

A GUIDE TO BANKRUPTCY IN GEORGIA

“Helping people
get out of debt”

THE LAW OFFICE OF JEFFREY B. KELLY, P.C.

DISCLAIMER:

Any information contained within is intended for use as information only. It is not intended to be legal advice, nor should you make legal decisions based on this information. Please consult with me to see how the law applies to your particular situation.

We are a debt relief agency. We help people obtain relief from their creditors by filing for bankruptcy.

**Copyright © 2009 Northwest Georgia
Bankruptcy Attorney. All rights reserved.**

TABLE OF CONTENTS

Introduction	4
1. Chapter 7 – “Fresh Start”	5
2. Chapter 13 – “Catch your breath”	13
3. What Will Bankruptcy Get Rid Of?	20
4. Garnishments	26
5. Foreclosures	29
6. Will I Keep My _____?	32
7. How Long Does It Take to Get a Case Number?	37
8. Will I Have To Go To Court?	41
9. After Bankruptcy	47
10. Other Questions	51
11. Client Testimonials	57
12. What is Different About My Law Firm?	60
13. Office Information	62
14. Important Places	64

INTRODUCTION



The sole focus of my practice is consumer bankruptcy. I have been practicing consumer bankruptcy law since December 1998. In 1993, I graduated from Columbia University in New York City. While at Columbia, I was a member of the cross country and track teams. I graduated from Columbia with a Bachelors of Arts in political science. After graduation, I returned to Atlanta and worked as a case clerk for Alston & Bird for two years. In 1995, my beautiful wife and I moved to Knoxville so that I could attend the University of Tennessee College of Law where I received my Juris Doctorate. After law school, we moved back to Georgia.

I spent many years working for various high volume consumer bankruptcy firms. In May 2006, I decided to start my own firm. My main office is located in Rome, GA. My other offices are located in Kennesaw, Marietta, Dalton, Dallas and Cartersville.

My wife, four kids, and I currently attend Stonebridge Church in Marietta, Georgia. In my free time, I like to swim. Unfortunately, I blew out my back in my late 30s so I had to give up running. However, I still try to stay in shape by swimming at the YMCA in Rome.

1. CHAPTER 7 – “FRESH START”

WHAT IS CHAPTER 7 BANKRUPTCY?

Chapter 7 bankruptcy is also known as the “fresh start” provision of the bankruptcy code. It allows you to wipe out all of your debt and get a fresh start. In a Chapter 7 bankruptcy, we show the court that you are unable, based upon your budget, to pay the debt that currently hangs over you. Approximately 90 days after we file your Chapter 7 bankruptcy, you are granted a discharge, and you no longer owe the debt.

HOW MUCH DOES IT COST?

When you meet with me for a free consultation, I will quote you on a price for the Chapter 7. While a Chapter 7 bankruptcy is as simple in theory as described above, there are a number of factors to consider. For example, not every kind of debt can be discharged in a Chapter 7 bankruptcy.

DEBTS THAT CAN'T BE DISCHARGED IN A CHAPTER 7

Debts arising from drunk driving or intentional acts are not dischargeable in bankruptcy. Also, most student loans, child support, post-petition HOA fees, post-petition timeshare fees, and tax debts less than 3 years old cannot be discharged in bankruptcy. If you have secured debt (debt tied to collateral like a car note or a mortgage), you have to decide if you wish to keep the property. If so, you must reaffirm the debt which means you must continue to pay the debt so that you may keep the collateral.

WHAT IS A REAFFIRMATION AGREEMENT?

A reaffirmation agreement is basically a contract between you and your creditor. With a reaffirmation agreement, you agree to give up your Chapter 7 bankruptcy rights to wipe out the debt and legally treat the debt as if you have never filed bankruptcy. After a reaffirmation agreement is filed, the creditor that you have reaffirmed is now in a better position than they were before you filed because you can't file Chapter 7 bankruptcy against them for 8 years.

DOES THE CREDITOR HAVE TO LET ME REAFFIRM?

No. They are not required to let you reaffirm a debt, but almost always do when you are current on your payments. The reason for this is that you are putting them in a great position after you reaffirm. After filing Chapter 7 bankruptcy, the only debt you owe are the debts you reaffirm. You can't file Chapter 7 bankruptcy again for 8 years.

WHEN IS IT A BAD IDEA TO REAFFIRM A DEBT?

Reaffirm means you re-obligate yourself on the debt. Or, in other words, you legally agree to treat the debt as if you have never filed Chapter 7 bankruptcy against it. There are some situations where it is simply not in your best interest to reaffirm. Here are a few examples:

- Expected drop in income
 - If you are in a situation where you expect your income to drop in the near future, why would you ever want to reaffirm any car debt? You can file Chapter 7 only once every eight years. Why put yourself on the hook for some car payment if you know you won't be able to pay for it in a few months? The purpose of a Chapter 7 bankruptcy is to give you a fresh start.

- Unsecured debt
 - You should never reaffirm unsecured debts. An unsecured debt has no collateral that backs up the debt. Signature loans, medical debt, and credit card debt are examples of unsecured debts. Why would you want to weigh yourself down with some unsecured debt? Furthermore, there is a provision in most reaffirmation agreements where your bankruptcy attorney must sign stating that it is in your best interest to reaffirm. Reaffirming an unsecured debt is never in your best interest.

- If you are a co-signer on the loan
 - Another type of debt you should never reaffirm is a loan where you are listed as a co-signer. In most Chapter 7 situations, the debtor cannot afford to pay for a co-signed loan.

WILL THE CHAPTER 7 TRUSTEE COME TO MY HOUSE?

No. I have been practicing since 1998, and I have never heard of a case in Georgia where the Trustee actually went to a person's house. It is possible that a Chapter 7 Trustee will send a real estate expert to drive by your house if they think you have not listed an honest value for the house in the Chapter 7 petition.

WHAT IS THE MEANS TEST?

The means test is a formula used to determine whether your income is low enough for you to file Chapter 7. While you do not have to be penniless to pass the means test, there is a limit to the amount of income you can make and still be able to file Chapter 7. Basically, if you have made more money in the past six months than an average family of your size, you might not be eligible to file Chapter 7 bankruptcy. Chapter 13 bankruptcy might be your only option under the Bankruptcy Code.

When someone has been unemployed for the past six months, there is almost zero chance that they will flunk the bankruptcy median income test. In contrast, once they go back to work and get six months of solid income under their belts, some potential Georgia bankruptcy filers will be disappointed to discover that they now no longer qualify to file Chapter 7 but must instead file a Chapter 13 and pay back their creditors. To give you an answer about your particular situation, I need to review your last six months pay stubs.

WHAT IS A DISCHARGE?

A discharge is a court order that says you do not have to repay your debts. The filing of a Chapter 7 bankruptcy is designed to result in a discharge of most of the debts you list on your bankruptcy schedules. Typically, a debtor will receive a discharge within four months of the filing of the case. A person may receive a Chapter 7 discharge once every eight years.

There are a number of exceptions to a discharge. For example, debts which may not be discharged in your Chapter 7 are most taxes, child support, alimony, student loans, court ordered fines and restitution, debts obtained through fraud or deception, and personal injury debts caused by driving while intoxicated or taking drugs. Your Chapter 7 discharge may be denied entirely if you destroy or conceal property; destroy, conceal, or falsify records; or make a false oath.

A creditor can challenge a discharge of their debt by filing a Complaint to Determine Dischargeability. If the creditor wins the lawsuit against you, the debt not be discharged. If a creditor who was discharged in your Chapter 7 tries to collect from you after the discharge is granted by the bankruptcy court, you will have a claim against that creditor. Creditors cannot request you to pay any debts which have been discharged in your Chapter 7 bankruptcy.

In some situations a debtor may choose to voluntarily pay back a creditor who was discharged in a Chapter 7. I have seen this happen with clients who owe money to a doctor that they really like and want to continue to see after the bankruptcy case is closed. The repayment of discharged debt must be completely voluntary on the part of the debtor.

WHAT IS A CHAPTER 7 PREFERENCE PAYMENT?

A preference payment is a payment to a creditor that can be recovered by a Chapter 7 Trustee and redistributed to all creditors to avoid the preferential or unfair payment to the single creditor. This is the trap that catches most people. An example of a preference payment is repaying a loan to a family member.

I recently met with a client who was distraught because of something she read on the internet. She thought that she was barred from filing Chapter 7 bankruptcy because she used her \$1,000.00 tax refund to repay a loan from her mother. Any payment to a relative is always going to be a red flag to a Chapter 7 Trustee. In her situation, she clearly made a preferential payment to her mother. However, she was mistaken to believe that this payment barred her from filing a Chapter 7 case.

Since she was unemployed and had no source of income, she knew that she could not file a Chapter 13 bankruptcy. For weeks, she endured the nightmare of harassing phone calls and threatening letters from various creditors. After the Floyd County Sheriff drove up to her house and delivered a creditor collection lawsuit, she had decided that she had to do something. Finally, she broke down to come meet with me and see if there were any options. In tears, she explained her situation to me.

After listening to her story, I asked, “Could your mother pay that \$1,000.00 to the Chapter 7 Trustee.”

“That would not be a problem at all,” she replied.

“Why not file Chapter 7 and then let your mother cut a check to the Chapter 7 Trustee for the \$1,000.00?”

“We can do that?” she asked.

“Yes we can.” I replied.

Reading about Chapter 7 bankruptcy before you meet with an attorney is a great idea. However, don't let something you read on the internet keep you from discussing your situation with a real life bankruptcy attorney. An experienced bankruptcy will have insights into the legal aspects of your situation that you would never be able to figure out on your own.

WHO IS THE CHAPTER 7 TRUSTEE?

Many of my Chapter 7 bankruptcy clients in Northwest Georgia get the Chapter 7 bankruptcy trustee confused with the judge. At the 341 meeting of creditors, it's not uncommon to hear a debtor answer a question with “yes your Honor” even though there is no judge at this hearing.

Every single Chapter 7 case filed in Northwest Georgia will be assigned either to Judge Bonapfel or Judge Diehl and to a Chapter 7 trustee. In the overwhelming majority of Chapter 7 bankruptcy cases, the debtor will have no interaction with Judge Bonapfel or Judge Diehl. In contrast, every Chapter 7 debtor will attend a 341 Meeting of Creditors that is conducted by a trustee.

Who is this mysterious player in Chapter 7 called the trustee? While the trustee is not a judge, it is her job to scrutinize the bankruptcy case and ensure that it complies with the Bankruptcy Code. In addition, it is the trustee's job to see if the debtor has any assets that can be sold for the benefit of creditors. In most Chapter 7 cases, everything that a debtor owns is protected by Georgia exemptions.

CAN I TRANSFER MY PROPERTY TO A FAMILY MEMBER BEFORE I FILE CHAPTER 7?

In every Chapter 7 bankruptcy case filed in Northwest Georgia, the Trustee is going to ask, “Have you sold or transferred anything of value within the last two years?” If you lie, you will be guilty of perjury which will land you in jail. If you have transferred something to a family member for little or no money, the Trustee has the power to take it back.

The most common scenario involves “family land.” Someone has land in their name that has been in the family for the two hundred years. To protect it from creditors, they transfer the land to a cousin.

What they don’t realize is that the Chapter 7 Trustee has the power to undue the transfer and sell the property for the benefit of the creditors. This situation usually happens because a person filing bankruptcy decided to take legal advice from some coworker that knows absolutely nothing about bankruptcy.

WHEN IS IT BETTER TO FILE A CHAPTER 13 BANKRUPTCY?

There are some situations that it’s in the debtor’s best interest to file Chapter 13 (vs Chapter 7). For example, if you have a car that you have owned for more than 2.5 years and you owe more on the car than its worth, you should take a look at how much your Chapter 13 payment would cost. In a Chapter 13 bankruptcy, if you have owned the car for more than 2.5 years, you can cram down the debt. This means that you pay back only the value of the car and not the total amount owed. The interest rate on paying a car back in a Chapter 13 bankruptcy ranges from 6 to 9 percent on average so you may also save on your interest rate.



If you are behind on your house payments, Chapter 13 bankruptcy allows you to take the back payments on your house and spread out the debt over a longer period (60 months is the limit for a Chapter 13 plan). If you have two mortgages on your house, you might be able to wipe out the second mortgage in a Chapter 13 bankruptcy.

2.

CHAPTER 13 – “CATCH YOUR BREATH”

WHAT IS CHAPTER 13 BANKRUPTCY?

Many people like to refer to Chapter 13 bankruptcy as the “catch your breath” provision of the Bankruptcy Code. It gives you time to catch your breath while you pay your creditors. It is designed for people who have money to pay back their creditors but can’t do it all tomorrow like their creditors are demanding. It allows you to stop the harassing phone calls and lawsuits.

DID YOU KNOW

Chapter 13 stops garnishment of your pay, foreclosure of your house, and repossession of your car.

In a Chapter 13, you are protected from the collection efforts of your creditors while you pay them back over the life of your Chapter 13 plan. You do not need permission from your creditors to obtain Chapter 13 bankruptcy protection.

SEVEN WAYS YOUR LIFE WILL IMPROVE AFTER FILING CHAPTER 13 BANKRUPTCY

Some people believe that a Chapter 13 bankruptcy will be a miserable experience. The truth is that for most people, it’s a huge relief because it ends the pressure from your

creditors. Below, I've listed the top seven ways your life will improve after you file Chapter 13 bankruptcy.

1. **The phone calls from creditors will stop.** Any creditor that calls you after your case has been filed is violating the automatic stay protection. As a consequence, if they keep calling you after your case is filed, they are breaking the law.
2. **The foreclosure stops.** The thought of losing your house is scary. Without bankruptcy, you are totally at the mercy of your mortgage company when you are behind on your house payments. After filing Chapter 13 bankruptcy, the foreclosure stops the second your case is filed. We do not need permission from your mortgage company.
3. **The garnishment stops.** Losing 25 percent of your net income is impossible to bear for most people. Unfortunately for the citizens of Georgia, a creditor can garnish up to 25 percent of your disposable wages. With Chapter 13, you don't have to worry about this. Once your case is filed, we need to fax a judicial order to your payroll department to get it stopped.
4. **The lawsuit stops.** Knowing that you have a deadline to respond to a lawsuit can be extremely stressful. Once you file Chapter 13 bankruptcy, we take care of that for you. You won't have to worry about the lawsuit once your case is filed.
5. **The interest rate on credit card debt is lowered to zero percent.** Without bankruptcy, most people pay between 25-30 percent interest on their credit cards. For many people, it's a struggle just make the interest payments. In contrast, people who file Chapter 13 have the peace of knowing that there is light at the end of the tunnel.
6. **The late fees stop.** Getting nailed by a late fee is so frustrating. Your money just goes up in smoke. With Chapter 13, the late fees on your credit cards completely stop.

- 7. The interest rate on your car note is lowered.** It's not uncommon to see an interest rate as high as 30 percent. Many people pay back more in interest than the purchase price for the car! With Chapter 13, we can lower the interest to around six percent in most cases.

WHAT DO I NEED TO FILE CHAPTER 13?

The first step is to make a list of all of your debts. When you come to my office, I am going to review your income and expenses and create a budget for you. Then, we can propose a monthly payment that you can afford. You pay this new amount to the Trustee each month and it covers all your consumer debt. This one amount covers all credit card debt, medical bills, finance companies, and car notes. In some cases, we can even include IRS tax debt in this total. It even lets you get caught up on back mortgage payments and stops the interest and penalties on back taxes.

In your Chapter 13 bankruptcy plan, the credit card companies and all other secured creditors are barred from collecting interest. If you owe \$10,000 in credit cards and have an interest rate of 25 percent, you can save \$2,500 per year in just credit card interest alone. If Chapter 13 bankruptcy is not a good option for you, I will tell you. I receive many referrals from my clients because they know I will provide honest information about what is best for each client.

WHO IS THE CHAPTER 13 TRUSTEE?

The Chapter 13 Trustee is an attorney who is hired by the United States Bankruptcy Trustee to basically ensure that everyone is playing by the rules. In addition, the Chapter 13 trustee is the person who collects money from the debtor and distributes it to creditors. The Chapter 13 trustee gets paid by collecting roughly 5.5 percent of the debtors Chapter 13 payment as a fee.

A debtor's first interaction with the Chapter 13 trustee is the 341 meeting of creditors. In the Rome division of the Northern District of Georgia, this meeting takes place on the first floor of the Federal Building in downtown Rome approximately 30 days after the case is filed.

HOW MUCH WILL IT COST TO FILE?

When you hire me, I am going to be completely honest and upfront with you. In a Chapter 13, your attorney's fees are paid through your Chapter 13 plan. Attorney's fees in Chapter 13 plan vary from case to case. When you come in for a free consultation, I will quote your attorney's fees.



The amount you pay each month to the Trustee depends on what you can afford, not what the creditors demand. Depending on your income and budget, we may be able to wipe out all unsecured debt in your Chapter 13 bankruptcy plan. It doesn't cost you anything to come into my office, meet with me, and see what kind of plan might work for you.

IS CHAPTER 13 A DEBT CONSOLIDATION PLAN?

Some bankruptcy attorneys will advertise Chapter 13 as bill consolidation. Personally, I don't think this type of advertising is completely honest. Chapter 13 works like a bill consolidation, but there is no loan being made to consolidate everything.

WILL CHAPTER 13 BANKRUPTCY HELP ME GET MY CAR BACK IN GEORGIA?

If your car was repossessed within 10 days of the filing of your case, Chapter 13 bankruptcy may help you get your car back. Under Georgia law, a car creditor is required to give you 10 days notice before they sell your car at auction. Once your car is sold at auction, it's gone forever. In Georgia, if a car creditor sells your car without giving you the 10 day notice, they will not be able to collect a deficiency against you.

If your car creditor is still in possession of the vehicle at the time we file your Chapter 13 bankruptcy case, they must give the car back to you. If they sell the car after they have knowledge of your Chapter 13 bankruptcy case, they will be in violation of the bankruptcy laws and will subject themselves to the wrath of the bankruptcy court. It is an absolute must that your car creditor receive a notice that the bankruptcy was filed before they sell it.

If your car has been repossessed and you are trying to get it back with Chapter 13, it will help your bankruptcy attorney if you provide him with the phone number and the fax number of the automobile creditor. Your account number is also a huge help as well. You must have full coverage insurance on your vehicle if you want to get it back. If the car is not insured, they don't have to give you the car back until you obtain proper insurance.

CAN CHAPTER 13 PROTECT THE CAR FROM REPOSSESSION IF I JUST BOUGHT IT?

As a general rule, Chapter 13 bankruptcy protects you from repossession of your car. However, what happens if you just bought the car right before filing bankruptcy? The answer to this question in Northwest Georgia is that it depends on the facts of your case. Below, I have listed a couple of scenarios.

Scenario One:

Let's say you bought a car six months before filing. The reason you filed is because you lost your job after you bought the car but now have found a new job. After your bankruptcy case is filed, your car creditor files a Motion for Relief from the Automatic Stay so that they can get permission from the Bankruptcy Court to get your car back. I don't think that under this kind of fact scenario that a bankruptcy judge is going to allow the car creditor to repossess your car as long you have maintained insurance on it and you need the car for a legitimate reason like going back and forth to work. Furthermore, six months is long time.

Another important question to answer when analyzing car situations is what is the percentage of debt that your unsecured creditors will receive in your Chapter 13 plan? For example, if you are paying back all of your debts at 100 cents on the dollar, you are going to be able to keep the car. When you are wiping out all of your unsecured debt in your Chapter 13 plan, your bankruptcy attorney will have to look at your situation carefully to make sure you will be able to keep your car.

Scenario Two:

I want to paint a picture where I think a judge most likely would grant a Motion for Relief so that a car creditor could take the automobile. Let's assume you have a person who bought a car two months before filing. Also, assume that this person has never made a single payment on the car. Furthermore, assume that nothing in this person's economic situation has changed since the car was purchased. With these types of facts, I think a bankruptcy judge will most likely consider it to be abusive to the car creditor to prevent them from repossessing the car. If a situation smells bad to an average person, it's going to smell bad to a bankruptcy judge as well.

Every case is fact specific. There are always exceptions. For example, in some bankruptcy cases, the cause of filing is a creditor who has filed a lawsuit so that they can garnish their wages. A person who is now facing garnishment clearly has suffered a change in circumstances since the purchase of the automobile.

WILL MY CAR PAYMENT BE INCLUDED IN MY CHAPTER 13 PLAN?

When you file Chapter 13 bankruptcy in Northwest Georgia, your financed car will be paid through the plan. For many debtors, this can drastically lower your monthly bills. Many bankruptcy clients have difficulty understanding that their car payment is included in the Chapter 13 plan.

Many clients can get a lower interest rate when filing bankruptcy. As a general rule, this interest rate will be around 6%. Another benefit is that often, the filer will pay the value of the car instead of the amount owed. Once your case is completed, you will receive your title from the creditor. However, if your case is ever dismissed for any reason, all of the contract interest and contract balance comes back to life.

If the car has been purchased within the 910 day period before filing, the entire contractual balance will have to be paid. We can still lower the interest rate but if you made a bad deal on the purchase price, Chapter 13 is not going to help you out of it unless you surrender the car to the creditor so that we wipe out the debt.

3.

WHAT WILL BANKRUPTCY GET RID OF?

I have friends who buy into this myth that people who file bankruptcy go out and run up their credit cards right before filing. The truth is that almost no one does this and those few that do end up paying it all back.

In a Chapter 7 bankruptcy, you cannot incur debt with the intention of discharging it in your case. Under section 523(a)(2)(A) of the Bankruptcy Code, a discharge under Chapter 7 “does not discharge an individual debtor from any debt for money, property, services, or an extension, renewal, or refinancing of credit, to the extent obtained by... false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor’s or an insider’s financial condition.” 11 U.S.C. 523(a)(2)(A).

A great example of a debtor getting nailed by the Bankruptcy Court for going into debt with the intention of wiping it out in a Chapter 7 is the case of Bucciarelli (Bankruptcy case no. 07-13114). In this case, the Bankruptcy Court in the Newnan Division of the Northern District of Georgia ruled that the debtor could not wipe out legal fees she incurred from her divorce proceedings because she incurred the debt with the intention of discharging it in her Chapter 7 case.

The facts of the case are summarized as follows: In Bucciarelli, the debtor filed her Chapter 7 case in December 2007. In January 2008, she entered into a contract for

legal representation in her divorce proceedings. In addition, she signed a promissory note agreeing to pay her divorce attorney \$25,000 for representing her. The promissory note granted her divorce attorney a lien on her interest in her ex-husband's 401k. Her divorce case never actually went to trial. Her divorce attorney billed her for \$35,625. When the debtor did not pay her divorce attorney, she was sued in the Georgia state court. The Georgia state court proceeding was stopped because of her active Chapter 7 case. In response, her divorce attorney filed an adversary proceeding against her to declare the debt non-dischargeable.

In *Bucciarelli*, the court noted, "To establish that a debt is excepted from discharge under section 523(a)(2)(A), the creditor must prove by preponderance of evidence that:

- (1) the debtor made a false representation, other than an oral statement respecting the debtor's financial condition with intent to deceive the creditor;
- (2) the creditor actually relied on the misrepresentation;
- (3) the creditor's reliance was justifiable; and
- (4) the misrepresentation caused a loss to the creditor.

What sank the debtor in *Bucciarelli* was the testimony from her "friend." Her friend testified under oath that *Bucciarelli* told her that she incurred the legal fees from her divorce with no intention of ever paying it back. The "friend" also testified that *Bucciarelli* told her that the purpose of her bankruptcy was to discharge all obligations arising from the attorney fees in her divorce case. The Bankruptcy court took note that this same friend testified in the debtor's favor during the debtor's divorce proceeding. A judgment was entered by the Bankruptcy Court in favor of the divorce attorneys against the Debtor. The debt was ruled to be non-dischargeable.

CAN I WIPE OUT TAX DEBT IN BANKRUPTCY?

You can wipe out some tax debt in bankruptcy depending on the type of tax debt.

Personal Income Taxes

If the tax liability is **less than** three years old, it cannot be wiped out. If the tax liability is **more than** three years old, we may be able to wipe out the debt. I want to emphasize the words “may be able” to wipe out. Dealing with IRS taxes is tricky. An important question that I will ask you is, “has any tax lien been filed against you and in which Georgia County was the tax lien filed?” Tax liens can make your tax liability secured. IRS tax liens attach to every single thing you own down to your underwear, regardless of any state exemption. The age of tax debt is determined by the date of the filing of the tax return. As a result, if you have not filed any tax returns for the past five years, none of your tax debt can be wiped out.



Property Taxes

Property taxes in Georgia are attached to your house. If you are planning on keeping the house, you will have to pay the property taxes. If you are going to surrender the house back to the mortgage company, you will not be liable for the property taxes.

Sales Taxes

Small business owners in Georgia who owe sales taxes cannot wipe out their liability in bankruptcy. There is no way around sales taxes. A business owner technically holds the sales tax money in trust for the state of Georgia. Sales tax money should never be spent operating a business. Sales taxes must be paid.

CAN BANKRUPTCY GET RID OF PAYROLL TAXES?

A person cannot wipe out payroll taxes in Chapter 13 or Chapter 7. Payroll taxes are not considered property of the business. The business is considered to have held the payroll taxes in trust for the government. Failure to pay payroll taxes will be treated as a non-dischargeable debt.

Using payroll tax money for any purpose other than paying to the IRS is considered a crime. There are people who have actually gone to jail for failure to pay payroll taxes to the Internal Revenue Service.

I recently met with a client who worked for a small company that owed over \$50,000 to the Internal Revenue Service in payroll taxes. Since she allowed herself to be listed with the state as an officer of the corporation, she was held liable for the taxes along with the other officers of the corporation. If she had been merely an employee of the corporation, she would not have been held liable. Her mistake was that she allowed the owner to list her as “secretary” of the corporation. After spending thousands of dollars in attorney fees trying to fight the IRS, the client finally was able to work out a payment schedule with the IRS.

Whenever a business ever gets to a point where it becomes difficult to pay payroll taxes, it is time to close the business. Never miss a payroll tax payment. No business is worth risking jail.

CAN BANKRUPTCY WIPE OUT MY SECOND MORTGAGE?

You can wipe out a second mortgage in a Chapter 13 bankruptcy in some situations. In order to eliminate your second mortgage, the value of your house must be lower than what you owe on your first mortgage. If the value of your house is one penny more than what you owe on the first mortgage, you cannot wipe out the second mortgage in your Chapter 13 bankruptcy.

If a large number of foreclosures have occurred recently in your neighborhood, this will bring down the fair market value of your house. As a consequence, this will make it easier to eliminate the second mortgage in a Chapter 13 bankruptcy case.

When trying to determine the value of your house, a good place to start is your property tax bill from your county. Somewhere on the bill, you will find a statement that says fair market value. While this is a good place to start, you will need more evidence than your tax bill because most counties tend to understate the fair market value of houses. In some areas of Georgia, housing values are so depressed that even the county estimated fair market values are too high.

DID YOU KNOW

A much more reliable source of evidence is a written appraisal by a certified expert. When getting your appraisal, make sure you explain to the expert that you may wish to hire them to testify in court if necessary. Some appraisers want to stay away from court at all costs.

Cost for appraisals can vary based on the size and nature of the real estate. Another factor to consider when hiring an appraiser is the cost for them to testify for you in court if the second mortgage company decides to challenge your appraisal in bankruptcy court with their own appraisal. Court fees incurred by the appraisal are your responsibility.

DID YOU KNOW

If you live in a mobile home and have a second mortgage, the chances of you eliminating the second mortgage are much higher than someone who owns a house because mobile home values depreciate so rapidly.

CAN BANKRUPTCY WIPE OUT MY BAD CHECKS?

No. Bankruptcy does not protect you from criminal prosecution for writing bad checks. In fact, bankruptcy does not protect you from any criminal prosecution. I recently met

with a client in my office in Rome, Georgia, who wrote some bad checks to a local grocery store. She told me that she was buying food for her kids. I felt terrible explaining the cold, hard truth to her. The grocery store has the right to criminally prosecute her even if she filed a Chapter 13 bankruptcy. It will not stop criminal prosecution even in cases where all the debt is being paid at 100 cents on the dollar. However, it is possible that the 100 percent Chapter 13 plan might persuade a judge that the person is making the best possible effort to rectify the situation.

CAN BANKRUPTCY WIPE OUT MY TRAFFIC TICKETS?

Traffic tickets are technically criminal fines. **They cannot be wiped out in bankruptcy.** However, in a Chapter 13, we can set up a special provision in the plan to pay the traffic tickets at 100 cents on the dollar. Paying traffic tickets is much easier after we come up with a plan that deals with your entire economic picture.

Criminal fines cannot be wiped out in bankruptcy.

4. GARNISHMENTS

“A garnishment is a means of collecting a monetary judgment against a defendant by ordering a third party (the garnishee) to pay money, otherwise owed to the defendant, directly to the plaintiff. In the case of collecting for taxes, the law of jurisdiction may allow for collection without a judgment or other court order.” (<http://en.wikipedia.org/wiki/Garnishment>)

When your employer is served with a garnishment, it is extremely important that you take action as soon as you can. If you do nothing, the creditor is going to garnish up to 25 percent of your disposable wages.

In Georgia, if your employer messes up the garnishment, they can be held liable to the creditor for the entire amount of the debt. How happy is your employer going to be with you if they end up having to pay a large lump sum to the creditor? When you file a Chapter 13, it not only protects you from collection, but it also protects your employer from messing up a garnishment as long as the bankruptcy filing is communicated to the creditor.

The image shows a portion of a pay stub. Key sections visible include:

- Earnings:** Regular, Holiday, Retroactive Pay.
- Deductions:**
 - Statutory:** Federal Income Tax, Social Security Tax, Medicare Tax, IL State Income Tax.
 - Other:** Dental, Medical, Savings 1, Vision, 401K.
- Net Pay**
- * Excluded from federal tax**

Other visible text includes 'Social Security Number: XXX-XX-XXXX', 'rate', 'hours', 'this period', and 'year to date'.

When you file Chapter 13 with my office, we will file a Plea of Stay with the court where your garnishment was filed. In addition, we will send a copy of the Employer Deduction Order, which has the bankruptcy judge's signature on it, to your employer so that the garnishment will be stopped. If you bring us the fax number to your payroll department, this will help us notify your employer even faster. Chapter 7 also stops garnishment of your wages.

I have seen Georgia consumers who have allowed themselves to be garnished for months before coming to see me. During this time, they missed mortgage payments and car payments because of the large amount of money that was being taken out of their check as a result of the garnishment. Some clients even let their car get repossessed. You don't have to miss car payments and mortgage payments because of a garnishment of your paycheck. We can come up with a plan to stop the garnishment of your wages.

DID YOU KNOW

A creditor can garnish up to 25 percent of your wages!

IS THERE A DIFFERENCE BETWEEN A GARNISHMENT AND AN EDO?

A Chapter 13 EDO (Employer Deduction Order) is much different than a state ordered garnishment of your wages. **In Georgia, the most important difference is the liability for your employer.** Under Georgia State Law, if your employer makes an error in paying a Georgia garnishment, they can be held liable for the entire amount of your debt. For this reason, most employers hate garnishments because of the potential liability.

In contrast, there is very little liability for an employer with respect to a Chapter 13 EDO. An EDO is a signed order by a Federal Bankruptcy Judge. This order requires your employer to withhold a certain amount of money from your wages to pay your Chapter 13 payment. This money is sent to the Trustee who distributes the money to your creditors. If an employer deducts the wrong amount from a debtor's paycheck in a Chapter 13, it is the debtor's responsibility to send in the difference to the Trustee. This

type of error can be easily fixed by your bankruptcy attorney calling your payroll department and faxing them another copy of the EDO.

Here are a few more examples of the difference in a garnishment and an EDO:

- **More creditors are covered by the EDO.** With a Georgia garnishment, the only creditor that receives money is the one who filed the judgment and the subsequent garnishment papers. Paying your house payment can be extremely difficult when one single creditor soaks up one-fourth of your take home pay with a garnishment from your paycheck.
- **The amount of money you pay with an EDO is determined by your ability to pay.** In contrast, with a Georgia garnishment, twenty-five percent of your net income will be taken out of your paycheck regardless of your ability to pay.
- **An EDO commands your employer to stop all Georgia garnishments of your wages.** As a result, you should never have to worry about an employer deduction order and a Georgia state court ordered garnishment coming out of your paycheck at the same time.

5. FORECLOSURES

CAN BANKRUPTCY STOP MY FORECLOSURE?

Yes! The bankruptcy automatic stay stops the foreclosure of your home. Don't wait until the last second to meet with a bankruptcy attorney. We don't need permission from your mortgage company or the foreclosure attorney. If you want to stop the foreclosure of your home with bankruptcy, you must get a bankruptcy case number before the foreclosure takes place. Don't wait until it is too late!

A few months ago, I was meeting with a bankruptcy client from Dallas, GA who was shocked that his house was foreclosed without him knowing about it. His wife was trying to "protect" him from the stress of the situation by hiding the letters from the mortgage company and the foreclosure attorney. For some strange reason, she did not take the letters seriously and did not notice that her house was being advertised in the foreclosures section of the Dallas News Sun! It is too bad she did not take advantage of a free consultation with a bankruptcy attorney before the foreclosure. If you have received threatening letters from a foreclosure attorney, bring them to my office. I will be happy to explain them to you.

WILL I OWE MONEY TO MY LENDER IF MY HOUSE IS FORECLOSED ON?

When a house gets foreclosed, many consumers fear that they will still owe money to the lender after the foreclosure of their home. In Georgia, it is usually only the second mortgage companies that pursue a deficiency after a house is foreclosed. However, the Wall Street Journal recently reported that many banks are now pursuing deficiency judg-

ments on the first mortgages as well. Particularly, in Florida, mortgage companies are becoming more aggressive in pursuing these deficiency judgments after foreclosure sales.

I doubt that we will see first mortgage holders start pursuing deficiency judgments in Georgia. In my twelve years as a bankruptcy attorney, I've seen it happen only one time. In almost every single case, it is complete waste of time for a mortgage company to chase a consumer who just lost their home in a foreclosure sale.

However, I have seen an increase in cases where a credit union refuses to foreclose on the house. Instead, they sue the consumer on the note. When they are successful in their lawsuit, the credit union will then be able to garnish twenty five percent of the consumer's net income.

When I saw a consumer go through this type of situation, I advised him to continue living in the house while his wages were being garnished. In his case, getting garnished was much cheaper than the mortgage payment. Also, the amount he was being garnished for was much cheaper than renting an apartment. In his case, the credit union was incredibly stupid by choosing to garnish his wages instead of just foreclosing on the house.



If we see first mortgage holders start to pursue deficiency judgments in Georgia after a foreclosure is completed, I doubt it will last long. In almost every case, the consumer will file for bankruptcy and wipe out the mortgage company. Legal fees for pursuing a deficiency judgment against a consumer are expensive. Thus, any mortgage company who chooses to pursue a deficiency judgment will most likely be throwing good money after bad.

CAN THE SECOND MORTGAGE HOLDER FORECLOSE?

Yes. While a second mortgage holder may have the power to foreclose, they almost never take this course of action unless there is a significant amount of equity in the home. In order for a second mortgage holder to foreclose on your house in Georgia, they must first pay off the first mortgage holder. Most second mortgage companies are not willing to take the risk of paying off the first mortgage and then failing to recoup their investment at the sale on the court house steps. With the current depressed values of real estate, I don't foresee second mortgage holders conducting foreclosures anytime soon.

If a person fails to make payments on their second mortgage but continues to pay the first mortgage holder, the second mortgage holder can sit back and wait for the first mortgage holder to be paid off. After the first mortgage is paid off, the second mortgage holder assumes the first position and can then conduct a foreclosure.

Chapter 13 is a great tool for catching up past due mortgage payments.

WHAT IF I HAVE A RECENTLY DISMISSED CHAPTER 13?

If you have had a Chapter 13 bankruptcy dismissed within the past year, I must file a Motion to Extend Stay to protect your house. If you have had two Chapter 13 bankruptcy cases dismissed within the past year, I am not going to take your case because a Motion to Impose the Stay must be filed and heard by the court before the foreclosure date.

6. WILL I KEEP MY...?

DID YOU KNOW

Georgia has exemption laws that protect most of your personal assets.

WILL I KEEP MY HOUSE?

If you have fallen behind on your mortgage payments, Chapter 13 can save your house. Here is how it works. We take all of the past due mortgage payments and put them into your Chapter 13 plan. Most Chapter 13 plans run for 3 to 5 years. If we need to, we can wipe out credit card debt and medical debt in your Chapter 13 plan. Making your mortgage payments will be much easier once we remove the burden of the credit card and medical debt. For more information on keeping your house under bankruptcy please refer to Chapter 5: Foreclosures.

WILL I KEEP MY CAR IN A CHAPTER 13?

The answer to this question depends on what type of bankruptcy case you file and the specific facts of your case. Let's start with Chapter 13 bankruptcy. If you owe money on the car and we file a Chapter 13, the balance that you owe on the car will be paid in your Chapter 13 plan. Thus, in most cases, people keep their cars.

People who lose cars after they file Chapter 13 bankruptcy usually do so for one of three reasons:

1. The balance they owe on the car is so high that it's not worth keeping it and paying for it through a Chapter 13 plan. In many Chapter 13 plans, we can give the

car back to the creditor and wipe out any balance owed. For some clients, this option is extremely attractive.

2. They let their insurance lapse on the vehicle which forces the creditor to take back the car in order to protect it.
3. The debtor quits making the Chapter 13 plan payments. In this situation a car creditor will file a Motion for Relief to take back the car.

When you file Chapter 13 bankruptcy in Georgia, your creditor is barred from repossessing your car. Your car stays protected as long as your case stays active. Recently, I was meeting with a client in Rome, GA who told me that we could not protect his car because he had signed a contract stating that he could not file bankruptcy on his car without permission from his creditor. The truth is that we don't need the car company's permission to protect your car. You cannot waive your bankruptcy rights in a contract. The key is to get a case number before the creditor repossesses your car. Once you have a case number, your car is protected by the automatic stay in bankruptcy.

In cases where the car is paid for, we need to determine how much the car is worth. The Georgia exemption for cars is \$3,500.00. Also, depending on the circumstances of your case, we may be able to use the wildcard exemption to protect an additional \$5,000.00 on your vehicle. If your car is paid for and worth more than \$8,500, you most likely need to consider Chapter 13 to protect it. If you know that your car is worth more than \$8,500, make sure you point this out to your Georgia bankruptcy attorney at your first meeting.

WILL I KEEP MY CAR IN A CHAPTER 7?

In Chapter 7 bankruptcy cases where you owe money on the car, you will usually be able to keep the car as long as you are current on your payments and the creditor allows you to reaffirm the debt. This is called a reaffirmation agreement. A reaffirmation agreement is basically a contract between you and your creditor that states you will legally agree

to treat the debt as if you have never filed. Car creditors don't have to let you reaffirm if they don't want to deal with the hassle of a reaffirmation agreement. However, in almost all cases, the car creditor is willing to enter into a reaffirmation agreement because it puts them in a solid position. You can't file Chapter 7 against them again for 8 years! For this reason, I tell all of my Chapter 7 clients to think long and hard before they sign any reaffirmation agreement.

WILL I KEEP MY 401K?

When you file bankruptcy in Georgia you will most likely keep all of your 401k retirement. I have been practicing consumer bankruptcy law since 1998, and I've never seen any debtors lose any of their 401k after they filed bankruptcy in Georgia.

I meet with clients all the time who are scared to death that they are going to lose everything they own when they file bankruptcy. Fortunately, Georgia has exemption laws that protect most of your personal assets. In my humble opinion, one of the best Georgia exemption laws is the protection of 401k and retirement assets. People filing bankruptcy should not have to worry about losing their 401k retirement.

Section 44-13-100 of the Georgia Code states,

“Exemptions for purposes of bankruptcy and intestate insolvent estates

(a) In lieu of the exemption provided in Code Section 44-13-1, any debtor who is a natural person may exempt, pursuant to this article, for purposes of bankruptcy, the following property:”

And the GA Code continues with the following:

“2. The Debtor's right to receive.....(F) A payment from an individual retirement account within the meaning of Title 26 U.S.C. Section 408

to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;”

The key words in the statute are “to the extent reasonably necessary.” How much of your 401k will you need to support yourself during your retirement to the extent reasonably necessary? How many years will you live after you retire? Ten years? Twenty years? How much will you have to spend on medicine? How much will you need to spend on housing? How much will you need to spend on food? How much money would it take to reasonably support you for twenty years after you retire? For most people, the answer is all of their 401k.

In conclusion, you should take a deep breath and relax. **Your 401k is safe.** When you meet with your bankruptcy attorney, make sure all of your assets are listed on your bankruptcy petition so that your bankruptcy attorney can claim every exemption possible.

CAN I KEEP A CREDIT CARD?

As a general rule, you cannot keep a credit card after you file bankruptcy. I meet with clients from all over North Georgia, who will ask, “Why can’t I keep just one credit card for emergency situations?” You cannot keep your credit cards because when you file Chapter 13 bankruptcy, you cannot incur any new debt after the case is filed. The bankruptcy Trustee will specifically ask you at your hearing if you are in possession of any credit cards. If you answer yes, the bankruptcy Trustee will file an objection to your case. Also, if you answer yes, your bankruptcy attorney might be a little upset that you did not tell him or her about the cards beforehand.

Filing bankruptcy in Georgia is a matter of public record. Credit card companies keep a close eye on who is filing bankruptcy. As a consequence, most credit card companies will cancel your charging privileges whether you list them in your case or not. It does not matter whether you file Chapter 7 or Chapter 13 bankruptcy.

If you have zero balance on your card, you won't need to list it in your bankruptcy case in Georgia. However, you will need to tear it up and throw it away if you are filing Chapter 13. In a Chapter 7 case, the creditor will most likely cancel your use of the card after the bankruptcy is filed.

In some Chapter 13 cases, we have situations where a debtor needs to keep a credit card so that they can travel for their job. In these situations, we file a motion with the bankruptcy court to see the approval of the bankruptcy judge. In these rare situations, the court will most likely insist that the debtor agrees not to make any non-business related charges on the credit card and will use all reimbursement funds from the employer to pay off all monthly balances on the card.

Even if you could keep a credit card, why would you want to? Keeping a credit card for emergency situations is a bad idea. As you already know, most credit card companies charge you thirty percent interest. This means that if you get stuck behind the debt snowball, your debt could double in three years! Imagine how much money you will save over your lifetime if you never pay any more interest on credit cards.

It's easy to get in the habit of using your credit card for unplanned expenses. What is the alternative?

Establish an emergency fund

Start right now! To get a jump start on your emergency fund, you could have a garage sale or take on a few side jobs to build it up. This emergency fund should never be touched unless you absolutely cannot go on without tapping it. Every single Georgia family will have some type of financial emergency at some point. For example, you know your car will break down at some point. Do you have an emergency fund to cover the car repairs? If you own a house, you know that the roof is going to leak at some point. Also, some major appliance in your kitchen will break someday. It might be a few years from now but you know it is coming. Start building the emergency fund now.

7. HOW LONG DOES IT TAKE TO GET A CASE NUMBER?

In emergency situations, it does not take long to get your bankruptcy case filed. If I have room in my schedule, I can get your Georgia bankruptcy case filed the same day you come into my Rome office. However, if you have an emergency filing, you need to plan on spending the entire day in my office while we prepare your bankruptcy petition. We file all of our bankruptcy cases on the electronic system. We can file a bankruptcy any time of day as long as the court system has not been shut down for maintenance.

In most situations, my Georgia clients like to take a week or two before they make the decision to file. I don't believe in pressuring anyone to file. If you ever feel like a bankruptcy attorney is pressuring you to file bankruptcy, find another attorney.

STEP ONE (Consultation)

Most clients will come to my office for a 30 minute consultation where we go over your debts, assets, and income. It helps if you have a copy of your credit report. If you don't have access to your credit report, it's okay! We may be able to pull one for you in the office.

During our initial consultation, I have a long list of questions I like to go through with you. I want to give my clients enough time to give me all of the background information that had led to the case filing. At this meeting, I will be look for potential pitfalls in your case. If I find any, I will explain them to you in great detail.

We make every effort possible to minimize your time in the waiting room. It is extremely rare for anyone to have to wait more than five minutes past their appointment time. However, we occasionally have emergency situations that put us behind schedule.

In some situations, clients need to get a case number as soon as possible. For example, if the car creditor says to you, “I am going to repo the car tomorrow,” you will need a case number today to prevent tomorrow’s repo.

BANKRUPTCY TIPS FOR A HASSLE-FREE CONSULTATION

Please note that most bankruptcy clients don’t bring anything to their first appointment with me because they just want some basic information. However, if you want the most hassle-free consultation if you are considering bankruptcy, please read this list carefully.

What to bring to your consultation:

- List of your debts
 - On this list, include names, addresses, account numbers, and amounts owed. Simply getting a copy of your credit report from www.annualcreditreport.com is not good enough because some creditors do not report to any credit bureaus. Making a list will help you get every creditor you owe into your case. If you owe a buy-here-pay-here, I need to know about when I’m trying to analyze your situation. Don’t leave any creditor off this list.
- List of all your assets
 - If you file a bankruptcy case, it is extremely important that all of your assets are listed in the case so that we can protect them. If it is not listed in the bankruptcy, it is not protected. In order for me to decide whether bankruptcy is right for you, I need to know everything you own. There are some rare cases where it’s better not to file bankruptcy because of some high value asset.

- Paystubs from the last 6 months
 - If you can't find them all, bring as many as you can find. Your gross income for the last six months will determine what type of bankruptcy case you may be able to file.
- Most recent tax return.
- Copies of your lawsuits.
 - If you have been served with any lawsuits, please bring them with you to the appointment.
- Copies of your bills:
 - Please bring any letters you have received from nasty bill collectors.
- Most recent bank statement for each of your bank accounts
- Most recent tax assessment which shows the fair market value of your house

STEP TWO (Sign the Paperwork)

Once a client decides to file, we will set up a two hour sign appointment. I am a firm believer that anyone who is considering filing bankruptcy should carefully review every single page of the petition with their bankruptcy attorney. If some bankruptcy attorney tries to rush you through the process, you are being set up for disaster. You should not be made to feel like a hamburger in a fast food joint. When you sign a bankruptcy petition, you are signing it under penalty of perjury. Take your time!

In my opinion, the most important part of the petition is your list of creditors. **You must make sure that every single creditor you have is listed on the petition. You are required by law to list them all. Even if you co-signed on a debt, you must list it.**

Some bankruptcy attorneys will file a front page petition. A front page bankruptcy petition is basically just your name and address. You get a case number but you must file the rest of the petition within a short period or your case will be dismissed. I always file the full petition. Rather than running the risk of you not being able to make it back into my office before the deadline, I prefer to get it all done in one day so that we know we have a case that will work well when it is filed.

WHAT IS A CREDIT COUNSELING COURSE?

Anyone who files either a Chapter 13 or a Chapter 7 bankruptcy must complete a credit counseling class within the 180 day period before the case is filed. In other words, if you took the class 181 days ago and now you want to file your case, you will need to take it gain. Any credit counseling course you choose to take must be approved by the United States Trustee's Office. Your bankruptcy case cannot be filed in Georgia until you have completed this requirement.

After your bankruptcy case is filed, there is a second credit counseling class that must be taken. This is called the Financial Management Course. Basically, it is a three hour video that you must watch over the internet. Since this course takes so long, we really hope you will be able to do it at home or at a friend's house. Once your case is filed, we will send you a letter when it is time to take the second course. This is usually taken close to the end of your case.

8. WILL I HAVE TO GO TO COURT?

When you file Chapter 13 bankruptcy, you must attend two court hearings. The first is called the *Section 341 Meeting of Creditors* and the second one is called your *Confirmation Hearing*. If you have had a Chapter 13 bankruptcy case dismissed within the past year, you may also be required to attend a Motion to Extend Stay hearing. **One week after your case is filed, you must call our office and confirm the dates of all your hearings.**



A lot of my clients get nervous when they find out that they will have to attend court if they file bankruptcy. It is actually a very casual environment and while it seems scary, it's not bad at all. Here is some information on what to expect at your hearings:

CHAPTER 13 – 341 MEETING OF CREDITORS

This hearing will take place about six weeks after your case has been filed. During the hearing, the Trustee will ask you questions about your case. Your creditors will have the opportunity to attend the hearing and ask you questions as well. Usually, the only creditor who attends these types of hearings are attorneys who represent car companies. It is not uncommon to have the hearing without any creditors in attendance.

During this hearing, it is important that the debtor remembers to answer questions with a clear “yes” or “no” so that the recorder can pick up the answer. As a general rule, the trustee will want simple short answers to her questions. When she wants more detail, she will clearly ask for it.

Many Chapter 13 debtors come to court feeling extremely nervous. When I tell them that there is no need to be nervous, I usually get the response, “That’s easy for you to say because you come to bankruptcy court all the time.”

However, the reason most people feel nervous is because they are afraid that some mysterious controversy will arise out of nowhere and sink their case. The reason this will not happen to my clients is because I believe that every debtor should spend at least two hours with their bankruptcy attorney reviewing the bankruptcy petition before the case is filed. It is imperative that both the debtor and their bankruptcy attorney carefully review every single page of the petition. If there is something that will blow up your case, we will find it before the case is filed.

When you carefully review everything before filing a case, there will not be any surprises when you go to court and meet your Chapter 13 bankruptcy trustee.

CHAPTER 7 – 341 MEETING OF CREDITORS

This is usually the only hearing you will have to attend in a Chapter 7. You will be required to swear under penalty of perjury that the documents you submitted to the court

are true and accurate. In a Chapter 7 Meeting of Creditors, the Trustee will focus on the assets you listed in your petition and ask you if you have sold or transferred any assets within the last two years.

The Chapter 7 trustees are not out to get you. I have found them to be professional and courteous. However, if they ever get feeling that a debtor is not being completely honest, they will not hesitate to lower the boom. It's absolutely imperative that you tell your bankruptcy attorney everything you can about your assets and debts so that there won't be any surprises at your meeting of creditors.

WHAT TYPES OF QUESTIONS WILL I BE ASKED AT A 341 MEETING OF CREDITORS?

Here are some example questions that a Trustee in Northwest Georgia will most likely ask at a 341 Meeting of Creditors:

1. Did you meet with an attorney and review your petition carefully? (It's the unauthorized practice of law for someone other than an attorney to file a case for you).
2. To the best of your knowledge, is everything in your petition true and accurate? Did you list all of your assets and all of your debts? Even the ones you didn't want to list?
3. Did you, in fact, sign the bankruptcy petition?
4. Have you transferred or sold any assets within the last two years? (They are asking this question to see if you gave or sold something away to try to keep it out of the hands of creditors. If you did, they have the power to take it back).

5. Have recently inherited anything? Do you expect to inherit anything anytime soon? (If so, they may try to get it for the benefit of creditors).
6. What caused you to have to file this bankruptcy case? (They ask this question to see if you may have some type of claim against someone who caused this case. For example, if it was a car wreck that caused you to miss work and file bankruptcy, they will want to know if you have a pending claim).
7. Are you suing anyone or do you have any type of claim against anyone that was not listed in your bankruptcy petition? (In Georgia, if you have a claim against someone and fail to list it in your petition, you will lose your right to recover anything).

WHAT DO I NEED TO BRING TO MY 341 MEETING OF CREDITORS?

For both Chapter 7 and Chapter 13, you absolutely must bring a copy of your driver's license and your social security card to the 341 Meeting of Creditors. If you can't find your social security card, bring a W-2 or a 1099. If you don't have both a state issued picture I.D. and proof of your social security number, your hearing will not be held. If you can't find any proof of your social security number, go to your local social security office and have them issue you a letter with your social security number on it. It is also a good idea to bring proof of your car insurance.

CHAPTER 13 – CONFIRMATION HEARING

This is the most important hearing for your case because the judge will decide whether your case can go forward or if it will be dismissed. All debtors should plan on attending their confirmation hearing unless they have been specifically instructed otherwise by their bankruptcy attorney.

What is an objection to confirmation?

An objection to confirmation is basically a written statement from the Chapter 13 Trustee or a creditor stating that there is something wrong with the case that needs to be fixed before the confirmation hearing.

The Chapter 13 Trustee's objections usually read something like this, "Comes now, the Chapter 13 Trustee and objects to the confirmation of the plan for the following reasons." The objections will go on to list reasons like:

1. funding the case is not current,
2. the applicable commitment period needs to be changed,
3. a 401k loan was not listed on Schedule I,
4. some asset was not properly listed on Schedule B and on and on.

The part that scares the daylights out of my clients is the bottom part of the objection which reads, "Wherefore, the Trustee moves the Court to inquire into the above objections, deny confirmation of the Debtor's plan and to dismiss the case; or in the alternative, convert the case to one under Chapter 7." Some panicked clients will read this last sentence to mean they are going to lose everything they own. I advise all of my clients try not to panic when they receive an objection to confirmation. **Most objections can easily be worked out.** The key is to stay in contact with your bankruptcy attorney.

Whenever I sign up a new Chapter 13 case in the Northern District of Georgia, I advise all of my clients that objections are routine and no one should panic when they receive one. However, objections to confirmation must be dealt with before the Chapter 13 case can succeed. Any Chapter 13 debtor who receives an objection to confirmation should first take a deep breath and relax. Then, they should pick up the phone and call their bankruptcy attorney and ask for an explanation of the objections. In the vast majority of cases, the objections can easily be fixed.

Most creditor objections in the Northern District of Georgia usually relate to the valuation of collateral in the case or the amount of adequate protection paid to the creditor under the plan. Again, these types of objections can usually be worked out well in advance of the confirmation hearing.

A few weeks ago, a client from my Rome, Georgia office called me in tears about an objection to confirmation she received in the mail. “Jeff, I know you told me not to panic but I am scared to death!” Her voice trembled as she explained to me that she was not able to sleep all night because of the objection she received. After I got her calmed down, I explained to her that her “funding objection” was one of the most routine objections made in Chapter 13 cases. Her employer was deducting the money from her paycheck and all we needed to do was show the Trustee a copy of the paystub showing the year-to-date deduction for the Chapter 13 payment.

In the rare case where a resolution to an objection to confirmation cannot be resolved through negotiation or agreement, a bankruptcy judge will make a ruling.

MOTION TO EXTEND STAY

If you have had a case dismissed within the last year, you must have a hearing called a Motion to Extend Stay before a bankruptcy judge within 30 days of the filing of your case. If we don't have this hearing your bankruptcy protection will end.

9. AFTER BANKRUPTCY

CAN THEY REPOSSESS MY CAR?

The answer to this question depends on what type of case you file. If you file a Chapter 13 with a plan to keep the car, the creditor cannot repossess it unless you let the insurance on the vehicle lapse or stop making your Chapter 13 payments. As long as you keep your Chapter 13 payments current and keep insurance on the vehicle, the creditor cannot legally take it.

In contrast to Chapter 13, if you file a Chapter 7 and you are not current on your car payments, the creditor will file a Motion for Relief from the Automatic Stay. After the motion is filed with the court, a hearing will be held roughly 30 days after the filing of the motion. If you are behind on payments the motion will be granted and you are most likely going to lose your car. As a general rule, if you stay current on your payments and sign a reaffirmation agreement you will be able to keep the vehicle.

WHEN DO I HAVE TO MOVE OUT OF MY HOUSE IF I AM SURRENDERING IT?

After bankruptcy, many clients wonder how fast they will have to move out of the house in cases where it is the intention of the debtor to surrender the house. If your bankruptcy case was just filed in Georgia, you should have somewhere between two and three months before you have to move out. In the North Georgia area, it can be difficult to find the right place to rent. No one wants to rush out and sign a lease without having time to investigate

the area. At the same time, most debtors want to stay in their house as long as they can so that they will be able to save money for future rent payments.

In a Chapter 13 and a Chapter 7, the automatic stay stops all creditor actions. Even in cases where it is the debtor's intention to surrender the house, a mortgage company is required to file a Motion for Relief before they can begin the foreclosure process. As a general rule, a hearing will be held in the bankruptcy court approximately thirty days after the Motion for Relief is served to the debtor.



After the Motion for Relief is granted, the mortgage company will begin advertising your house for foreclosure in the local newspaper. In Georgia, a mortgage company must advertise your house in the legal section of your local newspaper for four consecutive weeks before the foreclosure date. As a general rule in Georgia, foreclosures take place the first Tuesday of every month.

While the average amount of time you have to move out is between two and three months, some mortgage companies may drag their feet before they start the foreclosure process. I have seen some cases where the debtor stayed in the house rent free for one year before the mortgage company foreclosed! I have also seen a case where the debtor moved out of the house and then the mortgage company called the debtor and begged them to move back in. In that case, the mortgage company reworked the loan and the debtors did in fact move back in. It doesn't hurt to ask your mortgage company if they would be willing to do a loan modification.

If you decide to move out, make sure you give your new address and phone number to your bankruptcy attorney so that they will be able to keep you updated on your bankruptcy case.

CAN I GET A STUDENT LOAN AFTER I FILE?

You can get a student loan after you file for bankruptcy. According to the unified student loan policy common manual of April 2005, Chapter 5, paragraph 5.6, the Bankruptcy Reform Act of 1994 prevents a school or lender from denying a federal loan or grant to an applicant solely because he or she has filed a bankruptcy petition.

I frequently meet with clients who are concerned that they will not ever be able to continue their education if they file for bankruptcy. The truth is that bankruptcy will not prevent you from pursuing your education dreams. I've had clients who were able to get student loans while they were in active Chapter 13 bankruptcy cases. Any loan that is obtained during a Chapter 13 bankruptcy must be approved by the Trustee.

It is important to note that student loan debt is virtually impossible to discharge in any time of bankruptcy. As a consequence, student loans have been easy to obtain in the past. The scary aspect of student loans is that if you borrow too much, you could be putting yourself into economic slavery. I have some lawyer friends who claim that they will be paying on their student loan debt until the day they die!

Before taking on student loan debt you should consider whether the potential income you are going to earn will be enough to pay off the student loan over a reasonable amount of time. I know quite a few college graduates who can't get a job making more than \$10 per hour. You should think carefully the total amount you intend to borrow to complete your education vs the salary expectation after you graduate.

CAN I HAVE A BANK ACCOUNT AFTER I FILE?

Just because you file a Chapter 13 or a Chapter 7 bankruptcy does not mean that you can't have a bank account in Georgia. However, if you have no bank account at all before your case is filed, it is possible you may have difficulty opening a new one after bankruptcy. When you file, your case is a matter of public record. Banks can check to see if you have filed bankruptcy before they allow you to open an account with their institution.

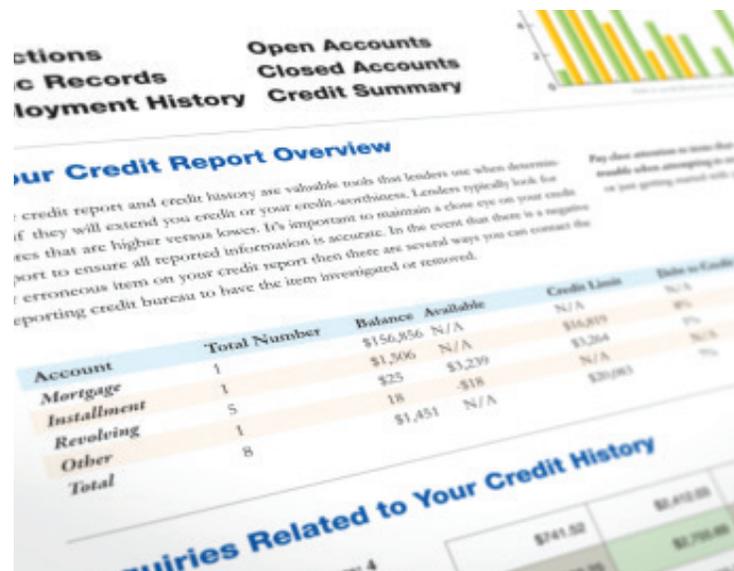
If you have a checking account with a bank that you owed money for a loan, credit card, or any other type of debt, I would recommend that you close that account and open a new one with an institution that you do not owe money to before you file. Under Georgia law, a bank has a right to setoff. This means that if you have \$100 in an account, that bank can take your \$100 as soon as you file a bankruptcy if you owe a bank any money. If money has been seized through this type of setoff after the bankruptcy case is filed, we cannot get the money back. The money is gone.

If you decide to open a new bank account before you file, make sure you don't forget to change any direct deposit orders. Nothing is worse than having your entire paycheck seized by a bank because you forgot to change the direct deposit order. Get some type of confirmation from your payroll department that the change order has been received and processed.

I recently met with a client in my Dalton office who works for a large carpet company. My client completely forgot to close her bank account and open another one with a bank that she owed no money. After we filed the case, her paycheck was directly deposited into her bank account. Since she had a credit card with this same bank, they seized a good chunk of money. Don't let this happen to you. Plan carefully before you file.

HOW LONG WILL IT STAY ON MY CREDIT REPORT?

Chapter 13 stays on your credit report for 7 years. Chapter 7 stays on for 10 years. You can start rebuilding your credit as soon as your case is discharged.



10. OTHER QUESTIONS

WHAT IS THE AUTOMATIC STAY IN BANKRUPTCY?

The Automatic Stay is an injunction against the continuance of any legal action against a debtor or the debtor's property according to 11 U.S.C. 362. The automatic stay protects a debtor from harassing collection calls, repossessions, foreclosure sales, and garnishments of wages. The protection from the Automatic Stay starts as soon as the debtor gets a bankruptcy case number.

For example, let's say a creditor files a lawsuit against a person and that person comes to see me to file a Chapter 13 bankruptcy. As soon as we get a bankruptcy case number and notify the creditor of the bankruptcy filing, the creditor must stop all collection actions. Our normal course of action is to file a Plea of Stay in the local court requesting that the lawsuit be put on hold while the bankruptcy is active.

For another example, let's say I have a client who is worried that their car creditor is about to repossess their car. Once we have a bankruptcy case number and we have notified the car creditor, the car creditor must stop all efforts to repossess the car. Any car creditor that ignores the filing of a bankruptcy case and repossesses a car post-petition can be severely punished by a bankruptcy court.

Another great benefit of the Automatic Stay is co-debtor protection. A Chapter 13 can protect a co-debtor who is liable with the debtor on a specific debt. In order to keep this protection, the debtor must pay back the entire co-signed debt along with contract interest to fully protect the co-debtor.

In Northwest Georgia, the Automatic Stay gives a debtor protection from creditors subject to the oversight of the bankruptcy judges in Rome, Georgia. After a bankruptcy case is filed, the automatic stay remains in effect until the Judge grants a request of a creditor to end the stay or the debtor gets a discharge.

The automatic stay does not protect a bankruptcy debtor from criminal proceedings or actions to modify child support orders.

WHAT IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY IN BANKRUPTCY?

A Motion for Relief from the Automatic Stay is basically a request from a creditor to the Bankruptcy court for permission to take back collateral. Motions for Relief are set down for hearings before the bankruptcy court. In Northwest Georgia, these hearings are held at the Federal Building in downtown Rome, GA. Debtors and their bankruptcy attorney have the opportunity to defend against the motion. If a creditor has a good cause for filing the motion, it will be granted. If the debtor and the bankruptcy attorney can mount a reasonable defense, the request will be denied.

Below, I have listed example situations where a Motion for Relief may be filed in a Chapter 13:

- If the client **falls behind on their mortgage payments**, a mortgage company will file a Motion for Relief so that they may begin the foreclosure process. In this case, the debtor must prove they are current on payments or work out some type of deal to get current with the mortgage company.
- If the client **lets their car insurance lapse**, the car creditor will file a Motion for relief so that they can take the car away from the debtor. Most automobile contracts in Georgia require debtors to maintain full coverage insurance on vehicles

that are collateral for loans. A car creditor usually withdraws the motion when the debtor proves they have insurance.

- If the client **falls behind on rent**. Before a landlord can begin an eviction process against a Georgia bankruptcy debtor, they will file a Motion for Relief. If the debtor can prove that the rent payments have either been made or have been caught up, the motion will be denied.

In a Chapter 7, creditors will routinely file a Motion for Relief for any collateral that the debtor is surrendering. Many of my Chapter 7 clients get extremely frustrated when they receive these types of motions. They will usually call me and say, “Hey, what is the deal? I have already agreed to surrender the car to creditor. The bankruptcy petition is clear. Why is this being set down for a hearing?” The reason for the motion is that the creditor cannot take action to repossess a car or foreclose on a house without permission from the court.

SHOULD I FILE BANKRUPTCY OVER ONE DEBT?

Every now and then, I will have a potential client that walks into my office with only one creditor problem. My frustrated potential bankruptcy client will say, “I cannot believe I am going to have to file bankruptcy because of this one nasty creditor. Is there any other way out of this tangled mess?”

IS THERE ANY OTHER WAY OUT OF THIS DEBT?

The answer to this question is the same answer I give to almost every legal question. It depends. Here are a few questions we must examine:

1. **How large is the debt?** If you are about to be garnished over a small amount of money, it might be better off to get garnished for a short time and avoid bankruptcy altogether.

2. **Are they willing to work out a reasonable repayment plan?** If not, they are going to garnish 25 percent of your take home pay.
3. **How old is this debt?** Is it more than six years old? Has it been more than six years since you have made a payment on this account? If so, this claim may be barred by the Georgia statute of limitations. Furthermore, if the claim is being collected by a third party collector, you may have a slam dunk FDCPA violation counterclaim.

ARE YOU SURE THERE IS ONLY ONE DEBT PROBLEM?

Many times when a client walks into my office thinking they have only one debt issue, they are shocked when we pull a credit report and see how many debt issues really exist in their life. People often think that if they have not heard from a creditor in a few years, the problem is gone. This is not correct. A claim against you can go dormant for a few years and then be sold to a debt collector for pennies. The debt collector then turns around and makes a fortune by collecting the entire debt from you.

SHOULD I BORROW FROM MY 401K OR FAMILY MEMBERS TO PAY FOR MY DEBTS?

I recently read an article published by Reader's Digest detailing some secrets from the debt collector's playbook. It mentioned that debt collectors will ask people to borrow from their 401k to pay their debts. Borrowing from a protected asset, such as a 401k, to pay for a debt that can be easily eliminated in a Chapter 13 or a Chapter 7 is a terrible idea!

It also stated debt collectors are suggesting that debtors borrow from family or friends to pay back their debts. Borrowing from friends or family creates tough situations when a bankruptcy case is filed. The bottom line is that you can't favor your friends and family in a bankruptcy case over other creditors. As you can imagine, friends and family don't

react very well when I tell them they have to be treated like every other creditor in the case.

Chapter 13 and Chapter 7 can end the nightmare of having to deal with debt collectors. Once you have a case number, it is illegal for a debt collector to call you or sue you.

SHOULD I FILE BANKRUPTCY BEFORE OR AFTER THE DIVORCE?

In my experience, I have seen many clients who have been forced to file either Chapter 13 or Chapter 7 because of a recent divorce. When the household income is cut in half but the household expenses remain the same, paying credit card debt is almost impossible.

I understand that some couples may be in such a heated situation that they both want the divorce to come as fast as possible. However, sometimes it makes sense to slow things down and to file bankruptcy before getting divorced.

Avoid Future Headaches

A common post-divorce example is that each spouse is ordered by a divorce judge to pay half of all joint debts. When one person gets into a situation where they can't pay, the other person often hauls them back into divorce court for a contempt proceeding for not paying the joint debt. Usually, the cause of one spouse not paying is a loss of job or new expenses from a new marriage/new family. Contempt proceedings in divorce court may get the nonpaying ex-spouse to come up with funds to avoid going to jail in the short term but the underlying situation does not change. Whatever the cause, the nonpaying ex-spouse cannot pay. This cycle continues until the person who has been paying their side of the debts can no longer afford to pay an attorney to keep hauling the other person into divorce court. After thousands of dollars and heartache, both end up filing bankruptcy.

Get a Fresh Start

Many times, it just makes sense to go ahead and wipe all of the debt so that both people can move on with their lives without having a continued string to their ex-spouse. In my office, it does not cost a dime extra for a married couple to file together. However, once the divorce takes place, two separate cases would have to be filed which means double the cost of what it would have been if there has been a joint case.

Couples who are under financial strain should consider bankruptcy before the divorce. Perhaps the removal of the financial strain might save the marriage?

11. CLIENT TESTIMONIALS

My practice is exclusively focused on consumer bankruptcy. We offer free consultations to anyone who thinks they may need our services. We are not a bankruptcy mill. We are extremely selective in the type of bankruptcy cases we take. Our focus is on consumers. We do not take business cases nor do we ever represent creditors. I try hard to find ways for people to avoid bankruptcy when we can. The reason I do this is because when a person leaves my office I want them to know that I have been 100 percent honest with them and have given them what I believe to be the best legal advice. I hope that when someone meets with me and we find a way for them to avoid filing, that person will send me referrals. Almost half of my clients come to my office through referrals. When we file a case, my staff treats our clients with care and respect. I personally review and personally file every case that is filed in my office.

“Our attorney is the brightest, smartest, most compassionate, wonderful man on the planet earth. Mr. Kelly rescued my husband and myself just as we were going under for the third and final time. We were retirement age, and both of us had worked two jobs for over forty years each. We took care of our mother’s which allowed both to live comfortably until their deaths, we educated our daughter through graduate school, and we managed to build a home on some acreage. Just right before we had everything paid off, I fell down at work and broke my knee, and then I had a stroke. Jeffrey Kelly saved us!” — **Deborah G.**

“I would love to just tell you THANK YOU!! Without your help my family would have been destitute. Now that my case has been completed successfully, it is the biggest RELIEF to not have to wonder how to make ends meet.” — **Angela W.**

“It took a lot to meet with a bankruptcy attorney to file our Chapter 13 in 2009. I was embarrassed. I did not want to file for bankruptcy. When I met with Jeff, he treated my wife and I like longtime friends or relatives, not like clients. I have talked with hundreds of attorneys in my many years of law enforcement, and they are usually straight forward and to the point. Jeff went above and beyond what I had always thought an attorney to be. He was respectful of our situation. They always say the good Lord never gives you more than you can handle, and our plate was full. It was such a relief to speak to someone who has our happiness and well-being in mind. The Law Office of Jeffrey B. Kelly was the best decision that I could have made. I would refer them in a heartbeat.” — **C.H.**

“I just wanted to thank you for your help with my bankruptcy. I imagined it would be a horrible process to go through, but with your help it went better than I could ever have imagined. I wish I did not have to declare bankruptcy, but ultimately I could not keep up payments and depleted everything I had to try to keep up. So, this nightmare is over, but with your help it made the bankruptcy process itself – painless. Again, thank you for all of your help and for being available to answer questions.” — **D.L.**

“I think the world and a mile of Jeff. As far as Jeff is concerned, I don’t just consider him my lawyer, he is a friend. He and his staff go above and beyond anything you could expect out of a firm. They are excellent. If you want more than just an attorney that shows up to court, Jeff Kelly is the way to go. He is not about the money, he is about helping people, and Jeff Kelly helped me an awful lot. I have known Jeff for about 9 years, back when he worked for Fuller

& McKay. Though he did not have his own firm at the time, he still went above and beyond his call of duty to help me in any way that he could. I would refer him to anyone.” — **Robert J.**

“Jeff and his staff were totally on top of the entire process. I received numerous mails soliciting my business due to a civil court case that was posted. Jeff’s letter, along with a handwritten remark on the letter, caught my attention. Once contact was made via email and then phone, a face-to-face was booked within the week. The entire process took less than one month (which included a holiday). He told me what to expect from the first day forward and he was exactly right with his details. He and his Firm made a very difficult, embarrassing, and painful process turn into a very professional and compassionate experience. I worked with him through his Rome office and would definitely recommend him to any of my family, friends and co-workers should the need ever arise.” — **Caleb**

12.

WHAT IS DIFFERENT ABOUT MY LAW FIRM?

- At my office, you will meet with an experienced attorney instead of a paralegal. Most of the large filers give you only a few minutes with a bankruptcy attorney. At my firm, the attorney typically spends two hours reviewing the bankruptcy petition with you. We want to take the time to ensure that your petition is perfect and your case will sail smoothly.
- You can get your case started without leaving home. If you prefer to only come to our office once, we can start your case with a phone interview or a skype call. Then, when your papers are ready to be filed, you can come to one of our convenient locations and meet your attorney face to face.
- We are bankruptcy experts. Bankruptcy is the sole focus of my law practice. We have the experience. I have been a consumer bankruptcy attorney for fifteen years. I personally review every bankruptcy petition that gets filed in my office. This is a little extra something I like to do which most owners do not do..
- We will shoot straight with you and give you honest answers. Sometimes, bankruptcy might not be the best option for you. If it isn't, we will tell you. We will not put you in a case that will not help you. Our goal is to help you and empower you.

- We are easy to talk with. Let's face it; some lawyers are cranky and hard to get along with but not in my office. I hear clients tell me all the time, "This was so much easier to talk to you about than I thought it was going to be."
- I have the best staff on planet earth. They are honest, caring people who sincerely care about our clients. In my experience as a bankruptcy attorney, I've worked with some awesome people but this group is by far the best.
- At the end of your bankruptcy, as my gift to you, I will pay for your course on how to build your credit score after bankruptcy with www.720creditscore.com. This course is titled "7 Steps to a 720 Credit Score". This is a \$1,000 value and we offer it to you for free as a thank you to all of our clients. This 14-week program will teach you:
 - How to rebuild credit the right way
 - Why most credit scores are wrong
 - Which credit cards actually hurt your credit score
 - How to stop lenders that report the wrong information
 - How to re-establish your credit after a bankruptcy, foreclosure, or short sale

13. OFFICE INFORMATION

ROME

706-295-0030 • 107 E 5th Avenue, Rome, GA 30161

We are located on top of Clock Tower Hill in the historic district of Rome. We are cattycorner from the Clock Tower. If you are driving from Turner McCall down Broad Street, take a left on East Fifth Avenue. We are on top of the hill on your left.

CARTERSVILLE

770-881-8449 • 1202 North Tennessee Street, Suite 201, Cartersville, GA 30120

We are located on the front side of the building at the far end. If you are driving from downtown Cartersville going north on Tennessee Street, we are on your left just past the Citgo gas station.

DALLAS

770-881-8449 • 1491 Merchants Drive, Dallas, GA 30132

We share office space with Premier West Realty. We are across the street from Hardy Auto Resale and are at the intersections of Atlanta Hwy/Merchants Drive and Paris Road.

DALTON

706-659-1406 • 100 N Selvidge St, Dalton, GA 30720

My Dalton office is located directly across from the Courthouse. We share office space with Hugh Kemp.

KENNESAW

770-881-8449 • 125 Town Park Dr NW, Suite 300, Kennesaw, GA 30144

Our office is located on the third floor in Suite 300 in the Regus business center. Town Park Drive is just off Chastain Road between 575 and I-75.

MARIETTA

770-881-8449 • 2470 Windy Hill Rd, Suite 368A, Marietta, GA 30067

We are located just off Windy Hill. If you are coming from I-75, head toward Cobb Parkway after you get off at the Windy Hill exit. Right after you pass by Chick-fil-A, take a left at the next traffic light. You should see our building on the right.

14. IMPORTANT PLACES

FEDERAL BUILDING (BANKRUPTCY COURT FOR ROME DIVISION)

600 East First St, Rome, GA 30161

Directions from Cartersville/Atlanta:

1. From Atlanta, take Interstate 75 North to exit 288, the “Cartersville-Main Street” exit.
2. Turn left and go about 2 miles to Highway 41.
3. Turn right onto Highway 41 and go north approximately 6 miles to the “Rome-Highway 411” exit. From there it is about 21 miles to downtown Rome.
4. Follow the exit signs to come into downtown Rome onto Highway 27 North.
5. Turn left in Rome at the first light past the Etowah River bridge onto East 1st Street.
6. The Federal Building is on and a half blocks away on the left.

Directions from Dallas/Rockmart:

1. Take state Highway 278 to Rockmart.
2. At the intersection of Highway 278 and Highway 101 in Rockmart, turn right onto Highway 101 and follow the signs to downtown Rome. Rome is 20 miles away.

3. Turn left in Rome at the first light past the Etowah River Bridge onto East 1st Street at CVS and Georgia Power Co.
4. The Federal Building is one and a half blocks away on the left.

Directions from Dalton/Calhoun/Chattanooga:

1. Take Interstate 75 South to exit 312, the “Rome-Fairmount” exit.
2. Take a right onto state Highway 53 and follow the signs to Rome. It is approximately 23 miles from the exit to the Federal Building. (No turns!)
3. At the fourth red light as you come into Rome, bear left past Old Tymer BBQ and stay in the middle lane.
4. Go straight through the next light a Turner McCall Blvd.
5. The Federal Building will be one and a half blocks down on the left.

**RICHARD B. RUSSELL BUILDING
(BANKRUPTCY COURT FOR ATLANTA DIVISION)**

75 Spring St SW, Atlanta, GA 30303

Directions from North Atlanta:

1. Take I-75/I-85 South to Martin Luther King, Jr. Drive (Exit 248A)
2. Follow Martin Luther King Jr. Drive for seven blocks to Forsyth Street.
3. Turn right and follow Forsyth Street one block to Alabama Street
4. Turn left and follow Alabama Street for one block to the parking lot entrance.
(Bring cash for parking!)

Directions from West Atlanta (I-20 West):

1. Exit at the Spring Str./Windsor St. (Exit 56B)
2. Turn left and follow Spring Street for four blocks to Mitchell Street
3. Turn right onto Mitchell Street and go one block to Forsyth Street
4. Turn left and follow Forsyth Street for two blocks to Alabama Street.
5. Turn left and follow Alabama Street for one block to the parking lot entrance.
(Bring cash for parking!)

“Helping people get out of debt”

THE LAW OFFICE OF
JEFFREY B. KELLY, P.C.

706-295-0030

866-552-0003