



KAIN & SCOTT PA.

WHAT TO EXPECT IN YOUR BANKRUPTCY CONSULTATION

AND WHY IT ISN'T AS SCARY AS YOU THINK.


LIFEBACK
LAW FIRM, P.A.

WE DON'T JUDGE YOU. WE HELP YOU GET YOUR LIFE BACK.™

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INTRODUCTION



We have never received a phone call from a prospective client that just returned from a vacation in Europe where he went on a spending spree, knowing that he would file bankruptcy in the end. The reality is – people don't intentionally incur debt because they know bankruptcy is there to save them. The people we see every day at Kain & Scott never thought they would be in a seemingly hopeless financial predicament. Life is humbling, bad things happen to good people. Thankfully, there is hope.

The first step to solving a problem is to admit a problem exists. From the moment you identify your debt problem, we can work together to correct it and you can get your life back. At Kain & Scott our promise to our MN guests is - We don't judge you, we help you get your life back! Getting your life back means helping you:

- 1) Get rid of your debt.
- 2) Repair your credit - FAST!

It all starts with a free bankruptcy consultation.



CHAPTER 1

LIFE WITH OVERWHELMING DEBT IS PAINFUL

Being in debt is painful and embarrassing. It affects everything. Overwhelming debts have caused marriages to fail, relationships with children to be strained and work environments to become stressful, eventually affecting your relationship with co-workers and bosses.

Over the years, we have listened to client after client tell us stories about ulcers, the inability to sleep at night, a lack of concentration at work or school and, unfortunately, many other physical and mental ailments. All too often clients tell us they waited far too long to seek help in solving their debt problems.

The longer you wait, the more these symptoms of stress will build, bringing you closer and closer to your breaking point. Waiting generally doesn't help your debt situation either; solutions exist, all you have to do is choose the right one for your situation.

Susan (name has been changed to protect her identity) lives in Northern MN. For years she operated a small antique store in a popular tourist town. After the recession hit, the store's income fell dramatically. It wasn't long before Susan found herself using credit cards to pay the bills – hoping and praying the store's revenue would increase soon.

After four years of hoping and drowning in credit card debt, Susan called and asked for our help.

After filing a bankruptcy, Susan's family extended their sincere thanks for helping them get their lives back. They can finally sleep at night without the dread of waking up to crushing anxiety and overwhelming debt. Looking back, they only wish they wouldn't have waited so long to get help.

"I have never been so impressed with any law firm as I was with Kain & Scott P.A. From the minute I walked through the front door until my bankruptcy case was settled I was put totally at ease." -Susan





CHAPTER 2

| WHO FILES BANKRUPTCY ANYWAY?

The list of famous people who have filed for bankruptcy is plentiful. The list includes former presidents Abraham Lincoln, Thomas Jefferson and Ulysses Grant, successful businessmen like Donald Trump, Mark Twain and Henry Ford, and celebrities, including Burt Reynolds, Mickey Rooney, Gary Coleman, Redd Fox, Larry King, Ted Nugent, Tom Petty, Cindy Lauper, Latoya Jackson and Wayne Newton.

We've met with good people from all walks of life: lawyers, doctors, janitors, nurses, waiters/waitresses, factory workers, teachers, bank presidents, loan officers and bill collectors. We have met with your friends and family members, and ours too! People from all over the state of Minnesota come to us with overwhelming debt problems.

We have never met with anyone who did not want to pay their bills – if they could. However, if you force any of us to choose whether to pay the credit card bill, or put food on the table, most of us choose to protect our family first – and rightly so.



CHAPTER 3

WHAT ARE THE MAIN REASONS PEOPLE FILE BANKRUPTCY

Generally, we see five reasons why someone files for bankruptcy. Many clients claim several of these reasons as the “cause” of their bankruptcy filing.

1. BUSINESS FAILURE

When people start businesses, they do not expect them to fail. They start these businesses with expectations of having a business that grows, sustains itself and eventually produces a profit. That does not always occur. When a business fails, there can be an abundance of debt that remains. Oftentimes business owners personally guarantee the business's debts; when the business fails, there is usually little left in the way of assets, so the lenders look to whoever signed the personal guarantees for payment. That means they look to you, the business owner. These debts can be enough to put even the wealthiest into financial distress – and they have, as you saw in chapter three.

2. INCOME DROP

Most of us have budgets that are set up so that everything we earn goes to pay bills. If you unexpectedly lose any income before payday, bills inevitably end up on the back burner. It usually is not long before the creditors are calling to ask where your payment is and threatening collection if payment is not forthcoming.

So often, when we lose income, we think tomorrow, or next week, or next month circumstances will get better. So we deal with our income drop by using credit cards, thinking we can pay them back when our income returns. The problem is, income does not always bounce back soon enough and then your credit card debt climbs out of control. Even if your income goes up eventually, the credit card debt you built up becomes so large that you'll need to find a way to resolve this new debt crisis.

"The staff at Kain & Scott is nothing short of INCREDIBLE! They are friendly, warm, and make what could be an uncomfortable situation very comfortable!" -Blair



3. DIVORCE AND RELATIONSHIP BREAKUPS

In terms of personal relationships, life is not always a smooth road. Not every couple who dates or gets married, stays together. If these relationships break up, both people experience tightened budgets.

However, that is only part of the story. Not only is there a loss of income when relationships end, but often there is litigation - divorce, custody battles or property disputes, and with that, attorney's fees. Now, after sustaining a loss in income and duplicating expenses with a separate residence and utilities, each partner finds themselves charging debts on credit cards, taking out loans and borrowing money from relatives to hire lawyers to protect their rights and pay their bills.

4. MEDICAL DEBT

How can you help this? It seems like health and dental insurance is more expensive these days and covers less. Medical debt is troubling because it is generally unexpected and impossible to control.

"I would like to thank Kain & Scott for assisting me with getting my finances back in order. I owe this company a great deal of gratitude. Their customer service is outstanding!" -Robert



5. BAD FINANCIAL DECISIONS

How many people have made bad financial decisions? The answer is simple: everyone. We all have, it is a part of life. Everyone, at some point in life, makes unfortunate financial decisions.

Bad things happen to good people. It is hard to get past the stigma associated with having debt problems. But, if forced to make a decision between protecting family and paying on overwhelming debt, creditors will lose, every time – as they should.



CHAPTER 4

TYPES OF OVERWHELMING DEBT

The most common types of debt include credit card, medical, repossessions, unsecured loans, vehicle loans, attorney's fees, 1st, 2nd and 3rd mortgages, student loans, college tuition, back rent or lease payments, past due utilities, business debts, trade payables, taxes and child support/alimony.

The bankruptcy code makes some debts such as alimony and child support non-dischargeable. In other words, after a bankruptcy discharge, you are still liable for these debts. However, there are other exceptions and tactics to get these debts under control, too; all you have to do is ask your attorney.



CHAPTER 5

WHAT ARE THE WAYS TO RESOLVE DEBT PROBLEMS

Okay, so you have an overwhelming debt problem, the first step is admitting the problem. Now the question is, how do we go from having overwhelming debt, to life without overwhelming debt? How do you get your life back? The good news is, you are already on your way!

The easiest way to present your options is through an example; so, as you read the following choices on how to resolve a debt problem, assume Jack and Diane (based on a real case but the names have been changed to protect the clients identities) have \$40,000.00 in credit card and medical debt. They are delinquent on their bills and are being threatened with garnishment of their wages and a levy on their bank accounts. Also, their income is below the state median. They have four options:

A. DO NOTHING

B. DEBT CONSOLIDATION

C. CHAPTER 7 BANKRUPTCY

D. CHAPTER 13 BANKRUPTCY

A. DO NOTHING

The worst case scenario. What happens if Jack and Diane choose to ignore the bills, and do nothing?

The credit cards companies and medical clinics can sue Jack and Diane, obtain a money judgment against them both and garnish both Jack and Diane's wages. The creditors can also levy (freeze) both of their bank accounts, in some circumstances, and can take none, some or all of the funds in the account. With the account levied, the checks Jack and Diane wrote will bounce. They will not have access to these funds until the levy is released, which can take weeks.

Who can have their wages garnished or accounts levied and still pay their bills on time?

No one.

Who can have their wages garnished and accounts levied and still be able to buy groceries, and protect their family?

No one.

Who wants to have creditors calling them at home, work, and contacting their family and friends?

No one.

In short, who wants to live this way? No one. Life with overwhelming debt is miserable. If Jack and Diane do nothing their wages will be garnished and accounts levied until the \$40,000.00, plus additional costs (attorney fees, court costs, etc.), are satisfied.

B. DEBT CONSOLIDATION

A waste of time. Watching television one night, Jack and Diane see a commercial for debt consolidation. The spokesperson said the payment was affordable and the representatives are there to help them. It seemed like a quick, painless solution.

Jack and Diane made payments for 7 months, but the problems began to occur. They were still receiving bills from several of the credit card companies and one of the medical providers served them with a lawsuit. What?! Jack and Diane were told these were all included in the plan.

They called their debt consolidation company in Texas and they spoke to a customer service representative – not their account executive. It seemed like every time they called the debt consolidation company they got a new person. The representative said he would call them back; he never did. So, Jack and Diane called back several times, and each time, no one called them back. The last straw for Diane and Jack was when they received a garnishment notice for Jack's wages. After calling one last time, a representative confessed that if Jack and Diane were being sued, and his wages garnished, there was nothing the debt consolidation company could do for them.

WHAT?!



Jack and Diane felt foolish for trusting someone they didn't know. It all sounded so good in the beginning. Jack and Diane wanted to avoid filing a bankruptcy and thought they were doing the right thing. To top it all off, debt consolidation also negatively affected their credit.

With debt consolidation, the creditors are in control. As Jack and Diane found out, if you don't pay creditors what they demand, they'll find another way to get what you owe them. Jack and Diane's creditors ate first, and their family ate second.

For most people we meet with, debt consolidation is a poor choice. Most can not make huge payments to creditors and still afford to pay monthly expenses (protect your family). In the end, the debt problem is not resolved, sometimes even amplified, and your family suffers.

But, there is hope.

C. CHAPTER 7 BANKRUPTCY

Chapter 7 bankruptcy is often referred to as liquidation or a “fresh start” bankruptcy. Essentially, it is a four month process, from start to finish, where Jack and Diane's liability on the \$40,000.00 is wiped out or “discharged”. Filing a chapter 7 bankruptcy is like pushing a reset button on your life.

The focus in a chapter 7 bankruptcy is on your assets – and not in the way you might think. The vast majority of our chapter 7 clients lose NO assets when they file for bankruptcy. Typically, your home, vehicles, pensions, clothing, furnishings, etc. are all protected in bankruptcy, which means you get to keep them.

For Jack and Diane, filing a chapter 7 bankruptcy resulted in them losing no assets, and in the end, their liability for the \$40,000.00 was erased – forever, plus it was tax free! With Jack and Diane's courage, and our help, they have their life back!

To this day, we have NEVER had a client call us regretting the decision to file for bankruptcy. We have had many people tell us they waited too long – and they wish they had not. They tell us their family suffered too long before they obtained our help. This doesn't have to be you – don't wait to get help.



D. CHAPTER 13 BANKRUPTCY

We always ask ourselves, why would anyone choose debt consolidation when you can file a chapter 13 bankruptcy? We know the answer lies in the "b" word (bankruptcy) and because many debtors don't know enough about the format of chapter 13.

What is a chapter 13 bankruptcy? Essentially it is a government sponsored debt consolidation plan, but with a couple of very important twists. First and most importantly, your family eats first and the creditors eat second. Second, you only pay for a limited time, and whatever debt does not get paid off, gets wiped out or "discharged", tax free!

Let's assume Jack and Diane, can only afford to pay \$200 a month, after they pay their family's living expenses. The payment gets made to one of two Minnesota Chapter 13 trustees (which trustee you have is determined by where you live). Your trustee takes the \$200 each month and disburses it to your creditors, based on your repayment plan.

Jack and Diane will pay \$200 a month for 36 months (plan lengths vary from a minimum of 36 months to a maximum length of 60 months) for a total of \$7,200.00. Obviously, this is not enough to pay back Jack and Diane's total credit card and medical debt, which total \$40,000. So, what happens to the \$32,800 that does not get paid off? The balance of unpaid debt, \$32,800, gets wiped out, or "discharged", at the end of 36 months, tax free!

Now we ask you, why would anyone do debt consolidation? If you are able to overcome the negative (and mostly inaccurate) perceptions of bankruptcy, choosing chapter 13 over debt consolidation wins, hands down.

In traditional debt consolidation plans, the debt usually gets paid in full and any forgiven debt is taxed. This is not the case in a chapter 13 bankruptcy.

In the end, a chapter 13 bankruptcy allowed Jack and Diane to protect their family first by prioritizing their family's expenses. After they have paid for their family's expenses, the creditors get what money remains – in this example, \$200 a month, to share. Once the chapter 13 bankruptcy is filed, Jack and Diane have immediate relief – a payment they can afford and a future free of creditor collection attempts. Once discharged, Jack and Diane have their lives back. Their only regret was waiting so long to start the process.



CHAPTER 6

HOW DOES THE BANKRUPTCY PROCESS WORK? AND HOW SCARY IS IT, REALLY?

Now, we understand that the answer to this question, coming from us, gets taken with a grain of salt. We are lawyers, after all – what could we possibly know about sitting on the opposite side of the desk? Well, let us just say that we have helped thousands of Minnesota debtors and we make sure to ask them about their experience. Not one of them regrets their decision to file, and we believe all would admit that our bankruptcy process isn't as scary, demeaning or complex as they had originally imagined.

The process always starts with setting up an initial consultation with us. At the initial consult, your lawyer walks you through all of the options available to you – bankruptcy and non-bankruptcy options. Together we will assess whether or not filing a bankruptcy makes sense for you. The consult is free and there is no obligation – at all.

If the decision to file a bankruptcy makes sense, our assistant's will sign you up for a bankruptcy and walk you through what information you need to gather to file bankruptcy. We will NOT send you home with a thick packet of worksheets to fill out. We are in this together – we will help you fill out the necessary forms so you can spend time on what is important in your life – your family.



Once signed up for a bankruptcy, our staff will set you up for a second appointment, which we refer to as a Review and Sign Appointment. This appointment lasts two hours. An assistant, followed by your attorney, goes through your schedules with you, page by page, to make sure the information is correct and all your questions are answered.

After the schedules are reviewed and signed by you during this appointment, our staff files the petition and schedules with the bankruptcy court.

As soon as your bankruptcy is filed with the bankruptcy court your creditors are barred from collecting from you. All collection activity, including lawsuits, garnishments, levies, foreclosures and repossessions must cease. Creditors may no longer call or write you demanding payment.

... and free credit report repair.

Approximately six weeks after we file the bankruptcy with the court, we attend a Meeting of Creditors with you. We are not sure why they call it a Meeting of Creditors, because most creditors never show up. The vast majority of chapter 7 and chapter 13 hearings take place without any creditors present.

At that meeting, which typically lasts 5-10 minutes, the trustee, or the trustee's representative, will ask you to confirm that the information we filed with the court is true and correct.

If you filed a chapter 7 bankruptcy, approximately 60 days after that meeting you will receive your discharge and your bankruptcy case is closed soon thereafter. If you filed a chapter 13 bankruptcy, you will make your payments during the life of the plan, and at the end you will receive a discharge, and soon thereafter your bankruptcy case is closed.



CHAPTER 7

WHAT IS THE EFFECT OF FILING BANKRUPTCY ON YOUR CREDIT?

So, you are worried about the impact of a bankruptcy on your credit, right?

We certainly understand this concern.

Most people we meet with have overwhelming debt – debt they cannot repay. Often times they are delinquent on payments, have judgments against them, etc. The natural question is, given your debts, can you get credit now? For the vast majority of people we meet, they could not get credit in their current financial state (before bankruptcy), even at high interest.

It is not uncommon to file bankruptcy with a credit score in the high 700's or even 800's. Why? Because most people with high credit scores and overwhelming debt are current on their debts, so their credit scores are high. But, the freight train is an inch from their face. They know they can't keep this circus act up much longer. When we ask them if they could get a loan with the debt they have, most say no. The few that say they could would pay MUCH higher interest to get the credit.

The point is, for most people we see, your credit is already damaged. This is going to sound strange, but for most people, filing bankruptcy improves their credit! Why? Because when your debt is discharged, you become debt free! Look at the case of Jack and Diane. If you were a bank would you lend them money if they came to you with credit card and medical debt that totaled \$40,000? We wouldn't, would you?

What if Jack and Diane were debt free? Remember, they cannot file chapter 7 bankruptcy again for 8 years. You may charge them a little higher interest (for a year or two), due to their bankruptcy filing, but chances are, you would lend them money if they were debt free. That's why banks and car lots advertise to folks who file for bankruptcy – they are debt free and therefore more capable of making payments.

"Kain & Scott made the bankruptcy process very simple and easy to understand. Their level of professionalism is at the highest level. I haven't witnessed this in the business world in a longtime. Very refreshing and rewarding. I would recommend them to anyone who needs to file." -Cliff



The end result of a bankruptcy filing is that it is listed on your credit report for 10 years – that is certain; but, it also improves your credit because you are now debt free. No one knows you filed bankruptcy except you, your creditors and anyone you choose to let know.

A bankruptcy enables you to get credit back sooner than alternative debt solutions. Plus, a bankruptcy protects your family over your creditors. Bankruptcy gets your life back by freeing you from your burden of overwhelming debt.

Bankruptcy is not the end, it is a new beginning. Our clients send us cards and letters all the time thanking us for assisting them getting their lives back. We don't tell you this to boast – we share this to let you know we haven't made up everything we've stated above. Life consumed with overwhelming debt is miserable; it takes courage from the client, some help and support from experienced attorneys and a bankruptcy case to turn things around.



CHAPTER 8

WHAT SHOULD YOU LOOK FOR IN A BANKRUPTCY ATTORNEY?

We suggest you consider the following BEFORE you make an appointment and meet with an attorney:

1. IS BANKRUPTCY ALL THEY DO?

Would you let your family physician perform heart surgery on you? Of course not. The same should go for the professionals you lean on during your financial illness. Bankruptcy is not just what we do, it's ALL we do! And because bankruptcy is all we do, we are good at it! This question alone eliminates most law firms in Minnesota.

2. WILL THE LAW FIRM GUARANTEE THEIR SERVICES TO YOU?

Kain & Scott is Minnesota's nicest bankruptcy law firm guaranteed or 100% off your fees.* The Kain & Scott customer service is legendary

3. WILL THEY PROMISE TO HELP YOU GET RID OF YOUR DEBT & REPAIR YOUR CREDIT FAST

Kain & Scott is Minnesota's only bankruptcy law firm to:

1. Get rid of your debt
2. Repair your credit fast using our unique system

4. WILL THEY ACCEPT PAYMENTS ON THE ATTORNEY'S FEES?

If you are seeking help for a poor financial situation, your attorneys should understand you need flexibility when it comes to paying for that help. An attorney that isn't willing to work with you on payments is telling you that you are just another case for them – and their concern for your wellbeing doesn't extend beyond your ability to pay up.

Our model is to HELP you get your life back by offering zero up front on our fees! In a chapter 13 bankruptcy you pay the filing fee and credit counseling courses up front, and all of our fees are paid in the plan. For example, with Jack and Diane, when they pay \$200 to the trustee, the trustee disburses some of that money to us to pay our fees.

In a chapter 7, you can either pay our fees in full or you can pay the chapter 7 filing fee and credit counseling courses up front and the balance of our fees in incremental payments of \$100-\$200 per month (interest free), with a signed promissory note (like a co-signer). For additional details on our fees, please contact us.

5. DO THEY HAVE A LOT OF POSITIVE GOOGLE REVIEWS?

Kain & Scott is Minnesota's highest Google reviewed bankruptcy law firm. Our guest's words speak for themselves. We are honored by them and never take them for granted.

6. WILL THE FIRM MAKE YOU DO ALL THE WORK?

The decision to file can be overwhelming to begin with (we know that); so, the last thing you need is to fill out a HUGE packet of information, most of which you don't understand. There is a better way. We do things differently. We are here to HELP you get your life back. Our staff and attorneys HELP you fill out the necessary forms so you can focus on what is important – your family.

7. CAN THE FIRM FILE MY BANKRUPTCY IN DAYS, NOT MONTHS?

Deciding to file bankruptcy is generally a long process; this means your financial situation has had a significant amount of time to escalate. When you do decide on a path to resolution, it is always better if the resolution comes sooner rather than later. By this point you are sick of waiting and watching things in your life go from bad to worse.

At Kain & Scott, we don't make you wait to get your life back. We know that once you make the decision to file bankruptcy, you want to get on with it – to get your life back as quickly as possible. Because bankruptcy is all we do, we can file your bankruptcy case within days of meeting you, not weeks or months.



8 DO I FEEL LIKE JUST ANOTHER CASE FILING FOR THE FIRM?

When you are going through this emotional period in your life the last thing you need to feel is that you are just a bother or just another filing for the firm.

Our team at Kain & Scott is hired, fired, rewarded and punished based on how well they treat our guests. You could be the highest producing attorney at Kain & Scott and get fired. Now that is different.

9. HOW MUCH BANKRUPTCY EXPERIENCE DOES THE FIRM HAVE?

Kain & Scott is Minnesota's oldest bankruptcy law firm. Do we need to say more? When you hire Kain & Scott you are hiring a bankruptcy law firm that has been in existence since 1972!

10. HAS THE FIRM HELPED A FEW PEOPLE OR THOUSANDS?

At Kain & Scott, bankruptcy is not just what we do, it's ALL we do. We have filed thousands of bankruptcy cases! Thousands have gone before you to get their lives back – you can too! We salute everyone of our past, present and future guests for having the courage to reach out to Kain & Scott.



CONCLUSION

It all starts with a consultation. If you are in a financially difficult situation, or find yourself in one in the future, please consult this book. And, when you are ready, or when the time is right, request a free consultation.

WE DON'T JUDGE YOU, WE HELP YOU GET YOUR LIFE BACK!

Feel free to call us at 800-551-3292 or e-mail us at info@kainscott.com with any questions you may have. From the staff and attorneys at Kain & Scott PA, thank you for taking time to read this book.

#1 Minnesota's Nicest Bankruptcy Law Firm Guaranteed

#1 Minnesota's Highest Google Reviewed Bankruptcy Law Firm

#1 Minnesota's Only Bankruptcy Law Firm To Help Guests:

1. Get Rid Of Debt
2. Repair Your Credit Fast Using Our Unique System

THE CONTENTS OF THIS BOOK ARE INTENDED TO BE INFORMATIONAL AND DO NOT CONSTITUTE LEGAL ADVICE. THIS BOOK DOES NOT CREATE AN ATTORNEY CLIENT RELATIONSHIP BETWEEN THE READER AND KAIN & SCOTT PA. EVERY READERS' SITUATION IS UNIQUE AND READER IS ADVISED TO OBTAIN LEGAL ADVICE PERTAINING TO THEIR CASE.



DEDICATION

We dedicate this book to our current clients in the process of getting their lives back (you are almost there!) and to all potential clients, for finding the courage to admit there is a debt problem and coming to us for a simple discussion. And, finally, to the thousands of former clients who have their lives back and are now leading happy, productive lives – without overwhelming debt.

We also dedicate this book to the professionals in Minnesota who trust us to help their clients resolve their debt problems – please know they are receiving first class customer service with the dignity every single person deserves.

"Filing bankruptcy was the hardest choice i've ever had to make but Kain & Scott made it so easy an made us feel guilt free. Everyone at Kain & Scott is super friendly, I wouldn't have picked anyone else ever. Thank you so so much for helping us and giving our family the fresh start we really needed. Thanks so so much!" -Kayla

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AND WHY IT ISN'T AS SCARY AS YOU THINK.

