

Do I Need Bankruptcy?

HELPING YOU
MAKE THE BEST
DECISION FOR
YOURSELF AND
YOUR FAMILY



**by Richard E. West,
Board Certified Consumer
Debt Relief Specialist
and Attorney at Law**

© 2012 Richard West

All rights are reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without permission in writing from the publisher.

Printed in the United States of America.

First Edition

For information about bankruptcy in general, or the contents of this book, please contact:

Richard West, Esq.
Law Offices of Richard E. West Law Co. LPA
195 E. Central Avenue
Springboro, Ohio 45066
937-748-1749

For additional information: visit www.debtfreeohio.com

Legal Notice And Disclaimer

This Book Is Not Intended As Legal Advice

This book is not legal advice. Reading this book does not establish any type of attorney client relationship or privilege between us. The only way that I can provide legal advice is if you hire me as your attorney for this matter. For you to hire me a written agreement must be signed by you, and this is called a retainer agreement. This agreement lays out the terms of my representation in your case and also outlines the details of the attorney client relationship between us, including the costs involved.

Only after I have been retained and hired as your bankruptcy attorney, with your signature on the retainer agreement, can I provide legal advice to you. Until I am hired as the bankruptcy attorney in your case I can only give you some useful information, which may help you educate yourself about the bankruptcy facts and ways to deal with your creditors.

TABLE OF CONTENTS

FOREWARD	2
ABOUT THE AUTHOR	9
CHAPTER 1	
Introduction	11
CHAPTER 2	
The Big Decision	12
What is Bankruptcy	12
Chapter 7 Bankruptcy	12
Chapter 13 Bankruptcy	13
CHAPTER 3	
When is it Time?	15
Desperate Times Call for Desperate Measures	15
Your Family Depends on You—Don't Put Them at Risk	15
Waiting Makes Matters Worse	16
When You Seriously Should Consider Bankruptcy	17
Don't Rob Peter to Pay Paul	18
Consigners Beware	19
Retirees: Let Us Help You	19
Your Credit Score	20
Top 16 Myths Your Creditors Want You to Believe	20
CHAPTER 4	
Where to Go	28
Getting Help From the Right People	28
CONCLUSION	30

FOREWARD

READ THIS FIRST – Even if you don't read the rest of this book, READ THIS!

Here is the startling truth about your creditors, and bankruptcy attorneys.

You may not need bankruptcy, but if you do, it will be the best decision you've made in your entire life!

Since you requested my free book, I know that you're wondering if bankruptcy might be the right choice.

I'm sure you're the kind of person who believes in playing fair. You might be thinking, I made these bills and I want to pay them. If I file bankruptcy, that's not being fair.

I'm a good person, a responsible person.

I know you are, I understand.

Sure, you signed up for the credit cards or you got the medical treatment that caused the debt that you now can't pay - but the resulting debt is not something that you necessarily caused! In other words, the situation is not all your fault.

If you are like most of the people I see, you're probably in debt because you've encountered situations that are completely beyond your control.

You are not responsible for everything that has happened to you.

You're struggling - trying to decide whether you should - or shouldn't - consider bankruptcy as an option.

However, you might be interested to know how your creditors look at this.

You'd be surprised, to know that ...

All of your creditors are celebrating!

In fact, they're hoping that you can't pay.

Why?

They know that the longer you take to pay, the more interest they will be able to collect from you.

Have you looked at your credit card statement recently?

Did you notice that will probably take you over 30 years to pay back the debt that you now owe, assuming, of course, that you don't make any more credit charges on the account.

Did you notice how much more you'll pay because of the interest?

It's ridiculous! It should be illegal!

The truth of the matter is that your creditors want this to go on and on and on...

Forever!

Your creditors actually love people just like you.

They're thrilled that you have the thoughts that it might not be "fair" to file bankruptcy.

They're counting on you to do what's right for them, and not your family, so that they can make a ton of money.

That's what keeps them in business.

They love it when you blame yourself.

Sure, your creditors understand that you didn't create all of the situations that happen to you, that you didn't create all of the problems that have caused you not to be able to pay your bills.

They don't care.

They don't stop for a minute to consider what's fair for you or your family.

They hope you continue to blame yourself, falsely, for all the things that happened.

Your creditors are not playing fair, and they don't care a single bit about you or your family.

Did they ask you if they could increase your interest rate to something that is probably far in excess of what it was when you first got the account?

Of course not. It seems like they get to make up the rules as they go along.

How fair is that?

I don't think it's fair. I hope you don't think it's fair either.

Your creditors actually know...

That it's not all your fault!

It's no secret - and your creditors know - that 90% of the financial problems like yours are caused by illness, job loss, divorce or some other event that you have absolutely no control over.

But yet they still call you day and night just to make you feel worse.

Don't you think they know that you can't pay them? Of course they do.

But yet they keep calling you anyway in hopes that they can put a guilt trip on you that will make you skimp on your groceries, not buy your medications, and in some cases not make your house payment, so that they can get more of your money to pay their high interest rates.

Your creditors actually think you're stupid.

I hate to put it so bluntly, but it's true.

Creditors know that you don't read the microscopic print on the little inserts they put in your bill that tells you that they are going to raise your interest rates sky-high.

Your creditors aren't concerned about doing what's right or fair for you or your family.

All they want is your money.

All they want is to keep you exactly where you are and hope that you will not seek any options so that they can continue to get rich at the expense of your family.

What's the right thing to do?

The right thing to do, of course, depends on your situation.

You may need bankruptcy, but maybe not.

What you need is someone who will explain all of your options to you, both bankruptcy and non-bankruptcy.

What you need is . . . to know ALL the facts.

When you get all the facts, then - of course – you'll know what the right answer is! It's really pretty straightforward.

You have one priority, and that is your family.

You owe it to them to make sure that you get all the facts are that you make the right decision. You need to be educated about all of your options.

There is only one place that I know of where you can get all of your options explained to you by a qualified and certified specialist. That place is our office.

Why is this?

Mainly because of lack of training (and self-interest, but that's another story).

Let me explain:

Bankruptcy attorneys know bankruptcies. (they don't know about anything else, usually)

Credit counselors know one thing, credit counseling. (they can't practice law)

Debt management programs sell one thing, debt management programs. (many of them are scams, and they can't give legal advice either)

It seems like nobody you talk to is trained in the kind of relief offered by the others. They only know one thing. The thing that they sell.

We, on the other hand, are certified and trained in all options for debt relief,

- Debt settlement
- Credit management
- Credit counseling
- Debt management program
- Chapter 7 bankruptcy
- Chapter 13 bankruptcy

If you need bankruptcy, we will tell you, and, if you don't need bankruptcy – we will tell you that too.

How's that for fair?

You can't find this kind of experience anywhere else.

And, we will tell you your rights about the creditor's ability to collect from you.

Every single day I hear someone tell me that their creditors are threatening to garnish their paychecks or take their bank accounts.

Usually, it's just not legally possible. I will explain to you all of your rights so that you'll be able to have a plan for financial recovery and sleep again at night.

Exploring all of your options is the right (and the only sensible) thing to do.

Filing bankruptcy might be the right thing, but you won't be sure until you talk to somebody like me who can compare all of your options for you.

Bankruptcy could be the best thing that you ever do.

Call today to schedule an appointment with me. I promise that you will leave our meeting much better educated and much more knowledgeable than when you come in.

I hope this book helps you in your quest for information and education about your debt problems. We are here to help.

Sincerely,

Rick West

About the Author



How to Know if You Should File Bankruptcy is written by **RICHARD E. WEST.**

Rick is not your typical lawyer. He knows what it's like to be in debt, hounded by his creditors and sued for bills he could not pay. Although he has helped consumers with difficult debt problems since he started practice in 1986, he had a horrible accident in 1993 and broke his back after falling off of his rooftop. He could not work for months, and had to close his law practice while he literally “got back on his feet.”

As a result, he had to live on credit cards, pay his mortgage and feed his family with borrowed money. He was unable to pay his bills and – eventually – got sued by attorneys he knew. They would not work with him. They did not care about him, or his family. They wanted money he could not pay. It was devastating.

In time, Rick did get back on his feet, and was able to pay the creditors. But the experience changed him forever and he vowed to devote the rest of his professional life to helping good, hard-working people who, through no fault of their own, could not pay their bills.

He closed his general practice, and began to specialize in debt relief. He became one of only a handful of attorneys in Ohio who are board certified

in consumer bankruptcy, and he is also a certified consumer credit counselor as well as an accredited debt arbitrator and debt workout specialist, certified by the IAPDA. He is the only attorney in Ohio to hold all of these certifications. He has lectured widely to attorneys across Ohio on bankruptcy law, and has appeared on numerous television programs as a bankruptcy specialist.

Rick understands the importance of credit. His firm is the only firm in Ohio to offer – to all clients – a unique 3-Step Plan for total financial recovery. He combines his expertise as a consumer credit counselor with his extensive bankruptcy experience to help his clients get out of debt, rebuild their credit, and – after the bankruptcy is over – Rick’s firm continues to help his clients to ensure that their credit report is accurate.

Because he is also licensed to practice before the United States Tax Court, Rick can also help with consumer tax debt problems, including the “pennies on the dollar” offer-in-compromise program.

Since 1986, over Ten Thousand Miami Valley consumers have trusted Rick to turn their finances around and help them get a true “fresh start” – including restored credit.

Want to contact Rick?

Visit him online.

You may contact him via email,
Ask A Lawyer, live chat, or call.



debtfreeohio.com
DEBT RELIEF LAW

Richard E. West Law
(937) 748-1749

Chapter One: Introduction

How to Know if You Should File Bankruptcy is a book written to help you understand if you are in need of debt relief by filing bankruptcy. If you are not quite sure, look to the quick-checklist below to find out. If you answer “yes” to any one of these questions, you at least owe it to yourself, and your family, to read this book.

- YES NO Are you struggling to make ends meet each month?
- YES NO Are you worried about which bills you are not going to be able to pay?
- YES NO Are you unable to pay certain bills because you have to pay more important bills?
- YES NO Are you worried about creditors calling you at home or at work?
- YES NO Are you living paycheck to paycheck?
- YES NO Do you lose sleep at night worrying about money?

If any of these apply to you, then you may need help. The question is, what kind of help do you need? This book will help you decide.

But, before you begin to read this book to consider filing bankruptcy, we advise you to also explore all of your options for debt relief. For example, there are debt consolidation programs that may be a better solution for you than bankruptcy. This book is for those individuals considering bankruptcy and is written for the purpose of informing readers what a bankruptcy is and if bankruptcy is something they should consider.

Chapter Two: The Big Decision

What is Bankruptcy?

Bankruptcy is a process whereby consumers can eliminate or repay debts under the protection of federal bankruptcy laws. Bankruptcies are generally one of two types – liquidation (Chapter 7 bankruptcies) or reorganization (Chapter 13 bankruptcies). The following will explain and distinguish the two.

Chapter 7 bankruptcy comes is a liquidation process. It's called liquidation because a bankruptcy trustee may sell or liquidate some of your property to pay back some of your debt. However, some property is called “exempt” and you keep all property that is protected under this state law.

In **Chapter 13 bankruptcy** you get to keep all of your property, but you must make payments to repay all or some of your debt. The payments span from three to five years in most Chapter 13 bankruptcies.

Both Chapter 7 and Chapter 13 bankruptcies have rules regarding which debts are covered, who can file, and what property you must sell and what property you can keep.

Chapter 7 Bankruptcy

Chapter 7 bankruptcies are filed by individuals. They are called Consumer Chapter 7 bankruptcies. Businesses can also file Chapter 7 bankruptcy. Those are called Business Chapter 7 bankruptcies. The lifespan of a Chapter 7 bankruptcy typically is three to six months.

In Chapter 7 bankruptcy, **property liquidation** is the process whereby some of your property may be sold to pay down your debt. In return, most or all of your unsecured debts will be erased. The exception is debts for which collateral has been pledged. For those, you must sacrifice the property that was declared as collateral when the debt originated. In Chapter 7 bankruptcy, you get to keep any property that is classified as exempt under the state or federal laws, such as your clothes, car, and household furnishings. Many people who file for Chapter 7 bankruptcy are pleased to learn that all of their property is exempt. If you want to learn more about what of your property is exempt, consult with Richard E. West Law. They will do a case evaluation to determine exactly that.

Secured debt. If you owe money on a secured debt, for example, you have a car loan where the car is pledged as a guarantee of payment, you have a choice of allowing the creditor to repossess the car, continue to make your payments on the car, or if agreed upon by the lender, pay him a lump sum amount equal to the current replacement value of the car. Some secured debts can be eliminated in Chapter 7 bankruptcy. Once again, a Richard E. West Law case evaluation will tell you which of your secured debts can be eliminated and how.

Eligibility for Chapter 7. Not everyone can file for Chapter 7 bankruptcy. If your income is sufficient to create a Chapter 13 repayment plan (after subtracting certain allowed expenses and monthly payments for certain debts) you will not be allowed to use Chapter 7 bankruptcy.

Chapter 13 Bankruptcy

In order to file for Chapter 13, you must have a reliable source of income that you can use to repay a portion of your debt.

Repayment. When you file for Chapter 13 bankruptcy, a repayment plan that details how you are going to pay back your debts over the next three to five years has to be created. The minimum amount you will have to repay depends on how much you make, how much you owe, and how much your creditors would have received if you'd filed for Chapter 7 bankruptcy. It is a bit more complicated and harder to calculate, but a Richard E. West Law case evaluation can help you determine this.

Debt limits. Your debts must be within limits set by the federal government. You may not have more than a million dollars in secured debt and approximately \$330,000 in unsecured debt.

Secured debts. Chapter 13 gives you an option to make up missed payments to avoid repossession or foreclosure if you have secured debts. You can include these past due amounts in your repayment plan and make them up to fulfill the requirements of Chapter 13 bankruptcy protection.

Bankruptcy doesn't work on all kinds of debts. Though bankruptcy can eliminate certain kinds of debts: such as credit card debt, medical bills, and unsecured loans, there are many types of debts that cannot be wiped out in bankruptcy. Those are child support, spousal support obligations and most tax debts.

Bankruptcy doesn't work on all kinds of debts. Though bankruptcy can eliminate certain kinds of debts: such as credit card debt, medical bills, and unsecured loans, there are many types of debts that cannot be wiped out in bankruptcy. Those are child support, spousal support obligations and most tax debts.

Chapter Three: When is it Time?

Desperate Times Call for Desperate Measures

Sadly, some people resort to extreme – and illegal acts – of desperation when they are unable to pay their debts. It is not uncommon for us to read in the newspaper about people who have robbed a bank or store because they simply couldn't pay their bills. Others have faked identity theft and reported their credit cards stolen so they could try to escape the payments. Some people have even gone so far as to fake their own death so that their family could cash in on life insurance. But, most desperately, people commit suicide hoping that the life insurance policies pay out enough that it gets their families out of debt. They figure they're worth more dead than alive.

These are not a way out of debt. Let me repeat that...**these are ABSOLUTELY not a way of out debt!** Embezzling money from a job or church or community group, or gambling thinking that you will win enough money to pay off a credit card debt, is not the answer either. There are people and programs that can help. Richard E. West Law is one of them.

Your Family Depends On You–Don't Put Them at Risk

We talk to people every day who make choices that actually endanger their own lives and the lives of their family members. Here are a couple of examples:

I regularly talk to people who don't buy prescribed medications because they would not be able to pay the utility bill if they do. And, studies show people will often risk illness and go without food to pay credit card bills. Others drop the insurance on their automobiles and put their license at risk to pay bills. Even more dangerous, others keep the thermostat so low in the winter or so high in the summer that the temperature in their house actually constitutes a health hazard.

The pressures of being in debt are tremendous. They often cause stress and illness, arguments between spouses and family members, and I've known some individuals who, in a fit of anger, have hurt themselves or their family because they just can't handle the pressure.

Debt can also contribute to other problems such as excessive drinking or drug use, overeating, questionable computer activities, despair and laziness, or compulsive shopping. The list goes on.

To protect yourself and your family, you **MUST** know your options. There is help and in many instances it's immediate and painless. Do it now. Do it for your health. Do it for your family.

Waiting Makes Matters Worse!

Sadly, many of the people who we counsel wait until it's nearly too late. They actually have less options because they don't seek help sooner.

Most people have been thinking about talking to a debt counselor or bankruptcy attorney for six to twelve months before they pick up the phone.

And, this is really a shame because just about everybody that we talk to finds a better way...a solution to their debt problem. And, every time, they say that they wished they had sought help much sooner.

Here is what a Richard E. West Law client said after coming in for help:

*“Thank Goodness I came in to see you. There is an answer!
There’s light at the end of this dark tunnel and I am finally able
to see it. I am able to sleep at night again! Thank you. Thank
you. THANK YOU!”*

When Should You SERIOUSLY Consider Bankruptcy?

There are a lot of events that lead up to thoughts of bankruptcy. This book doesn’t list them because many times, it’s not your fault. Life happens and sometimes it’s that simple.

Here are some “ifs” that you can use to identify whether or not you need to consider seeing a bankruptcy attorney.

- **If** you are being sued by creditors. If this is your reality, your paycheck and savings and personal property are at risk. So is your automobile.
- **If** your paycheck is currently being garnished. When one creditor discovers your paycheck can be garnished, others often follow.
- **If** you are facing foreclosure. Although foreclosures in Ohio take months, they don’t take forever. Oftentimes, filing a bankruptcy early

saves the house, whereas waiting too long makes the home impossible to keep. You don't want to end up homeless.

- **If** you are behind on your car payment. Your car can be repossessed. With a bankruptcy filing, it is possible to stop creditors from repossessing your car. Sometimes we even get cars back once they have been repossessed, provided they have not yet been sold.

Don't Rob Peter to Pay Paul

If you are in debt and cannot HONESTLY say that you will be in a better financial situation in 12–24 months, you need to explore debt relief options. I'm not suggesting that bankruptcy is in your future, but if you are not paying off debt with every passing day, then you need a debt relief plan.

You may be part of today's growing group of unemployed and just lost your job...DON'T PANIC. You may become re-employed relatively soon and it probably would not be advisable to jump into a bankruptcy immediately after you become unemployed. Hopefully, this book will help you recognize the signs of too much debt. If not, call Richard E. West Law for a case evaluation. A good debt relief or debt management plan may be all you need.

But, if you do find your unemployment is creating a bankruptcy situation, there is a "means test" in bankruptcy. The means test allows you to wait for several months during your time of unemployment before deciding if you need to file bankruptcy. You are somewhat protected. And, it could actually make it easier for you to file a Chapter 7 bankruptcy and not have to pay back any of your debt.

If you are unemployed and want to know more, call Richard E. West Law for a full explanation and case evaluation.

Not understanding all options, or how they work, is living foolishly especially when there are people who can help. The sooner you choose to deal with debt problems, the better off you will be.

Cosigners Beware

If you have cosigners – a parent, your sibling or good friend – on any of your debts, you need to know that if you are unable to pay a debt, that even if you file bankruptcy, the debt will be collected from your cosigner. In these cases, a bankruptcy might work for you but it would certainly not work for the cosigner. We offer non-bankruptcy workouts that can avoid this.

Retirees...Let Us Help You

It breaks my heart every day when I talk to people who have gone through their retirement funds, all of their savings, and have sold many items of personal property when I could've saved them from all of this if they had just come to see me earlier.

Almost always, these retirees tell me that they didn't come to see me because their friends and family members told them that filing a bankruptcy, or even talking to a bankruptcy lawyer, was a terrible idea. Because they chose to listen to bad advice and waited too long, they had lost tens of thousands of dollars when they did not have to. The truth of

the matter is that it's always a better idea to find out what your options are. Only YOU know when too much debt is TOO MUCH. If your gut or sleeplessness is telling you that there is a problem, come in. There is no obligation to a case evaluation. It's free...but more so, it's freeing.

Coming in to Richard E. West Law to talk about debt relief options costs you nothing. We offer a free, confidential consultation and it can make the difference between saving your home and keeping your car, and losing everything. Debt relief through bankruptcy gives you a fresh start and allows you to start living again.

Your Credit Score

Because I'm a credit counselor as well as a certified bankruptcy specialist, I can tell you the very best way to deal with your debt problems. And, I will show you how to recover your credit and fix your credit report.

Below are several common myths and misconceptions that most people have about bankruptcy. I'll bet that much of what you believe about bankruptcy is either not completely true or totally inaccurate. Here are the **Top 16 Myths Your Creditors Want You to Believe** and the reason why every one of them is NOT TRUE.

Myth 1: Under the NEW bankruptcy law, there's no more bankruptcy (or it's too late to file).

Not True. In fact, nothing could be further from the truth. The news media overcooked the whole story. The truth is that you can do almost everything under the NEW law that you could do under the OLD law. In some

ways, the new law actually increased the benefits of filing bankruptcy.

Myth 2: Everyone will know you have filed for bankruptcy.

Unless you're a prominent person or a major corporation and the filing is picked up by the media, the chances are very good that the only people who will know about a filing are your creditors and the people who you tell. While it's true that your bankruptcy is a matter of public record, the number of filings is so massive that unless someone is specifically trying to track down information on you, there is almost no likelihood that anyone will even know you filed. However, telling someone that someone else filed bankruptcy is good gossip...just like telling someone you heard so-and-so is getting a divorce. So, if you don't want everyone you know to know you filed bankruptcy, you need to keep the information to yourself. As for newspapers, my experience is that most papers don't include information about who filed bankruptcy. And, even if they did, think about it...who would be interested enough to read that stuff.

Myth 3: You will lose everything you have.

Nothing could be further from the truth. The fact is most people who file bankruptcy don't lose anything.

While laws vary from state to state, every state has exemptions that protect certain kinds of property. Ohio, for example, has exemptions to protect such things as your house, car or truck, household furnishings, IRAs, retirement plans, the cash value in life insurance, wages, and personal injury claims. There is even a "wildcard" exemption of \$400 per person that can be applied wherever you want it. In those situations, we recommend that where you have more property than can be protected by available exemptions, you consider Chapter 13 bankruptcy. In Chapter 13

bankruptcy, you can even keep this property by paying into a Chapter 13 plan payment.

As mentioned above in Myth 2, filing bankruptcy does not generally wipe out liens. Therefore, if you want to keep a car, truck, home or business equipment that serves as collateral for a loan, you need to keep paying on the debt. If you make these payments and have exemptions to cover any value above what is owed, you will be able to keep these items.

Myth 4: You will never be able to own anything again.

A surprising number of people believe this but this is completely false. In the future, you will be able to buy, own and possess whatever you can afford.

Myth 5: You will never get credit again.

Quite the contrary. Filing bankruptcy gets rid of debt. And, getting rid of debt puts you in a position to handle more credit. This makes you more attractive to future lenders. In my experience – sometimes fortunately and sometimes unfortunately – it won't be long before you're getting credit card offers again. I say "unfortunately" because it is easy to get right back in debt again. Bad habits are hard to break. At first, the would-be lenders will want more money down and will want to charge you higher interest rates. But, over time and if you are careful, keep your job, start saving money, and pay your bills, good marks are reflected on your credit report. The quality of your credit will get better and better. Generally, in my experience, if a client has not re-established good credit in two years – sufficient to buy a car or even a house – it's not because they filed

bankruptcy. It usually means that something else has happened after the bankruptcy to hurt their credit.

Myth 6: Filing bankruptcy will hurt your credit for 10 years.

Not true. This myth comes from getting two completely different concepts confused with each other. The fact that bankruptcy is reported on your credit report for 10 years gets mixed up with the effect that reporting will have on your credit. Just because something is reported on your credit report does NOT necessarily mean it will have a negative impact on your credit standing.

First, let's get one thing out in the open. By the time you need to make an appointment to see a bankruptcy attorney, your credit is already messed up, maxed out or both. If this is the case, you really have no credit for bankruptcy to hurt.

Myth 7: If you're married, both you and your spouse have to file for bankruptcy.

Not true. In many cases where both husband and wife have a lot of debt, it makes sense and saves money for them to both file. It is NOT a requirement under the law. We have many cases where only one spouse has filed. The good news is that generally if it makes sense for both spouses to file together they can both file for the price of one filing.

Myth 8: It's really hard to file for bankruptcy.

No, it really is not...at least not in the hands of an experienced bankruptcy attorney. The decision to file may be hard, but once the decision is made the filing part is easy. A word of warning: it may be time-consuming. New

laws require more paperwork than ever before. But, we'll help you get through it as quickly and efficiently as can be done.

Myth 9: Only deadbeats file for bankruptcy.

Not true. Most of the people who file bankruptcy are good, honest, hard-working people, just like you and me. People file as a last resort. Reasons can include: divorce, loss of a job, a failed business venture, a serious illness, or some family emergency. We, ourselves, have experienced life-changing events that have caused our own debt problems. We are not here to judge. We are here to help. We not only help you with bankruptcy filing, we will help you with budgeting and managing money after.

Myth 10: Filing bankruptcy means you're a bad person.

Not true. There's a reason over 1,000,000 Americans file bankruptcy each year and it's not because they're bad people. Lots of good, honest, hard-working people fall on hard times. Let's face it, life is often brutal and sometimes the money is just not there. The bankruptcy laws were created with this in mind...to make sure you have a way, if needed, to free yourself from the burden of debt. To give you and your family a second chance at a "fresh start".

Myth 11: Filing for bankruptcy will hurt your credit.

As we mentioned earlier in this book, that is simply just not true. By the time you come to a bankruptcy attorney your credit is already either messed up or maxed out. And if it's already messed up or maxed out, a bankruptcy will help.

The big surprise comes when I tell my clients that filing bankruptcy can actually help them re-build their credit. Bankruptcy gets rid of debt and

getting rid of debt puts you in a better position to handle “new” credit when you get it. Bankruptcy, therefore, may be your first in the process of re-building your credit.

Myth 12: Even if you file for bankruptcy, creditors will still harass you and your family.

This is NOT true. In fact, nothing could be further from the truth. The minute you file bankruptcy, the Bankruptcy Court issues an order telling all of your creditors to leave you alone. No more phone calls. No more collection letters. No more lawsuits. No repossessions. No foreclosures. Nothing. This order has a name. It is called the “automatic stay”; and it is issued pursuant to 11 United States Code, Section 362. The automatic stay prohibits you from any and all collection actions. After you file bankruptcy, the creditor is not even allowed to talk to you. In addition, the creditor must stop any collection attempts already started. The automatic stay is very powerful, and puts the full weight of the United States Courts to work for you, to make sure your creditors leave you alone. If a creditor violates the automatic stay, you have the right to bring the creditor before the court for Contempt of Court, and to be compensated accordingly.

Believe me, bankruptcy court judges do not take kindly to creditors who ignore the automatic stay. These judges have been known to punish creditors severely. Very simply, once you file for bankruptcy, creditors must leave you alone or suffer the consequences. Doesn't that sound like a good enough reason to explore bankruptcy options?

Myth 13: If you file for bankruptcy, it may cause more family troubles and may even lead to divorce.

Usually, it works just the opposite. Filing bankruptcy is not the problem.

The problem is not being able to pay your bills. All good, honest, hard-working people feel a strong need to pay their bills, and not being able to do so, causes them to feel tremendous stress. Unless you do something to relieve this stress, the stress can quickly build to the breaking point—the marriage breaking point.

Bankruptcy is designed to get you out from under the burden of debt, to protect your property and to lower your stress level. If your experience is like that of other couples, you will find that filing bankruptcy – and lowering the stress level – can be a crucial first step in bringing the love and focus back onto your relationship. Bankruptcy gives your marriage a fighting chance.

Here's a true story: I had a couple who already filed for divorce come to me to get the debts out of the picture to make their divorce process easier. They were sent to me by a divorce lawyer I knew. When I showed them how I could solve the debt problem, they looked at each other and said "that's the only reason we're divorcing, and here is the answer to the problem." After I showed them the good that a bankruptcy would bring them, they fired the divorce lawyer, reconciled, and filed a Chapter 13. Today, they are still happily married and on their way to being debt free.

Myth 14: You can't get rid of back taxes through bankruptcy.

We get rid of old "income" taxes for our clients all the time. By "old," we mean income taxes more than three years old. Under the law there are three or four qualifications that have to be met, but once these are met, these taxes are gone. Please note: Filing bankruptcy does NOT get rid of withholding or sales taxes...no matter how old they are.

Myth 15: You can only file once for bankruptcy protection.

The truth is you can only file for a Chapter 7 bankruptcy once every eight years, but after four or six years, you can file a Chapter 13 if you need to. However, once people come to Richard E. West Law, they will not need another bankruptcy in their lifetime.

Myth 16: You can pick and choose which debts and property to list in your bankruptcy.

I'm sorry, but you can't. Doing so would be against the law. When you file bankruptcy under the law you have to list all of your property and all of your debts. Most people want to leave out a debt because it is their intent to keep paying on it. The good news is that you can achieve the same goal, even though you have to list the debt. If you want to keep paying on a debt after bankruptcy, you can. After bankruptcy, you can go back and pay anybody you want. In fact, after you file bankruptcy there are some debts you have to keep paying on. For instance, if you have a car, truck or house loan – even though you list the debt in your bankruptcy – you have to keep paying on the debt if you want to keep it. More importantly, you need to know that as long as you stay current on the loan – and keep the property properly insured – you are protected under the law to keep it. The creditor can't do anything about it.

Remember, knowledge is power! You can empower yourself to make the right decision about your difficult financial situation by getting all of your options and then – and only then – will you be able to make the right

Chapter Four: Where to Go

choice for debt relief.

Getting Help From The Right People

Why is it that no one seems to be able to answer your questions about all the different options?

- √ Credit counselors will tell you credit counseling is the answer.
- √ Debt management programs will tell you that their program is the answer.
- √ Bankruptcy attorneys tell you that bankruptcy is the answer.

Nobody seems to know much about options that they don't offer. Since they don't sell the other options, they don't tell you about them!

That's where Richard E. West Law comes in. We can explain ALL of your options.

In addition to being a Board Certified Consumer Bankruptcy Specialist, Rick West is a Certified Consumer Credit Counselor and Certified Debt Specialist, trained in debt negotiation and debt settlement. To our knowledge, he is the only attorney in the entire state of Ohio who is certified in all of these different areas.

When Rick reviews your problems, he always looks at all of your options, and he starts with non-bankruptcy options.

Rick begins with a careful review of your budget to determine whether or not there is enough money left after paying the necessary expenses of the household to support a payment plan for your bills. Only after he looks at your budget, does he know whether or not a non-bankruptcy option makes sense and has a likelihood of being successful. It is only if this is not the case that bankruptcy should be considered.

Conclusion

We hope you found this book helpful in understanding whether or not you are in need of debt relief by filing bankruptcy. If you are facing eviction or foreclosure on your home, or the bank is threatening repossession of your car, then you need to seek debt relief...FAST! Richard E. West Law is here to help.

Our website: www.debtfreeohio.com offers many articles, videos and checklists for your bankruptcy education and consideration. Use these tools to determine if you are in over your head. And, if you feel you are, call us. Don't wait. Your financial peace of mind is worth more than all of the money in the world. Not to mention, your health. Financial health is many times a cure for some physical ailments.

We would appreciate if you would pass this book on to a friend or family member who is suffering from financial difficulties.

We thank you for your consideration and hope to see you soon.

NEED MORE INFORMATION?

If you would like more information on how to schedule a consultation, please contact us at Richard E. West Law or visit our website at www.DebtFreeOhio.com



DebtFreeOhio.com
DEBT RELIEF & CREDIT AUTHORITY

Richard E. West Law

195 E. Central Avenue
Springboro, OH 45066

(937) 748-1749 Dayton

(513) 771-8700 Cincinnati

www.DebtFreeOhio.com

**If you are not in need of our services, would you kindly pass
our book on to a friend or family member who may be.
We appreciate your referral.**

Clip and mail in an envelope to Richard E. West Law at 195 E. Central Avenue, Springboro, OH 45066

I NEED ANSWERS FOR:

Check all that apply

- BACK TAXES
- CREDIT CARD DEBT
- FORECLOSURE
- GARNISHMENTS
- JOB LOSS
- UNEMPLOYMENT
- JUDGMENTS
- LAWSUITS
- LOAD MODIFICATION
- MEDICAL DEBT

If you wish to write and tell us about your financial problems, we welcome you to do so. You may use this simple checklist or write us a letter to the Attention Of: Rick West.

Rick will respond immediately. Please provide the best way to contact you.

Name _____

Address _____

City _____ State _____ Zip _____

Telephone _____

Best hours to call _____

Email address _____

What help are you interested in receiving? _____



DebtFreeOhio.com
DEBT RELIEF & CREDIT AUTHORITY

Richard E. West Law
(937) 748-1749