

U.S. BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

Pro Se Debtor's Guide



The Clerk's Office is prohibited by 28 U.S.C. § 955 from giving legal advice or assistance in the preparation of bankruptcy forms.

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Introduction

This guide is a general overview of consumer bankruptcy. It is intended to familiarize you with the legal process for a personal chapter 7, chapter 12 or chapter 13 bankruptcy.

Although the general concepts of bankruptcy law are simple, there are many exceptions and nuances to the law. If you chose to proceed without a lawyer, it is important you understand the law as it applies to your individual circumstances as well as your rights and responsibilities in a bankruptcy case.

This guide is not intended to advise you of your legal rights or responsibilities when filing a personal bankruptcy nor should it be used in lieu of obtaining legal representation.

Should I Declare Bankruptcy?

While every person's financial situation is unique, filing for bankruptcy may be appropriate for you if you are overwhelmed by your debt, unable to maintain your regular monthly payments for your mortgage or car loan, or struggling to deal with bill collectors. In general, filing bankruptcy will release you from the obligation to pay unsecured debt, like credit cards and personal loans, and provide the opportunity catch up on arrearages of secured debt, like a mortgage or car loan. The goal of a bankruptcy case is to provide a financial fresh start.

There are many myths and misunderstandings about bankruptcy. Before you file, it is important to understand the consequences that filing a bankruptcy case will have on your current financial situation and how a bankruptcy filing today may affect your ability to obtain credit in the future. The best way to get this information is to consult with a local attorney about your individual situation. Initial bankruptcy consultations are usually free.

How Do I Find a Bankruptcy Attorney?

The [New Hampshire Bar Association](#) operates three referral programs for people seeking legal assistance to file bankruptcy. Initial consultation for bankruptcy advice is typically free.

N.H. Lawyer Referral Service

The N.H. Lawyer Referral Service is a full fee referral program available to all income levels. Callers will receive an immediate referral to an attorney for a bankruptcy consultation. Initial consultation is usually free although the attorney may charge up to \$25 for an initial consultation. To obtain a referral, call 603-229-0002 or apply [online](#).

Modest Means Legal Program

The Modest Means Legal Program is designed for people who make too much money to qualify for free legal services but not enough money to afford to pay an attorney at the full rate. If eligible for this program, applicants will receive an immediate referral for a reduced fee bankruptcy consultation. To find out if you qualify for this program, call 603-715-3290 or apply [online](#).

Pro Bono Referral Program

The Pro Bono Referral Program connects low-income people with volunteer attorneys for free legal services. Pro Bono referrals are only available for Chapter 7 cases. To find out if you qualify for this program and to obtain an application, call 603-224-5387. To find out if you qualify for this program, call 603-229-0002 or apply [online](#).

Bankruptcy Court Location and Phone Number

Where do I file my bankruptcy petition and pleadings?

Filing Pleadings during regular business hours

Your bankruptcy petition and all court pleadings must be brought to the Bankruptcy Court Clerk's Office for filing. The Clerk's Office is located on the second floor of the Warren B. Rudman U.S. Courthouse. For further information, security requirements and directions to the Courthouse, please visit the Court [website](#).

The Clerk's Office is open to the public Monday to Friday from 8:30 a.m. to 4:30 p.m. The Clerk's Office is closed on [federal holidays](#).

Filing Pleadings after regular business hours

If you cannot make it to the Clerk's Office during regular business hours, the bankruptcy petition and court pleadings may be deposited in the [24-hour Drop Box](#) which is located outside

the south entrance of the James C. Cleveland Federal Building. The Cleveland Building is the building adjacent to the Warren B. Rudman U.S. Courthouse. The depository has a built-in time and date stamp. Be sure to time stamp the pleading itself and not just the envelope.

Filings Pleadings by Mail

If you cannot come in person, you may mail your bankruptcy petition and court pleading to the Clerk's Office for filing. Documents mailed to the Clerk's Office will be docketed for filing when received, or the first business day following the day received. The mailing address is:

United States Bankruptcy Court
ATTN: Bankruptcy Clerk of Court
Warren B. Rudman U.S. Courthouse
55 Pleasant Street, Room 200
Concord, NH 03301-3941

Bankruptcy Clerk's Office Phone Number

The Bankruptcy Clerk's Office phone number is 603-222-2600. Please feel free to call our office with non-legal questions.

Where do I go for my Bankruptcy Court hearing?

There is one bankruptcy court in New Hampshire where all hearings are held. The court is located in the Warren B. Rudman U.S. Courthouse, 55 Pleasant Street, Concord, NH 03301-3941. All bankruptcy hearings are held in Courtroom A in this building. You must pass through security to enter the building. For further information, [security requirements](#) and [directions](#) to the Courthouse are on the Court website.

Where do I go for the Meeting of the Creditors?

The Meeting of the Creditors is held in the James C. Cleveland Federal Building, 53 Pleasant Street, Room 3124, Concord, NH. The building is adjacent to the Warren B. Rudman Courthouse building. You will need to pass through security to enter the building.

Important Legal Resources and Forms

If you choose to proceed without a lawyer, it is important that you familiarize yourself with the following statutes and rules before you file your bankruptcy case.

[United States Bankruptcy Code](#)

[Federal Rules of Bankruptcy Procedure](#)

[National Bankruptcy Forms](#)

[Local Bankruptcy Rules](#)

[Local Bankruptcy Forms](#)

[Local Administrative Orders](#)

Hard copies of the Local Bankruptcy Rules and Forms are available at the Clerk's office upon request. Hard copies do not include any new rules or changes after December 1, 2017.

Failure to follow the statute and rules may result in adverse consequences, including loss of property, loss of the bankruptcy discharge and/or dismissal of your case.

Bankruptcy Vocabulary

One of the hardest parts about representing yourself is trying to understand the legal terms and phrases used by experienced professionals. The following are some of the common words and phrases you may hear throughout the course of your bankruptcy case.

Automatic Stay

From the moment your bankruptcy petition is filed, there is an instantaneous stop on all actions to collect any prepetition debt. This is commonly referred to as the Automatic Stay. The Automatic Stay applies to all creditor actions including collection phone calls, letters, e-mails, texts, lawsuits, foreclosures, repossessions, and utility shut-off. There are exceptions to the Automatic Stay but for the most part all creditor actions to collect prepetition debt must cease.

Bankruptcy Petition, Schedules, and Statements

Every person who files bankruptcy must complete a Bankruptcy Petition, Schedules, and Statements. [See Local Bankruptcy Rule 1007-1](#). The Bankruptcy Petition notifies the Court of your name and address and provides a summary of your finances. The Schedules and Statements are a more detailed report of your assets (things you own), your liabilities (what you owe), claimed exemptions (protected property), as well as your monthly income and expenses and a brief summary of your major financial transactions in the past two years.

The Bankruptcy Petition, Schedules, and Statements are signed under the pains and penalties of perjury and must be true and accurate to the best of your knowledge, information, and belief. Failure to include an asset on your Schedules or to reveal an important financial transaction, may have serious adverse consequences.

In addition to the Bankruptcy Petition, Schedules, and Statements, at the time of filing, you must provide the court with a verified master list of all your creditors. This is referred to as the List of Creditors or Creditor Matrix.

Bankruptcy Trustee

Every bankruptcy case is assigned a [Bankruptcy Trustee](#). The Bankruptcy Trustee is not a judge. The trustee is a lawyer who has been assigned the job to investigate your case to determine if there are any unprotected assets which can be sold for the benefit of the creditors. If you have an asset that is not protected by an Exemption, the Bankruptcy Trustee may sell the asset to pay a portion of what you owe to your creditors.

Certificate of Service

A Certificate of Service must be filed with every Pleading filed in a bankruptcy case. A Certificate of Service is a statement by you certifying that you mailed the pleading to all interested parties. The Certificate of Service must state (a) that you delivered the pleading to all interested parties; (b) how the pleading was delivered (first class mail, certified mail, etc.), (c) the date the pleading was delivered and (d) the name and complete mailing address of every person or entity to whom you delivered the pleading. Failure to file a Certificate of Service may result in denial of the requested relief. [See Local Bankruptcy Rule 7103](#).

Confirmation Hearing

In every Chapter 12 and Chapter 13 case, the Court will hold a hearing to review your Reorganization Plan to make sure it meets all the requirements of the Bankruptcy Code. This is called the Confirmation Hearing. You are required to send a notice to all creditors of the date and time of the Confirmation Hearing. [See Local Bankruptcy Rule 3015-3](#).

Conversion

If you file bankruptcy under one chapter, you may be able later to change or convert your case to another chapter.

Creditor Matrix or List of Creditors

At the time of filing, in addition to the Bankruptcy Petition, Schedules and Statements, you must provide the court with a verified master list of all your creditors. This is often referred to as the Creditor Matrix. The Creditor Matrix a list of all the people and entities to whom you owe money on the date the case is filed. The Creditor Matrix must be complete and accurate as the court will use the information to create a mailing list for your case. There are strict guidelines regarding the format, font and spacing of the list. [See Local Bankruptcy Rule 1007-2 and Local Bankruptcy Form 1007-2.](#)

Debtor

The Debtor is the individual who files for bankruptcy protection.

Discharge Order

The Bankruptcy Discharge Order is the court order that legally releases you from payment of prepetition debts and prohibits creditors from contacting you in any way regarding the collection of a prepetition debt even after your case has closed. Some debts, such as a guaranteed student loan, some federal taxes and child support payments are not discharged in a bankruptcy. It is important that you familiarize yourself with the various types of non-dischargeable debt as outlined in the Bankruptcy Code before you file to be sure a bankruptcy filing will help you.

In addition, if you have filed bankruptcy in the past and received a Bankruptcy Discharge Order, you may not qualify for another Bankruptcy Discharge Order unless there has been enough time between the two cases.

The bankruptcy judge may deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, lie, or disobey a court order.

Equity

Equity in an asset is equal to the value of the asset less the outstanding liens/mortgages on the asset. For example, if your home is worth \$250,000 and you have a \$225,000 mortgage, then you have \$25,000 of *equity* in your home.

Exemptions

When you file bankruptcy, the law allows you to retain certain assets to facilitate your “fresh start.” In New Hampshire, you may claim *either* the state exemptions or the federal

exemptions. Which set of exemptions you choose, depends on the value of the equity in your assets.

For example, in New Hampshire, under the state exemptions, each person is entitled to a \$120,000 homestead exemption. This means that \$120,000 of Equity in your home is protected from your creditors. The federal homestead exemption is \$23,675. If the value of your home is \$235,000 and your mortgage is \$135,000, then you have \$100,000 of Equity in your home. Under the state exemptions, your Equity is 100% protected. Under the federal exemptions only \$23,675 of your Equity is protected.

Other examples of assets that may be exempt or partially exempt under state or federal law are a vehicle, jewelry, bank accounts, retirement accounts and household furnishings. A list of common federal exemptions can be found at www.law.cornell.edu/uscode/text/11/522. A list of common New Hampshire state exemptions can be found at www.gencourt.state.nh.us/rsa/html/LII/511/511-2.htm.

To retain an asset, you must claim the Equity in the asset as “exempt” on your bankruptcy schedules. Failure to properly claim an exemption may result in the loss of the asset.

Means Test

The [Means Test](#) is an objective evaluation of a debtor’s ability to repay their creditors at least a portion of what is owed through a chapter 13 repayment plan. There are two parts to the Means Test. The first part of the Means Test determines if the debtor’s averaged annual income is over the [state median](#) for a family of similar size. If the debtor’s averaged annual income is *below* the state median income for a family of the same size, then the debtor “passes” the means test and may file either a chapter 7 or chapter 13 bankruptcy petition. If the average income is above the state median income for a family of the same size, the debtor must complete the second half of the means test which allows for the reduction of your monthly gross income by standardized deductions. Depending on the outcome of the Means Test, an over median debtor may only be able to file a chapter 13 case.

Pleading

A Pleading is any document other than the Bankruptcy Petition, Schedules and Statements that is filed in a bankruptcy case. Before you file a Pleading, you must [contact the courtroom deputy](#) to obtain a hearing date for your Pleading. Once you obtain the hearing date, you must file the original signed Pleading with the court along with a Notice of Hearing and Certificate of Service. See [Local Bankruptcy Rule 7103 and 7104](#).

Pro Se Debtor

A Pro Se Debtor is an individual who is files a bankruptcy case without an attorney.

Reorganization Plan (Chapter 12 and Chapter 13)

If you file a chapter 12 or chapter 13 bankruptcy, a Reorganization Plan must be filed with the Court when you file your Bankruptcy Petition, Schedules, and Statements. The Reorganization Plan must be in the format approved by the court or confirmation may be denied without hearing. See Local Bankruptcy Rule 3015-1 and Local Bankruptcy Form 3015-1A.

The Reorganization Plan states how much you propose to pay to the Bankruptcy Trustee each month and to whom you would like the Bankruptcy Trustee to pay with that money. The Reorganization Plan must pay all or a portion of your debts as required by the Bankruptcy Code. The term of the Reorganization Plan must be between 3-5 years. You must commit all your disposable income for the term of the Reorganization Plan. It is the Debtor's responsibility to send a copy of the Reorganization Plan and a Notice of the Confirmation Hearing to all creditors. See [Local Bankruptcy Rule 3015-3](#) and [Local Bankruptcy Form 3015-1B](#).

Trustee Meeting/Meeting of the Creditors

Between 20-45 days from the date of filing, the Bankruptcy Trustee will hold a Meeting of the Creditors at the [Cleveland Building](#) in Concord. The date and time of your Meeting of the Creditors will be on the Notice of Bankruptcy Filing. All creditors listed in your Creditor Matrix will receive a notice of the date and time of the meeting, however, it is rare for a creditor representative to attend the meeting.

At the meeting, the Debtor must answer questions of the Bankruptcy Trustee, under oath, about his or her finances and Bankruptcy Petition, Schedules, and Statements. If you file a Chapter 12 or Chapter 13 case, the Bankruptcy Trustee will also ask you about your Reorganization Plan.

If you cannot attend the scheduled meeting due to an unreconcilable scheduling conflict, call the Bankruptcy Trustee immediately to reschedule. If you fail to attend the Meeting of the Creditors without excuse or notice to the Bankruptcy Trustee, your case may be dismissed.

The Debtor must bring a paper copy of the signed Bankruptcy Petition, Schedules and Statements to the Meeting of the Creditors to give to the Bankruptcy Trustee.

Types of Bankruptcy

Chapter 7

The most common bankruptcy filed is a [Chapter 7](#), referred to as liquidation. Despite the name, most chapter 7 debtors may retain their belongings because they have a “no asset” case. A “no asset” case is a case where all assets owned by the debtor are protected by a properly claimed exemption. If your assets are not fully protected by the available exemptions, you may want to consider a chapter 13 case. Some people are precluded from filing a chapter 7 case because of the Means Test. See the Bankruptcy Glossary for additional information about the Means Test.

Chapter 11 (Subchapter V)

[Chapter 11](#) is designed primarily for the reorganization of a business but is also available to consumer debtors. The provisions of chapter 11 are quite complicated. *This pamphlet does not address the rights and responsibilities of a chapter 11 debtor.* Any decision for an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12

Only a family farmer or a family fisherman may file a [chapter 12](#) bankruptcy. You are only eligible for a Chapter 12 case if 80% of your gross income is from farming and the majority of your debts arose out of a farming operation. In addition, your debts may not exceed certain dollar amounts set forth in the Bankruptcy Code.

When you file a Chapter 12 case, in addition to the Bankruptcy Petition, Schedules and Statements, you must file a Chapter 12 Reorganization Plan. The plan spells out how you will repay your creditors all or a portion of your debts using your future earnings. The Reorganization Plan must be approved by the Court.

In a chapter 12 case, a Bankruptcy Trustee is appointed who will collect your Chapter 12 plan payments from you and pay your creditors as set forth in your Reorganization Plan.

Chapter 13

Only individuals with a regular income may file a [chapter 13](#) bankruptcy. Your income may be from any source such as wages, self-employment income, rental income, alimony, child support, retirement income or Social Security. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

In a chapter 13 case, the Debtor must propose a three to five-year repayment plan to pay back all or a portion of your debts using your future earnings. This is called the Chapter 13

Reorganization Plan. The Reorganization Plan must be approved by the Court. If you are behind on your home mortgage or car payments, you may catch up the arrearage in a Chapter 13 Reorganization Plan.

In a chapter 13 case, a Bankruptcy Trustee is appointed who will collect your Chapter 13 plan payments from you and pay your creditors as set forth in your Reorganization Plan.

Debtor's Responsibilities

A bankruptcy debtor has significant responsibilities throughout the bankruptcy case. Failure to fulfill these responsibilities may result in the dismissal of your case. The following is a list of some of the debtor's responsibilities.

Pre-Bankruptcy Counseling

Every individual debtor must receive pre-bankruptcy counseling within 180 days prior to filing a case. Upon completion of the counseling, the debtor will receive a certificate of credit counseling which must be filed with the Court when the case is filed. The counseling requirement may be waived or deferred under very limited circumstances. Counseling may be obtained in person, online or by telephone. The United States Trustee maintains a [list of approved credit counseling agencies](#).

Change of Mailing Address

If you change your mailing address before your case closes, you must notify the Court of your new mailing address. [See Local Bankruptcy Rule 4002-2](#). If the Court has the wrong mailing address, you will not receive notices or pleadings in a timely manner. Failure to notify the Court of an address change may result in dismissal of your case, loss of rights or other sanctions as the Court may deem appropriate.

Submission of Documents to Bankruptcy Trustee

Debtors are required to provide certain financial documentation to the Bankruptcy Trustee. Shortly after your case is filed, the Bankruptcy Trustee will contact you regarding the list of documents requested. The list of documents will include a copy of your most recent federal tax return and copies of all payment advices or wage statements for income received in the 90 days before your case was filed. All documents must be submitted to the Bankruptcy Trustee at least 7 days prior to the first date set for the Meeting of Creditors. Failure to provide the requested documents may result in dismissal of your case.

Personal Financial Management Certificate

To receive a Discharge, the Debtor must complete a Personal Financial Management Course and file a copy of the certificate of completion with the Court. In a Chapter 7 case, you may take the course as soon as your case is filed or no later than 60 days following the first date set for the Meeting of the Creditors. In a Chapter 13 case, you must take the course and file the certificate no later than the date when the last plan payment is made. The course is available in-person, by telephone and online. The United States Trustee maintains a [list of approved providers](#).

If you fail to file a debtor education certificate, the Court will close the bankruptcy case without issuing the Bankruptcy Discharge Order which means you will remain liable for all your prepetition debts notwithstanding the bankruptcy filing.

Amendments to Schedules

Sometimes schedules and statements need to be amended after the case has been filed. Filing an amendment is a complicated process which must be followed exactly to ensure proper notice to your creditors of the changes to your bankruptcy schedules. The Local Bankruptcy Rules set forth the requirements when filing an amendment. [See Local Bankruptcy Rule 1009-1](#). It is important to familiarize yourself with the local procedure and forms when filing an amendment or your amendment may be stricken by the court. There is a filing fee when certain schedules are amended.

Attendance at Meeting of the Creditors

You are required to attend the Meeting of the Creditors. Before the meeting begins, you must verify your identity to the Bankruptcy Trustee. To do this, the Bankruptcy Trustee will request you provide two sources of identification. One should be a photo ID, such as your driver's license and the second must contain your name and your full Social Security number. Examples include your Social Security card, an annual Social Security Statement or an employer issued tax form W-2 or 1099-A.

You also must bring a signed copy of your Bankruptcy Petition, Schedules and Statements to the meeting which you will give to the Bankruptcy Trustee.

Bankruptcy Filing Fees

There is a [filing fee](#) due when you file a bankruptcy case. Filing fees are not refundable. Pro Se Debtors may pay by cash or money order only. Money Orders must be payable to “Clerk, U.S. Bankruptcy Court”. Cash must be exact amount. Personal checks or credit cards are not accepted. Fees are periodically amended by Congress.

[Payment of Filing Fee in Installments](#). If you cannot pay the filing fee in full at the time of filing, you may request to pay the fee in up to four equal installments. Requests to pay the filing fee in installments must be submitted when the bankruptcy petition is filed. Minimum payment for the first installment is 25% of the total filing fee. You must file your request to pay the filing fee in installments on [Official Form 103A](#) when you file your Bankruptcy Petition.

Waiver of Filing Fee. If your gross income is less than 150% of the [poverty level](#) for a similar family size, you may qualify to waive the chapter 7 filing fee. You must file your Application to Have the Chapter 7 Filing Fee Waived on [Official Form 103B](#) when you file your Bankruptcy Petition.

Frequently Asked Questions

Where can I get the forms to file bankruptcy?

The Clerk’s office will provide a copy of the forms for a fee or you may download the [forms](#) for free.

Why won’t you give me advice about my case or what chapter to file?

Federal law prohibits the Clerk’s office staff from giving legal advice or assisting with the preparation of the forms. We are not attorneys. Free and low-cost legal assistance is available to New Hampshire residents. Please review New Hampshire Legal Services section or visit the New Hampshire Bar [website](#) for more information and assistance.

When am I under bankruptcy protection?

If this is the first bankruptcy petition you have filed, the automatic stay goes into effect when your petition is time-stamped by a member of the Clerk’s staff or when you petition is deposited in the overnight deposit box. If you have filed at least one other bankruptcy within the past year of the current filing, the automatic stay may not apply. You should consult with an attorney for legal advice.

How does a bankruptcy affect my credit rating?

A bankruptcy will be reported on your credit report for 10 years after filing however you may and should begin rebuilding your credit almost immediately after filing. The New Hampshire

Department of Justice [Consumer Sourcebook](#) is a great starting place to begin your education about credit and credit reporting.

Why do I have to pay a filing fee?

Federal law requires a fee to be charged to file a bankruptcy petition. [11 U.S.C. §1930](#). There are other times you may be charged a fee to file a pleading in a bankruptcy case, as well.

Does the Court ever waive the filing fee?

If your income is less than 150% of the poverty level for your family size, the Court may waive the payment of your filing fee. Please see the Bankruptcy Filing Fee section for more information.

Can I pay the fee in installments?

The Court routinely grants requests to pay the filing fee in installments, typically in four equal installments. Please see the Bankruptcy Filing Fee section for more information.

When will my creditors receive notice of my bankruptcy?

The Clerk's office will mail a Notice of Bankruptcy Filing to all the creditors on your Creditor Matrix on the same or next business day of your filing. You will also receive a Notice of Bankruptcy Filing in the mail. You can assume that your creditors received the Notice of Bankruptcy Filing at about the same time you do.

Can I add a creditor to my petition after the case has been filed?

You may add a creditor to your Bankruptcy Petition, Schedules and Statements by filing an Amendment to Lists and Schedules following the procedure set forth in [Local Bankruptcy Rule 1009-1, using Local Bankruptcy Forms 1009-1 and 1009-2](#). There is a fee to add an additional creditor to your Bankruptcy Petition.

When do I find out the Date and Time for my Meeting of the Creditors?

The date and time for your Meeting of the Creditors, the name and contact information for your Bankruptcy Trustee, your Bankruptcy Case Number, and important bankruptcy deadlines will be on your Notice of Bankruptcy Filing for [chapter 7](#), [chapter 12](#) or [chapter 13](#). It is important to review this notice carefully as it is essentially a roadmap of your bankruptcy case.

How long does it take to get a Bankruptcy Discharge?

Every case is different. Typically, the Bankruptcy Discharge will enter in a no-asset chapter 7 case within two weeks after the deadline for filing objections to discharge. You can find this date listed in your Notice of Bankruptcy Filing. You will receive a discharge in a chapter 12 or chapter 13 case when you complete your plan payments. Remember, you will not receive a Bankruptcy Discharge unless you complete the post-filing Financial Management Course and file the certification with the Court.

Will my creditors be notified of my Bankruptcy Discharge?

All creditors that were listed on your Creditor Matrix or added by amendment to your schedules will be notified of your Bankruptcy Discharge.

Conclusion

Filing a bankruptcy petition will provide you relief from overwhelming debt paving the way for a financial fresh start. It is, however, is a serious financial decision. Failure to follow the law and local rules may cause your case to be dismissed, jeopardize the automatic stay or affect your ability to obtain a discharge. It is important to fully understand your rights and responsibilities before you file your case.

This guide is intended to provide an introduction and overview of the bankruptcy process. It is not a comprehensive review of bankruptcy law and should not replace individualize advice from a lawyer.