

CHECKLIST # 16PRE-MOC CONFERENCE WITH CLIENT¹: DATE OF MOC: _____ TIME: _____

PERSON DOING CLIENT INTERVIEW: _____

DATE OF REVIEW: _____ by phone office conference website**A: EXPLAIN WHAT HAPPENS**

- Remind debtor of date, time, and location of meeting
- Room full of other people who have filed bankruptcy
- Both debtor and joint-filing spouse must attend (if applicable)
- Trustee will swear debtor(s) under oath and ask questions about financial circumstances
- Go over Trustee's questions checklist (from Trustee's Handbook) (attached)
- Be prepared to explain any
- Unusual circumstances, transactions, expenses, income, etc.
 - Recent changes in circumstances
 - Projected changes in circumstances

 Answer fully and honestly Creditor may attend and ask questions**B: PRIOR TO THE MEETING OF CREDITORS**

- No later than **7 days** before MOC provide trustee with **most recent federal tax return**. § 521(e)(2)(A).
- Chapter 13 only**: must file all required state and federal tax returns for 4 periods preceding period in which the chapter 13 was filed. § 1308. Not applicable (this is a chapter 7).

C: WHAT CLIENT MUST BRING TO THE MEETING OF CREDITORS**Fundamentals Part 10 / Bankruptcy Rule # 4002(b)**CLIENT IS: Single Married filing individually Married filing jointly

NOTE: If married and filing jointly – each spouse must bring applicable documents.

REQUIRED N/A

- Photo identification** for myself (and spouse if joint filing) such as a driver's license, passport, or similar document.
- Document showing **social security number**

¹ Suggestion: This interview should be done at least 10 days before the meeting of creditors.

- Most recent pay-stub** or other evidence of income
- Most recent **bank statements** for all bank accounts and other if applicable: Rule 4002(b)
- Documentation of any **unusual expenses** (checks, credit card statements, invoices)
- Chapter 13 only**: evidence debtor is current on **post-petition support payments**
- Other documents **requested by trustee** (see example: Trustee's Checklist, attached)
- Other**: _____
- Tax return**: I agree to I have given the trustee a copy of my most **recent required, filed federal tax return no later than 7 days** before the meeting of creditors.

NOTES: _____

CLIENT ACKNOWLEDGMENT:

I am the debtor in this case. I acknowledge that my attorney (and or paralegal) has reviewed the above description of what happens at the meeting of creditors, my duties regarding the same, and the above list of documents that I must bring to the meeting of creditors and I have been given a copy of this checklist. I promise to bring copies of the same to the meeting of creditors, and provide my attorney (and or paralegal) with copies, or notify him/her before the meeting if I cannot produce one or more of the documents.

DATE: _____ **SIGNED (debtor):** _____

DATE: _____ **SIGNED (spouse²):** _____

BANKRUPTCY RULE # 4002

(b) Individual debtor's duty to provide documentation.

(1) Personal identification.

Every individual debtor shall bring to the meeting of creditors under § 341:

(A) a **picture identification** issued by a governmental unit, or other personal identifying information that establishes the debtor's identity; and

(B) evidence of **social-security number(s)**, or a written statement that such documentation does not exist.

(2) Financial information.

² If married and filing jointly

Every individual debtor shall bring to the meeting of creditors under § 341, and make available to the trustee, the following documents or copies of them, or provide a written statement that the documentation does not exist or is not in the debtor's possession:

- (A) **evidence of current income** such as the most recent payment advice;
- (B) **unless the trustee or the United States trustee instructs otherwise**, statements for each of the debtor's depository and investment accounts, including **checking, savings, and money market accounts**, mutual funds and brokerage accounts for the time period that includes the date of the filing of the petition; and
- (C) documentation of monthly expenses claimed by the debtor if required by § 707(b)(2)(A) or (B).

(3) Tax return.

At least 7 days before the first date set for the meeting of creditors under § 341, the debtor shall provide to the trustee a copy of the debtor's federal income tax return for the most recent tax year ending immediately before the commencement of the case and for which a return was filed, including any attachments, or a transcript of the tax return, or provide a written statement that the documentation does not exist.

(4) Tax returns provided to creditors.

If a creditor, at least 14 days before the first date set for the meeting of creditors under § 341, requests a copy of the debtor's tax return that is to be provided to the trustee under subdivision (b)(3), the debtor, at least 7 days before the first date set for the meeting of creditors under § 341, shall provide to the requesting creditor a copy of the return, including any attachments, or a transcript of the tax return, or provide a written statement that the documentation does not exist.