

Declaration for Bankruptcy Filers Who do not Have an Attorney



U.S. Department of Justice

*Office of the United States Trustee
District of Colorado*

IF YOU ARE FILING BANKRUPTCY WITHOUT AN ATTORNEY

SOME DEBTORS HAVE BEEN VICTIMIZED by dishonest practices by people who helped them prepare their bankruptcy petitions. Sometimes these fraudulent petition preparers claim they work with religious groups, nonprofit or charitable organizations, or even the government. Occasionally they claim to be attorneys or say they work with attorneys. Once they gain their victims' trust, they may demand a large sum of money to file a bankruptcy case. They may tell victims to pay mortgage or rent payments to them and then keep the money for themselves instead of paying it to creditors. They sometimes persuade victims to transfer ownership of their homes and then evict them soon afterward. They may also try to falsify a victim's bankruptcy schedules to include property that does not belong to the victim.

FEDERAL LAW REQUIRES all non-lawyers who help debtors file for bankruptcy to: (1) sign the bankruptcy documents; (2) provide their names, addresses, and social security numbers; (3) have the person filing bankruptcy review all documents before they are signed; and (4) list any fees that have been paid to them or is still owed to them.

FEDERAL LAW PROHIBITS petition preparers from: (1) providing legal advice; (2) signing their clients' names on documents; (3) collecting or receiving court filing fees; and (4) using the word "legal" in their advertisements.

YOUR ANSWERS WILL ASSIST THE THE UNITED STATES TRUSTEE IN PROTECTING YOU AND THE BANKRUPTCY SYSTEM.

Declaration for Bankruptcy Filers Who do not Have an Attorney

Your Name: _____ Case No.: _____
Street Address: _____ City: _____ State: _____
Joint Filer's Name (if any): _____ Your Telephone: _____
Case Trustee's Name: _____ 341 Meeting Date: _____

1. Did you file a bankruptcy within the last 12 months? Yes No
2. Did you pay someone to help you prepare your bankruptcy documents? Yes No

If no to both, please skip to Question 19 and sign and date this document at page 3.

3. Information about the person who helped you prepare your bankruptcy documents.

Name of preparer: _____ Telephone: _____
Company name: _____ Fee charged: _____
Address: _____
E-mail Address: _____ Web Site: _____

4. Payment Information.

Amount paid: _____ Date of payment: _____ Do you have a receipt? Yes No
Form of payment: Cash Check Credit Card Other (please describe): _____
How much did you pay the preparer after the bankruptcy petition was filed? _____ (Enter 0 if none)
How much do you still owe the preparer? _____ (Enter 0 if none)
How much did you pay the preparer for the Bankruptcy Court filing fee? _____ (Enter 0 if none)
Form of payment: Cash Check Credit Card Other (please describe): _____

Was the filing fee made payable to the Bankruptcy Court? Yes No

Was there an additional fee charged for any corrections or changes? Yes No

5. Were you given a contract of services from the preparer? Yes No
6. Were you given a copy the completed bankruptcy forms to review before you signed them? Yes No
If yes, did you find any errors? Yes No
If so, were they corrected? Yes No
7. Did you sign your own name on the petition and schedules? Yes No
8. Did the preparer explain to you any of the following? (select all that apply)
- whether or not to file a bankruptcy petition
 - the difference between bankruptcy cases under chapter 7, 11, 12 or 13
 - whether your debts will be discharged or eliminated
 - whether you should select state or federal property exemptions
 - whether you will be able to retain your home, car, or other property after filing bankruptcy
 - any tax consequences from filing bankruptcy

- whether you should repay any of your debts to a creditor before after filing bankruptcy
- whether you should enter into an agreement with a creditor to reaffirm a debt

- how to report property as either real or personal property
- how to report debts as either priority, secured, or unsecured debts
- any bankruptcy procedures and rights you have as a debtor in bankruptcy

9. Did the preparer file your bankruptcy petition and schedules with the Court? Yes No
10. Were you told to say you had no assistance in preparing your documents? Yes No
11. At any time did the preparer tell you that he or she was an attorney? Yes No
12. At any time did the preparer tell you that he or she was working with an attorney? Yes No
 If yes, did you meet with the attorney? Yes No
 What was the attorney's name? _____
13. Did the preparer tell you to omit information from your bankruptcy documents? Yes No
14. Did the preparer tell you to put false information on your bankruptcy documents? Yes No
 If yes, the false information is: _____
15. Did the preparer give you any written information about bankruptcy? Yes No
 If yes, what? _____
16. Did the preparer charge you fees for any other services? Yes No
 If yes, describe: _____
17. Were you directed to transfer title to your home or other property? Yes No
 If yes, to whom to you transfer the property _____
18. How did you hear about the preparer?
- Newspaper advertisement
 - Telephone book advertisement
 - Friend/Relative
 - Billboard
 - Internet
 - Television
 - Foreclosure/Mortgage Rescue Company
 - Other (please specify): _____
19. In addition to this preparer, did anyone else help you with your bankruptcy forms? Yes No
 If yes, please provide the name of the person providing help.
 _____.

20. Have you worked with a foreclosure or mortgage rescue company? Yes No

If yes, please provide the following:

a. Provider. Name of provider _____.

b. Payment Information.

Amount paid: _____ Date of payment: _____ Do you have a receipt? Yes No

Form of payment: Cash Check Credit Card Other (please describe): _____

c. Contract. Were you given a contract of services from the company? Yes No

If yes, do you remember the date of the contract? Date: _____

d. Were you satisfied with services? If not, please explain why not. _____

e. Refunds. Did you ask for or receive any refund of money you paid? Yes No

I declare under penalty of perjury that the foregoing is true and correct.

Your (Filer's) signature

Date

Joint Filer's signature

Date