

GERALD H. DAVIS
UNITED STATES BANKRUPTCY TRUSTEE

P. O. Box 124539
San Diego CA 92112-4539

CREDITOR MEETING INSTRUCTIONS

Today the U.S. Bankruptcy Court has ordered your Creditors Meeting pursuant to Title 11, United States Code, Section 341(a), to be conducted. This Meeting is a requirement in order for the Court to consider the discharge of your debts.

There are certain issues you should be aware of today:

1. This meeting does NOT conclude your bankruptcy;
2. There is no requirement of your creditors to attend this meeting;
3. The Trustee is not a Judge (*please do not refer to him as "Your Honor"*) - his function is basically fourfold:

- To review your Petition, Schedules, Statements and supporting documents and conduct an examination under oath to determine if any non-exempt assets are available for liquidation to address claims of your estate;
- To review your Schedule I and J, as well as your Means Test (Form B-22), and make recommendations to the U.S. Trustee as to your filing status;
- To refer any indicators of criminal conduct to the United States Trustee/Attorney for further investigation; and
- To conduct an examination to determine if there is a basis and cause to object to the granting of a discharge of debts.

You will be testifying under penalty of perjury. The penalties for perjury are up to five (5) years imprisonment and/or \$500,000.00, in fines.

If you have not already fully read and reviewed your Petition, Schedules and Statements at least two times, you must do so immediately. You will be asked, under oath, to verify you have done so. This applies also to joint debtors, i.e., each must have read all documents filed with the Court, not simply one who directed the other to sign. The Trustee is relying on your representations in these documents you have signed under penalty of perjury, and you will be reaffirming the accuracy of those documents today under penalty of perjury. If there are any changes to these documents you must advise the Trustee today.

You must ensure you have disclosed all of your interests in assets. In a bankruptcy context, *an asset is defined as anything of any value, no matter how small, that you have, or believe you have, an interest therein*. It can be something you presently have possession of or control over, something you are entitled to in the future, or a contingency, i.e., something you have an arguable right or claim to now that may or may not materialize in the future, i.e., such as, but not exclusively at the time of filing your

bankruptcy, a right to bring a complaint against another person or entity for personal or property damages.

The Standing Administration Guidelines referred to on page 3 of the Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines makes reference to "Disclosure of When Debtor Incurred Debt." If you have not accurately stated when each debt was incurred on your Schedules filed with the Court you must advise the Trustee today, as he is relying on your representations to make statutory decisions in your case. For clarity, the disclosure does not refer to when the account was originally opened, but when the current balance was incurred.

You will also be required to complete a Questionnaire, again under penalty of perjury, for presentation to the Trustee at the commencement of your examination. You should review these questions carefully and ensure understanding of those questions bringing any remaining questions of such to your attorney for clarification. If there is still a question in your mind, advise the Trustee for clarification.

Please relax - the Trustee understands your nervousness in this proceeding. If you are unsure of how to respond to any inquiry you should communicate that to the Trustee, who will allow you sufficient time to confer with your counsel before responding.

Your responses are being recorded. Please speak up so that an audible record will result in the event a future review of the Meeting is necessary.

Finally, if you discover after today that you have not disclosed all your assets or have otherwise provided inaccurate testimony on any question or issue you must:

1. Notify your attorney for advice;
2. If your case is still open and not closed by the Court, file an Amendment with the Court disclosing this omitted asset;
3. If your case has been closed, motion the Court to reopen your case immediately and upon reopening the case file an Amendment with the Court disclosing the omitted asset.

I have read and understand the information set forth on these instructions.

Dated: _____
Debtor Debtor

I have provided these instructions to the debtor(s) and have responded to any inquiries of the debtor(s) for clarification thereof.

Dated: _____
/s/Rick G Melendez
Attorney for Debtor (signature)

Rick G Melendez
Attorney for Debtor (print name)

01/2017