

BANKRUPTCY DOCUMENT CHECKLIST

- Profit and Loss Statements / monthly for last 6 months if self employed;
- Bank Statements for last 6 months for ALL bank accounts;
- Tax Returns for 2011 and 2012 including W2's, 1099s;

If you need to file, you must have the returns prepared before we can file your bankruptcy. If you cannot find your returns or get copies of them, we can retrieve transcripts of your returns from the IRS for a \$35.00 fee. You may also obtain a transcript directly from the IRS at: www.irs.gov for little or no charge.

- ALL billing statements and collection letters;

If you do not have this information, you may contact the creditors directly and request their preferred addresses to receive bankruptcy information, their billing inquiry address, or their customer service address. The PAYMENT address is no longer sufficient under new law.

If you do not know who all of your creditors/collection agencies are, we will be retrieving a tri-merged credit report for you as a part of our service. However, many times addresses reported to the credit reporting companies are bad and you may still need to research the address to ensure that all interested parties are sent notice of your bankruptcy.

- Most Recent Copies of all Retirement Account / Pension statements;
- Most Recent Educational IRA or GET Account Statement;
- If you have been in an **accident**; named as a **beneficiary of a will or trust** of someone who has died; have a trust; we must have this information as well.
- If someone owes you money, we must have their last known address, phone number, and amount owed.
- If you owe (or have owed) any friends or family any money in the last 24 months, we must know the names, addresses, phone numbers, amount owed, and amount paid in the last 24 months.
- If you are a real estate agent, we need copies of all active listing agreements.

YOU DO NOT WANT THE DEPARTMENT OF JUSTICE TO INVESTIGATE YOUR CASE.

So, double check now and make sure. Did you list everything?

An open letter for debtors and their counsel:

I have noticed a disturbing trend among debtors and their counsel to treat the schedules and statement of affairs as “working papers” which can be freely amended as circumstances warrant and need not contain the exact, whole truth. Notwithstanding execution under penalty of perjury, debtors and their counsel seem to think that they are free to argue facts and values not contained in the schedules or even directly contrary to the schedules. Some debtors have felt justified

signing a statement that they have only a few, or even a single creditor, in order to file an emergency petition, knowing full well that the statement is false.

Whatever your attitude is toward the schedules, you should know that as far as I am concerned they are the sacred text of any bankruptcy filing. There is no excuse for them not being 100% accurate and complete. Disclosure must be made to a fault. The filing of a false schedule is a federal felony, and I do not hesitate to recommend prosecution of anyone who knowingly files a false schedule.

I have no idea where anyone got the idea that amendments can cure false schedules. The debtor has an obligation to correct schedules he or she knows are false, but amendment in no way cures a false filing. Any court may properly disregard subsequent sworn statements at odds with previous sworn statements. I give no weight at all to amendments filed after an issue has been raised.

As a practical matter, where false statements or omissions have come to light due to investigation by a creditor or trustee, it is virtually impossible for the debtor to demonstrate good faith in a Chapter 13 or entitlement to discharge in a Chapter 7 case. I strongly recommend that any of you harboring a cavalier attitude toward the schedules replace it with a good healthy dose of paranoia.

/s/ Judge Alan Jaroslovsky
U.S. Bankruptcy Judge
Northern District of California, Santa Rosa Division