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Dear Counsel:

Please be advised that I have been appointed Chapter 7 Trustee in the above-stated bankruptcy case. Under the provisions of Section 341 of the Bankruptcy Code, the Trustee is obligated to examine the debtor(s) under oath at a hearing. The First Meeting of Creditors has been assigned by the Office of the United States Trustee. Both you and your client(s) are required to appear on the date specified above at the U.S. Trustee's Hearing Room, Bridge View Building, Room 102, 800 Cooper Street, Camden, NJ 08102. **This is the only correspondence you will receive from me. I no longer send regular mail correspondence to your client or your office.**

**It is required that the petitioner bring two (2) forms of identification to the 341(a) Hearing. First, government issued photo ID, the second form of identification to be provided is proof of Social Security Number.**

Attached to this letter is a summary entitled "Bankruptcy Information Sheet" which explains to the petitioner the effect of discharge in bankruptcy, the provisions with respect to reaffirmation agreements and certain other matter. At the 341(a) Exam, the petitioner will be asked to acknowledge that he has read the materials supplied, and that he understands the material by signing the acknowledgment on the attached form. **The Appearance Sheet must be brought to the 341(a) exam and signed by the petitioner at the bottom acknowledging that he has received, reviewed within 48 hours the bankruptcy petition, and understands the information supplied.** The Debtor must check the appropriate boxes on the Appearance Sheet prior to the hearing. Failure to indicate to the Trustee at the 341(a) exam that he has read this material, and failure to bring back the attached forms, will result in a possible rescheduling of the 341(a) Exam, and an additional trip by you to a hearing.

**ALL DOCUMENTS on the attached list, which are applicable to this case, should be emailed to my office no less than seven (7) days prior to the 341(a) Exam. If you fail to provide that material, you may also have to make an additional appearance at a trustee hearing.**

Very truly yours,  
/s/ John W. Hargrave  
John W. Hargrave

JWH:dem  
Enclosures

# TO ATTORNEY FOR DEBTOR

PLEASE E-MAIL THE FOLLOWING  
AT YOUR EARLIEST CONVENIENCE  
BUT NO LATER THAN SEVEN (7) DAYS PRIOR  
TO 341 A HEARING

**E-MAIL: [info@hargravelaw.com](mailto:info@hargravelaw.com)**

All e-mails must include the following information on the subject line.

Case number-Debtor's Last Name-341a Documents-341 Meeting Date

(Example: 00-12345 Smith-341a Documents-7-01-09)

Documents must be submitted as separate attachments to the email using the following file name format:

Case Number-Debtor's Last Name-Name of Document

(Example: 00-12345 Smith-Tax Returns -08)

***\*\*Please also be sure ALL documents are facing same way\*\****

## **DOCUMENTS TO BE PROVIDED:**

**REAL ESTATE - CMA or Current Appraisal and DEED**

(showing ownership interest in all real estate Debtor owns)

**MORTGAGE PAYOFFS-** for all mortgages

**FEDERAL TAX RETURNS -2008 & 2009- first two pages only**

**PROOF OF INCOME - for 6 weeks prior to filing date**

(wages, social security, unemployment and other sources)

**BANK STATEMENTS - statement evidencing balance in accounts on date petition filed & for 90 days prior to filing w/copies of checks**

**CAR PAYOFFS - on all loans and leases**

**DIVORCE - property settlement or Judgement papers**

**LAWSUITS - (in which Debtor is a Plaintiff) Provide name, address and telephone number of attorney representing Debtor in the matter**

## **BRING TO HEARING:**

**Full copy of petition signed by all Debtors**

**Government issued photo identification**

**Proof of Social Security number**

**YOUR APPEARANCE SHEET -  
INFORMATION ABOUT YOUR FIRST MEETING OF CREDITORS  
YOU MUST READ THIS PAPER & SIGN IT  
BEFORE THE START OF YOUR HEARING**

1. You are testifying under oath. Your testimony will be recorded or transcribed. To be sure that we taking down accurate information please:
  - (a) Speak clearly and loud enough to be heard.
  - (b) Answer orally, and not will nods or gestures,.
  - (c) If you do not understand a question, say so.
  - (d) If you do not hear a question, say so.
  
2. I have reviewed my bankruptcy petition and schedules carefully **in the last 48 hours**. Now is the time to correct any mistakes and any missing information. Your schedules may be incomplete or inaccurate. **Now** is the time to bring to the Trustee's attention the correct facts. If you do not do so, you could lose your right to a discharge (the whole reason you filed for bankruptcy), or be subject to criminal prosecution or civil suit. **KNOWING OR FRAUDULENT CONCEALMENT OF ASSETS AND GIVING FALSE TESTIMONY ARE CRIMES. 11 U.S.C. 152.**
  
3. You must report to the Trustee right away if you receive or stand to receive money or property under any of the following circumstances:
  - (a) From the estate of someone who dies within 6 months of the day you filed your bankruptcy petition. This includes money or property you are to receive under a will, or under an Estate probated without a will.
  - (b) from a life insurance policy or death benefit plan, where the person died within 6 months of the day you filed your bankruptcy petition.
  - (c) from a spouse under a Property Settlement Agreement or divorce proceeding.

**I HAVE READ THE ABOVE THREE PARAGRAPHS AND THE BANKRUPTCY INFORMATION SHEET, AND HAVE ASKED MY ATTORNEY ABOUT ANYTHING I DO NOT UNDERSTAND.**

***PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS:***

**Domestic Support Obligations**

Are you suppose to pay anyone any money for support of a **child**? [  ] Yes or [  ] No

Do you owe anyone any alimony or other support payments to a **husband or wife** you are separated from or divorcing? [  ] Yes or [  ] No

The amounts I owe and the address of the person I am paying are as follows:

\_\_\_\_\_

**I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me is willfully false, I am subject to punishment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
DEBTOR

Dated: \_\_\_\_\_

\_\_\_\_\_  
DEBTOR

***BRING THIS FORM WITH YOU TO THE HEARING***

## **BANKRUPTCY INFORMATION SHEET**

**BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET WILL GIVE YOU SOME GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.**

### **WHEN YOU FILE BANKRUPTCY:**

You choose the kind that best meets your needs:

Chapter 7 - 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 able to keep some personal items and possibly real estate depending on the law of the state where you live.

Chapter 13 - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 - Like chapter 13, but is only for farmers.

Chapter 11 - This is used mostly by businesses. In chapter 11, 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 Judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed under Chapter 7, you may be able to change your case to another chapter.

Your bankruptcy must be reported on your credit report for as long as ten years. It can affect your ability to receive credit in the future.

### **WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a "discharge". A discharge is a Court order, which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for...

- most taxes;
- child support;
- alimony;
- most student loans;
- Court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed.

Also, if the Judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged.

The Judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a Court order.

You can only receive a chapter 7 discharge once every six years. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay the debt, you must sign and file a reaffirmation agreement with the Court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements...

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the Court issues your discharge or within 60 days after the agreement is filed with the Court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the Court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the Court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**