

BANKRUPTCY  
WILLS & TRUSTS  
PERSONAL INJURY  
REAL ESTATE  
BUSINESS PLANNING  
INTERNATIONAL TAXATION



adrian lynn + associates, p.a.

Attorneys & Counselors at Law  
2080 Collier Ave.  
Fort Myers, Florida 33901  
239.332.3720/FAX: 941.866.9049  
info@adrianlynn.com

<http://www.adrianlynn.com>

## QUICK START GUIDE

### FORECLOSURE PROCESS

1. After 3-5 months of nonpayment, you receive a summons
2. Our office will prepare an ANSWER to the complaint for you (please notify us)
3. You will wait for the MOTION FOR SUMMARY JUDGMENT. (No one can predict when this will come - just wait)
4. Attend the hearing for the Motion for Summary Judgment (ask for 90-120 days additional time in your home)
5. SALE DATE - please move before this date

### DOCUMENTS NEEDED:

1. Tax Returns for the last 2 years
2. Paystubs for the last 6 months--a work printout will suffice
3. Bank Statements for the last 3 months (Ch 7 only)
4. Payoffs for all vehicles/boats (Ch 7 only)
5. Appraisal of vehicle if recommended (Key Frey 239-910-3549)
6. All debt statements (auto loans, mortgages, credit cards, medical bills, etc) regardless of whether you are "keeping" something

### BANKRUPTCY PROCESS

1. Initial consultation with us
2. Decide whether to file and which bankruptcy chapter
3. Provide documents to our office
4. Take the pre-filing class at [www.consumerbankruptcy counseling.info](http://www.consumerbankruptcy counseling.info)
5. Wait 10-14 days while we prepare the paperwork; signing at our office
6. Case is filed; receive §341 Notice of Meeting of Creditors; you MUST attend this meeting
7. Attend the §341 Meeting with your ORIGINAL SOCIAL SECURITY CARD and driver's license
8. Take pre-discharge course at [www.debtorwise.org](http://www.debtorwise.org). Send this to the court (see reverse for address). **You WILL NOT receive a discharge without this course.**
9. If there are not issues, receive discharge 60-90 days after §341 Meeting (Chapter 7)
10. Fill out a DSO form and send to the court (Chapter 13). Forms are available at <http://adrianlynn.com/forms.html>
11. Chapter 13 debtors receive a discharge after ALL payments are made to the trustee (typically 3-5 years)

#### ***Why am I getting foreclosure documents? I filed for bankruptcy.***

Bankruptcy concerns discharging debt obligations. It is NOT about returning real estate or other collateral to the creditor. PLEASE UNDERSTAND THIS DISTINCTION!

#### ***I received a foreclosure documents saying something about an affidavit of attorney fees. I filed for bankruptcy. Do I have to pay these attorney fees?***

No, the bank's attorneys are simply filing the affidavit so that they justify what they charged the mortgage company. You receive a courtesy copy of this.

#### ***What is a motion to lift stay?***

A creditor files this so that it can repossess or foreclose a secured asset. If you have agreed in a bankruptcy to keep paying for an asset, a creditor will not file this UNLESS you are behind on the payments.

#### ***I filed for Chapter 13. Do I have to complete the Domestic Support Obligation (DSO) form and the debtor education course?***

Yes. Without them, you WILL NOT get a discharge. Please go to <http://www.adrianlynn.com/forms/dsocert.pdf>.

***go to <http://www.adrianlynn.com> for more information***

This is the first notice you will receive from the court. You must read this entire notice. You MUST attend this meeting.

This is the notice for the Section 341 Meeting of the Creditors.

FORM B9A (Chapter 7 Individual or Joint Debtor No Asset Case) (12/07)

Case Number 9:10-bk-99999-ALP

UNITED STATES BANKRUPTCY COURT Middle District of Florida	
<b>Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, &amp; Deadlines</b>	
<p>A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on August 1, 2010. You may be a creditor of the debtor. <b>This notice lists important deadlines.</b> You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.</p>	
<b>See Reverse Side For Important Explanations</b>	
Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address): John L. Debtor 9732 Franklin Road Fort Myers, FL 33902	
Case Number: 9:10-bk-99999-ALP	Social Security/Taxpayer ID/Employer ID/Other Nos.: 123-56-7890
Attorney for Debtor(s) (name and address): Adrian R. Lynn Adrian Lynn & Associates, PA 2080 Collier Avenue Fort Myers, FL 33901 Telephone number: 239-332-3720	Bankruptcy Trustee (name and address): Robert L. Trustee Trustee 245 Anyway Road Fort Myers, FL 33902 Telephone number: 239-555-4355
<b>Meeting of Creditors</b>	
<p>Debtor(s) must present Photo ID and acceptable proof of Social Security Number at § 341 meeting. You are reminded that Local Rule 5073-1 restricts the entry of cellular telephones into the Courthouse.</p>	
Date: <b>September 4, 2010</b>	Time: <b>09:30 AM</b>
Location: <b>United States Courthouse Federal Bldg., 2110 First Street 2-101, Fort Myers, FL 33901</b>	
<b>Presumption of Abuse under 11 U.S.C. § 707(b)</b> <i>See "Presumption of Abuse" on reverse side.</i>	
The presumption of abuse does not arise.	
<b>Deadlines:</b>	
Papers must be received by the bankruptcy clerk's office by the following deadlines: <b>Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts:</b> <b>November 17, 2010</b>	
<b>Deadline to Object to Exemptions:</b> Thirty (30) days after the conclusion of the meeting of creditors.	
<b>Creditors May Not Take Certain Actions:</b>	
In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.	
<b>Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.</b>	
<b>Creditor with a Foreign Address</b>	
A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.	
<b>Address of the Bankruptcy Clerk's Office:</b> 801 N. Florida Ave., Suite 727 Tampa, FL 33602-3899 Telephone number:	<b>For the Court:</b> Clerk of the Bankruptcy Court: Lee Ann Bennett
<b>Hours Open: Monday – Friday 8:30 AM – 4:00 PM</b>	<b>Date: August 7, 2008</b>
Notice is further given that effective on the date of the Petition, the United States Trustee appointed the above named individual as interim trustee pursuant to 11 USC § 701.	

Case Number

Your name and address:

Very important instructions:

Cell phones are NOT permitted. Leave it in your car!

Projected discharge date (Chapter 7)

The court's address

Your trustee & address

You must have proof of social security number at the meeting

Your court date, time and location

© 2010 Adrian Lynn & Associates, P.A.

There are NO other court hearings/meetings to attend in most cases. There is no need to call your attorney. Your attorney will notify you if there are any more court hearings to attend.

***I received an unfavorable recommendation. Does this mean my case is over or not approved?***

No; this is merely a report of additional documents, amendments, or changes the trustee wants to see in the case. It is NOT a dismissal. There is NO reason to call us regarding this. The court sent us a copy as well.

***What's the status of my case?***

This question, while understandable from a debtor's point of view, cannot be answered. There are processes and procedures in a bankruptcy. Unlike a murder trial, there typically is no winning or losing part of the case. Bankruptcy involves some meetings, hearings and payments. Most of the time, the debtors need to stay in contact with their attorney if something changes but there is no official "status" of a case.

***I am getting a tax refund after I filed for bankruptcy. Can the trustee take that?***

Yes. Don't spend it. The earned income credit portion is always exempt from the trustee, however. Your attorney will let you know when and if you must give some of your tax refund to the trustee.