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MEMORANDUM

To: Richard Kahn

From: Steve Roadruck

Re: Patrick Noel Adams

Date: 02/12/18

R-20-18

Patrick Noel Adams, DOB: 12/24/1958

SSN: 563-11-5857

I have attached a Comprehensive Report on Patrick N. Adams.

The Comprehensive report did not contain any criminal cases. The criminal activity reported in the Comprehensive Report was for a person born in 1982. Probably his son.

It appears Patrick has been in the Virgin Islands since 2005.

He shows ownership in a residential property at 313 Brentwood Road, Piedmont, SC 29673.

He has a number of small amount judgments from Montana.

He is not on a Global Watch List.

I did a nationwide U.S. District Court search and did not find any criminal or civil cases. He does have a 2017 Chapter 13 Bankruptcy case which is still active. I copied the docket sheet and Petition.

He was checked in Anderson, Greenville and Pickens Counties, South Carolina and he did not have any criminal history.

United States Bankruptcy Court  
District of South Carolina (Spartanburg)  
Bankruptcy Petition #: 17-06113-hb

Assigned to: Judge Helen E. Burris  
Chapter 13  
Voluntary  
Asset

Date filed: 12/05/2017  
341 meeting: 01/31/2018  
Deadline for filing claims: 02/13/2018  
Deadline for filing claims (govt.): 06/04/2018

**Debtor**  
Patrick Noel Adams

[Redacted]  
St. Thomas, VI 00807  
ANDERSON-SC  
SSN / ITIN: [Redacted]

represented by **Robert A. Pohl**

POHL, [Redacted]  
PO Box 27290  
Greenville, SC 29616

[Redacted]  
Fax : 864-558-5291  
Email: [Redacted]

**Trustee**

**Gretchen D. Holland**  
Ch. 13 Trustee Office  
20 Roper Corners Circle, Suite C  
Greenville, SC 29615  
[Redacted]

**U.S. Trustee**

**US Trustee's Office**  
Strom Thurmond Federal Building  
1835 Assembly St.  
Suite 953  
Columbia, SC 29201

Filing Date	#	Docket Text
12/05/2017	<u>1</u> (14 pgs)	Chapter 13 Voluntary Petition - Individual Filed by Robert A. Pohl of POHL, P.A. on behalf of Patrick Noel Adams. (Pohl, Robert) (Entered: 12/05/2017)
12/05/2017	<u>2</u>	Bankruptcy Form 121 SSN. Filed by Robert A. Pohl of POHL, P.A. on behalf of Patrick Noel Adams. (Pohl, Robert) (Entered: 12/05/2017)
12/05/2017	<u>3</u> (1 pg)	Certificate of Credit Counseling Filed by Robert A. Pohl of POHL, P.A. on behalf of Patrick Noel Adams. (Pohl, Robert) (Entered: 12/05/2017)
12/05/2017	<u>4</u> (21 pgs)	Copies of Payment Advices Filed by Robert A. Pohl of POHL, P.A. on behalf of Patrick Noel Adams. (Pohl, Robert) (Entered: 12/05/2017)

		12/05/2017)
12/05/2017	<u>5</u>	Debtor's Request to Decline Electronic Noticing. DOCUMENT IMAGE AVAILABLE ONLY TO COURT USERS AND THE TRUSTEE/US TRUSTEE. Filed by Robert A. Pohl of POHL, P.A. on behalf of Patrick Noel Adams. (Pohl, Robert) (Entered: 12/05/2017)
12/05/2017		Receipt of Filing Fee for Voluntary Petition (Chapter 13) (atty) (17-06113) [misc,volp13ac] ( 310.00). Receipt Number 10523564, amount 310.00. (U.S. Treasury) (Entered: 12/05/2017)
12/05/2017	<u>6</u> (3 pgs; 2 docs)	Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, Deadlines and Notice of Appointment of Interim Trustee Gretchen D. Holland, .Document Served. 341(a) meeting to be held on 01/31/2018 at 09:30 AM at Spartanburg. Last day to oppose dischargeability of certain debts is 04/02/2018. Proofs of Claim or Interest due by 02/13/2018. Confirmation Hearing to be held on 03/08/2018 at 10:00 AM at Spartanburg. (Entered: 12/05/2017)
12/06/2017		Notice of Filings Due: Summary of Assets and Liabilities, Schedule A/B, Schedule C, Schedule D, Schedule E/F, Schedule G, Schedule H, Schedule I, Schedule J, Statement of Financial Affairs, Statement Disclosing Anticipated Increase in Income/Expenditures, Ch. 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income, Chapter 13 Plan,. All Missing Documents Must be Filed by 12/19/2017 Filed by Gretchen D. Holland. (Holland, Gretchen) (Entered: 12/06/2017)
12/08/2017	<u>7</u> (3 pgs)	Certificate of Service of Meeting of Creditors Notice as served by the Bankruptcy Noticing Center. Notice Date 12/08/2017. (Related Doc # <u>6</u> ) (Admin.) (Entered: 12/09/2017)
12/18/2017	<u>8</u> (6 pgs; 2 docs)	Motion to Extend Time To File Schedules, Statement of Financial Affairs, Plan and Other Documents Required Under 11 USC Section 521(a) with Certificate of Service Filed by Robert A. Pohl of POHL, P.A. on behalf of Patrick Noel Adams (related document(s) <u>1</u> ). (Attachments: # <u>1</u> Proposed Order) (Pohl, Robert) (Entered: 12/18/2017)
12/19/2017	<u>9</u> (2 pgs; 2 docs)	Order Granting Motion to Extend Time to File Schedules/Statements until 1/2/2018. (Related Doc # <u>8</u> ). Document Served. (Lee, D) (Entered: 12/19/2017)
12/21/2017	<u>10</u> (2 pgs)	Certificate of Service of Document as served by the Bankruptcy Noticing Center. Notice Date 12/21/2017. (Related Doc # <u>9</u> ) (Admin.) (Entered: 12/22/2017)
01/03/2018	<u>11</u>	Schedules Filed: Summary of Assets and Liabilities Schedule

	(46 pgs)	A/B Schedule C Schedule D Schedule E/F Schedule G Schedule H Schedule I Schedule J Declaration About an Individual Debtors Schedules; Statements Filed: Statement of Financial Affairs Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period Chapter 13 Calculation of Your Disposable Income Disclosure of Compensation Of Attorney For Debtor for an Individual Filed by Robert A. Pohl of POHL, P.A. on behalf of Patrick Noel Adams. (Pohl, Robert) (Entered: 01/03/2018)
01/03/2018	<u>12</u> (5 pgs)	Plan Filed by Patrick Noel Adams. (Pohl, Robert) (Entered: 01/03/2018)
01/04/2018	<u>13</u> (2 pgs; 2 docs)	Deficiency Notice re: Plan (related document(s) <u>12</u> ). Filing not in accordance with local forms SC LBR 3015-1. Deficiency Correction Due By: 1/16/2018 (McAbee, B) (Entered: 01/04/2018)
01/05/2018	<u>14</u> (2 pgs)	Certificate of Service related to Schedules/Statements Filed, Plan Filed by Robert A. Pohl of POHL, P.A. on behalf of Patrick Noel Adams. (related document(s) <u>11</u> , <u>12</u> ). (Pohl, Robert) (Entered: 01/05/2018)
01/12/2018	<u>15</u> (1 pg)	Notice of Appearance and Request for Notice Filed by Jason D Wyman of Rogers Townsend & Thomas, PC on behalf of Wells Fargo Bank, N.A.. (Wyman, Jason) (Entered: 01/12/2018)
01/18/2018	<u>16</u> (9 pgs)	Notice of Mortgage Payment Change (no claim on register) Filed by BANK OF AMERICA, [REDACTED] (Bank of America) (Entered: 01/18/2018)
01/22/2018	<u>17</u> (9 pgs)	Notice, Pre-Confirmation Modified Ch. 13 Plan Objections due no later than 7 days prior to the Confirmation Hearing. Filed by Patrick Noel Adams. (Pohl, Robert) (Entered: 01/22/2018)
01/22/2018	<u>18</u> (2 pgs)	Certificate of Service related to Modified Plan Filed by Robert A. Pohl of POHL, P.A. on behalf of Patrick Noel Adams. (related document(s) <u>17</u> ). (Pohl, Robert) (Entered: 01/22/2018)
02/01/2018		Meeting of Creditors Held and Examination of Debtor (Holland, Gretchen) (Entered: 02/01/2018)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
02/12/2018 13:32:40			
PACER	roadruck:2623271:0	Client	fjm

<b>Login:</b>		<b>Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	17-06113-hb Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF SOUTH CAROLINA

Case number (if known)

Chapter you are filing under:

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

Check if this an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/17

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a joint case—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses Debtor 1 and Debtor 2 to distinguish between them. In joint cases, one of the spouses must report information as Debtor 1 and the other as Debtor 2. The same person must be Debtor 1 in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

Patrick

First name

Noel

Middle name

Adams

Last name and Suffix (Sr., Jr., II, III)

First name

Middle name

Last name and Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)



Debtor 1 **Patrick Noel Adams**

Case number (if known)

**About Debtor 1:**

**About Debtor 2 (Spouse Only in a Joint Case):**

**4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years**

I have not used any business name or EINs.

I have not used any business name or EINs.

Include trade names and doing business as names

Business name(s)

Business name(s)

EINs

EINs

**5. Where you live**



Number, Street, City, State & ZIP Code

**If Debtor 2 lives at a different address:**

Number, Street, City, State & ZIP Code

**Anderson**

County

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.



Number, P.O. Box, Street, City, State & ZIP Code

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

**6. Why you are choosing this district to file for bankruptcy**

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

I have another reason. Explain. (See 28 U.S.C. § 1408.)

**Primary residence and most assets located in South Carolina**

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

I have another reason. Explain. (See 28 U.S.C. § 1408.)

Debtor 1 **Patrick Noel Adams**

Case number (if known) \_\_\_\_\_

**Part 2: Tell the Court About Your Bankruptcy Case**

7. **The chapter of the Bankruptcy Code you are choosing to file under** *Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.*
- Chapter 7
  - Chapter 11
  - Chapter 12
  - Chapter 13

8. **How you will pay the fee**
- I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
  - I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
  - I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. **Have you filed for bankruptcy within the last 8 years?**
- No.
  - Yes.
- |                |            |                   |
|----------------|------------|-------------------|
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |

10. **Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?**
- No.
  - Yes.
- |                |  |
|----------------|--|
| Debtor _____   | Relationship to you _____              |
| District _____ | When _____ Case number, if known _____ |
| Debtor _____   | Relationship to you _____              |
| District _____ | When _____ Case number, if known _____ |

11. **Do you rent your residence?**
- No. Go to line 12.
  - Yes. Has your landlord obtained an eviction judgment against you?
    - No. Go to line 12.
    - Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it with this bankruptcy petition.

Debtor 1 **Patrick Noel Adams**

Case number (if known)

**Part 3: Report About Any Businesses You Own as a Sole Proprietor**

**12. Are you a sole proprietor of any full- or part-time business?**

- No. Go to Part 4.
- Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

\_\_\_\_\_  
Name of business, if any

\_\_\_\_\_  
Number, Street, City, State & ZIP Code

*Check the appropriate box to describe your business:*

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- None of the above

**13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?**

*If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).*

- No. I am not filing under Chapter 11.
- No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.
- Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

**Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention**

**14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**

- No.
- Yes. What is the hazard? \_\_\_\_\_

If immediate attention is needed, why is it needed? \_\_\_\_\_

*For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?*

Where is the property? \_\_\_\_\_

\_\_\_\_\_  
Number, Street, City, State & Zip Code

Debtor 1 Patrick Noel Adams

Case number (if known)

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received a briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing about credit counseling because of:

Incapacity. I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability. My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing about credit counseling because of:

Incapacity. I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability. My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1 **Patrick Noel Adams**

Case number (if known)

**Part 6: Answer These Questions for Reporting Purposes**

16. What kind of debts do you have?
- 16a. **Are your debts primarily consumer debts?** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- No. Go to line 16b.
- Yes. Go to line 17.
- 16b. **Are your debts primarily business debts?** *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.
- No. Go to line 16c.
- Yes. Go to line 17.
- 16c. State the type of debts you owe that are not consumer debts or business debts

17. Are you filing under Chapter 7?
- No. I am not filing under Chapter 7. Go to line 18.
- Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?
- Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- No
- Yes

18. How many Creditors do you estimate that you owe?
- 1-49
- 50-99
- 100-199
- 200-999
- 1,000-5,000
- 5001-10,000
- 10,001-25,000
- 25,001-50,000
- 50,001-100,000
- More than 100,000

19. How much do you estimate your assets to be worth?
- \$0 - \$50,000
- \$50,001 - \$100,000
- \$100,001 - \$500,000
- \$500,001 - \$1 million
- \$1,000,001 - \$10 million
- \$10,000,001 - \$50 million
- \$50,000,001 - \$100 million
- \$100,000,001 - \$500 million
- \$500,000,001 - \$1 billion
- \$1,000,000,001 - \$10 billion
- \$10,000,000,001 - \$50 billion
- More than \$50 billion

20. How much do you estimate your liabilities to be?
- \$0 - \$50,000
- \$50,001 - \$100,000
- \$100,001 - \$500,000
- \$500,001 - \$1 million
- \$1,000,001 - \$10 million
- \$10,000,001 - \$50 million
- \$50,000,001 - \$100 million
- \$100,000,001 - \$500 million
- \$500,000,001 - \$1 billion
- \$1,000,000,001 - \$10 billion
- \$10,000,000,001 - \$50 billion
- More than \$50 billion

**Part 7: Sign Below**

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, 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.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Patrick Noel Adams

Patrick Noel Adams

Signature of Debtor 1

Signature of Debtor 2

Executed on December 5, 2017  
MM/DD/YYYY

Executed on \_\_\_\_\_  
MM/DD/YYYY

Debtor 1 **Patrick Noel Adams**

Case number (if known)

**For your attorney, if you are represented by one**

**If you are not represented by an attorney, you do not need to file this page.**

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

**/s/ Robert Pohl**

Date

**December 5, 2017**

Signature of Attorney for Debtor

MM / DD / YYYY

**Robert Pohl**

Printed name

**Pohl, P.A.**

[Redacted address]

Number, Street, City, State & ZIP Code

Contact phone

[Redacted phone number]

Email address

[Redacted email address]

**80001**

Bar number & State

## Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

### This notice is for you if:

**You are an individual filing for bankruptcy, and**

**Your debts are primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

### The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under one of four different chapters of Bankruptcy Code:

Chapter 7 - Liquidation

Chapter 11 - Reorganization

Chapter 12 - Voluntary repayment plan for family farmers or fishermen

Chapter 13 - Voluntary repayment plan for individuals with regular income

**You should have an attorney review your decision to file for bankruptcy and the choice of chapter.**

### Chapter 7: Liquidation

\$245	filing fee
\$75	administrative fee
+	\$15 trustee surcharge
\$335	total fee

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their nonexempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

most taxes;

most student loans;

domestic support and property settlement obligations;

most fines, penalties, forfeitures, and criminal restitution obligations; and

certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

fraud or theft;

fraud or defalcation while acting in breach of fiduciary capacity;

intentional injuries that you inflicted; and

death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form—the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

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### Chapter 11: Reorganization

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	\$1,167	filing fee
+	\$550	administrative fee
	\$1,717	total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

**Read These Important Warnings**

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**Chapter 12: Repayment plan for family farmers or fishermen**

	\$200	filing fee
+	\$75	administrative fee
	\$275	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

**Chapter 13: Repayment plan for individuals with regular income**

	\$235	filing fee
+	\$75	administrative fee
	\$310	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

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, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

**Warning: File Your Forms on Time**

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:  
[http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html#procedure](http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure).

**Bankruptcy crimes have serious consequences**

If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.

All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

**Make sure the court has your mailing address**

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

**Understand which services you could receive from credit counseling agencies**

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from:  
[http://justice.gov/ust/eo/hapcpa/ccde/cc\\_approved.html](http://justice.gov/ust/eo/hapcpa/ccde/cc_approved.html)

In Alabama and North Carolina, go to:  
<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.

LOCAL OFFICIAL FORM 1007-1(b) TO SC LBR 1007-1

United States Bankruptcy Court  
District of South Carolina

In re Patrick Noel Adams Debtor(s) Case No. \_\_\_\_\_ Chapter 13

**CERTIFICATION VERIFYING CREDITOR MATRIX**

The above named debtor, or attorney for the debtor if applicable, hereby certifies pursuant to South Carolina Local Bankruptcy Rule 1007-1 that the master mailing list of creditors submitted either on computer diskette, electronically filed via CM/ECF, or conventionally filed, in a typed hard copy scannable format which has been compared to, and contains identical information to, the debtor's schedules, statements and lists which are being filed at this time or as they currently exist in draft form.

Master mailing list of creditors submitted via:

- (a) \_\_\_\_\_ computer diskette
- (b) \_\_\_\_\_ scannable hard copy  
(number of sheets submitted \_\_\_\_\_)
- (c)  electronic version filed via CM/ECF

Date: December 5, 2017 /s/ Patrick Noel Adams  
**Patrick Noel Adams**  
Signature of Debtor

Date: December 5, 2017 /s/ Robert Pohl  
Signature of Attorney  
**Robert Pohl**  
**Pohl, P.A.**  
  
Typed/Printed Name/Address/Telephone

80001  
District Court  Number

AMERICAN EXPRESS  
P.O. BOX 650448  
DALLAS TX 75265-0448

ANDERSON COUNTY TREASURER  
P.O. BOX 8002  
ANDERSON SC 29622

BANK OF AMERICA  
6091 CALHOUN MEMORIAL HIGHWAY  
EASLEY SC 29640

CITIBANK  
P.O. BOX 9001037  
LOUISVILLE KY 40290-1037

HOME DEPOT CREDIT SERVICES  
P.O. BOX 790328  
SAINT LOUIS MO 63179

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATION  
P.O. BOX 7346  
PHILADELPHIA PA 19101-7346

S.C. DEPARTMENT OF EMPLOYMENT & WORKFORC  
1550 GADSDEN STREET  
P.O. BOX 8597  
COLUMBIA SC, 29202

S.C. DEPARTMENT OF REVENUE AND TAXATION  
P.O, BOX 12265  
COLUMBIA SC 29211

THE REAL ESTATE CENTRE  
1435 AUGUSTA ROAD  
GREENVILLE SC 29605

VIRGIN ISLANDS INTERNAL REVENUE  
6720 SMITH BAY ROAD  
RED HOOK  
ST THOMAS VI 00802

WELLS FARGO HOME MORTGAGE  
2215 10TH AVENUE SOUTH  
GREAT FALLS MT 59405