

# ESSERLAW LLC

## Attorneys at Law

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**414-461-7000 Milwaukee**  
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414-461-8860 Facsimile  
email@esserlaw.com

### Emergency Petition Acknowledgement

The undersigned acknowledges and represents that he/she/they have been informed by ESSERLAW LLC that the petition in bankruptcy is being filed pursuant to §301 or §302 of the United States Bankruptcy Code. The commencement of this case creates an Order for Relief under either Chapter 7 or Chapter 13 and provides automatic stay protections under §362 of the United States Bankruptcy Code.

It is further acknowledged and understood that Bankruptcy Rule 3015(b) requires the Chapter 13 Plan to be filed within 14 days after the filing of the emergency petition in bankruptcy. It is also necessary to complete and file the remaining bankruptcy schedules (including all assets, debts, income and expenditures) and statement of financial affairs (including a statement of all income received from any source in the past three years) within 14 days of the initial filing date. If the remaining schedules, statement of financial affairs and/or Chapter 13 Plan are not filed within this time, the bankruptcy court may dismiss the Chapter 7/13 petition.

I understand that an **additional fee of \$30 is required** cover the court filing fee for additional creditors at the time of filing the completed schedules. If this fee is not received, the court may dismiss the Chapter7/13.

I understand I must furnish my attorney with all information necessary to complete the petition, schedules and Chapter 13 Plan (as more fully set forth on the information checklist) and must schedule an appointment to complete this information not later than ten [10] days from the date of the filing of my petition to allow adequate time to complete preparation of my schedules.

I have been provided with a copy of the information checklist, have reviewed the information required and will provide this information to my attorney at least two [2] days in advance of the day on which the appointment is scheduled to complete the remaining documents.

If I have financed or leased an auto, I acknowledge I must possess a valid Wisconsin Driver's license and comprehensive insurance before the vehicle is driven, and that insurance must be maintained at all times during the pendency of the Chapter 13.

I understand that a delay in providing accurate and complete information or documentation may create a risk of a dismissal of my case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner

**“We want you to be...debt free”**

*We are a federally designated debt relief agency.  
We help people file for relief under the Bankruptcy Code.*

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### Emergency Filing Statement

(Clients to review, circle correct response and sign)  
(Any false answers require written explanation)

Client desires to engage ESSERLAW LLC for the purpose of proceeding with a Chapter 7 or Chapter 13 Bankruptcy filing. Client desires to proceed with said filing on an emergency basis. Client acknowledges that it's therefore not possible to prepare all Bankruptcy Schedules and Statement of Financial Affairs prior to proceeding and that as a result my attorneys are required to evaluate my case based on a limited amount of information. Client understands that based upon emergency nature of filing, attorney has not had an opportunity to conduct attorney's usual in-depth analysis of client's case. Client understands that attorney's evaluation of the case might be different were more complete information provided. Client accepts this risk and represents to attorneys the following information relative to client's case:

- True or False** I am not married or if I am married, my spouse is filing this case with me. I am not entitled to receive any money or property from an ex-spouse or a deceased spouse's estate.
- True or False** I have not been involved in any type of bankruptcy proceeding within the last eight years.
- True or False** Other than regular payments on mortgages or cars, I have not paid any other creditor more than \$600 within the last 90 days.
- True or False** I have not re-paid any loan or debt to a relative in the last year.
- True or False** I have not sold or transferred away from myself any of my property in the last two (2) years.
- True or False** I have not refinanced a mortgage, taken out a new mortgage, taken out a new car loan, or given any other creditor a lien on my property in the last 12 months
- True or False** I am certain that the mortgage company has properly and timely recorded their mortgage against my house.
- True or False** I am certain that the finance company has properly and timely recorded their lien against my car.
- True or False** My name has not appeared on a title to any different or other real estate in the past four years.
- True or False** My name has not been on the title to any different or other vehicle in the past 24 months.
- True or False** I do not own life insurance policies with cash surrender value.

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- True or False** I have not suffered an injury or loss that would give me the right to assert a claim against another person (auto accident, worker's compensation, etc.).
- True or False** No one owes me any money. No one has passed away and left me any money.
- True or False** I am not eligible to receive any money from an estate, trust or inheritance.
- True or False** I acknowledge that if I should become entitled to receive the proceeds of a life insurance policy or an inheritance within 180 days from the date my bankruptcy case is filed, that this is also an asset of the Bankruptcy Estate and I have an obligation to notify both my attorney and the Bankruptcy Trustee of this information.
- True or False** I have no right at this time to receive an income tax refund.
- True or False** I have not made purchases of luxury goods or services totaling more than \$650 on any credit card within the last 90 days.
- True or False** I have not taken cash advances totaling more than \$925 on any credit card or other open ended credit plan in the last 70 days.
- True or False** I have not transferred a balance of \$1,000 or more from any card to another card in the last 90 days.
- True or False** I have not owned or operated any business in the last 6 years.
- True or False** I acknowledge that I have been provided with a copy of the notice required under §342(b) of the Bankruptcy Code.

**Disclaimer**

I/we am/are seeking an Emergency Bankruptcy filing. I/we am/are aware the Bankruptcy Court may require a payment Plan under Chapter 13 if my monthly budget reasonably produces disposable income and/or may require payment of the value of my asset(s) beyond allowed exemptions. I/we understand that based upon the emergency nature of the filing, attorney has not had an opportunity to conduct attorneys usual in depth analysis of client's case. I/we accept this risk and hold ESSERLAW LLC harmless for any consequences of my choice to file this case on an emergency basis, which results from incomplete or incorrect information which I/we provide. I/we further agree to provide all information described on the Information Checklist along with an accurate budget within five (5) days after signing this document and realize my case may be dismissed in the absence of timely and complete information.

Date \_\_\_\_\_

\_\_\_\_\_  
Signature

Date \_\_\_\_\_

\_\_\_\_\_  
Signature

## Emergency Filing Checklist

CLIENT'S NAME: \_\_\_\_\_

- \_\_\_ Bankruptcy Questionnaire Completed
  - \_\_\_ Consultation Agreement with § 342(b) Notice Signed
  - \_\_\_ Fee Agreement Signed
  - \_\_\_ Credit Report Agreement Signed
  - \_\_\_ Fees Paid per Agreement
  - \_\_\_ Run Prior Case Search (PACER & CCAP)
  - \_\_\_ Provide Credit Counseling Sheet and Client Information Checklist
- 

### Emergency Petition Appointment

- \_\_\_ Sign Emergency Petition Acknowledgement
  - \_\_\_ Sign Emergency Filing Statement
  - \_\_\_ Sign Client's Statement on Discharge of Taxes
  - \_\_\_ Receive Credit Counseling Certificates
  - \_\_\_ Prepare and Sign Petition
  - \_\_\_ Prepare and Sign Social Security Statement
  - \_\_\_ Sign Debtor's Payroll Deduction Authorization to Ch13 Trustee
  - \_\_\_ Complete Credit Bureau Report Download (if included in Fee Agreement)
  - \_\_\_ Check for Correct Emergency Creditors on Mailing Matrix
  - \_\_\_ Gather Necessary Fax Numbers or Contact Persons for Notice of Bankruptcy
- 

### After Signing Petition

- \_\_\_ Highlight the Date for Return of Client Information Checklist and Documents
- \_\_\_ Calendar Completion of Schedules Appointment (within 10 days from filing date)

**Debtor's Payroll Deduction Authorization to Chapter 13 Trustee**

Debtor(s): \_\_\_\_\_

Case No: \_\_\_\_\_

**Debtor Employee:** \_\_\_\_\_

Employer Name: \_\_\_\_\_

Payroll Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Payroll Frequency: \_\_\_\_\_

Payroll Deduction Amount: \_\_\_\_\_

I am employed as set forth above and request that a Payroll Order go into effect immediately.

\_\_\_\_\_  
**Debtor Employee**

\_\_\_\_\_  
Date

I am the joint debtor and agree to the above Payroll Deduction.

\_\_\_\_\_  
Joint Debtor

\_\_\_\_\_  
Date