

1
2 UNITED STATES BANKRUPTCY COURT
3 WESTERN DISTRICT OF WASHINGTON

4 In re:

Case No.:

5
6 Debtor(s)
7

8 **RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS**
9 **AND THEIR ATTORNEY**
10 **(CONSUMER CASE)**

11 It is important for debtors who file a bankruptcy case under Chapter 13 to understand their rights
12 and responsibilities. Debtors should know what their attorney’s responsibilities are, and
13 understand the importance of communicating with their attorney to make the case successful.
14 Debtors should also know that they may expect certain services to be performed by their attorney.
15 To assure that debtors and their attorney understand their rights and responsibilities in the
16 bankruptcy process, the following rights and responsibilities are hereby agreed to by the debtors
17 and their attorney. Nothing in this agreement excuses an attorney from any ethical duties or
18 responsibilities under Federal Rule of Bankruptcy Procedure 9011. Note: This form is to be
19 retained by counsel and does not need to be filed on the Court’s docket.

20 **UNLESS THE COURT ORDERS OTHERWISE,**

21 **The debtor shall:**

- 22 1. Provide accurate financial information.
- 23 2. Provide information in a timely manner, including recent pay and earning information and
24 recent tax returns.
- 25 3. Cooperate and communicate with the attorney.
- 26 4. Discuss with the attorney the debtor’s objectives in filing the case.
1. Make plan payments to the Chapter 13 Trustee beginning 30 days from the date the case is
filed. The case is filed as of the date of the petition for relief – first day of the case. The
plan may be filed later, but the plan payments begin 30 days from the date of the petition
for relief.
6. Appear at the § 341 meeting of creditors.
7. Keep the Trustee and attorney informed of any changes of address and/or phone number.
8. Inform the attorney of any wage garnishment or attachment of assets which occur or
continue after the filing of the case.

- 1 9. Contact the attorney promptly if the debtor loses his/her job or has other financial
- 2 problems.
- 3 10. Let the attorney know immediately if the debtor is sued before or during the case.
- 4 11. Inform the attorney if any tax refunds the debtor is entitled to are seized or not returned to
- 5 the debtor by the IRS or any state tax agency.
- 6 12. Contact the attorney before buying, refinancing, or selling real property or before entering
- 7 into any long-term loan agreements as court approval may be required.
- 8 13. Pay any filing fees and filing expenses that may be incurred directly to the attorney.
- 9 14. Incur no additional debt except after obtaining prior Trustee permission. 15. Promptly
- 10 notify the Trustee if the debtor's projected gross annual income increases by more than
- 11 10% above the gross amount disclosed in the most recently filed budget;
- 12 16. Promptly notify the Trustee if the debtor becomes entitled to receive a distribution of
- 13 money or other property (including, but not limited to, bonuses, inheritances or any claim)
- 14 the value of which exceeds \$2,500.00;
- 15 17. Comply with the Trustee's requests for financial information;
- 16 18. Timely file required tax returns during the life of the plan;
- 17 19. Inform the attorney if the debtor becomes entitled to assert any claim against a 3rd party.

18 **The attorney shall:**

- 19 1. Meet with the debtor to review the debtor's assets, liabilities, income and expense.
- 20 2. Analyze the debtor's financial situation, and render advice to the debtor in determining
- 21 whether to file a petition in bankruptcy.
- 22 3. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13
- 23 case, discuss both procedures with the debtor, and answer the debtor's questions.
- 24 4. Explain to the debtor how the attorney's fees and trustee's fees are paid.
- 25 5. Explain what payments will be made directly by the debtor and what payments will be
- 26 made through the debtor's chapter 13 plan, with particular attention to mortgage and
- vehicle loan payments, as well as any other claims with accrued interest.
6. Explain to the debtor how, when, and where to make the Chapter 13 plan payments.
7. Explain to the debtor that the first plan payment must be made to the Trustee within 30
- days of the petition for relief (not the plan) being filed.
8. Advise the debtor of the requirement to attend the § 341(a) Meeting of Creditors, and
- instruct the debtor as to the date, time and place of the meeting.
9. Advise the debtor of the necessity of maintaining liability, collision and comprehensive
- insurance on vehicles securing loans or leases.
10. Render all services required, excluding adversary proceedings, necessary through the entry
- of the order confirming the plan and shall include, without limitation the following:
 - 21 a. The filing of the chapter 13 plan in the form required by Local Rules W. D.
 - 22 Wash. Bankr. 3015-1;
 - 23 b. Filing with the Chapter 13 Trustee the Chapter 13 Information Sheet together
 - 24 with the documents required by Interim Fed.R.Bank.P 1007;
 - 25 c. Appearing at the §341 Meeting of Creditors;
 - 26 d. Responding to objections to confirmation and motions for relief from stay that
 - are resolvable with argument before the court;

- e. Negotiating and presenting unopposed or agreed orders assuming or rejecting leases;
- f. Resolving disputes regarding the valuation of collateral or providing for preconfirmation adequate protection payments to creditors;
- g. Amending the initial plan as necessary to obtain an order confirming the plan;
- h. Adding creditors to the schedules and plan;
- i. Negotiations with the Department of Licensing;
- j. Review of claims.

It is understood that the attorney’s ability and obligation to provide the services set forth above in items 2 & 10 will be impaired, and may be impossible, if the debtors do not provide accurate and complete information, documentation and cooperation in a timely manner, and advise of any change of address, phone number and/or employment.

If the debtor disputes the legal services provided or the fees charged by the attorney, the debtor may file an objection with the court and set the matter for hearing. The attorney may move to withdraw or the debtor may discharge the attorney at any time.

We declare and certify under penalty of perjury that a copy of the foregoing was provided to the debtors prior to the filing of the schedules and plan.

DATED _____

_____ Debtor

DATED _____

_____ Attorney for debtor