

THE LAW OFFICE OF  
**Wayne P. Novick**

**Wayne P. Novick**  
**Attorney at Law**

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**RULES FOR FILING BANKRUPTCY**

Notice required under 11 U.S.C. Section 527(a)

**If you do not follow these rules you could be subject to Criminal Sanctions including JAIL and FINES. If you do not follow these rules your case will be dismissed and you may not be able to re file your case.**

**Rule #1** – The information you give to an attorney, a staff member of the law firm, the Bankruptcy Trustee, or the Bankruptcy Court that is provided with your petition and during the case must be complete, accurate, and truthful.

**Rule #2** – Everything you own and every debt you owe must be completely and accurately disclosed in the documents filed to commence this case. Bankruptcy is not a “pick and choose” proceeding. You do not leave some debts in and leave some debts out. Everything must be included. You must value each item you own at the rate it would cost you to replace the item with one of the same condition, age, and usefulness.

**Rule #3** – You will be required to complete a current monthly budget. This will be performed with your attorney. This budget will be based on your Current Monthly Income and your regular monthly expenses. This Current Monthly Income is more than what is paid to you by your employer and will include any income received in the past 6 months commencing with the first full month before your bankruptcy filing. This could include government assistance, social security, unemployment, or side jobs or any other sources. The regular expense should be as close as possible and should be based on a reasonable inquiry.

**Rule #4** – The Bankruptcy Code requires you to perform certain tasks including filing certain documents with the Court. Your attorney will notify you of the need and time limits for performing these tasks. If you fail to meet these deadlines your case will automatically be dismissed and you may be barred from re filing a case.

**All of the information you provide will be subject to audit by the United States Department of Justice. If you fail to provide this information your case may be dismissed. If you act dishonestly you may be subject to criminal sanctions.**

*These rules are given as a warning and not as an attempt to scare you from filing bankruptcy. Bankruptcy is a right provided to you under Federal Law. These Rules are only given to prevent people from intentionally abusing this by cheating and being dishonest. This notice is required by law under the Bankruptcy Reform Act enacted by Congress under intense lobbying by the credit industry and should not intimidate you from filing bankruptcy. This office for over 25 years has assisted people with filing bankruptcy. During that period of time, our Office has observed that almost all of our clients are honest and hardworking people who due to circumstances beyond their control cannot repay their debts.*

\_\_\_\_\_  
Client's Initials

\_\_\_\_\_  
Client's Initials

**RULES FOR FILING BANKRUPTCY**

Notice required under 11 U.S.C. Section 527(a)

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge that attorney Wayne P. Novick/Debra L. Jansing has given to me and reviewed with me a copy of the Rules for Filing Bankruptcy as required by Bankruptcy Code Section 527(a).

Signed this, the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Client signature

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Attorney signature

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**CLIENT INSTRUCTIONS**

**Pursuant to 11 U.S.C. Section 342(b)**

**Types of Bankruptcy**

**Chapter 7 – Liquidation**

Chapter 7 is designed for debtors who are having financial difficulties and are not able to re-pay their debts.

If your current monthly income is above the State Median Income you will be required to perform a Means Test to determine if you are eligible for this type of bankruptcy relief. If you do not meet the requirements of the Means Test then you may be precluded from filing a Chapter 7 and have the option of converting to Chapter 13 or filing a Chapter 13.

Under Chapter 7 a Trustee takes possession of all your property. You may claim certain property as exempt under Ohio law. A copy of the Ohio Exemption Law is attached to this notice. You can only exempt the value of property that is not subject to the liens of your creditors. The Trustee then liquidates the non-exempt property and uses the proceeds to pay off your creditors according to priorities of the Bankruptcy Code.

The purpose of filing a Chapter 7 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, your discharge may be denied by the Court, and the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a discharge, there are some debts that are not discharged under the law. Therefore, you may still be responsible for such debts as certain taxes and student loans, alimony and support payments, criminal restitution, and debts for death or personal injury caused by driving while intoxicated with alcohol or drugs.

Under certain circumstances you may be able to keep property that you have purchased subject to a valid security interest. Some of these options include what is called redemption and the renewal or reaffirmation of an existing pre-bankruptcy debt. Your attorney can explain the options that are available to you.

**Chapter 13 – Repayment of All or Part of the Debts of an Individual with Regular Income**

Chapter 13 is designed for individuals with a regular and stable source of income who are temporarily unable to pay their debts but who desire to use their best efforts

and good faith to pay them in installments over a period of time subject to the protections afforded by the Chapter 13 rules. You are only eligible for Chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under Chapter 13 you must file a plan with the Court to repay your creditors all or part of the money that you owe them, using your future earnings or by the disposition and/or abandonment of certain collateral such as land and motor vehicles. You are protected from your creditors in most cases upon the filing of your case but your plan must be approved by the Court before it can take effect.

Under Chapter 13, unlike Chapter 7, you may keep all of your property, both exempt and non-exempt, as long as you continue to make payments under the plan.

After completion of payments under the plan, your debts are discharged except for any domestic support obligations, student loans, and certain taxes, among others.

### **Chapter 11 – Reorganization**

Chapter 11 is designed primarily for the reorganization of businesses but is also available to consumer debtors. Its provisions are quite complicated, and any decision for an individual to file a Chapter 11 petition should be reviewed with an attorney. Most Chapter 11 cases are simply too expensive for the great majority of consumer debtors. Most individuals are aware of the high profile Chapter 11 cases that have been filed in recent years by many of the commercial airlines.

### **Chapter 12 – Family Farmer**

Chapter 12 is designed to permit family farmers to repay their debts over a period of time from future earnings and is in many ways similar to a Chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family owned farm.

### **Credit Counseling**

Reputable credit counselors can advise you on managing your money and your debts. They may also be able to develop a plan to repay your debts. But, most credit counselors are not reputable and charge high fees and contributions that will cause you to fall deeper into debt. Furthermore, many misrepresent their non-profit status and/or their affiliations with religious or charitable organizations. The Law Office of Wayne P. Novick only recommends that a person seek the credit counseling services of a group that has been approved by the United States Trustee Department or the Bankruptcy Administrator.

### **Honesty is Required**

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under this the bankruptcy code shall be subject to fine, imprisonment, or both and all information supplied by a debtor in connection with a case under this title is subject to examination by the Attorney General.

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge that attorney Wayne P. Novick/Debra L. Jansing has given to me and reviewed with me a copy of the Types of Bankruptcy as required by Bankruptcy Code Section 342 (b).

Signed this, the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Client signature

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**IMPORTANT INFORMATION ABOUT BANKRUPTCY  
ASSISTANCE SERVICES FROM AN ATTORNEY OR  
BANKRUPTCY PETITION PREPARER**

-If you decide to seek bankruptcy relief, you should be advised that you can represent yourself in all matters connected with the bankruptcy.

-If you decide to seek bankruptcy relief, you should be advised that you can hire an attorney to represent you.

-If you decide to seek bankruptcy relief, you should be advised that in some areas you may hire a bankruptcy petition preparer who is not an attorney.

**THE LAW REQUIRES AN ATTORNEY TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY WILL DO FOR YOU AND HOW MUCH IT WILL COST. ASK TO SEE THIS CONTRACT BEFORE YOU HIRE AN ATTORNEY.**

Although bankruptcy cases can be complex, many of the procedures and cases are routine. Before filing a bankruptcy case, you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most beneficial to you. Be sure you understand the relief you can obtain and its limitations.

To file a bankruptcy case, documents called a Petition, Schedules, and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court.

Once your case is filed, you will have to attend a first meeting of creditors where you will be questioned under oath by a court official called a "trustee". At this meeting you may also be questioned by your creditors.

If you chose to file a Chapter 7 case, you may be asked to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

If you chose to file a Chapter 13 case in which you repay your creditors what you can afford over a 3 to 5 years, you may also want help with preparing your Chapter 13 plan and with the confirmation hearing on your plan which will be before a Federal Bankruptcy Judge.

If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.

Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court. **BE AWARE**- Only an attorney can give you legal advice and can represent you in court.

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge that attorney Wayne P. Novick/Debra L. Jansing has given to me and reviewed with me a copy of the Definitions as required by Bankruptcy Code Section 527(b).

Signed this, the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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**CLIENT INSTRUCTIONS**

Pursuant to 11 U.S.C. Section 527(c)

**DEFINITIONS**

1. **Replacement Value** – Certain sections of the Bankruptcy Code will require you to determine the value of your personal and real property. We will provide you assistance with this calculation but we are required under law to provide a written explanation of this term. For personal, family and household purposes the replacement value is the value a retail merchant selling the item would charge considering the age and condition of the item. The code does not define the term retail merchant.

**Example:** Assume that you have a DVD player that is 3 years old. You have been using the DVD player regularly and it works. The replacement value for this item would be what a used store or flea market would *price* the item. In doing this calculation, you do not have to be precise, just reasonable. The Law Office of Wayne P. Novick will assist you with any inquires as to valuing your household items.

2. **Current Monthly Income** – Under certain sections of the Bankruptcy Code you will be required to calculate your Current Monthly Income. This is more than what you receive every time you get a pay check. This includes all income you have received over the last 6 months divided by 6. This means that if you lost your job last month your total income for that month would be almost zero. This calculation does not take into account many government benefits including social security. This income even includes income that is not taxable.

3. **Calculations** – If you file a Chapter 13 plan you will be required to submit a budget that calculates disposable income left over when you deduct your monthly expenses from you monthly income. These expenses do not include you payments on unsecured debts. An attorney will assist you with these calculations. If your Current Monthly Income is higher that the State Median Income for your household size you will be subject to a Means Test. This Means Test adds up your total expenses as defined by the Bankruptcy Code and other deductions including regular charitable donations (up to 15% of your income), school expenses, payments on 401(k)/IRA loans, and health insurance. If you are subject to this calculation an attorney will help you perform this task.

4. **Creditor Matrix** – If you file a Chapter 13 case, you will be required to prepare and submit a master mailing matrix in a format approved by the Court that includes the names and addresses of all of your creditors. The matrix must be in three columns and in alphabetical order. You must also list any persons who have co-signed or guaranteed loans for you. In addition, the law requires that you list the following parties even in you owe them no money: the Internal Revenue Service, the Ohio Department of Taxation, the City or County tax authority in your place of



residence, the Office of the United States Attorney, and the Office of the Ohio Department of Justice. All creditors have designated specific address for the receipt of notices of bankruptcy and in connection therewith you must use the address designated on 2 of the most recent statements received from each creditor within the 90 day period before the filing of your case. If your matrix is not filed in the proper format, your case may be subject to dismissal by the Court.

5. **Exemptions** – In order to protect your property you will need to claim applicable exemptions provided by State or Federal Law. The Law Office of Wayne P. Novick will assist and advise you on the proper exemptions to claim for your case.

**CLIENT INSTRUCTIONS**

Pursuant to 11 U.S.C. Section 527(c)

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge that attorney Wayne P. Novick/Debra L. Jansing has given to me and reviewed with me a copy of the Definitions as required by Bankruptcy Code Section 527(b).

Signed this, the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Client signature

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Client signature

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Attorney signature

## Best Case Bankruptcy Ohio Exemption Statutes

Statute	Description / Property Types	Individual/Joint Limit
Ohio Rev. Code Ann. § 145.56	Old Age and Survivors' Insurance benefits for municipal employees Less Common: 9	
Ohio Rev. Code Ann. § 146.13	Volunteer firefighters' benefits Less Common: 35	
Ohio Rev. Code Ann. § 742.47	Pension and disability-police and firemen Less Common: 12	
Ohio Rev. Code Ann. § 2329.64	Property of benevolent societies-regalia, insignia, journals, etc. Less Common: 35	
Ohio Rev. Code Ann. § 2329.66(A)(1)	Homestead Applies to: A	5,000 10,000
Ohio Rev. Code Ann. § 2329.66(A)(2)	Motor vehicle (one) Applies to: 25	1,000 2,000
Ohio Rev. Code Ann. § 2329.66(A)(3)	Cooking unit & refrigerator-each item not exceeding \$300 Less Common: 4	600 1,200
Ohio Rev. Code Ann. § 2329.66(A)(3)	Wearing apparel, beds & bedding-not over \$200 for any single item Applies to: 6 Less Common: 4	
Ohio Rev. Code Ann. § 2329.66(A)(4)(a)	Cash on hand Applies to: 1	400 800
Ohio Rev. Code Ann. § 2329.66(A)(4)(b)	Household goods and furnishings if claiming homestead-not over \$200 each item; b & c total not over \$1,500 Applies to: 4	1,500 3,000
Ohio Rev. Code Ann. § 2329.66(A)(4)(b)	Household goods and furnishings if not claiming homestead: not over \$200 each item; b & c total not over \$2000 Applies to: 4	2,000 4,000
Ohio Rev. Code Ann. § 2329.66(A)(4)(c)	Jewelry if claiming homestead: not over \$400 in one item and not over \$200 every other item; b & c total not over \$1,500 Applies to: 7	1,500 3,000
Ohio Rev. Code Ann. § 2329.66(A)(4)(c)	Jewelry if not claiming homestead: not over \$400 in one item and not over \$200 every other item; b & c total not over \$2000 Applies to: 7	2,000 4,000
Ohio Rev. Code Ann. § 2329.66(A)(5)	Tools of trade Applies to: 29	750 1,500
Ohio Rev. Code Ann. §§ 2329.66(A)(6)(a), 2329.63	Death benefits - benevolent society Applies to: 20	5,000 10,000
Ohio Rev. Code Ann. §§ 2329.66(A)(6)(b), 3911.10, 3911.12, 3911.14	Life insurance proceeds, annuity contracts Applies to: 10 20 Less Common: 9	
Ohio Rev. Code Ann. §§ 2329.66(A)(6)(c), 3917.05	Group life insurance Less Common: 9 20	
Ohio Rev. Code Ann. §§ 2329.66(A)(6)(d), 3921.18	Fraternal benefit society benefits Less Common: 35	
Ohio Rev. Code Ann. §§ 2329.66(A)(6)(e), 3923.19	Sickness and accident insurance benefits - \$600/month Applies to: 9	
Ohio Rev. Code Ann. § 2329.66(A)(7)	Health aids Less Common: 35	
Ohio Rev. Code Ann. §§ 2329.66(A)(8), 1721.10, 517.09	Burial plots Less Common: A	
Ohio Rev. Code Ann. §§ 2329.66(A)(9)(a), 3304.19	Vocational rehabilitation benefits Less Common: 35	

## Best Case Bankruptcy Ohio Exemption Statutes

Statute	Description / Property Types	Individual/Joint Limit
Ohio Rev. Code Ann. §§ 2329.66(A)(9)(b), 4123.67	Workmen's compensation Applies to: 21	
Ohio Rev. Code Ann. §§ 2329.66(A)(9)(c), 4141.32	Unemployment benefits Less Common: 35	
Ohio Rev. Code Ann. §§ 2329.66(A)(9)(d), 5107.75	Cash assistance payments under the OH works first program Less Common: 1 35	
Ohio Rev. Code Ann. §§ 2329.66(A)(9)(e), 5113.03	General assistance Less Common: 35	
Ohio Rev. Code Ann. §§ 2329.66(A)(9)(f), 5115.07	Disability assistance Less Common: 35	
Ohio Rev. Code Ann. §§ 2329.66(A)(10)(a), 521.09, 145.56, 145.75, 145.13, 742.47, 3307.71	Retirement benefits - public employees Less Common: 12	
Ohio Rev. Code Ann. § 2329.66(A)(10)(b)	Private pension plans-extent necessary for support Applies to: 12	
Ohio Rev. Code Ann. § 2329.66(A)(10)(c)	IRA - extent necessary for support Applies to: 12	
Ohio Rev. Code Ann. § 2329.66(A)(10)(d)	KEOGH or "H.R. 10" Plan - 100% except assets deposited to evade debt Applies to: 12	
Ohio Rev. Code Ann. § 2329.66(A)(11)	Alimony & child support-extent necessary for support Applies to: 17	
Ohio Rev. Code Ann. §§ 2329.66(A)(12)(a), 2743.66(d)	Crime reparations Applies to: 21	
Ohio Rev. Code Ann. § 2329.66(A)(12)(b)	Wrongful death awards-extent necessary for support Applies to: 21	
Ohio Rev. Code Ann. § 2329.66(A)(12)(c)	Personal injury awards Applies to: 21	5,000 10,000
Ohio Rev. Code Ann. § 2329.66(A)(12)(d)	Loss of future earnings compensation-extent necessary for support Applies to: 21	
Ohio Rev. Code Ann. § 2329.66(A)(13)	Wages earned in preceding 30 days:percentage varies Less Common: 2 35	
Ohio Rev. Code Ann. §§ 2329.66(A)(14), 1775.24	Specific partnership property Applies to: 14	
Ohio Rev. Code Ann. §§ 2329.66(A)(15), 147.04	Notary public seal Less Common: 23	
Ohio Rev. Code Ann. § 2329.66(A)(16)	Tuition Credit or Payment Less Common: 35	
Ohio Rev. Code Ann. § 2329.66(A)(17)	Property exempt under Federal non-bankruptcy statute, 92 Stat. 2549, 11 U.S.C.A. 101 Less Common: 35	
Ohio Rev. Code Ann. § 2329.66(A)(18)	Wildcard-personal property Applies to: A 1 2 3 4 5 6 7 8 9 10 12 13 14 15 16 17 18 19 20 21 22 23 25 26 27 28 29 30 31 32 33 34 35	400 800
Ohio Rev. Code Ann. §§ 3307.71, 3309.66	Pension-state teachers, public school employees Less Common: 12	
Ohio Rev. Code Ann. §§ 3334.09, 3334.15, 2329.66(A)(16)	Tuition credit and tuition credit contracts Less Common: 35	

## Best Case Bankruptcy Ohio Exemption Statutes

Statute	Description / Property Types	Individual/Joint Limit
Ohio Rev. Code Ann. § 5505.22	Retirement-state highway patrol Less Common: 12	
11 USC § 522(b)(3)(B)	Tenancies by the Entirety Less Common: A	

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**DEBT ASSISTANCE INITIAL CONSULTATION AGREEMENT**

1. The client desires to obtain advice and assistance with debt issues and relief from debt and has scheduled an initial consultation with the Law Office of Wayne P. Novick. This initial consultation with an attorney is free of charge. The client understands that in order for the attorney to give meaningful advice, certain detailed financial information must be provided fully and accurately. The client agrees to give accurate, honest, full and fair disclosure of financial information concerning average income over the previous 6 months from all sources, monthly living expenses, the type and amount of all debts (including names and addresses of all creditors), and a disclosure of all assets and property owned by the client.

2. The attorney agrees to interview the client and give advice and counsel to assist the client in making decisions about debt problems, the possibility of filing bankruptcy, selecting the appropriate chapter of bankruptcy, and how a bankruptcy case may help or hurt the debt problems of the client. The initial consultation will consist of a review of the client's current monthly income, completion of a monthly budget of regular expenses, preliminary analysis of qualifications for certain chapters of bankruptcy, a preliminary analysis of the client's debt statements and a recommendation.

3. The initial one-hour consultation and interview will be performed by an attorney for free of charge. In the event that the client decides to file a bankruptcy case, a new written agreement must be signed by the client and the attorney that will supersede this agreement relating to attorney fees and expenses. This new agreement will also provide a detailed explanation of the services performed or to be performed by the Law Office of Wayne P. Novick.

4. ALL INFORMATION PROVIDED BY THE CLIENT WITH A BANKRUPTCY PETITION MUST BE COMPLETE, ACCURATE, AND TRUTHFUL. ALL ASSETS AND ALL LIABILITIES ARE REQUIRED TO BE COMPLETELY AND ACCURATELY DISCLOSED IN THE DOCUMENTS FILED TO COMMENCE THE CASE. REPLACEMENT VALUE OF EACH ASSET DEFINED IN TITLE 11 UNITED STATES CODE SECTION 506 MUST BE STATED IN THOSE DOCUMENTS WHERE REQUESTED AFTER REASONABLE INQUIRY TO ESTABLISH SUCH VALUE. INFORMATION PROVIDED DURING THE CASE MAY BE AUDITED AND THAT FAILURE TO PROVIDE SUCH INFORMATION MAY RESULT IN DISMISSAL OF THE CASE OR OTHER SANCTION, INCLUDING A CRIMINAL SANCTION.

Signed this, the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Client signature

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Client signature

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Attorney signature