

## Florida Bankruptcy Attorney

Ryan W. Gambert will help people with Chapter 7 and Chapter 13 bankruptcies. Filing for bankruptcy can be seen as a financial clean slate and is sometimes seen as the best possible solution for a bad situation.

### Chapter 7

#### Residency Requirements:

A person filing for a bankruptcy is called the debtor. The debtor must be a resident in Florida 90 days prior to filing for Bankruptcy. If the debtor has not established residency in Florida prior to the 90 days intend to file, the debtor must file in the state in which he/she resides.

#### Pre-filing

The debtor should not pay back any debts to anyone, including relatives, 90 days prior to filing for a bankruptcy. This is considered an unlawful preference and the Court may take the payments and distribute them to the other creditors.

Do not incur any debt over \$500 or more or receive any cash advances 90 days prior to filing, these debts will be considered non-dischargeable and the debtor will still will be responsible for those debts after the bankruptcy.

Debtor must take a pre-filing credit counseling class prior to filing for bankruptcy. This is required by the Court.

#### Filing:

A debtor files a document called a petition with the Court in order to initiate the bankruptcy case. Once the petition for bankruptcy has been filed, an automatic stay on all collection practices goes into effect, this includes any foreclosure proceedings. The Court will send out a notice to all of the creditors that are listed in the petition. The Court will also assign a Trustee to the case. A Trustee is a person who is appointed by the Court to assist in the review and disposition of a bankruptcy case. After a review of the petition to make sure it is complete, the Trustee will schedule a meeting of creditors, also known as the 341 Meeting.

#### 341 Meeting of Creditors:

The Meeting of Creditors, or 341 meeting, is typically 6 weeks after the bankruptcy petition is filed. The assigned Trustee presides over this meeting, which the debtor is required to attend. At this meeting the debtor is to testify, under oath, as to the accuracy of the filed petition. The creditors listed also will have a chance to ask questions, however creditors rarely attend the meeting. The 341 meeting is very informal and typically lasts only 10 minutes. After the 341 meeting, the debtor must take a post-filing credit counseling class, this is required in order to receive the discharge.

The Trustee and listed creditors have 30 days after the 341 meeting to object to any of the exemptions that have been claimed in the petition. Creditors have 60 days after the 341 meeting

to object to any debt being discharged as a result of misconduct, such as fraud or concealment of assets.

Discharge:

A debtor is eligible for a discharge of their debt 60 days after the 341 meeting and if no objections have been filed. If no objections have been filed during the 60 days after the 341 hearing, the Court will enter a discharge of the scheduled debt.

Mr. Gambert is able to represent clients throughout the State of Florida who need to file bankruptcy. Mr. Gambert is licensed to practice in Federal Court including the Northern, Middle, and Southern Districts of Florida. He will give you the individualized service through this tough time.