Case:08-09443-swd Doc #:1 Filed: 10/24/08 Page 1 of 16

B1_(Official Fo	<u>vem 13(1/08)</u>		nited S West			uptcy C Michiga					Volu	ntary P	etition
Name of Debtor (if individual, enter Last, First, Middle): Nichols, Ronald Augustus							tor (Spouse) ( Angelina	(Last, First	, Middle):				
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):						sed by the Jo naiden, and tr		in the last 8 y	ears				
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)					(if more	ur digits of than one, sta	Soc. Sec. or I te all)	ndividual-	Taxpayer I.D.	(ITIN) No./	Complete EIN		
xxx-xx-0443 Street Address of Debtor (No. and Street, City, and State): 4250 Mar Moor Drive Lansing, MI  ZIP Code				425	Address of J O Mar Mo Ising, MI		No. and St	reet, City, and		ZIP Code <b>48917</b>			
County of Re	esidence or o	f the Princi	pal Place of	Business:		8917	County Eate		ice or of the I	Principal P	lace of Busine		40917
Mailing Add	ress of Debto	or (if differe	ent from stree	et address	):	710 0-1	Mailin	g Address o	f Joint Debto	r (if differe	ent from street	address):	ZIP Code
Location of F (if different f						ZIP Code	<u> </u>						Zir Code
☐ Corporati ☐ Partnersh ☐ Other (If	bit D on page ion (includes	ganization) ne box) foint Debton e 2 of this f s LLC and 1	form. LLP) ove entities,	Sing in 11 Railr Stock	(Check th Care Bus le Asset Re U.S.C. § 1 oad kbroker modity Bro ring Bank r  Tax-Exel (Check box or is a tax- or Title 26 of	al Estate as (01 (51B)	) inization I States	defined "incurre	the P or 7 or 9 or 11 or 12	Natu (Che nsumer debt 101(8) as dual primari	ly for	tition for Recalain Proceed tition for Reconmain Procedum	cognition ing cognition
☐ Filing Fe attach sign is unable ☐ Filing Fe attach sign	ng Fee attach te to be paid gned applica to pay fee e te waiver rec gned applica  Administrati estimates that	in installm in installm tion for the except in in quested (app tion for the	court's cons stallments. R plicable to cl court's cons	ble to ind ideration cule 1006( napter 7 in ideration.	certifying the certifying the certifying the certification of the certif	hat the debte cial Form 3A. only). Must Form 3B.	Check	Debtor is it if: Debtor's a to insiders all applica A plan is l Acceptance	a small busing not a small bu aggregate non or affiliates) ble boxes: being filed with the plai	isiness deb icontingent are less th ith this pet in were soli accordance	as defined in otor as defined liquidated de an \$2,190,000	t in 11 U.S.C bts (excluding). on from one C. § 1126(b)	or more
Debtor e	estimates that ll be no fund fumber of Cr	t, after any Is available	exempt prop for distribut	erty is ex	cluded and ecured cred	administrati ditors.		50,001-	OVER				
49 Estimated A  \$0 to \$50,000	99	\$100,001 to \$500,000	999	\$1,000,001 to \$10 million	10,000 \$10,000,001 to \$50 million	25,000	\$100,000,000 to \$500 million	100,000 \$500,000,001 to \$1 billion	100,000  More than \$1 billion				
Estimated L  \$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,00 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion				

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Malan Fort		Name of Debtor(s):	Page 2		
Voluntary		Nichols, Ronald Augustus			
(This page mus	st be completed and filed in every case)	Nichols, Sati Angelina			
T	All Prior Bankruptcy Cases Filed Within Last				
Location Where Filed:	- None -	Case Number:	Date Filed:		
Location Where Filed:		Case Number:	Date Filed:		
	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If mor	e than one, attach additional sheet)		
Name of Debto - None -	or:	Case Number:	Date Filed:		
District:		Relationship:	Judge:		
forms 10K as pursuant to S and is reques	Exhibit A  letted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.)  A is attached and made a part of this petition.	I, the attorney for the petitioner have informed the petitioner that 12, or 13 of title 11, United States	Exhibit B lividual whose debts are primarily consumer debts.) named in the foregoing petition, declare that I at [lee or she] may proceed under chapter 7, 11, tes Code, and have explained the relief available er certify that I delivered to the debtor the notice		
	Fyl	nibit C			
Does the debto	or own or have possession of any property that poses or is alleged to		tifiable harm to public health or safety?		
-	Exhibit C is attached and made a part of this petition.				
Mo.					
Exhibit  If this is a join	leted by every individual debtor. If a joint petition is filed, eaD completed and signed by the debtor is attached and made	a part of this petition.			
		ng the Debtor - Venue			
	<del></del>	pplicable box)			
	Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for	oal place of business, or principa			
	There is a bankruptcy case concerning debtor's affiliate, g	eneral partner, or partnership pe	ending in this District.		
	Debtor is a debtor in a foreign proceeding and has its prin this District, or has no principal place of business or asset proceeding [in a federal or state court] in this District, or t sought in this District.	s in the United States but is a de the interests of the parties will be	efendant in an action or e served in regard to the relief		
	Certification by a Debtor Who Resid (Check all app	es as a Tenant of Residential I plicable boxes)	Property		
	Landlord has a judgment against the debtor for possession	n of debtor's residence. (If box el	necked, complete the following.)		
	(Name of landlord that obtained judgment)	<del></del>			
	(Address of landlord)				
_	Debtor claims that under applicable nonbankruptcy law, the entire monetary default that gave rise to the judgment	there are circumstances under w	hich the debtor would be permitted to cure		
	Debtor has included in this petition the deposit with the cafter the filing of the petition.				
	Debtor certifies that he/she has served the Landlord with	this certification. (11 U.S.C. § 3	62(1)).		

Voluntary	Petition
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(This page must be completed and filed in every case)

Name of Debtor(s):

Nichols, Ronald Augustus

#### Signat

Signature of a Foreign Depresenta		
	1	Signature of a Foreign Representat

	Nichols, Sati Angelina
ur	es
	Signature of a Foreign Representative
i	declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.
	Check only one box.)
	I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
	Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.
X	
	Signature of Foreign Representative
	Printed Name of Foreign Representative
	Date
	Signature of Non-Attorney Bankruptcy Petition Preparer
	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.
	Printed Name and title, if any, of Bankruptcy Petition Preparer
	Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)
₹7	Address
X	
	Date
	Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.
	Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

Signature(s) of Debtor(s) (Individual/Joint) I declare under penalty of perjury that the information provided in this petition is true and correct.

If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. Ilf no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Debtor Ronald Augustus Nichols

Attricia 62- 181 Signature of Joint Debtor Sati Angelina Nichols

Telephone Number (If not represented by attorney)

Date

Signature of Attorney\*

Signature of Attorney for Debtor(s)

Jason W. Bank P54447

Printed Name of Attorney for Debtor(s)

Varnum Riddering Schmidt & Howlett, LLP

Firm Name

39500 High Pointe Boulevard Suite 350 Novi, MI 48375

Address

Email: jwbank@varnumlaw.com (248) 567-7400 Fax: (248) 567-7440

Telephone Number

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

#### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11. United States Code, specified in this petition.

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

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Official Form 1, Exhibit D (10/06)

### United States Bankruptcy Court Western District of Michigan

In re	Ronald Augustus Nichols Sati Angelina Nichols		Case No.	
		Debtor(s)	Chapter	11

# EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.] [Summarize exigent circumstances here.] \_\_\_\_

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

Case:08-09443-swd Doc #:1 Filed: 10/24/08 Page 5 of 16

Official Form 1, Exh. D (10/06) - Cont.
☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable
statement.] [Must be accompanied by a motion for determination by the court.]
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.
☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: /s/ / / / / / / / / / / / / / / / / /
Date: \( \lambda \lamb
·

Certificate Number: <u>02910-MIW-CC-005223385</u>

### **CERTIFICATE OF COUNSELING**

I CERTIFY that on October 23, 2008	, at	7:55	o'clock AM EDT,
Ronald Nichols		recei	ved from
InCharge Education Foundation, Inc.			,
an agency approved pursuant to 11 U.S.C.	. § 111 to	provide cre	dit counseling in the
Western District of Michigan	, ar	ı individua	l [or group] briefing that complied
with the provisions of 11 U.S.C. §§ 109(h	) and 111.		
A debt repayment plan was not prepared	If a d	ebt repaym	ent plan was prepared, a copy of
the debt repayment plan is attached to this	s certificat	e.	
This counseling session was conducted by	y internet a	nd telephone	
Date: October 23, 2008	Ву	/s/Vanessa	Brown
	Name	Vanessa B	rown
	Title	Senior Cou	unselor

<sup>\*</sup> Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. *See* 11 U.S.C. §§ 109(h) and 521(b).

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Official Form 1, Exhibit D (10/06)

### United States Bankruptcy Court Western District of Michigan

	Ronald Augustus Nichols			
In re	Sati Angelina Nichols		Case No.	
		Debtor(s)	Chapter	11

# EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.] [Summarize exigent circumstances here.] \_\_\_\_

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

Case:08-09443-swd Doc #:1 Filed: 10/24/08 Page 8 of 16

Official Form 1, Exh. D (10/06) - Cont.
□ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable
statement.] [Must be accompanied by a motion for determination by the court.]
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.
$\square$ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: /s/ / ///////// Sati Angelina Nichols  Date:/23////
Deter 1 1 2 3 / 1 1

or

Certificate Number: 02910-OHS-CC-005223435

### **CERTIFICATE OF COUNSELING**

I CERTIFY that on October 23, 2008	, at	8:12	o'clock AM EDT,
Sati Nichols		receiv	ed from
InCharge Education Foundation, Inc.			······································
an agency approved pursuant to 11 U.S.C	. § 111 to	provide cred	lit counseling in the
Southern District of Ohio	, ar	individual	[or group] briefing that complied
with the provisions of 11 U.S.C. §§ 109(h	and 111.		
A debt repayment plan was not prepared	If a d	ebt repayme	ent plan was prepared, a copy of
the debt repayment plan is attached to this	s certificat	e.	
This counseling session was conducted by	y internet a	nd telephone	
Date: October 23, 2008	Ву	/s/Vanessa l	Brown
	Name	Vanessa Bro	own
	Title	Senior Cour	nselor

<sup>\*</sup> Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. *See* 11 U.S.C. §§ 109(h) and 521(b).

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B4 (Official Form 4) (12/07)

# **United States Bankruptcy Court Western District of Michigan**

	Ronald Augustus Nichols			
In re	Sati Angelina Nichols		Case No.	
		Debtor(s)	Chapter	11

#### LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured, also state value of security]
Bank of America P.O. Box 17054 Wilmington, DE 19884	Bank of America P.O. Box 17054 Wilmington, DE 19884	Credit Card		27,695.18
Citicard P.O. Box 6000 The Lakes, NV 89163	Citicard P.O. Box 6000 The Lakes, NV 89163	credit card		10,961.24
Country Club of Lansing 2200 Moores River Drive Lansing, MI 48911-1098	Country Club of Lansing 2200 Moores River Drive Lansing, MI 48911-1098	Member Dues		8,913.71
Discover Card P.O. Box 15316 Wilmington, DE 19850-5316	Discover Card P.O. Box 15316 Wilmington, DE 19850-5316	Credit Card		7,372.75
Home Depot P.O. Box 689100 Des Moines, IA 50368-9100	Home Depot P.O. Box 689100 Des Moines, IA 50368-9100	Credit Card		7,100.19
Household Finance (HFC) P.O. Box 4153K Carol Stream, IL 60197-4153	Household Finance (HFC) P.O. Box 4153K Carol Stream, IL 60197-4153	Credit Card		19,467.12
Internal Revenue Service 3100 West Road Building B, Suite 201 East Lansing, MI 48823	Internal Revenue Service 3100 West Road Building B, Suite 201 East Lansing, MI 48823	Taxes Owed		700,000.00 (0.00 secured)
Michigan Dept. of Treasury P.O. Box 30443 Collection Division Lansing, MI 48909-7943	Michigan Dept. of Treasury P.O. Box 30443 Collection Division Lansing, MI 48909-7943	Taxes Owed		94,228.48 (0.00 secured)
Target VISA P.O. Box 59317 Minneapolis, MN 55459-0317	Target VISA P.O. Box 59317 Minneapolis, MN 55459-0317	Credit Card		10,094.11

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B4 (Offi	cial Form 4) (12/07) - Cont.	
	Ronald Augustus Nichols	
In re	Sati Angelina Nichols	Case No.
	Debtor(s)	

### LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured, also state value of security]
	-			

# DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

We, Ronald Augustus Nichols and Sati Angelina Nichols, the debtors in this case, declare under penalty of perjury that we have read the foregoing list and that it is true and correct to the best of our information and belief.

Date _	10/23/08	Signature	Ronald Augustus Nichols Debtor
Date _	16/23/68	Signature	/s/ Sati Angelina Nichols Joint Debtor

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

# UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF MICHIGAN

### 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, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

- 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.

### <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

- 1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments 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, \$39 administrative fee: Total fee \$1039)

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, \$39 administrative fee: Total fee \$239)

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.

**Certificate of Attorney** 

I hereby certify that I delivered to the debtor this notice required by \$342(b) of the Bankruptcy Code.

W. Bank

Name of Attorney

Date Jason W. Bank Printed Name of Attorney Address: 39500 High Pointe Boulevard Suite 350 Novi. MI 48375 (248) 567-7400 jwbank@varnumlaw.com **Certificate of Debtor** I (We), the debtor(s), affirm that I (we) have received and read this notice. Ronald Augustus Nichols X /s/ (index) /a/68
Signature of Debtor Date

X /s/ Signature of Joint Debtor (if any)

Date Sati Angelina Nichols Printed Name of Debtor Case No. (if known)

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### United States Bankruptcy Court Western District of Michigan

In re	Ronald Augustus Nichols Sati Angelina Nichols						
		Debtor(s)	Chapter	11			
	VERIFICATION OF CREDITOR MATRIX						
The ab	ove-named Debtors hereby verify that the attacl	ned list of creditors is true and	correct to the best	of their knowledge.			

BANK OF AMERICA P.O. BOX 17054 WILMINGTON DE 19884

CAPITOL NATIONAL BANK 200 N. WASHINGTON SQUARE LANSING MI 48933

CITICARD
P.O. BOX 6000
THE LAKES NV 89163

CITIFINANCIAL MORTGAGE P.O. BOX 9438 DEPARTMENT 0251 GAITHERSBURG MD 20898

COUNTRY CLUB OF LANSING 2200 MOORES RIVER DRIVE LANSING MI 48911-1098

DISCOVER CARD P.O. BOX 15316 WILMINGTON DE 19850-5316

GMAC FINANCIAL P.O. BOX 380902 MINNEAPOLIS MN 55438-0902

HOME DEPOT P.O. BOX 689100 DES MOINES IA 50368-9100

HOMEQ SERVICING P.O. BOX 1376 SACRAMENTO CA 95853

HOUSEHOLD FINANCE (HFC) P.O. BOX 4153K CAROL STREAM IL 60197-4153

INTERNAL REVENUE SERVICE 3100 WEST ROAD BUILDING B, SUITE 201 EAST LANSING MI 48823 INTERNAL REVENUE SERVICE SPECIAL PROCEDURE, STOP 93 678 FRONT STREET, N.W. #200 GRAND RAPIDS MI 49504

INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY P.O. BOX 21126 PHILADELPHIA PA 19114

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MERCEDES BENZ FINANCIAL P.O. BOX 9001680 LOUISVILLE KY 40290-1680

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