

Documents Required by Trustee of Corporations, Partnerships, or LLC's

CASE NAME: \_\_\_\_\_ CONTACT NAME \_\_\_\_\_ CONTACT PHONE: \_\_\_\_\_

[www.northernazbankruptcy.com](http://www.northernazbankruptcy.com)

[www.phxbankruptcy.com](http://www.phxbankruptcy.com)

PHYSICAL ADDRESS: \_\_\_\_\_

IF YOUR ADDRESS CHANGES AT ANY TIME IN THE YEAR AFTER YOUR FILING, NOTIFY THE COURT AND THE TRUSTEE USING THE ENCLOSED CHANGE OF ADDRESS FORM.

RETURN THIS WORKSHEET WITH ALL DOCUMENTATION TO:

LAWRENCE J. WARFIELD, U.S. TRUSTEE, PO BOX 14647, SCOTTSDALE AZ 85267-4875

TAX RETURNS:

\_\_\_\_ 1. Copies of **2010 and 2011** State and Federal income tax returns. These returns should include earnings and balance sheet information. If the business was terminated during 2010 and 2011, please provide us with copies of the company's final tax return. (If none filed, provide a statement explaining why.)

**If you received and cashed any income tax refund check(s) prior to your filing, you MUST provide evidence of date received, receipts, and proof of the extraordinary items that were purchased.**

**All un-filed Federal and State tax returns must be prepared and filed with Federal and State taxing authorities immediately!**

FINANCIAL INFORMATION:

\_\_\_\_ 2. **Copies** of any financial statement compiled as of the prior year, or if it is available, one that is more current.

\_\_\_\_ 3. A listing of all receipts and disbursements by the business during the period twelve months prior to the filing date through to the filing date. (i.e., check register, disbursement register).

TITLES:

\_\_\_\_ 4. **Copies** of all motorized **vehicle titles** in the possession of or in the business's name as of the date of your filing (including trailers, boats, jet skis, motorcycles, etc.). If you are leasing a vehicle, you must forward to us a COPY of the executed lease agreement.

**Please indicate the current mileage of each vehicle on its title copy.**

BANK ACCOUNTS:

\_\_\_\_ 5. **Copies** of all of the company's bank account statements as of its filing date and those for three month's prior. Please close all bank accounts and forward the proceeds from each to the trustee. Please provide copies of bank statements showing zero balances.

**Within the 3 months prior to filing, any checks or deposits in excess of \$600.00, you must provide a written explanation of to whom written and for what purpose.**

FURTHER DETAILS:

\_\_\_\_ 6. Provide specific details on all assets owned by the business as of the filing date (or conversion date), which are categorically totaled in the Petitions and Schedules. *(Especially if your schedule B used terms such as "inventory", "supplies", or "equipment" to describe your company's assets.)*

\_\_\_\_ 7. Provide our office with all passwords to any software, which may contain assets or records of the corporate debtor?

\_\_\_\_ 8. Provide our office with copies of the last two years of Board of Directors meeting minutes and the last two years of the annual meeting minutes.

(cont on next page)

Case # \_\_\_\_\_

- A. Name the Chief Operating Officer of the corporate debtor \_\_\_\_\_.
- B. Name the Chief Financial Officer of the corporate debtor \_\_\_\_\_.
- C. Is the corporate debtor an Arizona formed LLC or corporation? \_\_\_\_\_.
1. If formed outside AZ, when was it first qualified to do business in AZ \_\_\_\_\_.
- D. When was the corporate debtor officially formed?
- E. Are there any business receivables owed to the corporate debtor? \_\_\_\_\_.
1. Are they collectable \_\_\_\_\_.  
Provide us the supporting documentation to enable us to pursue collection.
- F. Are there any shareholder receivables owed to the corporate debtor? \_\_\_\_\_.
1. By whom? \_\_\_\_\_.  
Provide us the supporting documentation to enable us to pursue collection.
- G. What insurance policies were in effect within the last year? \_\_\_\_\_  
What kind and why? \_\_\_\_\_
- H. Is there any inventory, property or equipment remaining different than that listed on Schedule B?  
\_\_\_\_\_  
\_\_\_\_\_

**DEBTOR QUESTIONNAIRE:**

\_\_\_\_\_ Please fill out and return this questionnaire to the Trustee. The answers to these questions will speed the process of the 341(a) meeting of creditors.

**After our review of these documents, you may be contacted for additional information.**

**Case Number** \_\_\_\_\_

**EMAIL ADDRESS** \_\_\_\_\_



## DECLARATION FOR DEBTORS WITHOUT AN ATTORNEY

Case Number: \_\_\_\_\_

Debtor's Name: \_\_\_\_\_ Joint Debtor's Name: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Number: \_\_\_\_\_

Debtor's Address: \_\_\_\_\_

Case Trustee Name: \_\_\_\_\_ 341(a) Meeting Date: \_\_\_\_\_

.....

1. Did you pay someone to assist you in preparing your bankruptcy documents? Yes \_\_\_\_\_ No \_\_\_\_\_  
(If no, skip the rest of the questions and sign and date this document at the bottom.)

2. Information about the person who assisted you in preparing your bankruptcy documents (hereafter the "preparer").

Name of Preparer: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Company Name: \_\_\_\_\_ Fee Charged: \_\_\_\_\_

Address: \_\_\_\_\_

3. Amount Paid: \_\_\_\_\_ Date of Payment: \_\_\_\_\_

4. Form of Payment: Cash \_\_\_\_\_ Check \_\_\_\_\_ Money Order/ Cashier's Check \_\_\_\_\_  
Other (please describe) \_\_\_\_\_

5. Were you given a contract of services from the preparer? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please enclose a copy with this completed questionnaire.

6. Were you given a receipt for the money you paid? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please enclose a copy with this completed questionnaire.

7. Was any amount paid to the preparer after the bankruptcy petition was filed? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, how much? \_\_\_\_\_

8. Do you still owe any money to the preparer? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, how much? \_\_\_\_\_

9. Did you give the preparer money for the Bankruptcy Court filing fee? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, how much? \_\_\_\_\_ Was the payment made payable to the Bankruptcy Court? Yes \_\_\_\_\_ No \_\_\_\_\_

10. Did the preparer give you the petition and schedules to review before you signed them? Yes \_\_\_\_\_ No \_\_\_\_\_

11. If yes, did you find any errors? Yes \_\_\_\_\_ No \_\_\_\_\_ If so, were they corrected? Yes \_\_\_\_\_ No \_\_\_\_\_

12. Was there an additional fee charged for any corrections or changes? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, how much? \_\_\_\_\_

**DECLARATION FOR DEBTORS WITHOUT AN ATTORNEY**

13. Did you sign your own name on the petition and schedules? Yes \_\_\_\_\_ No \_\_\_\_\_
14. Did anyone else assist you with the preparation of your petition and schedules in addition to the name of the preparer shown on your Petition? Yes \_\_\_\_\_ No \_\_\_\_\_
15. Did the preparer file your bankruptcy petition and schedules for you with the Court? Yes \_\_\_\_\_ No \_\_\_\_\_
16. Did the preparer explain the differences between Chapter 7 and Chapter 13 to you? Yes \_\_\_\_\_ No \_\_\_\_\_
17. Did the preparer explain reaffirmation? Yes \_\_\_\_\_ No \_\_\_\_\_
18. Did the preparer explain the different exemptions to you? Yes \_\_\_\_\_ No \_\_\_\_\_
19. At any time did you believe the preparer was an attorney? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_

20. At any time did the preparer say or indicate he/she was working for an attorney or a retired attorney? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, did you meet with the attorney? Yes \_\_\_\_\_ No \_\_\_\_\_ what was the attorney's name? \_\_\_\_\_
21. Did the preparer charge you any fees for any other services? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please describe: \_\_\_\_\_
22. Did the preparer direct you to omit information from your bankruptcy documents? Yes \_\_\_\_\_ No \_\_\_\_\_
23. Were you directed by the preparer to put false information on your bankruptcy documents? Yes \_\_\_\_\_ No \_\_\_\_\_  
The false information is \_\_\_\_\_
24. Did the preparer give you any written information about your bankruptcy? Yes \_\_\_\_\_ No \_\_\_\_\_  
If so, what? \_\_\_\_\_
25. You engaged the services of the preparer as a result of: Newspaper advertisement \_\_\_\_\_ Billboard \_\_\_\_\_  
Telephone book \_\_\_\_\_ Internet \_\_\_\_\_ Referral \_\_\_\_\_ Other (specify) \_\_\_\_\_

Any other comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Signature of Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Joint debtor, if any)

\_\_\_\_\_  
Date

PLEASE MAIL THIS BACK TO THE TRUSTEE PRIOR TO THE 341(a) MEETING

## **341 MEETINGS**

### **1. INTRODUCTION:**

The Trustee that will be conducting your 341(a) meeting will be Lawrence J. Warfield, who has been appointed by the Office of the US Trustee, a component of the U.S. Department of Justice, to serve as Trustee in your case.

Each Debtor must attend the 341 meeting because the Bankruptcy Code requires that each must be examined under oath regarding the petition and schedules they filed. For joint filers, both spouses must appear.

### **2. RECORD:**

The examination will be recorded, so during the examination, please speak loudly and clearly.

### **3. RULES OF EVIDENCE:**

Since this meeting is not a judicial proceeding, neither the Federal Rules of Evidence, nor the Federal Rules of Civil Procedure will be applicable.

### **4. CHANGE OF ADDRESS:**

If you move any time between the filing of the Petition and the date on which you are advised that your case has been closed, WHICH IS NOT THE NOTIFICATION OF DISCHARGE, you must advise the Court and the Trustee.

### **5. DISCHARGE:**

A discharge will normally be entered 60 days from the date of the adjournment of the 341(a) meeting, unless an objection has been filed. This discharge is NOT notice that your case has been closed. You must continue to cooperate with your Trustee. Failure to do so could cause your discharge to be revoked.

### **6. LEGAL ADVICE:**

The Trustee is not able to provide legal advice. Should you have any questions about the law, please contact an attorney.

OVER

7. **STATEMENT OF INFORMATION:**

Included in this packet of documents is a Statement of Information mailed to each debtor as required by 11 USC §341. During your examination, you will be asked if you have read and understand this Statement.

8. **COURT REQUIRED DOCUMENTS**

Under new provisions of the bankruptcy reform act which became effective for cases filed after October 17, 2005, certain documentation MUST be provided to the Bankruptcy Court (not the Trustee's Office or the US Trustee's Office) within certain time frames (credit counseling certifications, wage/income certifications, copies of certain tax returns). Although, I as your Trustee may require some of these documents as well, your failure to provide these documents to the Bankruptcy Court may cause the Bankruptcy Court to dismiss your original filing. It is your responsibility to see that each and every requirement of the Bankruptcy Court is met in order to prevent the Bankruptcy Court from dismissing your case.

9. **TRUSTEE REQUIRED DOCUMENTS**

In addition to the documents required to be forwarded to the Bankruptcy Court, as your Trustee, I require certain documents to be provided to me for the purposes of evaluating the accuracy of the Petition and Schedules you filed. Some of the documentation that I request may be similar to that you provided to the Bankruptcy Court. You must provide to both. Your failure to provide me the documentation I request could be grounds for a request to the Bankruptcy Court that your case be dismissed, or a continuation of your 341(a) meeting, as further described below.

10. **DISMISSAL REQUESTED:**

Debtors are asked to supply information or documentation to the Trustee. IF such information is not provided PRIOR to the 341(a) meeting, the trustee will file a motion with the court to request a dismissal of the Debtor's bankruptcy filing, or a motion to object to the Debtor's discharge. It behooves each debtor to resolve all outstanding issues within these time periods. It is recommended that each debtor cooperate fully to assure compliance of all documentation prior to the scheduled 341(a) meeting.

**IN ACCORDANCE WITH 18 U.S.C. SECTIONS 152 AND 3571, DEBTORS ARE REMINDED THAT THE PENALTY FOR MAKING A FALSE STATEMENT OR CONCEALING PROPERTY IS A FINE OF UP TO \$500,000, IMPRISONMENT FOR UP TO FIVE YEARS, OR BOTH.**

**DO NOT CASH ANY INCOME TAX REFUNDS  
RECEIVED AFTER YOUR FILING DATE.**

**THIS INCLUDES THE YEAR FOLLOWING THE COMMENCEMENT OF YOUR CASE!**

YOU MUST FORWARD ALL TAX REFUNDS TO OUR OFFICE

YOUR FAILURE TO PROVIDE  
THESE DOCUMENTS TO US COULD BE GROUNDS TO  
REVOKE YOUR DISCHARGE

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This packet contains a "Bankruptcy Information Sheet". At your meeting of Creditors, the Trustee will ask you under oath if you have read and understand this document.

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## **BANKRUPTCY INFORMATION SHEET**

**BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET GIVES 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 A BANKRUPTCY**

You can choose the kind of bankruptcy that best matches 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 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 it is only for family 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 bankruptcy under Chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record 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 that 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 lien (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.

## **DOCUMENTS REQUIRED OF DEBTORS WHO OWN OR HAVE INTEREST IN A PARTNERSHIP OR CLOSELY HELD, NON-PUBLIC CORPORATION**

1. Copies of all of the company's bank account statements as of your or its filing date and those for the three months prior. In addition, provide details on all assets owned by the business as of the filing date (or conversion date), (especially if your Schedule B used terms such as "inventory", "supplies" or "equipment" to describe your company's assets). Also, include a listing of all receipts and disbursements by the business during the period 12 months prior to the filing date through to the filing date. If this is a corporate filing, please close all bank accounts and forward the proceeds from each to the trustee. If this is the step that you take, or your indication is that all accounts are closed, please provide copies of bank statements showing zero balances for each.
2. Copies of 2010 and 2011 complete federal and state income tax returns, to include earnings and balance sheet information. If this business was terminated during 2010 or 2011, please provide us with copies of the company's final tax return.
3. Copies of any financial statement compiled as of the prior year, or if it is available, one that is more current.
4. If you had an interest as of December 31, 2011 and have sold that interest during 2010 and 2011, please provide the details of the sale or termination of this business or your interest therein. (Required of debtors who file personally but hold or held stock in a corporation).
5. A statement indicating your interest in this business (i.e., percentage of ownership), compensation received during 2011 and compensation received thus far in 2012.

**DOCUMENTS THAT DEBTORS ARE REQUIRED TO PROVIDE TO THE TRUSTEE WHO OWN OR OWNED A SOLE PROPRIETORSHIP BUSINESS (SCHEDULE C ON YOUR PERSONAL TAX RETURN)**

1. Copies of all of the business' bank account statements as of your or its filing date and those for the three months prior. In addition, provide details on all assets owned by the business as of the filing date (or conversion date), (*especially if your Schedule B used terms such as "inventory", "supplies", or "equipment" to describe your company's assets.*) Also, include a listing of all cash receipts and cash disbursements by the business during the period three months prior to the filing date through to the filing date. If this is a corporate filing, please close all bank accounts and forward the proceeds from each to the trustee. If this is the step that you take, or your indication is that all accounts are closed, please provide copies of bank statements showing zero balances for each.
2. Copies of any financial statement compiled as of December 31, 2011, or more current, if available.
3. If you have sold your interest in your business, please provide the details as to your sale or termination of this business.
4. A statement denoting your interest in this business (Percentage owned?) Compensation received during 2011 and compensation received thus far in 2012.
5. Copies of 2010 and 2011 business income tax returns, along with all schedules.
6. A statement as to your interest with regard to the business, or your interest in it. Are your plans to surrender or to make an offer to repurchase? If you would like to make an offer to repurchase, please forward such offer immediately. All offers are subject to Court approval.

## **IMPORTANT NOTICE ABOUT 2011 TAXES**

**If you received and cashed your income tax refund checks within 60 days of filing, you MUST provide receipts, and proof of the extraordinary items that were purchased.**

**If your income tax refund was direct deposited, you MUST provide the Trustee with a copy of the bank statements indicating the amount received.**

**Please note that the bankruptcy estate is entitled to a pro-rated portion of the tax refund for the year in which the bankruptcy was filed.**

**Do not cash any tax refunds without contacting the Trustee**

## TAX RETURN AND REFUND REMINDER NOTICE

Based on your filing date, a portion of your 2012 state and federal tax refunds are property of the Bankruptcy Estate and need to be turned over to me as your Trustee. Although your 2012 state and federal tax returns are not currently due, I am not able to completely process your case until I receive and review both your 2011 and 2012 tax returns. Accordingly, your case will remain open until I am able to review these returns.

Please prepare and file the returns in a timely fashion. DO NOT DO "RAPID REFUND"! When your returns have been prepared, please make me a complete copy of the returns. File the original returns as you would normally do and immediately send me a complete copy.

Refunds need to be sent to me. You do not endorse the checks. Mail the checks to my office at: P.O. BOX 14647, SCOTTSDALE, AZ 85267 as received from the tax agencies. If you receive any correspondence from the IRS or state-taxing agency, a copy must also be forwarded to my office.

If you do not follow through, I will have no choice but to seek an Order from the Court requiring turnover AND a revocation of your discharge, if discharge has been entered. If you file an extension on the filing of your returns, please send me a copy of the extension and your case will continue to remain open.

You are also reminded that any refunds received post petition for the 2011 tax year are property of the estate and must be surrendered also.

If you have any questions about this, please contact us via email at [info@phxbankruptcy.com](mailto:info@phxbankruptcy.com) or call Renee Brinkley at 480-951-8759.

Lawrence J. Warfield  
Bankruptcy Trustee  
P.O. BOX 14647  
Scottsdale, AZ 85267

# DEBTOR(S) CHANGE OF ADDRESS

DATE: \_\_\_\_\_

CASE #: \_\_\_\_\_

DEBTOR(S) NAME:

\_\_\_\_\_  
\_\_\_\_\_

NEW MAILING DDRESS: \_\_\_\_\_

Street Address/POB Number/Apt. #

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
DEBTOR(S) SIGNATURE

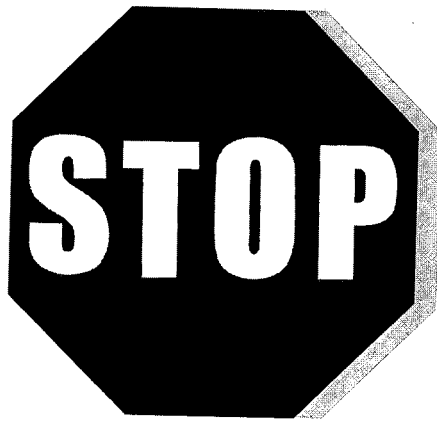
\_\_\_\_\_  
CO-DEBTOR

Mail Original To:

U.S. Bankruptcy Court  
District of Arizona  
230 N 1<sup>ST</sup> Avenue, suite # 101  
Phoenix, AZ 85003-1706

Mail Copy to:

Chapter 7 Bankruptcy Trustee  
Lawrence J. Warfield, CPA  
P.O Box 14647  
Scottsdale, AZ 85267



**\*\*\*\*\* REMINDER \*\*\*\*\***

YOUR CASE IS NOT CLOSED UNTIL YOU RECEIVE ONE OF THE FOLLOWING THINGS:

1. TRUSTEE PROPOSED DISTRIBUTION
2. TRUSTEE NO DISTRIBUTION REPORT  
(AND CLOSING FROM THE COURT)

IF YOU DO NOT RECEIVE ONE OF THESE TWO THINGS, **YOUR CASE IS NOT CLOSED.**

YOU MUST ADVISE THE TRUSTEE AND THE US BANKRUPTCY COURT OF YOUR CURRENT ADDRESS AS LONG AS YOUR CASE REMAINS OPEN.