

The Bankruptcy Process – Chapter 7 Bankruptcy (Part 2)

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In my last post I outlined what you can expect at my office as to the bankruptcy process from the initial consultation through to the day when your bankruptcy case is actually filed with the bankruptcy court. In this post, I will walk you through the bankruptcy process from the day the case is filed with the bankruptcy court through to the first Meeting of Creditors.

Filing Day

Immediately upon the filing of your case, the bankruptcy court issues an order called the Automatic Stay (*see* 11 U.S.C. § 362(a)). This order stops all collection efforts against you and your property. This means that there can be no law suits, no garnishments, no collection calls, no demand letters, no nothing! For most this brings the immediate relief they were seeking when filing for bankruptcy. The unrelenting pressure that the constant collector phone calls bring will stop. If any collections efforts continue after your filing, it is important to let your attorney know so that they can confront these creditors and get the court involved (if necessary) to get them to stop.

Letter from the Trustee

Within the next week you will likely receive a letter from the trustee assigned to your case. The trustee is the person who will oversee your bankruptcy case and review the documents that have been filed on your behalf. The letter the trustee sends you will likely ask for some bank statements, pay stubs, copies of titles to vehicles, and may have a questionnaire for you to complete. It is very important that you gather all the requested documents and return them to the trustee in a timely matter. Failure to do so will result in delay for your case.

The Meeting of Creditors – 11 U.S.C. § 341

About a week after your case is filed you will receive a letter from the bankruptcy court (and from my office) informing you of your Meeting of Creditors. This is a meeting held with the assigned trustee in your case. Everyone who files for bankruptcy must attend this meeting. Despite its name, only on rare occasions do creditors actually appear at the meeting. More than likely it will just be you, your attorney, and the trustee.

The trustee will begin the meeting by asking for your photo identification and your social security card. If you don't have a social security card, you need to apply for a replacement before this meeting is held. If you do not have your social security card with you at the meeting it will likely be continued to a later date, requiring you to come back. The trustee will then ask you questions relating to the accuracy and truthfulness of the documents you filed with the

bankruptcy court as well as any specific questions he/she may have in regards to your personal assets. Typically, your time in front of the trustee is 5 minutes or less.

The bankruptcy process I have outlined above is based upon my experience in the District of Arizona and specifically in the Phoenix area. This process may differ in other states and even within different cities within those states. In the next part I will discuss what you can expect from the time your Meeting of the Creditors is over until your case is discharged.