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Resume of Laila S. Gonzalez

Ms. Gonzalez hails from the Greater Cincinnati metropolitan area. She graduated from Northern Kentucky University and the Salmon P. Chase college of law. She is a partner at Freire and Gonzalez, P.A. She has practiced in the area of bankruptcy law in Florida for several years, both in the Southern district of Florida as well as the Middle district of Florida. Her main office is located on Kendall Drive and 107th Avenue. She has satellite offices in Hialeah and Fort Myers. She is board certified in consumer bankruptcy law and limits her practice to representing debtors in chapter 7 and 13. She has spoken at seminars regarding bankruptcy on the local as well as the national level.

Rule 4008-1. Reaffirmation.

(A) Official Bankruptcy and Director Forms Required; No Notice, Hearing or Order Required to Confirm Enforceability. Reaffirmation agreements shall be filed utilizing the Official Bankruptcy Form "Cover Sheet for Reaffirmation Agreement" and, if applicable, any other Administrative Office of the U.S. Courts Director's Procedural Forms for reaffirmation agreements. No notice, hearing or order shall be necessary to confirm the enforceability of a reaffirmation agreement filed with the court that is signed by all parties to the agreement, that conforms to the requirements of 11 U.S.C. §§524(c)(1), (2), and (4), and that is accompanied by a declaration or affidavit of the attorney who represented the debtor during the negotiation of the agreement pursuant to 11 U.S.C. §524(c)(3). Notwithstanding the foregoing, the court may set a hearing on a reaffirmation agreement as permitted by 11 U.S.C. §524 and applicable law.

(B) Debtor Must Appear at Reaffirmation Hearing. If the court sets a hearing to consider a reaffirmation agreement, the debtor must appear at the hearing. The hearing will be evidentiary.

(C) Reaffirmation Agreement Made Subsequent to Entry of Discharge. A reaffirmation agreement made by a debtor subsequent to entry of the discharge shall be declared invalid by the court.

(D) Duties of Debtor's Counsel. Unless the attorney has withdrawn as attorney for the debtor pursuant to Local Rule 2091-1, an attorney who files a petition on behalf of a debtor must represent the debtor during the negotiation and filing of any reaffirmation agreements, and appear at any hearings on reaffirmation agreements.

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of Contents**Rule 2004-1. Examinations of Debtor and Others.**

(A) Manner of Setting Examination. No order will be necessary to authorize an examination pursuant to Bankruptcy Rule 2004, or to require production of documents at the examination. Examinations may be scheduled by filing the Local Form "Notice of Rule 2004 Examination" and serving the notice on the trustee, the debtor, the debtor's attorney and the party to be examined, and, if applicable, the subpoena required by subdivision (D) of this Rule.

(B) Reasonable Notice. The attendance of the examinee and the production of documents may not be required less than 14 days after actual delivery of the notice, except by agreement of the parties or order of the court. However, an examination may be scheduled on shorter notice if the notice provides that the party to be examined need not file any objection to the short notice but must notify the examining party promptly of the inadequate notice and must offer a reasonable opportunity to be examined on another date. To the extent that a request for production of documents under this rule may be construed as a request under Bankruptcy Rule 7034, the time to respond is shortened to 14 days.

(C) Motion for Protective Order. An interested party may file, prior to the date of the proposed examination, a motion for protective order stating the reasons for prohibiting, limiting or rescheduling the examination, and the examination shall be stayed until the court rules on the motion.

(D) Subpoena. No subpoena shall be necessary to compel attendance of, or production of documents from, the debtor at an examination of the debtor, but a Local Form "Subpoena for Rule 2004 Examination" shall be necessary to compel the attendance of, or production of documents by, a witness other than the debtor.

Rule 9011. Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers

(a) **SIGNATURE.** Every petition, pleading, written motion, and other paper, except a list, schedule, or statement, or amendments thereto, shall be signed by at least one attorney of record in the attorney's individual name. A party who is not represented by an attorney shall sign all papers. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) **REPRESENTATIONS TO THE COURT.** By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,—¹

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(c) **SANCTIONS.** If, after notice and a reasonable opportunity to respond, the court determines that subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b) or are responsible for the violation.

(1) *How Initiated.*

(A) *By Motion.* A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subdivision (b). It

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shall be served as provided in Rule 7004. The motion for sanctions may not be filed with or presented to the court unless, within 21 days after service of the motion (or such other period as the court may prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected, except that this limitation shall not apply if the conduct alleged is the filing of a petition in violation of subdivision (b). If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion. Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.

(B) On Court's Initiative. On its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b) with respect thereto.

(2) Nature of Sanction; Limitations. A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in subparagraphs (A) and (B), the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation.

(A) Monetary sanctions may not be awarded against a represented party for a violation of subdivision (b)(2).

(B) Monetary sanctions may not be awarded on the court's initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is, or whose attorneys are, to be sanctioned.

(3) Order. When imposing sanctions, the court shall describe the conduct determined to constitute a violation of this rule and explain the basis for the sanction imposed.

(d) INAPPLICABILITY TO DISCOVERY. Subdivisions (a) through (c) of this rule do not apply to disclosures and discovery requests, responses, objections, and motions that are subject to the provisions of Rules 7026 through 7037.

(e) VERIFICATION. Except as otherwise specifically provided by these rules, papers filed in a case under the Code need not be verified. Whenever verification is required by these rules, an unsworn declaration as provided in 28 U.S.C. §1746 (jureeka/index.php?doc=U.S.C.&title=28&sec=1746&sec2=undefined&year=undefined) satisfies the requirement of verification.

(f) COPIES OF SIGNED OR VERIFIED PAPERS. When these rules require copies of a signed or verified paper, it shall suffice if the original is signed or verified and the copies are conformed to the original.

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**CHAPTER 13 MEETING OF CREDITORS PREPARATION SHEET
for Attorney and Pro Se Debtors**

7 DAYS PRIOR TO THE MEETING OF CREDITORS

The Trustee must receive :

N/A Done

- Last two years tax returns or sworn declaration of no income
- 3 months pre-petition bank statements (plus copies of any checks over \$1000.00)
- Valuation of all property located outside of Miami-Dade County
- Payoff of all property not exempted as homestead
- Valuation of all motor vehicles (NADA or CarMax)
- Payoff of all motor vehicles
- Copy of the debtor's driver's license or photo ID with address
- Copy of the debtor's social security card
- Copy of the Local Form 90
- IF the debtor are obligated to or do pay domestic support as defined by 11 U.S.C. §101(14A), provide a completed DSO form including address and phone number
- IF Self Employed: Business Debtor Questionnaire or if 1099 notarized affidavit
- IF debtor(s) are over median as defined by 11 U.S.C. §1325(b)(3)

The Attorney or Pro Se Debtor must:

Done

- Make sure that the debtor will be available to appear at the meeting of creditors and is aware of the date and time of the meeting.
- Verify the amount of payments that the Trustee has received on the National Data Center and that the debtor has evidence that they are current with their plan payments
- Verify that the debtor will bring their original social security card and driver's license to the meeting of creditors

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100% Language The debtor(s) will modify the plan to increase the amounts to be paid to provide for a 100% payment of all allowed unsecured claims.

Income Verification Language (IVL)

IVL

The debtor(s) is hereby advised that the chapter 13 trustee has requested that the debtor(s) comply with 521(f) 1-4 on an annual basis during the pendency of this case. The debtor(s) hereby acknowledges that the deadline for providing the Trustee with their filed tax returns is on or before May 15 of each year the case is pending and that the debtor(s) shall provide the trustee with verification of their disposable income if their gross household income increases by more than 3% over the previous year's income.

Lawsuit | Litigation Language

Lawsuit | Litigation Language: The debtor will modify the plan to

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