

CONTRACT FOR LEGAL REPRESENTATION

This engagement agreement ("Contract"), dated June 1, 2018, is between Carolyn A. Thomas, Attorney at Law ("Attorney") and Marta Rinaldi Carlson ("Client"). Client employs Attorney to represent Client in a Chapter 7 bankruptcy case.

I. Services to Be Provided by Attorney

Services Attorney will provide to Client include the following ("Standard Services"):

- Analysis of Client's financial condition;
- Counseling Client as to the advisability of seeking relief in bankruptcy under Chapter 7 of the Bankruptcy Code;
- Advising Client as to Client's eligibility to seek relief under Chapter 7 of the Bankruptcy Code;
- Advising Client as to the availability of exemptions under applicable law;
- Assisting Client in assembling all documents necessary for, or in connection with, the filing of a petition under the Bankruptcy Code;
- Assisting Client in meeting all conditions precedent to filing a petition for relief under the Bankruptcy Code and in meeting all conditions precedent to obtaining a discharge, if the Client is eligible to receive a discharge
- Preparation and electronic filing of the Client's bankruptcy petition and supporting schedules
- Preparing Client for examination at the meeting of creditors held pursuant to section 341 of the Bankruptcy Code;
- Attending the meeting of creditors and all court hearings (except as otherwise excluded in this Contract);
- Assisting the Client with routine lien avoidance proceedings, if applicable;
- Communicating with Client's bankruptcy trustee; and
- Communicating with Client's creditors, as necessary.

II. Responsibilities of Client

Client agrees to:

- Discuss with Attorney the Client's objectives in filing the case;
- Provide Attorney with full, accurate and timely information, financial or otherwise, including properly documented proof of income and two (2) years of tax returns;
- Cooperate with Attorney in preparing all required bankruptcy papers and documents, thoroughly reviewing drafts of documents, and promptly advising Attorney of corrections or additions needed;
- Timely provide Attorney with any additional documents requested by the bankruptcy trustee or other parties in interest;
- Notify Attorney of any change in address or telephone number;

- Appear punctually at the meeting of creditors with a picture identification card and proof of social security number;
- Comply with all orders of the Bankruptcy Court; and
- Complete the required instructional course in personal financial management.

Failure of Client to cooperate fully with Attorney or comply with any request of the bankruptcy trustee or court order may result in Attorney filing a motion with the Bankruptcy Court to withdraw from representation of Client.

III. Fees and Charges for Services and Terms of Payment

Attorney agrees to perform Standard Services for Clients in consideration for an attorney's fee of \$2000.00 plus reimbursement of expenses for filing fees, credit reports, credit counseling costs, and other out-of-pocket expenses. Additional expenses may be incurred by Attorney for proper representation of Client. Client shall reimburse Attorney for these costs at the actual cost to Attorney.

Client agrees to pay the sum of \$2,000 at the execution of this Contract. All disbursements and fees must be paid in full before Attorney will file a petition under the Bankruptcy Code on behalf of Client.

IV. Non-Standard Services; Additional Fees

Client agrees to pay an attorney's fee for legal services beyond Standard Services ("Additional Services") including, without limitation, enforcement of the automatic stay. Charges for Additional Services will be assessed at the following rates:

Carolyn: \$225 per hour

Paralegals: \$90 per hour

Attorney may require an additional retainer for Additional Services and shall be under no obligation to provide Additional Services without first having received an additional retainer to secure payment for such Additional Services. Time is charged in minimum units of one-tenth of an hour. Examples of Additional Services include, but are not limited to:

- Rule 2004 examinations, depositions, interrogatories, or other discovery proceedings;
- Defending claims that granting bankruptcy relief to Client under the Bankruptcy Code would constitute "abuse" within the meaning of the Bankruptcy Code;
- Defending claims that one or more of Client's debts are non-dischargeable;
- Defending claims that Client is not entitled to a discharge under the Bankruptcy Code;
- Defending matters arising from Client's failure to disclose any material fact; or

- Defending matters arising from Client's false statements made in connection with the bankruptcy petition, schedules, statement of financial affairs or any documents provided in support thereof.

V. Services Excluded from Contract

This Contract does not apply to, and Attorney is not hired to represent Client in, the following:

- Appeals;
- Proceedings in any non-bankruptcy court or administrative agency; or ☐ Reaffirmation agreements.

VI. Termination of Attorney's Representation

Client may terminate Attorney's representation at any time. Attorney may terminate representation with Client's consent, or for cause, including:

- Client's failure to pay fees when due;
- Client is in breach of this Contract;
- Client is unresponsive or uncooperative; or
- Circumstances would render Attorney's continuing representation unlawful or unethical.

Once the bankruptcy case is filed, Attorney's representation of Client continues through the time Client receives a discharge (except regarding violations of the permanent injunction as provided for in 11 USC §524), the case is dismissed, the case is converted, or the Bankruptcy Court approves Attorney's withdrawal from representation.

VII. Acknowledgement of Receipt of Disclosures

Client acknowledges that Client has received copies of all disclosure documents attached to this Contract. These documents include:

- Notice to Individual Consumer Debtor under §342(b)
- Disclosure Pursuant to §527(a)(2)
- Disclosure Pursuant to §527(b)

VIII. Entire Agreement and Signatures

The entire agreement between Attorney and Client is contained in this instrument. The undersigned agree to all of the terms and conditions set forth herein and acknowledge that they have read and understand this agreement.

THE BANKRUPTCY CODE REQUIRES CAROLYN A. THOMAS, ATTORNEY AT LAW,
TO EXPLICITLY AND CONSPICUOUSLY INFORM YOU THAT:

**WE ARE A DEBT RELIEF AGENCY, WE HELP PEOPLE FILE FOR BANKRUPTCY
RELIEF UNDER THE BANKRUPTCY CODE**

Dated: June 1, 2018

/s/ Marta Rinaldi Carlson

Marta Rinaldi Carlson

/s/ Carolyn A. Thomas

Carolyn A. Thomas, Attorney at Law

Notice to Individual Consumer Debtor Under §342(b) of the Bankruptcy Code

In accordance with §342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

1. Services Available from Credit Counseling Agencies

With limited exceptions, §109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors **Chapter 7: Liquidation (\$245 filing fee, \$46 administrative fee, \$15 trustee surcharge: Total fee \$306)**

- 1.** Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a “means test” designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under §707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2.** Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$46 administrative fee: Total fee \$281)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in instalments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$46 administrative fee: Total fee \$1046)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$46 administrative fee: Total fee \$246)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Disclosure Pursuant to 11 U.S.C. §527(a)(2)

You are notified:

1. All information that you are required to provide with a petition and thereafter during a case under the Bankruptcy Code is required to be complete, accurate, and truthful.
2. All assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case. Some places in the Bankruptcy Code require that you list the replacement value of each asset. This must be the replacement value of the property at the date of filing the petition, without deducting for costs of sale or marketing, established after a reasonable inquiry. For property acquired for personal, family, or household use, replacement value means the price a retail merchant would charge for property of that kind, considering the age and condition of the property.
3. The following information, which appears on Official Form 22, Statement of Current Monthly Income, is required to be stated after reasonable inquiry: current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13 of the Bankruptcy Code, disposable income (determined in accordance with section 707(b)(2)).
4. Information that you provide during your case may be audited pursuant to provisions of the Bankruptcy Code. Failure to provide such information may result in dismissal of the case under this title or other sanction, including criminal sanctions.

Disclosure Pursuant to 11 U.S.C. §527(b)

IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER

If you decide to seek bankruptcy relief, you can represent yourself, you can hire an Attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an Attorney. **The law requires an Attorney or bankruptcy petition preparer to give you a written contract specifying what the Attorney or bankruptcy petition preparer will do for you and how much it will cost.** Ask to see the contract before you hire anyone.

The following information explains what must be done in a routine bankruptcy case to help you evaluate how much service you need. Before filing a bankruptcy case, either you or your Attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and decide which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents (Petition, Schedules, Statement of Financial Affairs, and in some cases a Statement of Intention) must be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you must attend the required first meeting of creditors, where you may be questioned by a court official called a “trustee” and by creditors.

If you choose to file a Chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

If you choose to file a Chapter 13 case, in which you repay your creditors what you can afford over 3 to 5 years, you may also want help preparing your Chapter 13 plan and with the confirmation hearing on your plan, which will be before a bankruptcy judge.

If you select another type of relief under the Bankruptcy Code other than Chapter 7 or Chapter 13, you should consult someone familiar with that type of relief.

Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only lawyers, not bankruptcy petition preparers, can give you legal advice.