

MICHAEL SEAY WILSON, ESQ.
ATTORNEY AT LAW

FEE AGREEMENT FOR A CONSULT IN BANKRUPTCY ACTIONS

The following is this office's fee agreement with you in regard to your bankruptcy consult:

1. **Fees.** The minimum fee that this office will charge you for a one hour consult is \$150.00. Services rendered in excess of one hour will be at the rate of \$150.00/hour. Services include an analysis of your financial situation and rendering advice to you in determining whether to file a petition in bankruptcy,
2. You agree to provide the following:
 - a. A summary of all payments from each employer of the debtor or other evidence of any payment or income received within the past 60 days.
 - b. Copies of your Florida photo identification and social security card.
 - c. A completed Means Test Income and Expense Form (attached).
 - d. A completed Initial Consult Form (attached).
3. You hereby acknowledge receipt of the following:
 - a. Statement and Disclosures required by 11 U.S.C. 527 (attached).
 - b. Descriptions required by 11 U.S.C. 342(b)(1) (attached).
4. You understand that you may be required to obtain the following prior to filing bankruptcy, and that you are obligated to obtain them directly from the IRS and the approved providers, therefore you may wish to proceed with obtaining them now to avoid delay:
 - a. A copy of the federal income tax return or transcript of the return (at the debtor's option) for the last three years.
 - b. A certificate from an approved credit counseling agency describing the services provided, and any debt repayment plan developed with the agency within 180 days of the bankruptcy filing.
5. You acknowledge that we have made no guarantee whatsoever to you regarding the disposition or outcome of this matter and explanations relevant to it are the opinions of this office only.
6. By executing this agreement, you are not obligated to retain the undersigned attorney, and said attorney is not obligated to accept representation of you in this matter. If client retains attorney, then the consult fee will be deducted from the quoted bankruptcy fee.

DATED this ____ day of _____, 2005.

THIS AGREEMENT WAS READ, APPROVED, AND ACCEPTED.

MICHAEL S. WILSON, ESQUIRE

(Potential Client(s))

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MEANS TEST INCOME AND EXPENSES

Are you a disabled veteran whose indebtedness occurred primarily during a period in which you were on active duty or while you were performing a homeland defense activity? YES NO MAYBE (Circle answer)

INCOME (last 6 month average beginning last month looking back)	DEBTOR	SPOUSE
Gross wages, salary, tips, bonuses, overtime, commissions.	_____	_____
Net Income from the operation of a business, profession, or farm.	_____	_____
Net rent and other real property income.	_____	_____
Regular contributions to the household expenses	_____	_____
Unemployment compensation that is not Social Security	_____	_____
Income from all other sources EXCEPT Social Security		
_____	_____	_____
_____	_____	_____
Sub-Totals	_____	_____
TOTAL		_____
Minus Spouse's income that was NOT regularly contributed to the household expenses		- _____
BALANCE		_____
EXPENSES (average monthly)		
Taxes other than real estate and sales taxes		_____
Mandatory payroll deductions		_____
Term life insurance premium		_____
Court-ordered payments		_____
Education for employment or for a physically or mentally disabled child		_____
Childcare expenses not including education expenses		_____
Unreimbursed healthcare expenses not paid by health savings account		_____
Telecommunication services for health & welfare of you & dependents		_____
Health Insurance premium		_____
Disability Insurance premium		_____
Health Savings Account contribution		_____
Continued contributions to the care of household or family members		_____
Protection against family violence under FVPSA		_____

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Home energy costs (will deduct IRS standard later) _____

Education expenses for dependent children less than 18 years old <\$125/child _____

Food and clothing expense (will deduct IRS standard later) _____

Continued charitable contributions _____

Other expenses required for the health and welfare of you and your family _____

OTHER DEBT

Secured Payments	Payment	# Remaining
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Past due payments on secured claims		Cure Amount
_____		_____
_____		_____
_____		_____
Priority claims (See description below)		Balance
Taxes		_____
Support arrearage		_____
Other _____		_____

Priority Claims

1. Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned.
2. Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief.
3. Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$10,000* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first.
4. Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first.
5. Claims of certain farmers and fishermen, up to \$4,925* per farmer or fisherman, against the debtor.
6. Taxes, customs duties, and penalties owing to federal, state, and local governmental units. (Except income taxes due for more than 3 years unless abated.)
7. Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution.
8. Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance.

* Amounts are subject to adjustment on April 1, 2007, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

BE PREPARED TO PROVIDE DOCUMENTATION TO SUPPORT EXPENSES.

Michael Seay Wilson, Esq.
Attorney and Counselor at Law

Name: _____ Address: _____ Tel.# _____

PRELIMINARY QUESTIONNAIRE

MONTHLY INCOME:

	YOU	SPOUSE
Current monthly NET wages, salary, and commissions (prorate)	\$ _____	\$ _____
Regular income from operation of business or profession or farm	\$ _____	\$ _____
Income from real property	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____
Alimony, maintenance or support payments	\$ _____	\$ _____
Social security or other government assistance	\$ _____	\$ _____
Pension or retirement income	\$ _____	\$ _____
Other monthly income	\$ _____	\$ _____
TOTAL MONTHLY INCOME	\$ _____	\$ _____

TOTAL COMBINED MONTHLY INCOME \$ _____

EXPENSES: If a joint bankruptcy is to be filed and your spouse maintains a separate household, you should complete the separate column of expenditures labeled "Spouse".

	YOU	SPOUSE
Rent or home mortgage payment (include lot rented for mobile home)	\$ _____	\$ _____
Are real estate taxes included? Yes _____ No _____		
Is property insurance included? Yes _____ No _____		
Utilities: Electricity and heating fuel	\$ _____	\$ _____
Water and sewer	\$ _____	\$ _____
Telephone	\$ _____	\$ _____
Other _____	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____
Transportation (not including car payments)	\$ _____	\$ _____
Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Charitable Contributions	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage pymt)	\$ _____	\$ _____
Homeowners' or renters'	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Auto	\$ _____	\$ _____
Other _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in home mortgage pymt)	\$ _____	\$ _____
Installment payments: (In chapter 13 cases, do not list payments to be included in the plan)		
Auto	\$ _____	\$ _____
Other _____	\$ _____	\$ _____
Other _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Payments for support of additional dependents not living at your home	\$ _____	\$ _____
Regular expenses from operation of business, profession, or farm	\$ _____	\$ _____
Other _____	\$ _____	\$ _____
TOTAL MONTHLY EXPENSES	\$ _____	\$ _____

TOTAL COMBINED MONTHLY EXPENSES \$ _____

DISPOSABLE INCOME (INCOME-EXPENSES) \$ _____

Asset Information: What you own or may have an interest in.

1. **Real Estate equity analysis.** For each property you own, you should list:
 - A. The tax assessed value or quick sale value if higher;
 - B. Mortgage principal balance and any arrearage if in default;
 - C. The same info for any other equity loans or liens on the real estate;
 - D. Indicate whether owned individually or with others, and percentage ownership:

Value	Description	Mtg Balance	Mtg Arrearage	I/J/Other
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2. **Personal Property:**
 - A. Recent balances for all financial accounts;
 - B. IRA, pension or Profit Sharing Plan balances;
 - C. Bluebook wholesale and retail value for vehicles;
 - D. Pawn shop value for jewelry and other valuables;
 - E. Yard sale value of major items in your home that you could sell;
 - F. Life insurance policy cash surrender value.

Value	Description	Lien Balance	Lien Arrearage	I/J/Other
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Liability Information: Who you owe or might owe. List name & amount owed:

1. **Secured Creditors:** Creditors who can take property if you fail to pay.
 - A. List of your secured creditors and identify the collateral securing the loan;
 - B. The principal balance due to the creditor.

Property	Name	Balance	Arrearage	I/J/Other
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2. **Priority Creditors:** There are others, but usually they are:
 - A. Agency & amount of outstanding taxes; real estate taxes or income taxes;
 - B. Name & amount of outstanding alimony or child support:

Agency	Description	Balance	Lien Filed?	I/J/Other
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3. **Unsecured Creditors:** All others (credit cards, personal loans, medical bills, etc.).

Name	Description	Balance	Suit Filed?	I/J/Other
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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.

[Statement contained in and required by 11 USC 527(b).

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Disclosures Required by 11 USC 527

All information that you are required to provide with a petition and thereafter during a case under this bankruptcy law is required to be complete, accurate and truthful;

All assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined Section 506 must be stated in those documents where requested after reasonable inquiry to establish such value;

Current monthly income, the amounts specified in Section 707(b)(2), and in a case under Chapter 13 of this title, disposable income (determined in accordance with Section 707(b)(2)), are required to be stated after reasonable inquiry; and

Information that you provide during your case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the case under bankruptcy law or other sanction, including criminal sanctions.

To value assets at replacement value, either hire an experienced used property appraiser or go to several flea markets or used property stores and determine what similar items are being sold for at these retail outlets. Garage sales should no longer be used since these may not constitute a retail outlet.

To determine current monthly income, the amounts specified in [section 707\(b\)\(2\)](#) and, in a chapter 13 case, how to determine disposable income in accordance with [section 707\(b\)\(2\)](#) and related calculations, obtain and complete Forms B22A (Chapter 7) and B22C from the EOUST's website at <http://www.usdoj.gov/ust/bapcpa/defs/index.htm> . I will be assisting you with this at the consult based upon the information you provide.

To complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; the easiest way is to obtain a recent credit report from all 3 reporting agencies at <https://www.annualcreditreport.com/cra/index.jsp> . My office can obtain a credit & asset report for you with your authorization and payment of the required fee. Of course, you should list any other creditor your own records reveal as set forth in their most recent correspondence to you.

To value exempt property at replacement value as defined in [section 506](#), follow the instructions above. To determine what property is exempt is difficult for a laymen and constitutes legal advice since you must apply various laws to your individual facts. Therefore, the easiest thing is to seek the advice of an attorney, such as myself.

I have read and understand the above statement.

Signed _____

Date: _____

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 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.

