _____ \$ _____

Address of other: _____

RETIREMENT LOANS

AMOUNT

DATE

PAYMENT ADDRESS

Plan Name: _____ \$ _____

Plan Name: _____ \$ _____

BANKRUPTCY CONTRACT WITH TOM S. HYDE

I have read all the instructions in this questionnaire carefully, have answered all the questions to the best of my knowledge, and have made a reasonable attempt to find all information necessary to answer the questions accurately.

At such time as I decide to retain Tom S. Hyde, I will pay an initial payment of at least \$350 with the remaining \$325 to be paid within a month of paying the initial fee. I intend this flat fee to be payment for the preparation of the papers necessary for my chapter 7 bankruptcy based on the information contained in this questionnaire, for the signing and filing of those papers, and for allowing me to refer my creditors to him. It has also been explained to me that additional fees will have to be paid if I have over 50 creditors or if my case requires changes in the papers after they have been prepared, mailing of documents or letters, negotiations with creditors or attorneys, lien avoidances, recovering garnished funds, or some other special attention. Any additional fees will have to be paid before the additional work is performed. Making any payment by personal check will delay filing by three weeks, and there is a \$75 fee for returned checks. Upon Tom S. Hyde's receipt of all or any portion of the flat fee, the funds are the property of Tom S. Hyde and will not be placed in a trust account. The fact that you have paid your fee in advance does not affect your right to terminate the client-lawyer relationship. In the event our relationship is terminated before the agreed upon legal services have been completed, you may or may NOT have a right to a refund of a portion of that fee.

I also agree to pay a separate filing fee of \$299 made payable to the Clerk of the United States Bankruptcy Court. If I decide not to have my case filed for any reason, this filing fee will be returned to me. If I change addresses I agree to provide my new address to Tom S. Hyde so that he will be able to return this filing fee.

It has been explained to me that I am required to obtain a certificate regarding credit counseling and that I must provide certain documents before my case can be filed with the court and that I will not receive protection from my creditors until my case is filed. In order to avoid delays in filing my case, I agree to supply requested documents within five days of being notified they are needed and to come to the office of Tom S. Hyde within two days of being notified that documents are ready for my signature. I understand that failing to provide documents when requested or to sign documents when prepared may delay the filing of my case by a month or more.

After I have signed my bankruptcy petition and it has been filed with the Court, an attorney will appear with me at my meeting of creditors if it is held in Seattle, Everett or Tacoma. It has been explained to me that the Bankruptcy Court will send me a notice regarding the date and place of my meeting of creditors, and I understand that it is my obligation to notify Tom S. Hyde if I have not received that Notice within three weeks after my papers are filed with the Bankruptcy Court. I agree to pay additional fees if any additional court appearances (including rescheduled meetings of creditors) are required in my case. I also understand and agree that Tom S. Hyde may withdraw from my case if any additional fees are not paid as requested or if I do not follow instructions given me by Tom S. Hyde.

I understand that Tom S. Hyde will open a file with regard to my case, and I agree that all documents in that file and all documents which I deliver to Tom S. Hyde are the property of Tom S. Hyde. I understand that Tom S. Hyde will give me one copy of my bankruptcy petition without additional charge. If I want additional copies of my petition or copies of any other documents in my file, I agree to pay a copying fee before the copies are made.

At the time I received this questionnaire, Tom S. Hyde also provided me with copies of (1) Notice to Individual Consumer Debtor under § 342(b) of the Bankruptcy Code; (2) 11 U.S.C. § 527(a) Verbatim Notice; and (3) 11 U.S.C. § 527(b) Notice. Tom S. Hyde also provided me with a fully executed copy of this contract on _____, 20 ____.

Husband or
Unmarried Person: _____

Tom S. Hyde

Wife: _____