PREFILING PREPARATION

1. Prior to signing you want to gather up as much documentation as you can.
2. I send the client the following information prior to the first appointment either by email or mail.
3. Government Disclosures.
4. List of Documents to bring to first meeting
5. Questionnaire
6. Appraisals
7. This should be completed prior to signing.
8. Real Estate, Cars and Trucks (when value may be an issue, including equity) and unusual property.
9. Business Appraisals (look at Schedule C on your client’s tax return). Have the client request a letter from the Accountant as to its value. These can be expensive if you have to hire a business appraiser to do it.
10. Try to order the real estate appraisal within days of first meeting if I think I can do the strip off.
11. Have the car appraised prior to filling?
12. Tax Returns
13. Four years for review even though Chapter 13 only wants one.
14. Deductions for means test check schedules A and C.
15. Information about potential businesses on front page and schedule C.
16. Check the schedules for withdrawals for pension, sale of real estate or stock, rental income and other business
17. Refunds
18. Is client over-withholding
19. The clients have to turn over the tax returns every year now. Review and compare to previous income on I and J. You may have to modify. Any refund over $3,000 or EIC & ACTC, whichever is greater goes to the Trustee per plan.
20. Can you get the withholding adjusted prior to filing
21. <http://www.irs.gov/Individuals/IRS-Withholding-Calculator>
22. Taxes owe
23. Grounds for dismissal if the debtor continues to owe year after year
24. Can’t add post-petition tax debt to AMI case without blowing the case.
25. Feasibility
26. Failure to have all post-petition debts, including taxes paid, could be in violation of confirmed plan and grounds to be dismissed.
27. Schedule A
28. Medical expenses
29. Charity
30. Work related expenses
31. Taxes
32. Real estate
33. Schedule C and other Business Schedules
34. Business income and expenses
35. Business information goes to schedule B
36. Business income goes to Statement of Financial Affair. Need all business listed for last 6 years. List income from all business including non-filing spouse for 2 years prior
37. Information can be important to determine feasibility and monthly payments.
38. Depreciation and mileage
39. Pay Stub, Pay Advices, Profit and Loss Statement
40. Paystubs for six months.
41. Do they match in a six month window
42. Does the annualized income match the tax returns
43. What are the deductions
44. Pay Advices
45. Pensions Statement
46. Social security Statement
47. Child support (summary report or bank statements)
48. Government benefits
49. ODJFS website for summary of unemployment
50. Money on benefit cards. There should be a website to look at deposits, etc.

3. Profit and Loss Statement

1. Income in and Expenses out monthly
2. Have the client start this following the first appointment

5. Checking Your Petition and Your Plan

A. Make sure they match where they are suppose to

B. Check your Attorney Fee. It should match in three places

C. The Income in I should reflect the income in the means test. If not, why not? Make sure you can show why not. It can be helpful to send chapter 13 an explanation and/or include it in the other box.

D. Know when the 401k deduction stops and indicate in your petition

E. Make sure the information matches in all of the schedules and the plan

F. Child support information

6. Review with your client

A. I always send my client a draft to review at home prior to the signing

B. They use the draft to help complete credit counseling

C. It gives them the time to review and make corrections and find missing creditors

D. Then we review petition and plan together. Then we sign the petition and plan together.

8/3/18