

**KORB TUCKER PLLC is a debt relief agency under the Bankruptcy Code.  
We help people and companies file for bankruptcy relief.**

**NOTICE TO INDIVIDUAL CONSUMER DEBTORS  
FROM THE OFFICE OF THE UNITED STATES TRUSTEE**

**This notice is provided to you as required by Section 342(b) of the Bankruptcy Code.**

**A. Required Warning About Bankruptcy Crimes and Examination of  
Bankruptcy Documents By Law Enforcement**

1. A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both.
2. All information supplied by a debtor in connection with a bankruptcy case may be audited or examined by the United States Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and the United States Department of Justice.

**B. Your Obligations to Obtain Credit Counseling and  
Financial Management Services**

1. With only limited exceptions, the Bankruptcy Code requires all individual debtors who file for bankruptcy relief to receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. You must attend the briefing no more than 180 days before you file your bankruptcy case. The briefing may be provided individually or in a group, can be conducted by telephone or on the internet. The briefing must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. Your attorney or the clerk of the bankruptcy court can give you a list of approved budget and credit counseling agencies.
2. In addition, after filing a bankruptcy case, most individual debtors must complete a financial management instructional course before they can receive a bankruptcy discharge. Your attorney or the clerk of the bankruptcy court can give you a list of approved financial management instructional courses.
3. Although you are required to complete these courses, in most instances you must pay fees to the agency for providing these services to you. These fees may vary from one agency to another.

## **C. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**

### **— Chapter 7 — Liquidation**

1. Court fees: \$245.00 filing fee + \$39.00 administrative fee + \$15.00 trustee surcharge = \$299.00 court fees (does not include fees of an attorney or a petition preparer or fees for credit counseling and financial management courses).
2. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be allowed to keep some personal items and possibly real estate depending on the law of the state where you live.
3. Debtors whose debts are primarily consumer debts are subject to a “means test” designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, creditors may have the right to file a motion requesting that your case be dismissed as an abuse of chapter 7. It is up to the court to decide whether the case should be dismissed.
4. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors and other expenses.
5. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy case will be defeated.
6. Even if you receive a chapter 7 discharge, certain types of debts are by law not dischargeable. Therefore, after the case you will still be liable for most tax debts and student loan debts; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged by your chapter 7 discharge.

### **— Chapter 13 —**

#### **Repayment of All or Part of the Debts of an Individual with Regular Income**

1. Court fees: \$235.00 filing fee + \$39.00 administrative fee = \$274.00 court fees (does not include fees of an attorney or a petition preparer or fees for credit counseling and financial management courses).

2. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a 3 to 5 year period. To be eligible for chapter 13 your debts must not exceed the dollar amounts set forth in the Bankruptcy Code.

3. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or as long as five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

4. After completing the payments under your plan, all of your debts will be discharged except debts for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; debts which are not properly listed in your bankruptcy papers; debts for acts that caused death or personal injury; and long term debts that are secured by valid mortgages or liens.

### — Chapter 11 — Reorganization

1. Court fees: \$1,000.00 filing fee + \$39.00 administrative fee = \$1,039.00 court fees (does not include fees of an attorney or a petition preparer or fees for credit counseling and financial management courses).

2. Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. You may continue to operate your business, but your creditors and the Court must approve a plan to repay your debts. There is no trustee unless the Court decides that one is necessary. If a trustee is appointed, the trustee takes control of your business and property. Chapter 11 is quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

### Chapter 12 — Family Farmer or Fisherman —

1. Court fees: \$200.00 filing fee + \$39.00 administrative fee = \$239.00 court fees (does not include fees of an attorney or a petition preparer or fees for credit counseling and financial management courses).

2. Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings. Chapter 12 is similar to chapter 13 but is restricted to debtors whose income arises primarily from a family-owned farm or commercial fishing operation.

**I acknowledge that I received this Notice to Individual Consumer Debtors From the United States Trustee, Bankruptcy Code section 342(b), from the Korb Tucker PLLC law firm.**

**Signed:** \_\_\_\_\_

**Printed name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**The information on this website is not legal advice.**

**The documents on this website contain a  
summary of the procedures involved in filing a bankruptcy case.**

**Your case may be different.**