

CHAPTER 13 INTAKE CHECKLIST

FILING ISSUES

1. Reviewed income, expenses and feasibility _____
2. Is there going to be a major change in circumstances that will affect feasibility _____
3. Are there any previous filings that would preclude filing the case _____
4. Reason for filing a Chapter 13 case instead of a case under Chapter 7 _____
5. Client advised concerning availability of Chapter 7 _____
6. Is this a case where only one spouse should file _____. Reason _____
7. If only one spouse is filing, client advised of complications arising out of other spouses debt _____
8. Are there any emergencies that require that the case be filed within a particular time frame _____. Nature of emergency _____. Emergency deadline _____

PROPERTY ISSUES

1. Client told to get market analysis before case is filed _____
2. Client told to bring title, deeds to all property before case is filed _____
3. Client told that any equity in property that cannot be exempted will affect plan payment amount _____
4. Client is on the mortgages _____
5. There is no balloon payment due on the mortgages _____
6. If there is a balloon payment date due _____
7. If there is a balloon payment is the plan feasible _____, Proposed treatment of balloon _____
8. Other unusual mortgage terms _____. Proposed treatment of the mortgage _____
9. Amount of arrears on mortgage _____
10. Are there any leases that need to be assumed _____. Amount of arrears _____
11. Is client able to cure arrears on the lease at time of confirmation _____

CREDITOR ISSUES

1. Recent purchases on credit and recent cash advances
Date _____ Amount _____ Creditor _____ Item _____
2. Client advised not to borrow any more money _____
3. Client advised not to transfer any property before case is filed _____
4. Does client have student loans _____. Amount _____ Maturity date _____
Payment amount _____. Arrears _____. Treatment inside or outside plan _____.
5. Is the maturity date of the student loan after the last payment on the plan so arrears can be cured inside the plan and the regular payment can be paid outside the plan _____
6. Are there other debts that are not dischargeable in Chapter 13 _____. Proposed treatment _____
7. Does client have department store credit cards _____. Client advised that those obligations are secured _____

8. Does client have anyone that co-signed with him on the debts _____ Treatment of joint debt under plan _____

9. Reviewed estimated value of collateral to determine if a cramdown is appropriate _____.

10. If there is a cramdown Client advised how to adjust payment to trustee before the plan is confirmed and that pre confirmation secured creditor needs to be paid the regular monthly payment _____

11. Reviewed whether there are any likely objections to claims that need to be filed _____.

12. Do lien avoidance motions / complaints need to be filed _____

13. Are there any tax claims that need to be paid inside the plan _____

14. Does client have an installment plan with tax authorities that is better than plan _____

15. Are there any tax claims that are dischargeable _____

16. Are all tax returns filed _____. If not, client told to get them filed immediately _____

BUSINESS CASES

1. Is business viable _____

2. Is client paying all withholding taxes for employees _____

3. Is client paying estimated taxes and filing quarterly returns _____

4. Client advised of requirement to file operating reports _____

5. Client advised of ordinary course of business limitations in Chapter 13 _____

6. Client told to provide last 2 years of tax returns _____

TRANSFERS AND PREFERENCES

1. Payments to creditors of more than \$600 in the 90 days before case is filed

Creditor _____ Amount _____ Date _____

2. Payments to insiders within 1 year of filing.

Creditor _____ Amount _____ Date _____ Relationship _____

3. Gifts or transfers of property worth more than \$100.00 within a year of the filing

Transferee _____ Amount _____ Date _____

4. Gifts or transfers of more than \$1,000.00 within 3 years of filing

Transferee _____ Amount _____ Date _____

SEPARATION AND DIVORCE

1. If separated or divorced within last 3 years client told to provide separation agreement and divorce decree _____

2. Client told of limitations on dischargeability of marital obligations _____

3. Proposed treatment of alimony / marital property issues that need to be dealt with in the chapter 13 plan or budget _____

PAYMENTS AFTER CASE IS FILED

1. Reviewed clients obligation to pay secured creditors before and after case is filed and the consequences of not paying those obligations _____
2. Reviewed client's obligation to pay lease obligations before and after case is filed and the consequences of not paying those obligations _____
3. Reviewed clients obligation to pay plan payments after case is filed _____

INHERITANCE ISSUES

1. Client advised concerning duty to report any inheritance _____
2. Client advised to let those from whom he might inherit know that he is filing and that they should consult with a lawyer to insure proper provision is made in will (such as setting up a spendthrift trust) to protect inheritance _____

FEES AND EXPENSES

1. Client understands the fee arrangement and has signed the retainer agreement _____
2. Additional fees were explained and client initialed the additional fee disclosure _____