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Bankruptcy Trustee  
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**Re: 341(a) Meetings of Creditors**

Each debtor that files a bankruptcy petition must attend a meeting of creditors (“Meeting”) and your Meeting is currently scheduled for 4/14/20. Usually, these Meetings are conducted in a hearing room at the Bankruptcy Courthouse. Because of the issues with the COVID-19 virus and the national and state declarations of emergency, effective immediately, all in-person Meetings will now be conducted via tele-conference.

You **must** attend the Meeting or your case could be dismissed. Please follow these instructions carefully and note the call-in telephone number.

Previously, our office mailed an information letter to you requesting that you mail a copy of your last filed tax return to our office and other items to be brought to the Meeting. Because the Meetings will now be conducted via tele-conference, please review this package and follow the instructions for the documents needed and Meeting procedure.

Included in this package:

1. Telephone conference instructions;
2. List of documents needed by mail or email;
3. Instructions for proof of identity – Social Security Card and State Issued ID;
4. Bankruptcy Information Sheet;
5. Debtors Without an Attorney Questionnaire;
6. Domestic Support Order (DSO) Questionnaire.

Further, due to the new directive from the State of California, our office is closed. As such, if you need additional information it would be best to contact me at [pkraus@marshackhays.com](mailto:pkraus@marshackhays.com) or 530-295-1044.

## TELEPHONE CONFERENCE INSTRUCTIONS

The Meeting may be conducted via telephone conference call or Zoom video conferencing. You will be provided specific instructions prior to the Meeting.

The Trustee will be conducting 15 other Meetings during the hour (there will be at least 15 other people calling in at the same time). Please use the “mute” button on your phone until the Trustee calls your name.

The Trustee will make an announcement at the beginning of the hour – with general information and instructions. Please wait for your case to be called and respond to the Trustee.

When the Trustee has completed your examination, he will instruct you to hang up your phone.

Please note that the Meetings are subject to being reset **IF** the Trustee is contacted by a creditor who wishes to examine the Debtor after the telephonic examination of the Debtor has already taken place.

During your **tele-conference**, please have these documents in hand so that the Trustee can discuss with you, if needed:

1. A copy of your bankruptcy documents (petition, schedules and statements) that you filed with the Court;
2. A copy of the income tax return that you previously mailed to the Trustee;
3. If you are self-employed or own your own business, please have business financial documents – current Balance Sheet, P & L, list of assets, and most recently filed tax return if filed separately;
4. If you own real property, your mortgage statement(s) reflecting the balances due on each loan;
5. Your photo ID (i.e. State issued drivers’ license or identification card)
6. Your Social Security Card. **MANDATORY** (Original document with full number only).

**LIST OF DOCUMENTS TO BE SENT TO THE TRUSTEE  
IMMEDIATELY**

Please mail or email copies of these documents to the Trustee so that they are received no later than Wednesday prior to your Meeting.

1. A copy of the last filed tax return or official transcript of such tax return (if you have already sent to the Trustee please do not send again);
2. If you are not required to file a tax return or have not filed a tax return, please complete and return the enclosed declaration;
3. If you are self-employed or own your own business, please mail or email the business financial documents – current Balance Sheet, P & L, list of assets, and most recently filed tax return if filed separately.
4. If you own real property, your mortgage statement(s) reflecting the balances due on each loan.

Please mail or email to:

Richard A. Marshack  
Bankruptcy Trustee  
870 Roosevelt  
Irvine, CA 92620

Pam Kraus  
[pkraus@marshackhays.com](mailto:pkraus@marshackhays.com)

## INSTRUCTIONS FOR PROOF OF IDENTITY

- Your photo ID (i.e. State issued drivers' license or identification card)
- Your Social Security Card. MANDATORY (Original document with full number only)

You are required to provide proof of identity. Please mail copies of both items to our office so that they are received no later than the Wednesday prior to your Meeting.

Mail information:

Richard A. Marshack  
Bankruptcy Trustee  
870 Roosevelt  
Irvine, CA 92620

## INSTRUCTIONS FOR FORMS

These forms are included in this package:

1. Bankruptcy Information Sheet;
2. Debtors Without an Attorney Questionnaire;
3. Domestic Support Obligations (DSO) Questionnaire.

Bankruptcy Information Sheet – Please be sure to read this prior to the Meeting. The Trustee will ask you to confirm that you have done so.

Debtors Without an Attorney Questionnaire – Please complete and mail or email to the Trustee's office.

Domestic Support Obligations (DSO) Questionnaire – If you have a court order to pay spousal or child support, please complete the form – by providing the name, address and telephone number of the support recipient - and mail or email to the Trustee's office.

If you are unable to send these documents via email, please mail copies to our office so that they are received no later than Wednesday prior to your Meeting.

Please mail or email to:

Richard A. Marshack  
Bankruptcy Trustee  
870 Roosevelt  
Irvine, CA 92620

Pam Kraus  
[pkraus@marshackhays.com](mailto:pkraus@marshackhays.com)

**U.S. Department of Justice**

*Office of the United States Trustee  
Central District of California*

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**PUBLIC NOTICE**

**DEBTOR IDENTIFICATION PROGRAM**

**EFFECTIVE FEBRUARY 18, 2002,  
ALL INDIVIDUAL DEBTORS ARE REQUIRED TO PROVIDE PICTURE  
IDENTIFICATION AND PROOF OF SOCIAL SECURITY NUMBER TO THE  
TRUSTEE AT THE § 341(a) MEETING**

**ACCEPTABLE TYPES OF PICTURE IDENTIFICATION ("ID"):**

- Valid State Driver's License
- Government ID
- State Issued Picture ID
- Student ID
- Military ID
- U.S. Passport or Legal Resident Alien Card

**ACCEPTABLE PROOF OF SOCIAL SECURITY NUMBER ("SSN"):**

- Social Security Card
- Medical Insurance Card
- W-2 Form for the most recent tax year or Pay Stub
- IRS Form 1099
- Social Security Administration Report
- Official document which indicates Name and SSN

**NOTE: PICTURE ID AND PROOF OF SSN MUST BE ORIGINALS, NOT PHOTOCOPIES. ONE DOCUMENT MAY BE USED FOR PROOF OF BOTH ID AND SSN IF IT CONTAINS BOTH A PICTURE AND THE SSN. DEBTOR(S)' ATTORNEY MAY NO LONGER VOUCH FOR THE IDENTITY OF THE DEBTOR(S). ANY ID OR PROOF OF SSN OTHER THAN THOSE LISTED ABOVE MUST BE APPROVED BY THE U.S. TRUSTEE.**

**CONSEQUENCES FOR FAILURE TO PRODUCE REQUIRED DOCUMENTS:**

- The 341(a) meeting will be continued to the Trustee's next calendar. Failure to produce the documents at the continued meeting may result in dismissal of the case or other official action by the U.S. Trustee.

**CONSEQUENCES FOR ERROR IN SSN:**

- An Amended Petition must be filed pursuant to Fed. R. Bankr.P.1009 to correct any incorrect SSN. Failure to do so *within 10 calendar days* from the creditors' meeting may result in a Motion to Dismiss pursuant to 11 U.S.C. §707(a) filed by the U.S. Trustee. Debtor shall give notice of the amendment to the Trustee and to any entity affected thereby.
- Failure to correct a SSN may result in dismissal of the case or other official action by the U.S. Trustee.

**U.S. Department of Justice**  
**Office of the United States Trustee**



*Bankruptcy Law is a federal law. This sheet provides you with general information about what happens in a bankruptcy case. The information here is not complete. You may need legal advice.*

***When You File Bankruptcy***

You can choose the kind of bankruptcy that best meets your needs provided you meet certain qualifications):

**Chapter 7:** A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the State where you live and applicable federal laws.

**Chapter 11:** This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

**Chapter 12:** Like chapter 13, but it is only for family farmers and family fishermen.

**Chapter 13:** You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

***What is a Bankruptcy Discharge and how does it Operate?***

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for:

- most taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do

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

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### ***What is a Reaffirmation Agreement?***

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law.

#### **Reaffirmation agreements —**

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled any time before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

*If you want more information or have any questions about how the bankruptcy laws affect you, you may need legal advice. The trustee in your case is not responsible for giving you legal advice.*

#### **Office of the United States Trustee**

##### **Field Offices**

**Los Angeles**  
915 Wilshire Boulevard  
Suite 1850  
Los Angeles, CA 90017  
(213) 894-6811

**Santa Ana**  
411 West Fourth Street  
Suite 7160  
Santa Ana, CA 92701  
(714) 338-3400

**Riverside**  
3801 University Avenue  
Suite 720  
Riverside, CA 92501  
(951) 276-6990

**Woodland Hills**  
915 Wilshire Boulevard  
Suite 1850  
Los Angeles, CA 90017  
(213) 894-6811





U.S. Department of Justice

Office of the United States Trustee  
Central District of California

411 West Fourth Street  
Suite 7160  
Santa Ana, CA 92701  
Phone: (714) 338-3400  
Facsimile: (714) 338-3421

915 Wilshire Boulevard  
Suite 1850  
Los Angeles, CA 90017  
Phone (213) 894-6811  
Facsimile: (213) 894-2603

3801 University Ave  
Suite 720  
Riverside, CA 92501  
Phone: (951) 276-6990  
Facsimile: (951) 276-6973

## **ATTENTION DEBTORS WITHOUT AN ATTORNEY**

**SOME DEBTORS HAVE BEEN VICTIMIZED** by unscrupulous practices on the part of those who assisted them in preparing their bankruptcy petitions. Sometimes these fraudulent petition preparers claim to be affiliated with religious groups, nonprofit or charitable organizations or even the government. Occasionally they represent themselves to be attorneys or affiliated with attorneys. Once they gain their victims' trust, they may demand an excessively large sum of money to file a bankruptcy case. In many instances they direct victims to pay mortgage or rent payments over to them and then fail to pay the money to the creditors. Some victims have even been persuaded to transfer ownership of their home, only to find themselves evicted shortly thereafter. Alternatively, a debtor may be inadvertently drawn into a fraudulent scheme where their schedules are falsified to include property that does not belong to the debtor.

**FEDERAL LAW REQUIRES** all non-lawyers who assist debtors in the preparation of bankruptcy petitions to: (1) sign the bankruptcy documents; (2) provide their names, addresses, and social security numbers; (3) have debtors review all documents before they are signed; and (4) disclose any fees they have been paid or are still owed.

**FEDERAL LAW PROHIBITS** petition preparers from: (1) providing legal advice; (2) signing their clients' names on documents; (3) collecting or receiving court filing fees; and (4) using the word "legal" in their advertisements.

**PETITION PREPARERS WHO VIOLATE THIS LAW MAY BE SUBJECT TO FINES, PENALTIES AND EVEN PAYMENT OF DAMAGES TO THE DEBTOR OF \$2000 OR MORE. ALSO, IF THE PETITION PREPARER CHARGED MORE THAN THE VALUE OF THE SERVICES RENDERED, THE COURT MAY ORDER SOME OF THE MONEY REFUNDED.**

**ATTACHED IS A STATEMENT FOR YOU TO COMPLETE AND SIGN BEFORE YOU MEET WITH YOUR CASE TRUSTEE. PLEASE MAKE CERTAIN THAT YOUR ANSWERS ARE AS COMPLETE AND ACCURATE AS POSSIBLE. YOUR ANSWERS WILL ASSIST THE CASE TRUSTEE AND THE UNITED STATES TRUSTEE IN PROTECTING YOUR RIGHTS AS A DEBTOR.**

DECLARATION FOR DEBTORS WITHOUT AN ATTORNEY

Debtor's Name(s) \_\_\_\_\_ Case # \_\_\_\_\_

Debtor's Current Address: \_\_\_\_\_

Debtor's Telephone # \_\_\_\_\_

Case Trustee: \_\_\_\_\_ Date of 341(a) Meeting: \_\_\_\_\_

1. I did \_\_\_/did not \_\_\_ pay someone to assist me in preparing my bankruptcy documents (if you did not pay for assistance skip the rest of the questions and sign and date this document at the bottom).
2. Information regarding the preparer, including one used over the internet:  
 Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 Name of business \_\_\_\_\_  
 Address / Website: \_\_\_\_\_
3. Amounts paid (include all amounts paid for services, but not the filing fee): \$ \_\_\_\_\_ Date of payment: \_\_\_\_\_
  - a. Did you also give the preparer the bankruptcy court filing fee? Yes \_\_\_/ No \_\_\_
  - b. If you did give the preparer the bankruptcy court filing fee, was payment by:  
 money order \_\_\_/ cashier's check \_\_\_/cash \_\_\_/other (please describe): \_\_\_\_\_  
 Amount of payment for the filing fee: \$ \_\_\_\_\_  
 Was the filing fee payment made payable to the United States Bankruptcy Court? Yes \_\_\_/No \_\_\_
  - c. Do you still owe the preparer any money? Yes \_\_\_/No \_\_\_ If so, how much? \_\_\_\_\_
  - d. Did you pay any money to the preparer after the date your bankruptcy petition was filed? Yes \_\_\_/No \_\_\_
  - e. Did the preparer give you a receipt for the monies that you paid? Yes \_\_\_/No \_\_\_
4. I was \_\_\_/was not \_\_\_ given a copy of the petition and schedules before they were filed with the Court.
5. I did \_\_\_/did not \_\_\_ sign my own name on the petition and schedules.
6. I was \_\_\_/was not \_\_\_ directed to say that I had no assistance in preparing my documents.
7. At any time did the preparer say or indicate that he or she was an attorney? Yes \_\_\_/No \_\_\_
8. The preparer who assisted me explained to me (select all that apply):  
 \_\_\_ whether or not to file a bankruptcy petition.  
 \_\_\_ the difference between bankruptcy cases under chapter 7, 11,12, or 13.  
 \_\_\_ whether my debts will be discharged.  
 \_\_\_ whether I will be able to retain my home, car, or other property after filing bankruptcy.  
 \_\_\_ any tax consequences from filing bankruptcy.  
 \_\_\_ whether I should repay any of my debts to a creditor after filing bankruptcy.  
 \_\_\_ whether I should enter into a reaffirmation agreement with a creditor to reaffirm a debt.  
 \_\_\_ how any property interest I own should be characterized as either real or personal property.  
 \_\_\_ how my debts should be characterized as either priority, secured or unsecured debts.  
 \_\_\_ any bankruptcy procedures and rights I may have as a debtor in bankruptcy.
9. I was \_\_\_/was not \_\_\_ given a document by the preparer which explained the bankruptcy process.
10. I did \_\_\_/did not \_\_\_ fill out a questionnaire about my property and debts for the preparer's use.
11. I was \_\_\_/was not \_\_\_ informed by the preparer that an attorney would review my bankruptcy papers before they were filed with the Bankruptcy Court.
12. I did \_\_\_/did not \_\_\_ receive from the preparer a copy of the Amended Bankruptcy Preparer Guidelines issued in February 2003 by the Office of the United States Trustee.
13. I was \_\_\_/was not \_\_\_ directed to put false information on my bankruptcy documents. The false information is the following: \_\_\_\_\_
14. How did you hear about the preparer? \_\_\_\_\_
15. I did \_\_\_/did not \_\_\_ complete this document with the help of a person that I paid, directly or indirectly.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**SUPPORT OBLIGATIONS**

If you have an obligation for ongoing **Child Support/Alimony** payments or if there are any delinquent Child Support/Alimony payments listed in Schedules E or F, please provide (a) the name, the last known address and telephone number of the adult receiving such payments, and (b) documentation to support such obligation such as separate or divorce agreement or a court order. If you have such an obligation to more than one party, please attach a separate sheet of paper showing the following information for additional parties.

Name: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on \_\_\_\_\_, at Santa Ana, California.

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Print Name of Debtor

\_\_\_\_\_  
Joint Debtor's Signature

\_\_\_\_\_  
Print Name of Joint Debtor