

## **Disclose, Disclose, Disclose – And When In Doubt, Disclose**

By Arizona Bankruptcy Attorney John N. Skiba

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In the typical bankruptcy petition and schedules the person filing for bankruptcy will sign his or her name no less than eight times declaring that the information provided in the bankruptcy documents is true and accurate. The penalty for making a false statement or for concealing assets is up to 5 years in prison and a fine of up to \$500,000, and the court will deny you a discharge, the whole reason you filed for bankruptcy. To say the least, the bankruptcy court takes truthful disclosure of your assets and accuracy in the reporting of your financial information seriously.

### **Take the Time to Get it Right**

Prior to filing for bankruptcy there is a substantial amount of information that is required to be able to complete the bankruptcy petition and schedules that must be filed with the bankruptcy court. Information such as income, assets, expenses, debts, transactions that have occurred over the last couple of years. In my experience, people don't fail to disclose financial information in their bankruptcy documents because they are trying to be deceitful, but more likely because trying to gather all of the required documentation is exhausting and/or they simply have forgotten about assets or can't find information on a particular item.

Regardless, the bankruptcy court requires full disclosure and in going through the bankruptcy process you must do your best to obtain the requested information.

On rare occasions I meet with people in my office who will ask me to be complicit in concealing an asset. Some people view their attorney as a person who is there to help them get away with as much as possible. As a bankruptcy attorney I am here to help guide you through the bankruptcy process and help you to use all of the laws to your advantage, but please don't ask me to lie for you. It won't happen.

In fact, I don't know a single bankruptcy attorney that would be willing to help a client in concealing assets. As your bankruptcy attorney I am required to sign your bankruptcy documents as well, and by signing the documents I am attesting that I have made a reasonable inquiry into the information contained in your bankruptcy documents and that to the best of my knowledge the information is true and correct.

In short, if you misrepresent information in your bankruptcy documents not only do you have serious exposure to criminal penalties, I have exposure as well. Best advice is to always disclose.

### **I Have Already Filed and My Bankruptcy Documents Aren't Accurate – Now What?!**

If you have already filed for bankruptcy and failed to disclose an asset or some information is inaccurate – either inadvertently or intentionally – you must correct that information immediately. Sometimes in contemplating bankruptcy people will get advice from friends or family who tell them they don't have to disclose everything. If you acted on that advice, the time is now to correct it. It is better to disclose the asset or correct the information now than simply hoping you don't get caught. The penalties are too stiff.

I provide an online service that walks my clients through the process of disclosing the information necessary to draft your bankruptcy documents. I also provide clients with at least one draft (often many more) to review prior to filing, and then finally, prior to filing your bankruptcy case we will sit down face to face and go over each page to make sure it is accurate. I take disclosure of assets seriously and I ask that you do to.

I offer a free bankruptcy consultation where we can discuss your specific situation and determine what the best route is for you going forward.

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