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## **NOTICE PURSUANT TO SECTION 527(a) TO CLIENTS WHO CONTEMPLATE FILING BANKRUPTCY AND INSTRUCTIONS**

The purpose of this Notice and The Statement Mandated by Section 527(a) of the Bankruptcy Code, which you have been provided as a separate document is to make you aware of some of your obligations should you file bankruptcy.

*Note: This Notice and the Statement are required by legislation adopted by Congress in 2005, after intense lobbying by the credit industry. In our opinion they are designed to intimidate people who need debt relief under the Bankruptcy Code, and are based on the erroneous assumption that debtors are dishonest. So long as you are honest and meet the requirements set out under the law, you are entitled to debt relief. We can guide you through all the requirements of filing bankruptcy, so long as you provide us accurate and complete information.*

You are notified as follows:

1. All information that you are required to provide with your bankruptcy petition and thereafter in your case is required to be complete, accurate, and truthful.
2. All your assets and all your liabilities are required to be completely and accurately disclosed in the documents filed to commence your case. It is our obligation to make diligent inquiry of you so as to obtain information to include in your bankruptcy petition.
3. The value of each asset, for purposes of disclosure, exemptions, plan valuations, or other purposes, irrespective of whether the asset is secured by a lien on such asset, must be stated as the replacement value of such asset after reasonable inquiry to establish such value. The replacement value means the replacement value at the date of the filing of the bankruptcy petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family or household purposes, replacement value means the price a retail merchant (for example a resale shop, or Goodwill Store) would charge for property of that kind considering the age, and condition of the property at the time value is determined.
4. After reasonable inquiry you are required to state the amounts set out in section 707(b)(2) of the Bankruptcy Code. We will assist you in determining your amounts set forth in Section 707(b)(2).

*\*Admitted in Tennessee and Georgia. Board Certified: Consumer Bankruptcy Law, American Bankruptcy Board of Certification.*

*\*\* We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code*

5. In a case under Chapter 13, after reasonable inquiry, you are required to state your “Disposable Income” determined in accordance with section 707(b)(2) of the Bankruptcy Code. We will assist you in determining your “Disposable Income”
6. Information that you provide during your case may be audited pursuant to the provisions of the Bankruptcy Code. Your failure to provide information may result in dismissal of your case or other sanctions, including criminal sanctions such as fines or imprisonment.
7. In determining the amount you owe each creditor, list the amount on your most current statement or correspondence from the creditor. In rare cases your ability to file Chapter 7 may depend on how much you owe. In those cases we will assist you in determining how much you owe each creditor.

### **Instructions on Providing Information Required by Bankruptcy Law**

You are required to provide certain information to the court when you file bankruptcy. Attached are forms designed to obtain the necessary information. Please carefully read and follow these instructions. Put your initials next to each instruction.

\_\_\_\_ 1. READ AND FILL OUT THE FORMS COMPLETELY, ACCURATELY, AND NEATLY.

\_\_\_\_ 2. DO NOT LEAVE BLANKS. If a particular blank does not apply to you, put “N/A” in the blank. By doing so we will know that you did not mistakenly overlook it.

\_\_\_\_ 3. List ALL your property.

\_\_\_\_ 4. List all your debts.

- (a) You must list debts that will not be discharged, such as student loans and child support.
- (b) You must list debts that you intend to pay.
- (c) You must list debts that you cosigned for someone else or that someone else cosigned for you.
- (d) You must list debts to family members.

\_\_\_\_ 5. Attach additional sheets if you do not have sufficient space to include all the information.

\_\_\_\_ 6. If a creditor is still communicating with you, use the address supplied by the creditor in at least two communications over the last 90 days. **Do not use the address to which you send payments. Use the correspondence address.** Keep all mailings from your creditor, so we can keep up with any changes in the creditors’ addresses and prove, if necessary, we used the appropriate addresses.

\_\_\_\_ 7. List the account number, if any, for each debt.

\_\_\_\_ 8. **Debt Counseling Requirement.** You are not eligible to file a bankruptcy unless you receive an individual or group briefing from an approved nonprofit budget and counseling agency. That briefing must outline your opportunities for available credit counseling and assist you in performing a related budget analysis. It must occur within 180 days prior to filing the bankruptcy. It can take place on the internet or by telephone. If you have not yet received the counseling and you want our assistance, we will help you make the arrangements for it.

\_\_\_\_ 9. In addition to the information set out in these forms, you must file the following documents of information with your petition, or when specified, while your case is pending.

1. Copies of all pay stubs, payment advices, or other evidence of payment received within 60 days before the date of filing of the petition by you from any employer. For purposes of this requirement, instead of the above, the court will allow us to attach your most recent pay stub or pay advice provided it has a year to date summary of all your earnings.
2. A statement of the amount of monthly net income itemized to show how the amount is calculated.
3. A statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition.
4.
  - a. A timely certificate from an approved nonprofit budget and credit counseling agency describing the individual or group briefing received by you.
  - b. If you developed a debt repayment plan as a result of the briefing, a copy of the plan.
5. A record of any interest you have in an educational individual retirement account or under a qualified state tuition program.
6. A copy of your federal income tax return, or a transcript of the return, for the most recent year ending immediately before we file your case and for which you filed the return.
7. If the court, the United States Trustee, or any other party to your case request it, you must file with the court:
  - a. A copy of each federal income tax return, or transcript of the return, required for each year while your case is pending at the same time filed with the IRS.
  - b. A copy of each required federal income tax return that had not been filed with the IRS when your case is filed and that you subsequently file for any tax year for the three years preceding the date we file your case.
  - c. A copy of each amendment to any federal income tax return or a transcript of each amendment filed with the court pursuant to paragraphs (a) and (b).

