

TRUSTEE POLICY REGARDING DSO CERTIFICATES

General Order 2009-03, paragraph 17. b. requires that a DSO Certificate be filed "Within 7 days before the Trustee's pre-hearing conference concerning confirmation...."

- When the DSO Certificate is filed **after** the PHC, but **before** the Confirmation Hearing, the case can be confirmed provided the Texas Attorney General gives the Trustee a written "Waiver" of the "late" filing.
 - The purpose of the AG Waiver is so that if the DSO Certificate is filed after the PHC but at the last minute, just before the Confirmation Hearing, the AG is given time to verify that its records do not show that the Debtor is not current on the post-petition DSO payments.
- When the DSO Certificate is filed **before** 7 days prior to the PHC, i.e. "early", a new DSO Certificate will be required.
- When the DSO Certificate is filed **within** the 7 days prior to the PHC, **but the Confirmation Hearing is continued**, a new DSO Certificate and new Waiver should be required.
 - The purpose of the DSO Certificate is to let the Court know that the Debtor is current on post-petition DSO payments "as of" Confirmation ((or within a reasonably short period prior thereto, i.e., within 7 days prior to the PHC)) as required by Section 1325(a)(8) of the Bankruptcy Code.

Please contact both Ch 13 Trustees if you have questions or concerns regarding this policy.

Thank you
Alice and Tim

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