

DARREN M. BALDO
ATTORNEY AT LAW, LLC



Phone: (609) 799-0090
Direct: (609) 468-4630
Fax: (609) 799-0095
Email: DARREN@DBALDOLAW.COM

4093 QUAKERBRIDGE RD.
PRINCETON JCT., NJ 08550

Bar Admissions:
NEW JERSEY
NEW YORK
PENNSYLVANIA

SAMPLE QUESTIONS ASKED AT 341 (CREDITOR'S) MEETING IN BANKRUPTCY CASES

We'll gather in the meeting room. There will be other cases there to be called. Sometimes there's more sometimes less. Hopefully, you can sit and listen to the prior cases so you get a feel.

CHAPTER 13: In chapter 13's the cases are usually heard in separate rooms; that's the way it's typically done in Albert Russo's (Division of Trenton) cases – he's the trustee. But you might not meet with him *per se*. You might meet with one of his staff attorneys. They all basically goes like this (not all cases are identical). They call your case and we go up to the desk or room where the trustee is sitting.

CHAPTER 7: We all meet in a room where other cases are being or going to be heard. It's helpful in Chapter 7 cases to arrive early and sit in on other cases to see and hear how it goes for other cases before you go. They'll eventually call your case and then we'll proceed to the desk where the trustee and one of his or her staff is sitting.

ALL CASES:

Swear In/First Question:

1. When we start, you'll be sworn in. "State your name... Do you swear to tell the truth...?" Of course, you say your full name and likely spell it out. Then, you'll say "I do"...to answer that question. That's the first question.

Always the second question:

2. "Your attorney is showing you your petition; ... is that your signature? Did you sign your petition? ... "Yes"

Other questions: These questions are not necessarily in the same order as below and some questions might be similar, different or not asked at all because each case is different. But in my years of experience, the following are the typical and most frequently asked questions:

3. Did you read the petition, schedules, statements and related documents before you signed them?
4. Are you personally familiar with the information contained in the petition, schedules, statements and related documents?
5. Is the information contained in the petition and all accompanying documents true and correct? Are there any errors or omissions that you are aware of at this time?

6. Have you identified all of your assets on the schedules? (assets include anything of value including accounts of all kinds, real property no matter if it is located out of the country, or personal property including even clothes and wedding rings).
7. Have you listed all of your creditors on the schedules? (creditors include relatives and anyone to whom you owe money)?
8. Have you previously filed bankruptcy? (generally bankruptcies older than 8 years for Chapter 7 and less for Chapter 13 are fine, but they still need to be disclosed to the Bankruptcy Court and Trustee).
9. Is the copy of the tax return your attorney provided to my office before this meeting a true copy of the most recent tax return you filed? (if you have filed a more recent tax return, be sure to give a copy to your attorney a week prior to the meeting, or bring a copy to the meeting if it is even more recent than that).
10. Do you have a domestic support obligation such as child support or alimony that you owe another? To whom? if so, You might be asked if you are current on your post-petition domestic support obligations?
11. Have you filed all required tax returns for the past four years? If you have not, then you will need to remain current during your plan (chapter 13) or if you're in chapter 7, then you must file any past due returns to be eligible for bankruptcy relief.
12. If you are expecting a tax refund for the year prior to filing your bankruptcy, you will need to send the refund check to the Trustee (do not direct deposit) and the Trustee will do a calculation after the meeting to pro-rate the amounts over the 365 days of the preceding year. The Trustee will return a portion to you representing any exemptions claimed and for the time period after you file bankruptcy.
13. Did you review the bankruptcy information sheet (this was provided to you when you hired us and explains the various types of bankruptcies)?
14. Have you repaid any debts to family or friends in the last year?
15. What is the reason for your bankruptcy filing?
16. How did you arrive at the values you listed for your personal property on your schedules?
17. Are you paid by the hour or salary? What is your hourly rate/salary?
18. Identify any ownership interest and mortgages for real estate, even out of the country (all of this should be listed on your petition also)?
19. Any transfers (giving or selling) anything to relatives or insiders in the past two years?
20. Is anyone holding any property for you?
21. Do you have a claim against anyone else such as a slip and fall, car accident, someone owing you money etc.?
22. Are you entitled to life insurance proceeds or an inheritance upon someone's death?
23. Are you a beneficiary or trustee of a trust?
24. Do you own a business?