

**TOP TEN THINGS TO REMEMBER  
ABOUT THE TRUSTEE'S OFFICE  
AND YOUR CHAPTER 13 CASE**

1. **Make your payments.** The Bankruptcy Court has issued an Order to Pay Trustee requiring you to make your payments. Failure to make payments may result in consequences to your case, including dismissal. Your payments should reach the Trustee's office by the 22<sup>nd</sup> day of each month to allow timely and regular distribution to creditors.

There are four options to make payments:

- a. **Payroll Deduction.** If you have an employer and want your employer to send your payment, you may request payroll deduction. You will need to provide the Trustee's office with the name and address of your employer and the frequency of your pay – whether you are paid weekly, bi-weekly, semi-monthly or monthly.
- b. **On-line.** Use the ePay Internet site. From a computer, go to [www.13ark.com](http://www.13ark.com) and click on the "Debtor Payments" button and follow the instructions.
- c. **By Phone.** Dial (877) 564-6751. Follow the instructions.
- d. **By Mail.** For payments made by mail, it is recommended that you make your payments by money order or cashier's check. **Put you case number, name and address legibly on your payment.**

Make your payments payable to:

**Joyce Bradley Babin Trustee**

Mail your payments to:

**Joyce Bradley Babin, Trustee**  
**3411 Momentum Place**  
**Chicago, IL 60689-5334**

**PAYMENTS ARE DUE BY THE 22<sup>nd</sup> OF EACH MONTH.** You should allow sufficient time for your payment to reach the Trustee's office for processing before the end of the month. Payments made after the 22<sup>nd</sup> of the month, particularly by ePay, telephone or personal check, may be held pending clearance and the disbursement of the funds may be delayed.

Keep receipts/records of your payments. **You are responsible for making your plan payments.** Even if you have employer withholding, you are ultimately responsible for making your payments.

2. **Read this Blue Book for answers to your questions.**
3. **Keep track of information about your case. Read the information you receive from the Trustee and your attorney. The information is important.** The Trustee will send Annual Reports. Each Report will show all payments that you have made to the Trustee for the past year and the status of the payments made by the Trustee to your creditors. You may obtain a log-in and password to access the Trustee's information about your case more frequently through [www.13datacenter.com](http://www.13datacenter.com).

The Trustee also will send at least one "Summary Notice of Claims Filed" that will list the claims to be paid. If additional claims are filed or amended, you should receive other similar Notices. Review these documents carefully, and if you have questions, contact your attorney or the Trustee's Office.

4. **You may contact the Trustee's Office with questions about the administration of your case.** Prior to contacting the Trustee's Office, you may be able to find the answer to your question by checking your case information using your login and password at [www.13datacenter.com](http://www.13datacenter.com) as noted in Paragraph 3 above.

The Trustee's Office **cannot** answer legal questions and you should not rely on information received from the Trustee's Office as legal advice. (Questions about changing your plan or dealing with objections and motions filed in your case by creditors are types of legal questions that your attorney must answer.)

5. **Know your case number.** Your case number is the best way to identify your case. Documents filed with the Bankruptcy Court and Trustee's Office are filed and maintained by case number. **Print your name and case number on your payments and correspondence with the Trustee.**
6. **Remember your on-going case obligations.** You are responsible for providing the Bankruptcy Court with your current address. If your address or employment changes, you must inform the Trustee and your attorney immediately. You also may be obligated to provide copies of your annual tax returns to the Trustee. If so, you should timely provide copies of the returns to your attorney each year to avoid possible delay in plan completion. You also should keep track of any other obligations you have regarding your plan.
7. **You have certain obligations to meet in order to receive a discharge at the end of your case.** These obligations include completion of your plan payments; completion of an approved financial

management course; and certification that you do not have a domestic support obligation or, if you do, that any domestic support obligations are current. In order to receive a discharge, you must comply with these requirements. You should consider taking the financial management course early in your case. You may take a course offered by the Trustee or your attorney may provide other options. Scheduled dates for the Trustee's course may be found at [www.13ark.com](http://www.13ark.com).

8. **Contact your attorney and the Trustee's Office before you buy, sell, pay off or trade vehicles or other property, if you incur insurance or other losses or if you want to file a lawsuit or become involved in a legal proceeding.** You must have the appropriate Bankruptcy Court approvals to obtain, dispose of property or pursue a lawsuit.
9. **Your plan term is an estimate. Your "plan base" is the minimum (lowest) amount that you must pay to complete your plan.** The total length of your plan term and plan base may vary based on a number of factors, including the timing of payments, the missing of payments, interest, insurance and allowed claim amounts.
10. **Send letters to the Trustee at the correspondence address.** The Trustee's correspondence address is P.O. Box 8064, Little Rock, AR 72203-8064. **Do not send payments to the correspondence address or the Trustee's street address.**

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# WHAT YOU SHOULD KNOW ABOUT YOUR CHAPTER 13 CASE

## INTRODUCTION

A Chapter 13 bankruptcy case allows an individual or married couple to reorganize debts. A Chapter 13 debtor proposes a plan of reorganization for a specific plan term and makes payments to the Chapter 13 Trustee. The Chapter 13 Trustee disburses the plan payments to the debtor's creditors. The debtor's bankruptcy filing and plan must conform to the guidelines of the United States Bankruptcy Code.

**This booklet is intended to provide general information regarding your Chapter 13 case and to familiarize you with procedures that will occur during your case. This booklet does not constitute legal advice and does not address every situation that may occur during your Chapter 13 case. The Trustee's office does not and cannot represent you or any other debtors. Any legal questions must be directed to your attorney.**

## ABOUT YOUR CASE

### YOUR CASE NUMBER

At the time your Chapter 13 case was filed, the Bankruptcy Court assigned your case a number. **This number is important.** You will need to know the number when you contact the Trustee's office or when you make a payment to the Trustee. You should write the number on the front of this book. An example of a case number is 4:13-bk-1xxxx (long form) or 13-1xxxx (short form).

### YOUR ATTORNEY

Under the Bankruptcy Rules, your attorney must appear and represent you while your case is active or until the Bankruptcy Court permits your attorney to withdraw from your case. If you have a legal question regarding your case, **you must consult your attorney. Your attorney is your representative and your advocate in your case.**

Your attorney may be paid his or her original attorney's fee and any additional attorney's fees through your Chapter 13 plan. Make sure that you and your attorney have discussed fully the fees to be paid and whether additional legal services rendered during your plan will cost you additional amounts or whether the initial fee will cover all legal services. The attorney's fees are approved by the Bankruptcy Court. If you change attorneys during your Chapter 13 case, the name and address of your new attorney should be provided to the Trustee and the Bankruptcy Court through an appropriate legal pleading. Any changes in fee arrangements that result from your change in attorneys should be approved by the Bankruptcy Court.

### **PRO SE CASES**

If you file your case without an attorney, you are considered a *pro se* debtor. A *pro se* debtor is required to follow complicated bankruptcy laws and rules. Although a debtor may proceed without an attorney, a debtor should carefully consider the benefits of having representation by an attorney.

### **YOUR ADDRESS**

The Bankruptcy Court and the Trustee must have your correct mailing address throughout your case. All notices, letters, checks, etc., will be mailed to the address listed on your bankruptcy petition. **If you move or change your address, you are obligated to inform your attorney, the Trustee and the Bankruptcy Court, in writing, of your new address.**

### **CONTACTING THE TRUSTEE'S OFFICE**

The Chapter 13 Trustee's phone number is (501) 537-2500, or (866) 797-3681 (toll free). The office is open Monday through Friday, excepting holidays, from 8:00 a.m. to 4:30 p.m. If you have a non-legal question about your case, you are welcome call the Trustee's office. You do not have to talk personally with the Trustee. The Trustee's staff is familiar with the policies and guidelines for Chapter 13 cases and is qualified to discuss any problems or questions that may arise. **The Trustee and her staff cannot give any legal advice. You should direct all legal questions to your attorney.**



## **ABOUT YOUR PAYMENTS**

### **PAYMENTS**

**You are responsible for making your Chapter 13 plan payments according to your plan. The Bankruptcy Court has issued an Order to Pay Trustee requiring you to make your payments. Failure to make payments may result in consequences to your case, including dismissal. Your payments should reach the Trustee's office by the 22<sup>nd</sup> day of each month to allow timely and regular distribution to creditors.**

There are four options for making your plan payments:

- a. Payroll Deduction.** If you have an employer and want your employer to send your payment, you may request payroll deduction. You will need to provide the Trustee's office with the name and address of your employer and whether you are paid weekly, bi-weekly, semi-monthly or monthly.
- b. On-line.** Use the ePay Internet site. From a computer, go to [www.13ark.com](http://www.13ark.com) and click on the "Debtor Payments" button and follow the instructions. A convenience fee of \$1.50 is charged for the service.
- c. By Phone – Interactive Voice Response (IVR).** Dial (877) 564-6751. Follow the instructions. A convenience fee of \$1.50 is charged for the service.
- d. By Mail.** For payments made by mail, it is recommended that you make your payments by money order or cashier's check to avoid processing delays.

Make checks and money orders payable to:  
**Joyce Bradley Babin, Trustee**

Mail your payments to:

**Joyce Bradley Babin, Trustee  
3411 Momentum Place  
Chicago, IL 60689-5334**

When making a payment by mail, you should make sure your payment **clearly** includes:

- 1. Your Name;**
- 2. Your Address; and**
- 3. Your Chapter 13 Case Number.**

**Do not send payments to the Trustee's office address. Processing of your payment may be delayed if the payment is sent to the incorrect address.**

**CASH PAYMENTS ARE NOT ACCEPTED.**

**PAYMENTS ARE DUE BY THE 22<sup>nd</sup> OF EACH MONTH.** Regardless of your payment method, you should allow sufficient time for your payment to reach the Trustee's office for processing before the end of the month. **Payments made after the 22<sup>nd</sup> of the month, particularly by ePay, telephone or personal check, may be held pending clearance.**

Keep receipts/records of your payments. **You are responsible for making your plan payments.** Even if you have employer withholding, you are ultimately responsible for making your payments.

**OVERNIGHT DELIVERY:** The payment options should allow for your payments to be timely posted in the Trustee's office. **If you find it necessary to send a payment by overnight delivery, contact the Trustee's office for the appropriate address.** The overnight address is not the Trustee's street address. **The mail address provided above is for mail only, not overnight delivery.**

## **OBLIGATION TO PAY**

Shortly after your case was filed, an “Order to Pay Trustee” was issued based on your plan payment. The Order to Pay Trustee orders you, or your employer through deduction from your wages or salary, to pay the Trustee the amount of your plan payment. Regardless of when the Order is received, **the Bankruptcy Code requires that your plan payments begin within 30 days after your case is filed.**

**It may take several weeks for your payroll deduction to become effective. Please monitor your deductions. Until employer withholding begins, you should make your plan payments directly to the Trustee.**

## **PAYROLL DEDUCTION ORDERS**

The Trustee recommends that if you are employed you make your payments by payroll deduction. The Bankruptcy Court issues an “Order to Pay Trustee” to your employer ordering your employer to deduct your plan payments from your pay and send the payments to the Trustee. During the time your Chapter 13 case is pending, the Order prohibits your employer from honoring any garnishments, including payment of back taxes. Deductions may continue for on-going child support obligations, or other obligations as allowed by the Order.

The withholding order for your employer is NOT a garnishment. The Trustee is carrying out a duty to administer your plan. If your employer does not honor a wage order, inform your attorney and the Trustee’s office to allow appropriate action to be taken. If your employer has any questions, your employer may contact the Trustee’s office.

## **THE TRUSTEE’S BANK**

The Trustee uses Fifth Third Bank, a bank that provides services to Chapter 13 Trustees. There are no Fifth Third Bank branches in Arkansas.

## **ABOUT YOUR PLAN**

### **CHAPTER 13 PLAN**

At the time of your bankruptcy filing or shortly thereafter, you filed a Chapter 13 plan. Your plan is your voluntary proposal to pay creditors. For your plan to be effective, the plan must be confirmed (approved) by the Bankruptcy Court.

Make sure you are familiar with your plan. There are many legal requirements that must be met. The plan specifies the payments you are to make to your plan; the length of your plan; and the treatment to be afforded your creditors and other interested parties.

Depending upon *your* circumstances, your plan may address such things as secured claims for your home mortgage, arrearage amounts owed for your home mortgage, vehicles or other secured creditors, administrative claims for attorney's fees or for priority unsecured claims for taxes and domestic support obligations, and non-priority unsecured claims such as credit card debt, medical bills and other similar claims. Your plan may provide for the sale or surrender of property, retention or rejection of leases and executory contracts and payment of adequate protection payments to creditors.

It is the intent of the Trustee to pay your creditors as described in your plan. If a change needs to be made to the treatment of creditors or your payment amount, your plan will have to be modified by your attorney.

### **MEETING OF CREDITORS**

Each debtor in a Chapter 13 case must attend a meeting of creditors. At the meeting of creditors, the Trustee or her representative and any creditors in attendance will have the opportunity to ask questions regarding your financial affairs, including questions about your bankruptcy schedules, statement of financial affairs and plan. Your answers are given under oath and the meetings are recorded. Each debtor will be required to provide original copies of acceptable documents to verify the debtor's identity and the debtor's social security number.

## **TAX RETURNS**

At least seven days prior to the first date set for the meeting of creditors, a debtor, through his or her attorney, is obligated to provide a copy of the tax return for the year most recently ended to the Trustee. Additionally, the debtor is required to provide proof of filing of all tax returns for the four years prior to the bankruptcy filing. The Trustee requires “proof” in the form of copies of the IRS Transcripts or copies of the returns for all four years. If you were not obligated to file tax returns, an affidavit may be provided. If you do not provide the tax returns or transcripts as required, your meeting may be continued to another date or your case may be subject to the filing of a motion to dismiss.

## **OBJECTIONS TO CONFIRMATION OF YOUR PLAN**

The Trustee, creditors or other interested parties may file an “Objection to Confirmation” of your plan. Objections to Confirmation are filed for many reasons, including such things as incorrect payment provisions, omitted creditors, provisions that are not consistent with the Bankruptcy Code, failure to file tax returns, an insufficient payment or bad faith in filing or proposing a plan.

You and your attorney will receive a copy of the Objection to Confirmation and a notice of a hearing date from the Bankruptcy Court. Most objections are able to be resolved. **You should contact your attorney regarding the objection and whether you will need to attend the court hearing.** When an objection cannot be resolved, a court hearing may be necessary.

## **CONFIRMATION OF YOUR PLAN**

After your meeting of creditors is concluded, your plan may be eligible for confirmation. To be eligible for confirmation, at a minimum: (1) all objections to the plan should have been resolved; (2) all applicable tax returns should have been filed; and (3) all domestic support obligations should be current. If no objections to confirmation of your plan are filed or when all objections to your plan are resolved, the Bankruptcy Court will issue an order confirming the plan. Although some payments, usually adequate protection payments, are made to creditors

prior to confirmation, the Trustee will not begin disbursing payments to creditors until after the plan is confirmed.

## **PLAN LENGTH**

Generally, a plan cannot have an applicable commitment period (plan length) of less than three years (36 months) or more than five years (60 months). Your proposed plan length is a close estimate of the actual plan length. The actual length depends on many factors such as the numbers and types of claims, the amounts of the claims, interest accruals for claims and the timeliness and frequency of plan payments.

Your plan should not exceed five years (60 months). If your plan is going to exceed five years at the outset, the Trustee may object to confirmation of your plan. If during the pendency of a confirmed plan, it appears that a plan is going to exceed five years, the Trustee will file a “Motion to Dismiss” your case. Your attorney should be able to help you address any problems concerning the plan length.

## **PLAN “BASE”**

You may hear the term plan “base” discussed as part of your plan provisions. The Trustee views your plan “base” as the minimum amount you must pay to complete your plan. The Trustee uses your plan “base” to monitor your plan progress. During the course of your plan, the plan “base” may be adjusted.

## **ADEQUATE PROTECTION PAYMENTS**

Your plan may provide for pre-confirmation adequate protection payments to creditors, typically creditors with secured claims for vehicles or other personal property. The Trustee cannot make an adequate protection payment unless the creditor files a claim.

Some plans may provide for payment of adequate protection payments after confirmation. You should be aware of your plan provisions regarding adequate protection payments.

## **ADJUSTMENTS OF PAYMENTS**

The Trustee cannot adjust or excuse plan payments. Your attorney can provide counsel regarding any issues relating to your ability to make plan payments. If you are unable to make your plan payments, you should contact your attorney.

## **MODIFICATION TO PLANS AFTER CONFIRMATION**

You may modify your plan as allowed by the Bankruptcy Code after confirmation. Upon filing of the modified plan, you must follow the modified plan unless the Bankruptcy Court does not approve your plan.

## **FAILURE TO PAY / MOTIONS TO DISMISS**

If the Trustee's office does not receive payments as required by your Chapter 13 plan, the Trustee, or possibly a creditor, will seek to have your case dismissed by filing a motion to dismiss. The motion will be set for hearing. If a motion to dismiss is filed, you and your attorney should receive a copy. If you have a change to your work or employment status, consult with your attorney.

## **CHAPTER 13 BUSINESS CASE**

A debtor engaged in business is subject to the same requirements as individuals with only personal debts. A "business debtor" is defined under the Bankruptcy Code and may have additional requirements to complete a business questionnaire and to file periodic operating reports and summaries of operations. Copies of the business questionnaire and operating reports may be obtained from the Trustee's website, [www.13ark.com](http://www.13ark.com). A business debtor should contact his or her attorney regarding questions about business debtor status.

## **ANNUAL REPORTS**

The Trustee will mail you and your attorney an Annual Report that shows the payments received by the Trustee and the payments made to creditors by the Trustee. You should review the Annual Report when you receive it so that you can make sure that payments are being disbursed as you understand your plan terms. You may also monitor your payments online through [www.13datacenter.com](http://www.13datacenter.com). If you have

questions regarding the payments made by the Trustee to your creditors, you should contact your attorney and the Trustee's office immediately.

## **ABOUT YOUR CREDITORS AND CLAIMS**

### **CONTACTS BY CREDITORS**

At the time of your bankruptcy filing, an "automatic stay" became effective that prohibits your creditors from attempting to collect debts or claims owing prior to your bankruptcy filing. If you receive collection notices from your creditors, you should send the notices to your attorney. Delinquency or other notices may be sent "accidentally" by creditors before the creditors know that a bankruptcy case has been filed. However, if you receive personal contacts and payment requests, you should inform the creditors that you have filed a Chapter 13 bankruptcy case and provide your case number, date of filing, your attorney's name and address. You also should report the contacts to your attorney.

### **PAYMENTS TO CREDITORS**

**You cannot make "side deals" with creditors while you are in bankruptcy. You cannot pick and choose which creditors to pay because *all* of your debts must be addressed through your bankruptcy plan under Bankruptcy Court supervision.**

### **TYPES OF CLAIMS**

There are four basic types of claims: (1) administrative; (2) secured; (3) unsecured priority; and (4) unsecured non-priority (general unsecured).

### **HOW CREDITORS ARE PAID**

Payments made to the Trustee that are eligible for distribution are disbursed to creditors by the Trustee. The Trustee disburses at the beginning of a month for payments received during the prior month.

Typically, upon confirmation, the Trustee pays administrative costs, including a portion of the attorney's fees first; continuing



debts and creditors holding liens and mortgages on your property second; other priority claims such as taxes next; and last, unsecured non-priority claim such as credit card debt, medical bills and trade debts. Because unsecured non-priority creditors usually are paid only after administrative, secured and unsecured priority claims have been paid, months or years may pass before payments to unsecured creditors are made.

## **CLAIMS OF CREDITORS**

**To receive payment from the Trustee, a creditor must file a proof of claim.** The creditors generally are allowed 90 days from the first date set for the meeting of creditors to file claims. Approximately five months after your meeting of creditors, the Trustee's office will send you a "Summary Notice of Claims Filed" listing the creditors who have filed claims and the amounts of the claims. **You should read and examine the Summary Notice of Claims Filed very carefully. If a creditor is listed incorrectly or any amount claimed does not appear correct, contact your attorney at once. Unless your attorney objects to a claim, the Trustee generally will "allow" the amount that the creditor requests in the creditor's proof of claim as the correct amount of the claim, not the amount listed in your plan and schedules.** If a creditor does not file a claim within the time allowed and you want the creditor to be paid through your Chapter 13 plan, you should contact your attorney to discuss whether a claim can be filed by you on behalf of the creditor.

## **LATE CLAIMS**

If a creditor files a claim after the claims deadline, the Trustee's office will typically assume that you want the claim to be allowed as a claim in your case and will file a "Summary Notice of Additional Claim." If you disagree with the claim, contact your attorney. Your attorney then must object to the claim.

## **UNLISTED CREDITORS**

It is important to make sure that you have listed all of your creditors in your bankruptcy schedules. Unlisted prepetition creditors (creditors owed money at the time of filing) may not

be discharged if the creditors are not listed. If you discover an unlisted creditor, inform your attorney. **Do not delay if you discover an unlisted creditor.**

## **POST-PETITION CREDITORS**

**After filing, you should not incur debt (post-petition debt) without Bankruptcy Court approval.** If you incur post-petition debt, the debt may not be dischargeable or able to be paid in your Chapter 13 case. **Contact your attorney if you need to incur debt after filing.**

## **TRUSTEE PERCENTAGE FEE**

The Trustee recovers a percentage fee on Chapter 13 plan payments payable upon disbursement in order to defray the costs of administration. This fee may not exceed ten percent. This fee is authorized by the Bankruptcy Code.

## **COLLECTION EFFORTS AGAINST CODEBTORS**

A codebtor, cosigner, co-maker or a guarantor on any of your consumer debts is generally protected from collection efforts by the applicable creditor in your Chapter 13 case as a result of the “codebtor stay.” To the extent that you have not proposed to pay the full amount of the cosigned debt in your plan, a creditor can seek relief from the codebtor stay to collect from the codebtor the portion of the debt that you do not propose to pay.

## **ABOUT YOUR ACTIVITIES**

### **SELLING PROPERTY**

**You cannot dispose of any of your property, including real estate and vehicles, without Court approval.** If you sell any of your property for a profit, the Court will decide where the proceeds should be paid. Some, or all, of the proceeds, after payment of any secured creditors holding liens on the property, may need to be paid to the Trustee for the benefit of the creditors in your bankruptcy case. If you dispose of your property without permission, the transaction could be set aside. **Consult your attorney prior to selling any property.**

## **OBTAINING CREDIT (BORROWING MONEY)**

**You are required to seek Bankruptcy Court approval prior to obtaining credit during your bankruptcy case.** If you need to obtain credit during your bankruptcy case, you should contact your attorney. If you need to purchase a car or obtain a loan, you will need Bankruptcy Court approval **prior** to taking action.

## **LAWSUITS OR OTHER LEGAL PROCEEDINGS**

**If you file a legal action or become involved in a legal proceeding during your bankruptcy case, contact your attorney.** Retention and payment of your attorney for the action (called special counsel) will need to be approved by the Bankruptcy Court. Any settlements of legal proceedings also will need to be approved by the Court. Funds received from lawsuits may need to be committed to your plan.

## **ADDITIONAL INCOME**

**If you obtain additional income during your bankruptcy case, you should contact your attorney or the Trustee's Office.** The additional income may need to be committed to your plan. Additional income may include such things as a raise from your employer, a tax refund, sales proceeds, collection of lump sum amounts, such as an inheritance or funds from a lawsuit or personal injury settlement. **CONTACT YOUR ATTORNEY PRIOR TO SPENDING ADDITIONAL INCOME.**

## **TAX REFUNDS**

Your plan may obligate you to pay all or a portion of any tax refunds that you receive during your case to the Trustee. If required to do so, you should timely remit the funds. **Indicate on your payment that you are sending a tax refund amount.**

## **TAX RETURNS**

You may be required by your plan or Bankruptcy Court order to provide copies of your annual tax returns to the Trustee. You should provide copies of the returns to your attorney for timely submission to the Trustee. Failure to provide the

returns as required may delay completion of your plan. The Trustee also may request copies of your annual tax returns.

## **ABOUT THE END OF YOUR CASE**

### **VOLUNTARY DISMISSAL OR CONVERSION**

The Bankruptcy Code allows you to request that your Chapter 13 case be dismissed at any time. If you want to dismiss your case, you should contact your attorney about the filing of a “Motion to Dismiss.” **A dismissal of your Chapter 13 case will reinstate all unpaid or disputed debts, all interest and finance charges, all late charges and all debts of creditors, even for those creditors who did not file claims.**

You also may have the option to convert your case to another chapter, such as Chapter 7, a liquidation proceeding. You should discuss the applicability of this option with your attorney.

### **COMPLETION OF PLAN**

**You should monitor your case throughout your plan term to ensure that the plan will be completed.** The best way to complete your plan is by making regular payments. Upon completion of payments, the Trustee files a “Certification of Final Payment” with the Court.

The Trustee will audit your plan progress periodically. If your plan will not complete during the plan term, the Trustee may file a motion to dismiss your case. You will need to consult with your attorney regarding completion of your plan or other options.

### **HOME MORTGAGE CLAIMS**

If you are paying a claim through the Trustee’s office that is secured by your home, the Trustee will send a “Notice of Final Cure” to your home mortgage creditor indicating that the claim and any arrearage amount have been paid at the time your plan is completed. The creditor has a period of time in which to respond. If the creditor disagrees or files no response, a “Motion to Determine Final Cure” will be filed with the

Bankruptcy Court. During the time that the mortgage claim issues are being resolved, **you should continue to make your plan payments.** Completion of your plan may be delayed until any mortgage claim issues are resolved.

## **DEBTOR EDUCATION**

Prior to receiving a discharge, each debtor must complete a financial management course. You should consider taking the course early in your case. The Trustee offers a course. Scheduling information about the Trustee's course may be found at [www.13ark.com](http://www.13ark.com). Your attorney also may direct you to a course. A certificate of completion of the course will need to be filed with the Court prior to a discharge being issued.

## **DOMESTIC SUPPORT OBLIGATIONS**

Upon the completion of your plan payments, you will receive a "Debtor's Certification Regarding Domestic Support Obligation Pursuant to 11 U.S.C. § 1328(a)." **You must complete this form and submit to your attorney for filing with the Bankruptcy Court even if you have *never* had a domestic support obligation.** If you had a domestic support obligation at the time you filed your case or become obligated to pay a domestic support obligation during your case, you are required to certify that all domestic support payments are current prior to the Court issuing a discharge. If you have never had a domestic support obligation, then you must certify that fact for the Court. **If you do not submit this form, your case may be subject to closing without a discharge.**

## **ELIGIBILITY FOR DISCHARGE**

Certain debtors may not be eligible for a Chapter 13 discharge. If a debtor received a discharge in a Chapter 7, 11 or 12 case filed during the four year period prior to filing the Chapter 13 case, the debtor is not eligible for a discharge. If a debtor received a discharge in a chapter 13 case filed or discharged within the two year period prior to filing the second Chapter 13 case, the debtor may not be eligible for a discharge.

## **DISCHARGE**

When you have completed your plan payments and other required obligations, you will receive notice from the Court through a “Discharge Order.” The Discharge Order acts as an injunction against your creditors and prohibits your creditors from taking unauthorized action against you after your case is concluded. There may be certain exceptions from discharge for certain debts. **You should save a copy of your Discharge Order in case you need it in the future.**

## **STOPPING PAYROLL DEDUCTIONS**

The Trustee will not cease a payroll deduction prior to plan completion unless authorized by your attorney in writing. The Bankruptcy Court will issue an order to stop the payroll deduction when a plan is completed. Because of processing delays, an employer may remit one or two additional payments after plan completion. The payments will be returned to you usually in the Trustee’s next disbursement cycle.

## **FINAL REPORT AND ACCOUNT**

Before your case is closed, the Trustee’s Office will prepare and file with the Bankruptcy Court a “Final Report and Account” regarding the administration of your case. You and your attorney will receive a copy.

## **CREDIT RATING**

The Trustee does not contact or report your case information to credit agencies. Your credit rating during and after completion of your Chapter 13 case will remain the opinion of any credit grantor who looks at your credit record. A credit rating is a record of your past credit performances. This record is made available to parties considering whether to grant you credit based on the creditors’ applicable standards. Credit agencies may reflect your bankruptcy case on your credit report for a number of years.

**NOTICE: INFORMATION RELATING TO  
YOUR CHAPTER 13 BANKRUPTCY CASE  
WILL BE MADE AVAILABLE ON THE INTERNET  
TO YOUR CREDITORS AND OTHER PARTIES IN  
INTEREST**

Pursuant to 11 U.S.C. §§ 1302(b)(1) and 704(7), your Chapter 13 Trustee has a duty, unless otherwise ordered by the Bankruptcy Court, to furnish information concerning the administration of your bankruptcy case as is requested by parties in interest. In furtherance of this duty, the Chapter 13 Trustee will make the following information available to parties in interest who request such information:

Your name, address, bankruptcy case number, state and district in which your case is pending and the Chapter 13 Trustee assigned to your case.

Your social security number may not be visible to parties in interest, but they will be able to search for your bankruptcy case using your social security number.

Information regarding claims filed against your bankruptcy case including the identity of the claimant, the type of claims (e.g., priority taxes, secured, unsecured, etc.) and the amount of the claims.

A history of all disbursements you make to the Chapter 13 Trustee in your bankruptcy case including the payee, date and amount of each payment.

You may review, without charge, the information about your chapter 13 bankruptcy case that is posted on the internet. If you believe the information about your bankruptcy cases is inaccurate, you can contact the Trustee to report the error.

The address where your information is posted is <http://www.13network.com>. The information also will be available through the National Data Center website at <http://www.13datacenter.com>.

## **STANDING TRUSTEE PLEDGE OF EXCELLENCE**

The Standing Trustee is committed to excellence and to providing a high level of trust and service to Chapter 13 debtors and creditors. Creditors, debtors, attorneys, judges and others who come into contact with Standing Trustee are entitled to service which adheres to the highest standards of professional, moral and ethical conduct.

1. The Trustee's office should be open and operating Monday through Friday during regular business hours.
2. The Trustee should have a system in place to promptly respond in a meaningful manner to inquiries from debtors, creditors, attorneys, and other interested parties.
3. If the Trustee is not personally available, the Trustee should have competent staff available to assist or to respond to inquiries.
4. The Trustee should work to ensure that debtors comply with their obligations under the Bankruptcy Code and Rules.
5. The Trustee should work to ensure that debtors comply with the provisions of their plan and should take appropriate action if the debtor fails to commence plan payments when required or if there is a subsequent default in plan performance.
6. The Trustee should maintain a system which efficiently tracks the progress and the receipts and disbursements in every Chapter 13 case, from the time it is filed until the case is closed.
7. The Trustee should have a system to timely and accurately record all receipts and disbursements on the appropriate debtor ledger.
8. The Trustee should disburse plan payments to creditors on a monthly basis, and should have procedures in place to properly classify and pay creditors' claims and to detect and recover any erroneous payments.
9. The Trustee should ensure that all trust account ledgers and accounts are balanced on a monthly basis and should have a procedure to regularly review all cases with significantly large balances on hand or other fund irregularities.
10. The Trustee should maintain a reasonably comprehensive system of internal controls over accounting and office operations, both paper and electronic, to safeguard estate assets and trust funds.