

STANLEY J. KARTCHNER, CHAPTER 7 TRUSTEE
7090 N ORACLE ROAD #178-204, TUCSON, AZ 85704

EMAIL: trustee@aztrustee.com

TEL (520) 742-1210

ONLINE: aztrustee.com

(Date)

la version en español de la carta está disponible
en "Documents" en aztrustee.com

To: (Name(s))

Re: (Case Number)

I am the Trustee assigned to administer your bankruptcy case. **It is critical to the success of your case that you do each of the following:**

1. **Attend** the meeting at the date, time and location shown on the *Notice of Chapter 7 Bankruptcy Case* you have received or will receive from the Court.
2. **Bring** with you to the meeting a government issued picture ID (such as a driver's license) and proof of your social security number (such as a social security card, pay stub (if the full social security number is shown), W2, military ID or insurance card). **Tax returns or a driver's license are not acceptable proof of your social security number.**
3. **Read** the enclosed *Bankruptcy Information Sheet* prior to the meeting of creditors; I will ask you at the meeting if you have received and read it.
4. **Turn over to me all federal and state tax refunds** you received after the date your case was filed or that you expect to receive. **The refunds are property of the bankruptcy estate and are not yours to keep or spend. Do not** have your refunds direct deposited, or use rapid refund, or obtain a refund advance loan, or apply your refunds to next year's taxes. (*See the back of this sheet for further instructions regarding tax refunds.*)
5. **Provide to me (not your attorney) without delay** the following by mail or delivery to the above address (faxes are not accepted):
 - a. Copies of your complete 2010 and 2011 federal and state income tax returns (transcripts of your federal returns are acceptable);
 - b. The completed and signed **original** of the enclosed *Questionnaire*.
 - c. The detailed written list referred to in paragraph B of the additional instructions on the back of this sheet.
 - d. Please note that failure to provide me a copy of your most recently filed federal tax return no later than seven days prior to your meeting may result in dismissal of your case (*see the additional instructions on the back of this sheet*).
6. **File your Certificate of Debtor Education** with the Court. Do **NOT** mail that to me.

You are required by law to fully cooperate with your Trustee. Failure to timely and fully cooperate may result in the dismissal of your case and/or denial of your discharge. If you need legal advice, you must contact an attorney; as your Trustee, I cannot give you legal advice.

ADDITIONAL INSTRUCTIONS RE TAX REFUNDS AND DOCUMENTS

A. Documents:

I do not have a public office. You may deliver documents to the **Pak Mail** located on the south side of the Safeway shopping center at the southeast corner of Ina and Oracle in Tucson (7090 N. Oracle, Suite 178). Give the documents to the person at the counter and he or she will place those in my box. **Do not ask for a receipt; the person at the counter will not provide a receipt.** Otherwise you may mail the documents to the address shown at the top of this letter. Provide **copies** of documents only and not originals (except for the enclosed *Questionnaire*). Also, please **do not call my office to see if I have received your documents.** With the hundreds of cases I am administering, those calls place a considerable burden on me and my staff.

If you do not have a required tax return, you can obtain a transcript of a federal return from the IRS and copies of your Arizona state returns from the Arizona Department of Revenue. It is your responsibility to obtain the returns or transcripts and provide those to me timely. (Click on <http://aztrustee.com>, **Links, IRS (to request tax return transcripts)** to see the IRS web page with instructions for obtaining a transcript from the IRS.)

B. Tax Refunds:

If you already received and spent your tax refunds before the date you filed bankruptcy, provide me a detailed written list showing the date(s) you received your refunds and when and how you spent your refunds (be specific and include dates, amounts, who was paid, and purpose for any payment over \$200). Do not provide bank statements as a substitute for the list.

A list of frequently asked questions and answers regarding tax refunds can be found at aztrustee.com under documents.

C. Failure to Timely Provide Federal Income Tax Return to Trustee:

Bankruptcy Code Section 521(e)(2) states as follows:

“(A) The debtor **shall provide—**

(i) not later than 7 days before the date first set for the first meeting of creditors, **to the trustee** a copy of the **Federal income tax return** required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed; and

(B) If the debtor fails to comply with [the above requirement], the court **shall dismiss the case** unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor.”

As stated, it is your responsibility to provide me with a copy of your most recently filed Federal tax return (or transcript of the return) no later than seven days prior to your scheduled meeting, and failure to do so may result in dismissal of your case.

RETURN TO TRUSTEE WITHOUT DELAY

QUESTIONNAIRE

(Case No. _____)

Answer the following questions for each debtor. Sign and date where indicated.

1. State the name and address of your current employer (write n/a if not employed):

Debtor: _____

Spouse: _____

2. Are you required to pay alimony or child support? yes _____ no _____

3. Do you have a possible claim or lawsuit against anyone for an injury, loss or accident? If yes, provide details on a separate sheet. yes _____ no _____

4. Are you entitled to life insurance proceeds or an inheritance, or do you have an interest in a will, trust or other estate or tax planning device? yes _____ no _____
If yes, provide details on a separate sheet.

You must also immediately advise your Trustee if you become a beneficiary of someone's estate within six months following the date you filed bankruptcy.

5. List all tax refunds you received for 2011: Federal \$_____ State \$_____
If spent prior to filing, list all payments over \$200 including dates, who was paid and purpose.

6. Does anyone owe you more than \$1,000? yes _____ no _____
If yes, on a separate sheet provide details including the amount owed, whether the money is collectible, and the name, address and telephone number of the person who owes the money.

7. Did you purchase a vehicle within the last six months? yes _____ no _____
If yes, state on a separate sheet the purchase price, make, model, year and VIN of the vehicle.

8. Do you anticipate receiving any cash or property as a result of a divorce or separation proceeding? If yes, provide details on a separate sheet. yes _____ no _____

9. Have you owned a business during the last six years? yes _____ no _____
If yes, provide details on a separate sheet, including whether it is currently operating.

10. Have you lived in Arizona for at least two years prior to filing bankruptcy?
If no, indicate the state where you lived prior to that 2 year period. _____ yes _____ no _____

I hereby declare under penalty of perjury that my responses to the foregoing questions are true, accurate and complete to the best of my knowledge.

X _____

X _____

Name (print) _____

Name (print) _____

Date: _____

Date: _____

Telephone Number: _____

Telephone Number: _____

Email: _____

Email: _____

BANKRUPTCY INFORMATION SHEET

BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET PROVIDES YOU WITH 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 can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

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 and applicable federal laws.

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 it is only for family farmers and family fishermen.

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 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 eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. 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 (see below) 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 that 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 ANY 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.