



U.S. Department of Justice

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## **ATTENTION DEBTORS WITHOUT AN ATTORNEY**

**SOME DEBTORS HAVE BEEN VICTIMIZED** by unscrupulous practices on the part of those who assisted them in preparing their bankruptcy petitions. Sometimes these fraudulent petition preparers claim to be affiliated with religious groups, nonprofit or charitable organizations or even the government. Occasionally they represent themselves to be attorneys or affiliated with attorneys. Once they gain their victims' trust, they may demand an excessively large sum of money to file a bankruptcy case. In many instances they direct victims to pay mortgage or rent payments over to them and then fail to pay the money to the creditors. Some victims have even been persuaded to transfer ownership of their home, only to find themselves evicted shortly thereafter. Alternatively, a debtor may be inadvertently drawn into a fraudulent scheme where their schedules are falsified to include property that does not belong to the debtor.

**FEDERAL LAW REQUIRES** all non-lawyers who assist debtors in the preparation of bankruptcy petitions to: (1) sign the bankruptcy documents; (2) provide their names, addresses, and social security numbers; (3) have debtors review all documents before they are signed; and (4) disclose any fees they have been paid or are still owed.

**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.

**PETITION PREPARERS WHO VIOLATE THIS LAW MAY BE SUBJECT TO FINES, PENALTIES AND EVEN PAYMENT OF DAMAGES TO THE DEBTOR OF \$2000 OR MORE. ALSO, IF THE PETITION PREPARER CHARGED MORE THAN THE VALUE OF THE SERVICES RENDERED, THE COURT MAY ORDER SOME OF THE MONEY REFUNDED.**

**ATTACHED IS A STATEMENT FOR YOU TO COMPLETE AND SIGN BEFORE YOU MEET WITH YOUR CASE TRUSTEE. PLEASE MAKE CERTAIN THAT YOUR ANSWERS ARE AS COMPLETE AND ACCURATE AS POSSIBLE. YOUR ANSWERS WILL ASSIST THE CASE TRUSTEE AND THE UNITED STATES TRUSTEE IN PROTECTING YOUR RIGHTS AS A DEBTOR.**

DECLARATION FOR DEBTORS WITHOUT AN ATTORNEY

Debtor's Name(s) \_\_\_\_\_ Case # \_\_\_\_\_

Debtor's Current Address: \_\_\_\_\_

Debtor's Telephone # \_\_\_\_\_

Case Trustee: \_\_\_\_\_ Date of 341(a) Meeting: \_\_\_\_\_

1. I did \_\_\_/did not \_\_\_ pay someone to assist me in preparing my bankruptcy documents (if you did not pay for assistance skip the rest of the questions and sign and date this document at the bottom).
2. Information regarding the preparer, including one used over the internet:  
 Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 Name of business \_\_\_\_\_  
 Address / Website: \_\_\_\_\_
3. Amounts paid (include all amounts paid for services, but not the filing fee): \$ \_\_\_\_\_ Date of payment: \_\_\_\_\_
  - a. Did you also give the preparer the bankruptcy court filing fee? Yes \_\_\_/ No \_\_\_
  - b. If you did give the preparer the bankruptcy court filing fee, was payment by:  
 money order \_\_\_/ cashier's check \_\_\_/cash \_\_\_/other (please describe): \_\_\_\_\_  
 Amount of payment for the filing fee: \$ \_\_\_\_\_  
 Was the filing fee payment made payable to the United States Bankruptcy Court? Yes \_\_\_/No \_\_\_
  - c. Do you still owe the preparer any money? Yes \_\_\_/No \_\_\_ If so, how much? \_\_\_\_\_
  - d. Did you pay any money to the preparer after the date your bankruptcy petition was filed? Yes \_\_\_/No \_\_\_
  - e. Did the preparer give you a receipt for the monies that you paid? Yes \_\_\_/No \_\_\_
4. I was \_\_\_/was not \_\_\_ given a copy of the petition and schedules before they were filed with the Court.
5. I did \_\_\_/did not \_\_\_ sign my own name on the petition and schedules.
6. I was \_\_\_/was not \_\_\_ directed to say that I had no assistance in preparing my documents.
7. At any time did the preparer say or indicate that he or she was an attorney? Yes \_\_\_/No \_\_\_
8. The preparer who assisted me explained to me (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 my debts will be discharged.  
 \_\_\_ whether I will be able to retain my home, car, or other property after filing bankruptcy.  
 \_\_\_ any tax consequences from filing bankruptcy.  
 \_\_\_ whether I should repay any of my debts to a creditor after filing bankruptcy.  
 \_\_\_ whether I should enter into a reaffirmation agreement with a creditor to reaffirm a debt.  
 \_\_\_ how any property interest I own should be characterized as either real or personal property.  
 \_\_\_ how my debts should be characterized as either priority, secured or unsecured debts.  
 \_\_\_ any bankruptcy procedures and rights I may have as a debtor in bankruptcy.
9. I was \_\_\_/was not \_\_\_ given a document by the preparer which explained the bankruptcy process.
10. I did \_\_\_/did not \_\_\_ fill out a questionnaire about my property and debts for the preparer's use.
11. I was \_\_\_/was not \_\_\_ informed by the preparer that an attorney would review my bankruptcy papers before they were filed with the Bankruptcy Court.
12. I did \_\_\_/did not \_\_\_ receive from the preparer a copy of the Amended Bankruptcy Preparer Guidelines issued in February 2003 by the Office of the United States Trustee.
13. I was \_\_\_/was not \_\_\_ directed to put false information on my bankruptcy documents. The false information is the following: \_\_\_\_\_
14. How did you hear about the preparer? \_\_\_\_\_
15. I did \_\_\_/did not \_\_\_ complete this document with the help of a person that I paid, directly or indirectly.

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

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_