

How to File Bankruptcy

Step 1. Download the Bankruptcy Packet. First, download the 5 documents linked here as the Bankruptcy Packet: (1) How to File Bankruptcy, (2) Mandatory Online Briefings, (3) Bankruptcy Questionnaire, (4) Disclosures, and (5) Required Documents.

Step 2. Read the Information Provided. Next, you should read the information you downloaded. You will also find some useful information about bankruptcy on this web site. For example, on the Resources page you will find nine helpful videos.

Step 3. Gather the Required Documents and Information. *Before* filling out the Questionnaire, gather all the required documents listed on the Required Documents (Green Sheets) and make copies of each of those documents for the Attorney.

Step 4. Mandatory Online Briefing. Before you can bankruptcy, you are required to complete a credit “briefing” with an approved agency during the 180 days *before* you file your case. **You cannot file without a certificate of completion.** This is explained in detail on the Mandatory Online Briefings (Purple Page).

Step 5. Complete the Questionnaire & Disclosures. After you have all the required information and documents, you can start to fill out the Bankruptcy Questionnaire. Also be sure to read and sign the Disclosures (Blue Page). Your case cannot be filed if you have not signed each of the Disclosures. If you have any questions, please feel free to call our office (801-226-2101).

Step 6. Review the Disclosures, Questionnaire and Documents. When you are ready, make an appointment to review your papers with the Attorney (801-226-2101). At this consultation, the Attorney will review all your papers and let you know if anything is missing. Because your case cannot be filed until you have made your full payment, you may want to make your payment at this time.

Step 7. Prepare the Pleadings. The Attorney and his staff will prepare your case for filing based on the information you provided.

Step 8. Review and Sign the Pleadings. The office will call you to make an appointment to review your official bankruptcy papers with you. At that review you will sign the official papers. If you have not made your full payment, you should do that at this review.

Step 9. Filing. After your papers have been reviewed, corrected, approved and signed, and you have completed the mandatory briefing (step 4), and you have made your full payment, your bankruptcy papers will be filed with the Bankruptcy Court.

Step 10. Executory Contracts/Leases (this includes contracts for residential rentals, cable TV, internet, gym memberships, storage units, authorized bank withdrawals and deposits, etc): If you want to cancel any of these contracts, **you must call the creditor and tell them you want to cancel, otherwise these contracts will remain after the bankruptcy.** Do *not* cancel contracts you want to keep.

Step 11. Court Notice. Approximately 10-14 days after your case has been filed, the Court will send out the official bankruptcy notices to you, your Attorney and to all the creditors listed in your papers. Our office does *not* send out these notices; the Court does.

Step 12. Mandatory Pre-Discharge Class. You must complete an instructional course concerning personal finances *after* your case is filed *before* you get a discharge. **If you fail to complete this class on time, the Court will not grant you a discharge and you will have wasted your time and money for nothing.** Please see the explanation on Mandatory Online Briefings page (Purple Page).

Step 13. Hearing Preparation. Soon after you receive the official court notice, you will also receive a letter from us with some instructions about your Meeting with the Trustee. Read it carefully and follow the instructions. If you have questions, call the office.

Step 14. The 341 Meeting. Your Meeting with the Trustee will be held 30-50 days after your case is filed. You must attend this meeting. The Court accepts no excuses for being absent, so be sure to make all necessary arrangements so you can be there.

Step 15. Chapter 13 only - Confirmation and Claims Review. In a *Chapter 13*, approximately 45 days after your 341 Meeting, a Confirmation hearing will determine whether your Plan meets all the legal requirements. This is called “confirmation.” Usually you do not have to attend this hearing, but occasionally you do. Be sure to check with the Attorney to see if you have to attend this hearing.

The deadline for creditors to file claims under your Chapter 13 Plan (“claims bar date”) occurs approximately 45 days *after* the Confirmation hearing. These claims will be reviewed by your Attorney and any appropriate objections filed.

Step 16. Interim Administration. In *Chapter 7*, this is what occurs between the 341 Meeting and the Discharge. In *Chapter 13*, this is what happens between Confirmation and the Discharge.

Step 17. Discharge. In *Chapter 7*, approximately 2-3 months *after* your 341 Meeting, the Court will issue a discharge, if you have complied with all the requirements of the law, including the second online class. If you neglect that class, you will not get a Discharge.

In *Chapter 13*, your discharge will be issued *after* you have made your last payment and the Trustee’s Office has completed an audit of your case. You will make payments for 36-60 months (3 to 5 years). The audit can take 1-2 months.