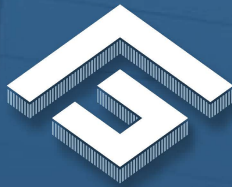


Bankruptcy

A Fresh Start



FELDMAN
LAW OFFICES PC

Your financial well-being affects all aspects of your life.
We take personal responsibility for you and represent you with the
quality, dedication, commitment, and respect that you deserve.

GET A FREE CONSULTATION NOW:

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Bankruptcy Law:



A Fresh Start



Bankruptcy is a legal process for reorganizing, reducing, or eliminating your debt. The goal of bankruptcy is to give you a fresh start. If not handled correctly, you could be making a challenging situation worse.



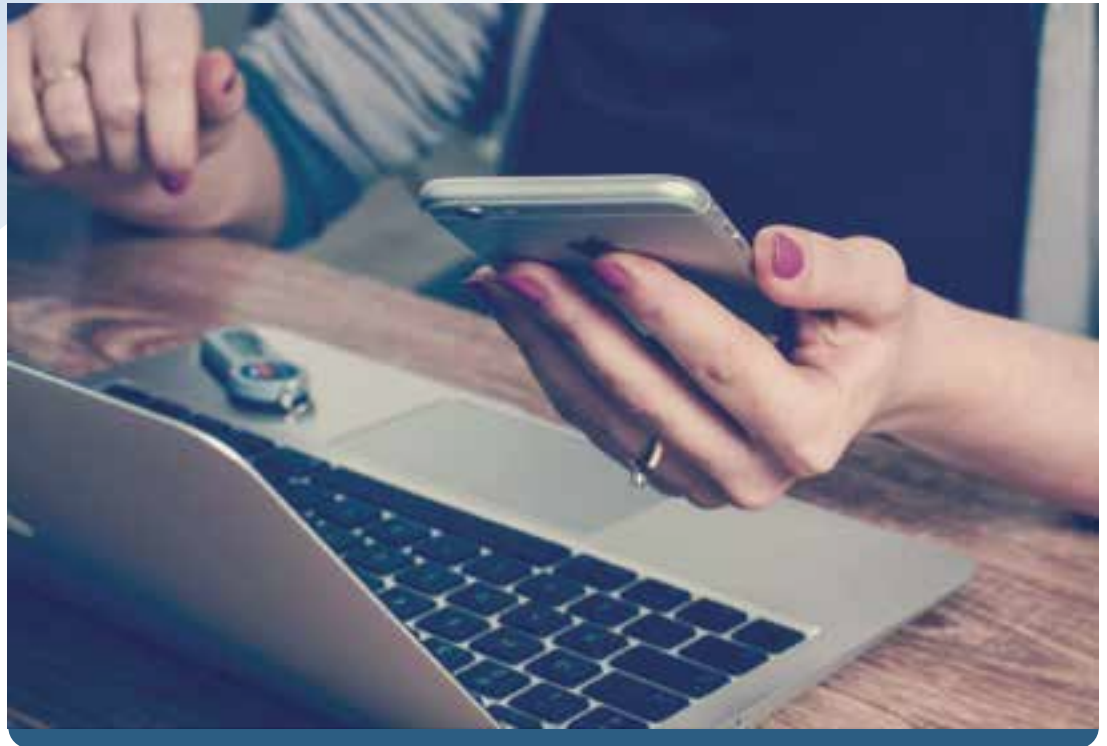
*Have you been sued in court?
Are you in danger of losing your home?
Is your bank account frozen?*



WE CAN HELP!

If you are reading this eBook than you are likely facing financial challenges and looking for responsible options. Bankruptcy can be a simple process that provides relief and a brand-new chance. What is critical for that to happen is knowing the intricacies of the law, avoiding miss-steps in process, procedure or filing, and having an expert to help you navigate **a new beginning**.

The attorneys at Feldman Law Offices PC have more than **60 years of experience** between them. As a result, you can be sure that you'll get the most comprehensive and in-depth legal representation and advice. **We take personal responsibility for you and represent you with the quality, dedication, commitment, and respect that you deserve.**



What do I need to know about Bankruptcy?

OVERVIEW - The bankruptcy laws are set up in different chapters of a federal law referred to as the **Bankruptcy Code**. Bankruptcy cases are handled by the Federal Bankruptcy Court system. While being a legal procedure, most people filing bankruptcy will never step foot in a courtroom and do not need to go in front of a judge.

You are probably familiar with the terms **Chapter 7** and **Chapter 13 Bankruptcy**. These are references to different chapters in the Bankruptcy Code.

Each chapter of the code outlines different parts of the law. When someone says they filed Chapter 7 Bankruptcy, they are using the term as shorthand to say they are seeking relief under the section of the law outlined in Chapter 7 of the Bankruptcy Code.

Some people file Chapter 13 Bankruptcy. Chapter 13 allows consumers to restructure their debt, stop collections and pay a portion of the debt to their creditors. Often this represents the unpaid mortgage payments and stops foreclosure.

Chapter 7 and Chapter 13 are usually the best options for individuals who have suffered unforeseen hardship and need a fresh start.



FILING: WHAT HAPPENS?

When you “file bankruptcy”, you are filing a set of paperwork known as a Bankruptcy Petition and Schedules. Essentially, you are asking the court to give you relief under the Bankruptcy Code. The minute the bankruptcy is filed, you are granted something called an Automatic Stay. *The Automatic Stay freezes all collection activities instantaneously.* This includes lawsuits and foreclosures. The Creditors are no longer allowed to call you or contact you in any way. If you are being sued, the lawsuit stops. If your home is in foreclosure, that will be temporarily stopped too!



The goal of bankruptcy is to restructure or eliminate your debt.



In some instances, your debt can be reorganized to give you the opportunity to catch up and move forward. That is Chapter 13. In other cases, the debt may be entirely eliminated by receiving an Order of Discharge from the Court.

When you file bankruptcy you can take full advantage of the legal options given to you and take control back over your life. Bankruptcy laws were put into place to help people who need help.

“The central purpose of the [Bankruptcy] Code is to provide a procedure by which certain insolvent debtors can reorder their affairs, make peace with their creditors, and enjoy ‘a new opportunity in life with a clear field for future effort, unhampered by the pressure and discouragement of preexisting debt.’”

~ Grogan v. Garner, 111 S.Ct. 654 (1991)

A Way Out

HOW DO I KNOW IF BANKRUPTCY IS FOR ME?

Many things can lead to a person filing bankruptcy. Maybe you have had a sudden loss of income, or an illness in the family, or maybe bills have just slowly piled up and it doesn't seem like there is any way out.

If you are constantly receiving collection calls and collection letters and keep falling further and further behind, it can be very stressful. Getting a repossession notice for your car or facing a home foreclosure can be scary. Bankruptcy may be your solution.



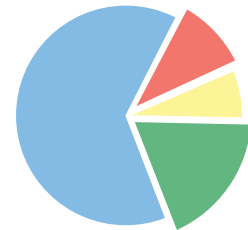
"The principal purpose of the Bankruptcy Code is to grant a 'fresh start' to the 'honest but unfortunate debtor'."

~ Marrama v. Citizens Bank of Massachusetts, 127 S.Ct. 1105 (2007).

"Do I qualify for bankruptcy?"

"Is bankruptcy right for me?"

"Should I file Chapter 7 or Chapter 13?"



THE RIGHT CHOICE – An attorney can help you decide if bankruptcy is right for you. A bankruptcy can stop collection calls, stop lawsuits and stop foreclosures. Working with a qualified attorney can help make sure you get all available benefits while protecting your assets through the process.

Feldman Law Offices PC will assist you in using exemptions to protect your home, retirement, vehicles and more. Our attorneys work with you to protect your assets to the fullest extent of the bankruptcy laws and assist you in choosing the bankruptcy chapter that is right for you.



QUALIFICATIONS

Our attorneys will examine the following as they assist you in getting a fresh start:

- **Prior Bankruptcy Filings:** Have you filed bankruptcy before? When? What chapter are you now eligible to file?
- **Income or Means Test:** What is your income? Your expenses?
- **Credit Counseling:** You will be assisted in doing a simple online course that is required before any bankruptcy chapter can be filed.
- **Financial Management Course:** The second online course that is required before the case is over.

**Feldman Law Offices PC can help you navigate all the rules and regulations and answer all your questions in a
FREE CONSULTATION**



YOU ARE NOT ALONE - Many people are embarrassed to be thinking about bankruptcy, but there is no shame in taking responsibility to get your affairs back in order. Over half a million people filed bankruptcy in 2020 and almost 775,000 in 2019. **Abraham Lincoln, Walt Disney, Elton John and Henry Ford** have all filed bankruptcy and it wasn't the end for them. They all continued to have great success after getting their very own **fresh start**. Bankruptcy does not represent an end for you either - it is a new chapter, and a **new beginning for your life**.

FACT vs FICTION



We at Feldman Law Offices PC have a combined 60 years of experience.

We know that there are a lot of misconceptions about filing bankruptcy.

You should know:

- ✦ You don't automatically lose your car or lose your house.
- ✦ You won't have to give up any of your assets as long you meet certain requirements.

FALSE:

If I file for bankruptcy, I will lose everything.

I will never again get credit after bankruptcy.

My friends and coworkers will know if I file for bankruptcy.

If I file for bankruptcy, someone will come to my home and take inventory of everything.

I cannot afford to hire a bankruptcy attorney.

TRUE:

There are exemptions that protect my assets. We will help you navigate those exemptions.

Once you complete the bankruptcy you can start building credit right away.

It's true that it is public information, but your employer is not notified and you will not see your bankruptcy in the local newspaper.

You must honestly and completely provide a complete list of all your assets. If you have done so, and you qualify to exempt your assets, **NO ONE WILL COME TO YOUR HOME TO INVENTORY YOUR ASSETS.**

Our fees are competitive and reasonable and worth the investment to protect your assets, stop creditors' harassment and stop lawsuits.

CHAPTER 7 OR CHAPTER 13?

Chapter 7 is named after a section of the Bankruptcy Code that deals with eliminating certain debt. Most individuals filing bankruptcy are filing a Chapter 7 Bankruptcy. Chapter 13 is a reorganization of your debts and requires a monthly payment to a bankruptcy Trustee who in turn will pay the money to your creditors. Both Chapters provide the benefit of the AUTOMATIC STAY.

CHAPTER 7

- Erase credit card debt, personal loans, medical debt & more
- The process takes 5-6 months but the AUTOMATIC STAY goes into effect IMMEDIATELY
- Chapter 7 is the most common form of individual Bankruptcy
- Qualify based on income or by "Means Test". We will do all the calculations for you.
- Know which assets are exempt from liquidation
- Hundreds of thousands file chapter 7 each year
- Stops creditors from harassing calls or constant mail
- Stop lawsuits, repossessions & more

To be eligible you must "pass the means test". The means test is a calculation that considers household size and expenses. If you pass the means test and all your assets are exempt, you will be eligible for Chapter 7. This is where an attorney can help guide you and determine if you qualify for relief under Chapter 7.

The goal of Chapter 7 bankruptcy is to receive a discharge from all the debt that can be eliminated. This includes what is called unsecured debt. Unsecured debt is any debt that is not secured by a piece of property like a mortgage or car loan.



DEBTS THAT ARE ELIGIBLE TO ELIMINATE:

- Medical Bills
- Credit Card Debt
- Vehicle, Personal Loans
- Repossession Balances
- Broken Leases
- Business Debts
- Certain Taxes Debts
- And more...



***You do not automatically lose everything
because you are filing bankruptcy.***

WHAT ABOUT CHAPTER 13?

You may also know someone who has filed a Chapter 13 bankruptcy. In Chapter 13 bankruptcy, the 'debtor' or person filing the bankruptcy, is both reorganizing and eliminating debt. A person might file Chapter 13 if they are not eligible for Chapter 7 or if they have certain debt that they want to catch up on. This is the typical route for someone behind on their mortgage and trying to avoid foreclosure of their home.

The **AUTOMATIC STAY** applies to all collection activities in Chapter 13, too.

When filing Chapter 13, you and your attorney will work with a Bankruptcy Trustee to arrange a plan to make repayments. The repayment plan will be based on certain debts you are required to repay and exclude the debts you aren't required to pay. For example, if you are behind on your mortgage and overloaded with credit card debt that makes it impossible for you to pay your mortgage - you may be able to catch up on your mortgage and eliminate the credit card debt. Chapter 13 Plans are usually between 36 and 60 months. You might have up to 5 years to catch up on payments at a much more manageable pace.

What's the Process?

TALK TO A PRO- The first thing I suggest when considering bankruptcy is always to talk to an attorney. Everyone's situation is different, and even good information like this eBook can be misinterpreted. At Feldman Law Offices PC, we offer a **FREE FIRST CONSULTATION**.

By the end of that consultation, hopefully all your questions will be answered, and we will have determined if bankruptcy can help you.



If filing Chapter 7, the entire process from start to finish takes about 5-6 months, but most of the time you are just waiting. You are protected by the Automatic Stay (collections freeze) from the moment you file, and your creditors receive a Notice of the Bankruptcy.

GETTING STARTED

We offer a **FREE CONSULTATION**. We will meet with you personally or by Zoom to find out as much as possible about your financial situation. We will listen as you explain your situation and ask you the relevant questions to allow us to assist you in getting a fresh start. We will ask you for paystubs and bank statements and other important information such as your mortgage balance and home value. We need accurate information about your assets because disclosing your assets is a vital part of the bankruptcy process. Disclosing information does not mean you will be in danger of losing your assets. Disclosure is a part of the process for using the exemptions that allow you to keep your assets.

FILING

We will accurately and methodically prepare all the necessary documentation to file the bankruptcy. Once the paperwork is prepared, we will review it together to finalize and sign the Petition before filing. Then we file all required bankruptcy schedules and statements with the court.

Once filed, the **Automatic Stay** goes into effect. The **Automatic Stay** is one of the greatest benefits of filing. It legally bars creditors from continuing their collection actions. This means that once the creditors receive notice of the **Automatic Stay**, they can no longer call you, mail you or contact you in any way. If you are being sued, we send notice to the court where the lawsuit is, and the lawsuit automatically stops right where it is. You will not have to appear in court if you have a court date coming up.





MEETING OF CREDITORS - A meeting of creditors will be held approximately 5-6 weeks after the bankruptcy is filed. This meeting is referred to as a Section 341 meeting. Your appearance is mandatory but the meetings are currently held remotely, by telephone or a video platform, right from your home. Creditors very rarely appear at these meetings but your attorney will be with you.

At the Meeting of Creditors, a Bankruptcy Trustee who is appointed by the Court will review your paperwork and confirm the accuracy of what you filed. If you have filed accurate paperwork, then there is nothing to worry about and it feels like a mere formality. At Feldman Law Offices PC, we meticulously prepare all of your paperwork to make the process as easy and efficient as possible.

ORDER OF DISCHARGE - After the Meeting of Creditors, it is just a matter of waiting. You should receive your discharge about 90 days after the Meeting of Creditors.

The goal of bankruptcy is to receive a **Discharge Order** signed by the Bankruptcy Judge. This Order discharges all those debts that are eligible for discharge.

Everyone who files bankruptcy, no matter which Chapter is filed, **MUST** do the following:

1. Provide the necessary information
2. Review and sign the paperwork
3. Appear at the Meeting of Creditors
4. Wait for your discharge

What Next?

COMMON MISTAKES – An attorney can help you get the result you need, and avoid the pitfalls:

- o Means Test Qualification Errors
- o 341 Meeting Paperwork Requirements Failed
- o Court Order Payment Plan in Chapter 13
- o Unintentional Fraud Through Improper Transfer
- o Missed Filing Deadlines



Your financial well-being affects all aspects of your life. In our practice, an attorney with substantial experience and competence will handle your bankruptcy. Every client is interviewed personally by the attorney handling his or her file and contact with that attorney is maintained throughout the process. We take personal responsibility for you and represent you with the **quality, dedication, commitment, and respect that you deserve.**

CONNECT WITH US - take advantage of our **FREE CONSULTATION** today & take the most important step to **A Fresh Start!**

Overwhelming debt is extremely difficult and stressful. This can take a long-lasting toll on our physical health and mental health. It can delay or eliminate the freedom and independence to survive and thrive. Repairing your financial situation **REDUCES STRESS** and allows for a **FRESH START.**



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BANKRUPTCY TERMS

- ▶ **AUTOMATIC STAY** - A legal protection that STOPS creditors from continuing their collections against you. No phone calls, no collection letters, lawsuits stop.
- ▶ **BANKRUPTCY TRUSTEE** - An administrator assigned by the US Government to administer each bankruptcy case. The trustee runs the Meeting of Creditors and in Chapter 13 cases they administer the Chapter 13 Plan payments.
- ▶ **CHAPTER 7** - the most common form of bankruptcy, no repayment to creditors is necessary
- ▶ **CHAPTER 13 PLAN** - A plan detailing payment arrangements made to the Bankruptcy Trustee to repay certain debts.
- ▶ **CONFIRMATION HEARING** - The Court hearing where the Court approves the Chapter 13 Plan that has been prepared.
- ▶ **CREDIT COUNSELING** - One required class that is taken before filing bankruptcy to make sure Debtors have considered all options for handling their debt. This can be done completely online- no need to leave your home.
- ▶ **CREDITOR** - a person or company to whom money is owed
- ▶ **DEBTOR** - a person or company who owes money, the person who files the bankruptcy
- ▶ **DISCHARGE ORDER** - The Court Order that releases you from the obligation to pay your debts.
- ▶ **DISMISSAL** - The Court terminates your case without a discharge or financial relief
- ▶ **EXEMPTIONS** - Protections in the Bankruptcy Code that allow Debtors to keep certain assets
- ▶ **FILING FEE** - A fee required by the Court when filing a bankruptcy petition-required in either Chapter
- ▶ **FINANCIAL MANAGEMENT COURSE** - The second online course that is required before the case is over.
- ▶ **FRESH START** - the goal of every bankruptcy
- ▶ **MEETING OF CREDITORS** - Also known as "341 Meeting" - A meeting with the Debtor, Debtor's attorney, bankruptcy trustee but very rarely the creditors. The information on the petition is verified by the trustee and creditors have an opportunity to ask questions but very rarely appear
- ▶ **PETITION** - The paperwork prepared and filed with the Court when filing bankruptcy that contain your name, address and other relevant information
- ▶ **SCHEDULES** - Schedules A through J are supplements to the Petition and each include specified information like debt, income, assets and other information.
- ▶ **SECURED DEBT** - Debt that is secured such as a mortgage or a car loan. If your bank account has been frozen by a creditor, this becomes a secured debt.
- ▶ **UNSECURED DEBT** - Debt that is guaranteed by your personal promise to repay, such as a credit card or personal loan



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