

GARY R. STICKELL, ATTORNEY AT LAW, P.C.

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(602) 266-2622

ATTORNEY-CLIENT PRIVILEGE

Attorney-Client Privilege extends to only you and your spouse. If you wish to have some one else sit-in as part of your consultation, you will waive your right to attorney-client privilege. While this is immaterial in most instances, if you should be questioned at a Court proceeding at some future date as to the content of our discussion, you will be obliged to disclose the content of our discussion.

Name of guest: _____

CONSULTATION

Client agrees and understands that he/she has retained counsel only for an initial consultation and general advice regarding bankruptcy.

Client agrees and understands that the following conditions will apply unless Client enters into a further written agreement with attorney regarding additional representation:

1. Attorney has been paid \$0 for up to one hour of consultation regarding bankruptcy. Additional consultation time for other matters shall be paid at the rate of \$350.00 per hour. In the event that Client retains the attorney, this initial hour shall be billable on any fee application to any court.
2. Attorney will not file any documents in Court, initiate any complaints or charges, or contact any witnesses for Client until and unless the client has signed a fee agreement and paid the minimum payment required on the fee agreement.
3. Client may not rely on Attorney to meet deadlines or initiate any action to defend Client's interests or to protect Client's rights until and unless the client has signed a fee agreement and paid the minimum payment required on the fee agreement.

TO RETAIN THE FIRM FOR ONGOING SERVICES

1. Make payment consistent with the fee agreement provided to you by the attorney.
2. *No services will be provided* without a signed fee agreement and receipt of the minimum payment required on the fee agreement.

Client's Signature

Date



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NOTICES REQUIRED BY THE BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

Effective October 17, 2005, the Bankruptcy Code was amended to attempt to alter the relationship between attorneys and clients. Particularly, the clients are described as “assisted persons” and attorneys are called to be “debt relief agency.” Among these changes are the requirement that I provide you with mandatory forms as set out in the new legislation. These are attached in the format required by the legislation. Additionally, I am to describe my law practice as a “debt relief agency.”

This legislation (sponsored at great expense by the lobbyists and executives of the consumer credit industry) shall not dissuade me from rendering advice as *your attorney* and information to which you are entitled to by benefit of being *my client*. I quote a prominent Bankruptcy Judge on this point, [the new legislation provisions] “require debt relief agencies to give notices and warnings that are not relevant in many of the circumstances in which they must be given, that will be false in some required contexts and that **are just mean and scary for no obvious benefit.**”¹

Particularly, I question the assertion that filing a bankruptcy is “routine.” I advise you to question me about any provision of these forms that contradicts anything that I may have said to you.

Attached are three forms that I must prove that I provided to you within three days of first meeting with you. I ask that you sign these documents, where flagged, along with the second page of your consultation form. **COPIES OF ALL OF THESE DOCUMENTS WILL BE PROVIDED TO YOU.**

YOU ARE REQUIRED TO PARTICIPATE IN A CREDIT COUNSELING SESSION AND GET A CERTIFICATE OF ATTENDANCE within 180 days before filing a bankruptcy petition. This session can be in person, by phone or the internet. If a debt repayment is developed, I also need a copy of that document. The next document is a list of credit counseling agencies approved for the District of Arizona. To my knowledge, none of them have Arizona locations. Their services can be accessed via internet or phone. The price ranges from \$30 to \$50.

¹Emphasis added. Quote is from Hon. Keith M. Lundin, “Ten Principles of BAPCPA: Not What Was Advertised,” American Bankruptcy Institute Journal, Vol. XXIV, No.7, page 69.

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IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. **THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST.** Ask to see the contract before you hire anyone.

The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a 'trustee' and by creditors.

If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.

Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.

I received this document on: _____

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DISCLOSURE PURSUANT TO 11 U.S.C. §527(A)(2)

In presenting information to me to prepare your Bankruptcy Filing and in reviewing your filings and schedules before they filed with the Court, you must comply with the following.

1. All information that you are required to provide with your bankruptcy petition and thereafter during the Bankruptcy case is required to be *complete, accurate, and truthful*;

2. All assets and all liabilities are required to be completely and accurately disclosed. The replacement value of each asset – defined as the price that a merchant would charge for property of that kind considering its age and condition -- must be stated in those documents where requested *after reasonable inquiry* to establish such value;

3. All information regarding your current monthly income, the deductions from your pay, your currently monthly expenses, the balances on your secured debts, priority debts (ie. tax debts) and unsecured debts, and, are required to be stated *after reasonable inquiry*, and

4. The information that you provided during your case may be audited pursuant, and the failure to provide such information may result in dismissal of the case or other sanction, including a criminal sanction.

I received this document on: _____

UNITED STATES BANKRUPTCY COURT

**NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b)
OF THE BANKRUPTCY CODE**

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

(1) Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

(2) The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$220 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$274)

(1) Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a “means test” designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

(2) Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

(3) The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

(4) Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$150 filing fee, \$39 administrative fee: Total fee \$189)

(1) Chapter 13 is designed for individuals with regular income who would like to pay all or part of

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Page 2 their debts in instalments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

(2) Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

(3) After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

(3) Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of [Non-Attorney] Bankruptcy Petition Preparer

I, the [non-attorney] bankruptcy petition preparer signing the debtor's petition, hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

Name and title, if any, of Bankruptcy Petition Preparer

person, or partner of the bankruptcy petition preparer.) (Required X
by 11 U.S.C. § 110.) Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Printed
Social Security number (If the bankruptcy petition Address:
preparer is not an individual, state the Social Security
number of the officer, principal, responsible

Certificate of the

Debtor I (We), the debtor(s), affirm that I (we) have received and read this notice.

Printed Name(s) of Debtor(s)

X _____
Signature of Debtor Date

Case No. (if known) _____

X _____
Signature of Joint Debtor (if any) Date