

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**  
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**RIGHTS AND RESPONSIBILITIES AGREEMENT BETWEEN  
CHAPTER 13 DEBTOR(S) AND CHAPTER 13 DEBTOR(S)' ATTORNEY FOR  
CASES FILED IN THE UNITED STATES BANKRUPTCY COURT,  
SOUTHERN DISTRICT OF FLORIDA**

This agreement between the debtor(s) and the debtor(s)' attorney which is required under Local Rule 2016-1(B)(2)(a) and acknowledges that it is important for debtor(s) to understand the debtor(s)' rights and responsibilities to the court, the chapter 13 trustee and creditors and that the debtor(s)' attorney is expected to perform certain services that the debtor(s) is entitled to receive, including but not limited to the following:

**BEFORE THE CASE IS FILED:**

THE DEBTOR(S) AGREE TO:

1. Discuss debtor(s)' objectives for filing the case with the attorney.
2. Timely provide the attorney with full and accurate financial and other information, including properly documented proof of income and payment advices reflecting payment within 60 calendar days prior to the date of filing the bankruptcy petition and a copy of the debtor's Federal tax return for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed.
3. Inform attorney of any changes in address or telephone number.
4. Obtain consumer credit counseling from an authorized provider before filing a petition for bankruptcy.

THE ATTORNEY AGREES TO:

1. Personally counsel debtor(s) regarding the advisability of filing under Chapter 7 or Chapter 13, as well as non-bankruptcy options, and answer debtor(s)' questions.
2. Personally explain to debtor(s) that the attorney is being retained to represent debtor(s) on all matters arising in the bankruptcy case, and explain how and when the attorney's fees and the trustee's fees are determined and paid.
3. Personally review with debtor(s) and obtain debtor(s)' signatures on the completed petition, schedules, plan and statement of financial affairs, whether filed with the petition or later, and all amendments thereto. These documents may be prepared initially with the help of clerical or paralegal staff of the attorney's office, but personal attention of the attorney is required for the review and signing by debtor(s).

4. Timely prepare, file and serve debtor(s)' petition, plan, schedules, statement of financial affairs and all other required pleadings.
5. Provide debtor(s) with a copy of the petition, plan, schedules, statement of financial affairs immediately upon execution.
6. Explain to debtor(s) how, when and where to make all plan payments as well as all direct payments made outside the plan, with particular attention to mortgage payments and the likely consequences for failure to make such payments.
7. Advise debtor(s) to maintain appropriate insurance on all assets.
8. Obtain from the debtors a signed Local Form "Declaration Under Penalty of Perjury to Accompany Petitions, Schedules and Statements Filed Electronically" and retain original signed papers as required under Local Rule 5005-4(C).

## **AFTER THE CASE IS FILED**

### **THE DEBTOR(S) AGREES TO:**

1. Timely provide the attorney with all information and documents requested by trustee including any tax returns required under the Bankruptcy Code or by court order to be filed with the court or provided to the trustee or other party in interest under the Bankruptcy Court.
2. Inform the attorney and trustee of any changes in address or telephone number.
3. Appear punctually at the 341 meeting of creditors with original proof of identification and proof of social security number. Acceptable forms of proof of identification are state issued driver's license, government-issued identification card, U.S. issued passport, military identification and resident alien card. Acceptable forms of proof of social security number are a social security card, a medical insurance card, a paystub, a W-2 form, an IRS Form 1099 and a Social Security Administration Report.
4. Make the first required plan payment to trustee no later than 30 days after the filing of the petition under or conversion to chapter 13 and timely make all subsequent payments.
5. Inform the attorney of any garnishments, liens or levies on assets that occur or continue after the filing of the case.
6. Inform the attorney immediately if debtor(s) loses employment, is 'laid off' or furloughed from work, or experiences any other significant change in financial situation, including serious illness, personal injury, lottery winnings, inheritance or any other material increase or decrease in income or assets.
7. Notify the attorney immediately if debtor(s) is sued or wishes to file a lawsuit, including divorce and matters regarding personal or property injury.
8. Notify the attorney if the debtor(s) finds it necessary to incur additional debt.
9. Advise the attorney before purchasing, selling or refinancing any real property or before entering into any loan agreements to determine required procedures for court approval.
10. Timely file the Local Form "Debtor Certificate of Compliance and Request for Confirmation of Chapter 13 Plan".

11. Timely complete the required financial management course and file the Official Bankruptcy Form “Certification of Completion of Course in Personal Financial Management”.
12. Timely file and serve the Local Form “Debtor’s Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object”.
13. Submit a proposed Local Form “Agreed Order to Employer to Deduct and Remit and for Related Matters” signed by the debtors to the court prior to the meeting of creditors.

THE ATTORNEY AGREES TO:

1. Advise debtor(s) of the requirement to attend the meeting of creditors, and notify or remind debtor(s) of the date, time, and place of the meeting in such detail as is helpful or necessary to insure debtor(s)’ appearance.
2. Advise debtor(s) of the necessity of being punctual to the meeting of creditors and, in the case of a joint filing, that both spouses must appear at the same meeting of creditors with the required identification.
3. Provide competent legal representation for debtor(s) at all times.
4. Appear timely at all meetings of creditors and court hearings.
5. Personally explain to debtor(s) if an attorney not employed by debtor(s)’ attorney’s law firm (“appearance attorney”) will represent them at any meeting of creditors or court hearing. Personally explain to debtor(s), in advance, the role and identity of the appearance attorney, obtain debtor(s) written permission for the appearance attorney to represent debtor(s), and provide the appearance attorney with the file in sufficient time to review it and be prepared to answer all questions.
6. Timely submit to trustee all requested information and documentation, including, but not limited to properly documented proof of income for debtor(s) and business documentation for self-employed debtors after requesting and receipt of same from the debtor(s).
7. Timely prepare, file and serve all amendments on trustee, creditors and all interested parties.
8. Review and respond, if necessary, to all pleadings, correspondence, inquiries and trustee status reports and promptly take the appropriate action.
9. Promptly respond to debtor(s)’ questions during the pendency of the case.
10. Timely prepare, file and serve all necessary modifications to the plan and amended schedules after confirmation.
11. Timely prepare, file and serve all necessary motions, including but not limited, to motions to value collateral; motions to purchase, sell or refinance property; motions to avoid liens; and motions to incur additional debt and, if applicable, “Motion to Determine Final Cure and Mortgage Payments”.
12. Timely certify attorney has reviewed proofs of claim with debtor(s) and prepared, filed and served necessary objections.
13. Timely file proofs of claim for creditors when applicable.

14. Timely appear at and defend all motions against debtor(s) until discharge, conversion or dismissal of the case.
15. Provide any other bankruptcy legal services necessary for the administration of the case in accordance with applicable federal and local laws, rules and procedures.
16. Provide a copy of this agreement immediately upon execution to debtor(s) and to trustee upon filing of the case.

\_\_\_\_\_  
Debtor  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
Attorney  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
Debtor  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

DATED: \_\_\_\_\_