

Chapter 7 Bankruptcy

Information About Filing Chapter 7 Bankruptcy

If you are struggling or cannot pay your bills and have reached the point where you are considering filing Chapter 7 bankruptcy, you need dependable legal bankruptcy counsel. Tully Rinckey, PLLC, can help.

Chapter 7 is designed for people in financial difficulty who can not pay for their existing debts. Chapter 7 bankruptcy provides a form of debt relief which allows you to eliminate most types of unsecured debt such as credit cards, medical bills, and personal loans. In most cases, you can keep your home, car, and other personal belongings. Chapter 7 can be a fairly straightforward solution for many people who have more unsecured debt than they can pay. Chapter 7 can provide a discharge of most debts, so that you can meet your basic financial obligations and enable you to return to meeting your financial goals. By obtaining a Chapter 7 discharge, a person will be forever relieved of the obligation to pay a discharged debt. Some debts, however, cannot be discharged and you will still be responsible to pay those obligations, which include certain taxes, alimony, child support

, student loans, and debts incurred as a result of defrauding or misleading a creditor. Stop Collection Action

By filing for Chapter 7 bankruptcy you can stop or prevent wage garnishments and free up bank accounts which may have been frozen due to judgments filed against you. If you are overwhelmed by creditors who are calling you at home and work or who may also be harassing your family, friends, and neighbors, you can stop them immediately simply by hiring a lawyer from Tully Rinckey, PLLC, to represent you in Chapter 7. Once you have retained Tully Rinckey, PLLC, you can simply refer all phone calls to an attorney to be dealt with accordingly. Similarly, by filing Chapter 7, you will stop all civil lawsuits pending against you. Preserve Assets

Under New York State law, an individual or a family is allowed to protect certain critical and/or basic assets from their creditors by filing for Chapter 7 bankruptcy. This is called exempt property. So long as the values of your assets do not exceed certain value limitations set by law, you may have met these criteria. Chapter 7 may enable you to keep property, including your home, a vehicle, retirement accounts, life insurance policies, and household goods, depending on your specific financial circumstances. A bankruptcy trustee, however, may have the right to take possession of and sell property that is not exempt and use the sale proceeds to pay your creditors. Means Test

Under Bankruptcy law

, most individuals or families filing for Chapter 7 must meet certain eligibility requirements under a "Means Test." Under the Means Test, you must determine if your average income for the six months prior to filing is below the median income for your state, based upon the size of your family. If your income falls below the state average, so long as you meet other eligibility requirements, you can file for Chapter 7. If your average income is above the average state income, you may still be eligible to file Chapter 7 bankruptcy. Under the Means Test, you will be required to undertake a detailed analysis of your income and expenses under Federal guidelines. If, after the analysis, it is determined that your net disposable income is less than \$125.00 per month, you can still proceed with your Chapter 7 filing. If, however, you can afford to repay at least \$187.50 per month (\$11,250.00 over a five year period) in excess of your household expenses, then you are NOT eligible to file Chapter 7 and you will be required to file a Chapter 13

petition in order to pay back a portion of your debt for a period of up to five years to your creditors. Finally, if your net disposable income falls between \$125.00 and \$187.50 per month, and if this amount is sufficient to repay your creditors at least 25% of the total amount you owe them, then you are NOT eligible to file for Chapter 7 and must file Chapter 13. Conversely, if the amount paid would result in less than a 25% distribution to your creditors, you may file a Chapter 7. An attorney from Tully Rinckey, PLLC, will walk you through the required Means Test analysis and carefully consider what assets you are trying to protect. We will be honest about what Chapter 7 can accomplish for you and what it cannot do for you. You can rely on a lawyer from Tully Rinckey, PLLC, to determine whether Chapter 7 bankruptcy, Chapter 13 "plan payment" bankruptcy

, or another approach is best for your needs. Education Requirements

Individuals filing for Chapter 7 bankruptcy must complete an approved Credit Counseling Course before a petition can be filed. Upon completion of the course, you will receive a certificate of completion which must be filed with the court with your bankruptcy petition. Additionally, you must complete an approved Personal Financial Management course after you have filed the bankruptcy petition. The completion certificate for this course must be filed with the court within 45 days of the first date set for the meeting of creditors or you will NOT receive a discharge. For more information about companies which have been approved by the Office of the United States Trustee that provide these services, please contact an attorney from Tully Rinckey, PLLC. Meeting of Creditors

Each Chapter 7 bankruptcy proceeding is assigned to an Interim Trustee, an attorney designated by the U.S. Trustee's Office who will administer the case and conduct an examination pursuant to Section 341 of the Bankruptcy Code. This is commonly described as the Meeting of Creditors. This examination, conducted under oath, serves two purposes. First, it is the process by which the court can verify that the representations that an individual made concerning his/her financial affairs are true and correct. Second, it is utilized by the court to determine whether an individual has any non-exempt assets which could be liquidated to repay a portion of the debt sought to be discharged. You are required to attend a Meeting of Creditors in order to be eligible to receive a discharge. A typical examination takes approximately 10-15 minutes. Please note, though, that each case is as unique as each individual's facts and circumstances. Only an experienced bankruptcy attorney can determine, in advance, the issues that may arise during the examination and to represent you at the examination as well. Speak With Us

If you are considering filing for bankruptcy, the first step you should take is to speak with a knowledgeable and experienced bankruptcy attorney. The team at Tully Rinckey, PLLC handles bankruptcy cases on behalf of businesses and individuals throughout New York. Our lawyers will review your financial situation and help determine if filing for bankruptcy protection is the right step for you. For a free initial consultation with an experienced bankruptcy

attorney, call our offices at 1-888-529-4543 or send an email to info@1888Law4Life.com

.The most popular City / Village / Town Courts our lawyers serve:

Albany, Altamont, Amsterdam, Berne, Bethlehem, Brunswick, Clifton Park, Cohoes, Colonie, Coeymans, Delaware, Duanesburg, East Greenbush, Fulton, Glens Falls, Glenville, Gloversville, Grafton, Greene, Guilderland, Hoosick, Hudson, Johnstown, Malta, Mechanicville, Menands, Montgomery, Nassau, New Scotland, Rensselaer, Rensselaerville, Rotterdam, Saratoga, Schenectady, Schoharie, Schodack, Scotia, Troy, Ulster, Voorheesville, Warren, Washington, Watervliet