

**THE MAJOR CHANGES TO THE BANKRUPTCY LAW ARE SO  
NUMEROUS THAT I CANNOT GATHER THEM ALL, BUT I OUTLINE  
THE MOST OBVIOUS BELOW:**

**CREDIT COUNSELING**

Congress has mandated that prior to your filing bankruptcy, that you must obtain Credit Counseling from an accredited Credit Counseling Agency. The United States Trustee has created a list of the accredited credit counseling agencies and lists them on a web page - go to [http://www.usdoj.gov/ust/bapcpa/ccde/cc\\_approved.htm](http://www.usdoj.gov/ust/bapcpa/ccde/cc_approved.htm).

Your consumer credit counseling can be done *on line* or over the *telephone*. IT DOES NOT REQUIRE YOU TO LEAVE YOUR HOME. But, it will cost a fee. You are responsible for that fee.

When you have finished, you will be able to download a certificate and the same must be brought by you to your attorney so that he can provide proof of the credit counseling to the court and establish your compliance with the act of Congress and legitimately file your bankruptcy petition.

**CREDIT DISCHARGE COUNSELING**

Congress did it again.

For an additional fee, you will need to obtain another certificate. Without this fee, you will *not* receive your discharge. So the bad news is that you will need more counseling for the discharge, which requires more of your time and more expense.

The good news is that many of the accredited consumer credit counseling companies will be providing this service to you. So before you spend money for credit counseling inquire the following:

- (A) Do they provide both services;
- (B) How much; and
- (C) How quickly can it all occur.

**HOMESTEAD AND FLORIDA**

You need to really gather documents for your attorney. For this matter, the duty is greatest.

If you fail to give the attorney the right documents, you may cost yourself and your attorney the ability to best utilize the new bankruptcy laws.

First, have you lived in Florida 2 consecutive years? If yes, welcome to Florida exemptions, but perhaps restricted. If no, obtain your prior residencies and determine where you lived most for the 180 days two years prior to the day you file. For example, if you file November 12, 2005, the question that must be answered is where did you live most for the time period of May 16, 2003 through November 12, 2003 [a total of 180 days].

This disclosure to your attorney is extremely important.

So, before you come to the offices you must bring:

- (A) The deed to your present home or lease for the same;
- (B) Any Deeds to other homes for the past 4 years; and
- (C) Any documents which you think may affect your Florida residency – e.g. a time when you may have been in another state for some purpose.

**NOTICE OF DOMESTIC SUPPORT OBLIGATIONS**

Congress has made the bankruptcy courts, the bankruptcy trustees and the bankruptcy attorneys the new collectors for domestic support orders – e.g. alimony, paternity or child support orders. If you have an obligation related to the same, you must deliver to your attorney the documents reciting your agreement for alimony or child support. If you are engaged in wage deductions for the same, provide such documentation to your attorney. If you are residing in one state and the divorce or paternity action was entered in another state, you may have collection efforts being handled by a foreign jurisdiction. You will need to deliver these documents to your attorney.

The trustee has to report to the child support and alimony collection agencies. As trustee, he or she will make it incumbent upon the debtor to provide the documents. If the documents are not provided, the trustee will likely follow such failure in communication with a motion to deny the debtor’s discharge. So, to make everyone’s bankruptcy easier and more efficient, these offices require copies of the above-described documents prior to the filing.

**MEANS TESTING**

The means testing matter of the new bankruptcy code is complex.

First, if you are below the median income of Floridians, you need not worry about it. What gauges median income in Florida? The chart below shows the same:

One earner	Two people	Three People	Four People
\$35,883	\$44,831	\$49,612	\$59,798

*This will be adjusted in early 2006!*

If your family’s income exceeds this, then a very convoluted and exhausting review of your finances must be made. The extent and length of handling the same cannot be described herein and – to be honest – is the headache which your attorney will need to encounter. But, delivering the documents to provide proof of the numbers is *your responsibility*. And so I deliver a worksheet of your expenses below which you will to fill out by reviewing the expenses of the home for the past *6 months*. Using an excel or similar chart of the 6-month period would be an excellent method of providing accurate numbers. Remember, your numbers may be audited by the court and

any errors to the same may endanger your discharge. So deliver the numbers to us and let us, upon review of the same, determine what bankruptcy can provide for you. Below is the chart.

ITEM	Mos 1	Mos 2	Mos 3	Mos 4	Mos 5	Mos 6
Mortgage						
Rent						
Real Prop taxes						
Real Prop Insurance						
Home Owners fee						
Gas						
Electric						
Cable TV						
Phone						
Cell Phone						
Broadband						
Internet provider						
Home Maintenance						
Food						
Clothing						
Dry Cleaning/Laundry						
Medical /Dental not covered by insurance						
Gasoline and car repair						
Parking						
Tolls						
Car Insurance						

Life Insurance						
Health Insurance						
Disability Insurance						
Other Insurance						
Taxes Beyond Payroll						
Auto Payment Car 1						
Auto Payment Car 2						
Furniture installment payments						
Other secured payments						
Alimony						
Child Support						
Marital Obligation which are not support or alimony (Property Settlement)						
Additional Dependant support (parents)						
Recreation						
Magazine Subscription						
Newspaper						
Books						
Day Care						

After School Care						
Baby Sitters						
Tuition for child under 18						
Hair cuts men						
Hair Women						
Student Loan payment						
Loan from 401 Plan						
Loan from IRA						
Prepaid tuition payment						
Judgment payment plan						
Criminal Restitution payment						
IRS payment						
CREDIT CARD payments related to taxes						
Other monthly payments not listed above:						
Pharmaceuticals						
Lawn Maintenance						

Pool maintenance						
Physical therapy						
Gym fee						
Hobby Equipment						
Special Needs expenses						
Cigarettes/Tobacco						
Gifts for family						
Gifts to Church/Temple						
other: _____						
other: _____						
other: _____						

**PRIOR FILINGS MAY PROHIBIT REFILING**

Fill out the chart below before coming to these offices so that we can determine what chapter you are capable of filing:

Name Chapter	Date Case Filed	Dismissed or Discharged?	Reason for Dismissal	If Ch 13, what % did you pay

If you were discharged in a prior bankruptcy, you will need to fill out the next chart:

	Date Filed	Consequence
within 8 years		If ch 7, so indicate
within 6 years		If Ch 13, what % paid to unsecured creditors
within 4 years		Name the chapter and dates(s)
within 2 years		Name the chapter and date(s)