

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CANTON DIVISION**

Ralph Regula Federal Building and  
United States Courthouse  
401 McKinley Ave., S.W.  
Canton, OH 44702

**Judge Russ Kendig**

**Kenneth J. Hirz, Clerk of Court**

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**NOTICE TO DEBTORS AND CREDITORS NOT REPRESENTED BY AN ATTORNEY**

**General Issues**

While an individual person or a husband and wife may file a bankruptcy petition without being represented by an attorney, the clerk's office is unable to give legal advice concerning your case. While an individual creditor may participate in a case without being represented by an attorney, the clerk's office is unable to give legal advice to creditors concerning a case.

You are entitled to the same treatment as parties represented by attorneys. Attorneys are expected to know what to do and how to do it. The clerk's office and court cannot tell them and cannot tell you. Attorneys who fail to follow the proper procedures have their requests disregarded or denied. You will be treated with the same standard, no better and no worse.

The court will not consider letters. Any request is by motion or adversary proceeding, either of which must be filed and served on appropriate parties and some of which require filing fees. If filed and served appropriately, the court will consider your motion based upon your stated legal grounds. The court cannot consider what you should have done or what you "really meant." You may or may not be entitled to a hearing depending upon what you file.

**Meeting of Creditors**

Approximately three weeks after debtors file a bankruptcy petition, debtors and creditors receive a copy of a notice for the meeting of creditors from the clerk's office. The meeting of creditors is an opportunity for the trustee and any creditors who appear to ask questions regarding financial affairs. **Debtors must appear at this meeting. If a husband and wife file a joint petition, they both must appear.** If you are a debtor and have a problem with appearing at this meeting, contact your trustee. This meeting is set by the United States Trustee, not by the bankruptcy court. Therefore, do not file requests to continue or change the date of the meeting with the court. ***FAILURE TO APPEAR AT THE MEETING OF CREDITORS SHALL RESULT IN YOUR CASE BEING DISMISSED.***

**Change of Address**

Debtors and creditors must notify the clerk's office in writing of any mailing address change. Debtors also need to notify the trustee. Failure to do so may result in legal action being taken without notice. When sending anything to the court, include your name and the bankruptcy case number.

### **Required Credit Counseling**

With limited exceptions, Section 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005 must receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. 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. ***DEBTORS WHO DO NOT COMPLY WITH SECTION 109(h) WILL HAVE THEIR CASES IMMEDIATELY DISMISSED.***

### **Required Documents**

Section 521(a)(1) requires that you file promptly 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.***

### **Case Name and Number**

When filing any papers with the court, the case name must be in the upper left hand corner and the bankruptcy case number must be in the upper right hand corner.

### **Communications with the Court**

If you are having a problem, it is NOT possible to communicate in person or by telephone with the bankruptcy judge. If you need to seek any relief from the court, you must file a written motion specifying the relief you seek. The matter may be set for hearing before the judge. The clerk's office cannot assist you with any problems you might have with any of your creditors. This office cannot act on your behalf in any dispute you might have with a creditor.

### **Legal Advice**

***THE CLERK'S OFFICE MAY NOT GIVE YOU LEGAL ADVICE.*** Any questions as to what should be done, how it should be done, or when it should be done constitute legal advice. The Bankruptcy Code and Bankruptcy Rules are available at many libraries and websites free of charge. The local bankruptcy rules are available to copy in the clerk's office or at [www.ohnb.uscourts.gov](http://www.ohnb.uscourts.gov). The local rules only supplement the code and rules. If you have any legal questions concerning your bankruptcy case or your legal rights, you will need to consult an attorney. The Stark County Bar Association has a Lawyer Referral Service. Call 330-453-0686 for information about consulting an attorney.