

Bankruptcy Documents You Will Need to Provide in order to File

Below is a list of the documents you will need to provide to your bankruptcy attorney and the courts in order to file for bankruptcy.

1. **List of Creditors.** You must have a list of every company and agency that you owe money. Although not a panacea, a credit report from each of the 3 major credit reporting agencies helps. But so does genuine effort, diligence, and accuracy in completing all the questions asked by your preparer.
2. **Schedules of Assets & Liabilities**
3. **Income and Expenses.** You will need to disclose how much money you earn and how much money you need to meet your living expenses. Check stubs and Tax Returns help establish this. Later, the Trustee will want to see Bank Statements as well.
4. **Photo ID & Social Security Card**
5. **A Pre-Filing Certificate** of Completion for an approved Credit Counseling Course.

United States Bankruptcy Court Expectations: Procedures and operations after filing your bankruptcy

- [Who Is the Trustee and What is His Job?](#)
- [What Happens Next?](#)
- [What Happens at My Hearing?](#)
- [When Do I Get My Discharge Order?](#)
- [What Should I Bring?](#)
- [What If I Miss My Hearing?](#)
- [Who Will Be At My Hearing?](#)
- [Why Is My Discharge Order Important?](#)

Who Is the Trustee and What is His Job?

In a Chapter 7 bankruptcy case, the United States Bankruptcy Court appoints an official generally known as the Trustee. The Trustee has two primary roles. First, he is to verify that you are eligible for Chapter 7 and that the schedules you signed under oath and filed with the court are accurate.

Second, if the trustee locates any assets that are not protected by state or federal exemptions, he is to sell them and distribute the

proceeds of that sale to your creditors. In most cases, there are no assets to liquidate, so do not be concerned. If the trustee does identify assets, we probably have already advised you about this possibility.

In a Chapter 13 bankruptcy case, the trustee is the United States Bankruptcy Court official who is responsible for reviewing your proposed repayment plan, making recommendations to the court regarding the feasibility of that plan, and distributing the payments to your creditors under the terms of the plan.

What Happens Next?

In a Chapter 7 case, at the conclusion of your hearing, there is very little else you need to do. Occasionally, the bankruptcy court trustee will request additional information from you. You are obligated to comply promptly and furnish any requested materials.

Prior to receiving your discharge order, you may receive correspondence from Creditors proposing you reaffirm certain secured items, like your house, car or household goods. Not every lender requires a reaffirmation agreement, but it is very important that you review all correspondence immediately, as once your case has been completed you may forego your rights to reaffirm certain debts.

This is more of a concern in certain other Bankruptcy Districts than our local one. In the Western District of Washington Bankruptcy Court, reaffirmations are viewed with suspicion for good cause. The Court will not allow a pro se filer to reaffirm a debt without first talking to an attorney to insure the implications and disadvantages are fully appreciated by the debtor. Moreover, so long as the debtor continues to make timely payments on the collateral securing the debt, the property can be retained but will be repossessed if the debtor fails to do so. Most lenders want to be paid more than having to repossess an item or go through a foreclosure. The Bankruptcy, assuming you get a discharge for the debt in question, will insure you are no longer personally liable for the debt regardless of your ability to pay it UNLESS you were to reaffirm the debt, in which case you would waive any/all protection under the Bankruptcy Laws. Because many Creditors engage in sharp practices targeting unsophisticated debtors, the local Bankruptcy Court Judges attempt to question filers regarding their understanding of the procedure before allowing a reaffirmation to go forward.

Approximately 60 - 90 days after your hearing, you will receive a discharge order from the bankruptcy court. The discharge order is the official court order relieving you of your obligation to pay your bills.

In a Chapter 13 bankruptcy case, the discharge order is issued upon your successful completion of the repayment plan. Again, it is very important to save this document, as you will need to it to re-establish credit in the future.

What Happens at My Hearing?

In a Chapter 7 case, the trustee will ask you questions to verify your eligibility for Chapter 7 relief and to determine that you have fully disclosed all of your assets and liabilities.

Some of the common questions are:

Do you own a home?

Have you transferred any property?

Do you have the right to sue any one for bodily injury?

Have you listed all of your debts and assets?

Are you expecting to inherit money shortly?

The hearing only lasts about five minutes and is relatively informal.

In a Chapter 13 case, the hearing lasts about 10 minutes. In addition to the questions asked in most Chapter 7 cases, the trustee will also ask questions to verify that you can afford your Chapter 13 payment and that you are making your best efforts to repay your creditors through your Chapter 13 payment plan.

When Do I Get My Discharge Order?

Approximately 60 - 90 days after your hearing, you will receive a discharge order from the United States Bankruptcy Court. The discharge order is the official court order relieving you of your obligation to pay your bills.

What Should I Bring?

Please show up at least 15 minutes prior to your hearing time to prepare and for you to gather any documents and compose yourself. You should bring a state issued photo I.D., your social security card (or some other item verifying your social security number) and the notice sent to you by the court. In some of the districts, the court requires you to bring additional items.

Please refer to the written materials provided to you by the Court or Trustee to find out what other items you must bring. Many items and materials such as tax returns, W-2's, pay stubs, proof of other forms of income, bank statements, and current market appraisals must be provided at least a week or sometimes earlier to the Trustee before the 341 meeting of Creditors.

What If I Miss My Hearing?

As the literature indicates, you **MUST** attend your hearing. Failure to appear at even one hearing, technically, is grounds for dismissal of your case.

If you have not received your hearing notice within three weeks after the case would was filed, it is your responsibility to call the Court and get your hearing date.

Who Will Be At My Hearing?

The bankruptcy trustee (not a judge) will conduct the hearing. In Chapter 7 cases, your creditors usually do not appear. You must attend or risk having your case dismissed. If filing jointly, both spouses must attend.

In Chapter 13 cases, sometimes creditors do appear, but any questions they ask are for informational purposes and are non-adversarial in nature.

Why Is My Discharge Order Important?

First, the discharge order is the official document relieving you of your pre-bankruptcy obligations. This is proof of your "fresh start".

After your bankruptcy case is completed, you may be tempted to begin re-establishing your credit. Part of getting back on your feet is

managing your finances responsibly. Any time you apply for credit, the lender is likely to request a copy of the discharge order.

So, keep your discharge order in a safe place where you will always know where to find it. If you do lose your discharge order, you can order another one through the Bankruptcy Court Clerk.