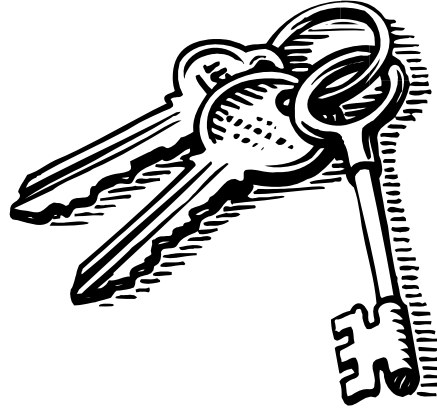


THE KEYS TO CHAPTER 13 SUCCESS



A HANDBOOK FOR CHAPTER 13 DEBTORS

THE OFFICE OF THE CHAPTER 13 TRUSTEE
WESTERN DISTRICT OF MISSOURI
RICHARD V. FINK, TRUSTEE
818 GRAND BLVD, STE. 800
KANSAS CITY, MISSOURI 64106-1901
816-842-1031
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MAIL PLAN PAYMENTS TO:

RICHARD V. FINK, TRUSTEE
PO Box 1839
Memphis, TN 38101-1839

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RICHARD V. FINK, TRUSTEE
818 Grand Blvd., Ste. 800
Kansas City, MO 64106-1901

YOUR CHAPTER 13 CASE NUMBER IS:

YOUR ATTORNEY'S NAME & TELEPHONE # ARE:

FOREWORD

This handbook has been developed to answer some of the most common questions asked by debtors participating in Chapter 13.

Because Chapter 13 is a legal proceeding, issues are numerous and complex and will require guidance beyond the scope of this publication. Every Chapter 13 inquiry cannot be addressed here. Chapter 13 debtors should contact their attorneys whenever they have questions. The Chapter 13 Trustee administers your case. **Neither the Chapter 13 Trustee, nor his staff, gives legal advice; nor should any information we communicate to you, or your attorney, be construed as legal advice.**

I encourage you to read this book **cover to cover** the first time through, as soon as you receive it. In this way, you will know some of the rules and regulations of Chapter 13 and the options that are available to you during your case. You will also learn some important and helpful facts.

Understanding the information in this book can save you time, stress, additional attorney fees, and court hearings.

The material in this book is set up in alphabetical order for quick reference to a particular subject, after the "General Information" section.

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The information in this book is subject to change without notice.

Revised: 3/1/2010

INTRODUCTION

Chapter 13 is a form of bankruptcy available to individuals, or families, with regular income, that are experiencing difficulty paying their debts.

Chapter 13 is a legal proceeding under federal bankruptcy law that allows you to obtain relief from your creditors while at the same time providing a fair means for you to pay them back. It allows you the opportunity to keep most or all of your property during the time you are repaying creditors, and it may permit you to modify some contract payments, interest rates, and lengths of obligations. Your plan may allow the elimination of late charges and penalties. Creditors generally must receive permission from the Bankruptcy Judge to take legal action against you. In exchange for the protection provided by the Federal Bankruptcy Court, you agree to repay creditors over time. Depending on your income, this generally is a 36 to 60 month period.

Chapter 13 is a long-term commitment of repayment of your debts. You are to be commended for accepting the responsibility of repaying your creditors. It is very important that you understand the requirements of Chapter 13 in order to successfully complete your case.

The keys to Chapter 13 success are simple.

1. Hire an experienced bankruptcy attorney. Though hiring a lawyer well-versed in Chapter 13 law is not required, it is strongly recommended. Your attorney's role is to advise you. If you don't understand something, ask questions. Be sure you have a clear understanding of what is happening in your case. Communicate with your attorney. Respond immediately to your attorney's calls and correspondence.

2. Develop an honest, straightforward, accurate, and complete plan with your attorney.
3. Read and confirm the accuracy of every document you sign.
4. If you are paying your on-going mortgage payment as part of your Chapter 13 plan payment, there are technical and specific rules to follow. Direct any mortgage related question to your attorney immediately.
5. Make your payments to the Chapter 13 Trustee on time and in full to the lockbox address in Memphis, Tennessee (address shown on the book cover).
6. **Write your case number on every personal check, money order, cashier's check, letter, etc.** that you send to the Chapter 13 Trustee.
7. Pay attention to what is happening in your case. Obtain access to the National Data Center website and review the activity in your case regularly at **www.13datacenter.com**.
8. Open your mail. Read and react to correspondence that you receive from your attorney, the Bankruptcy Court, the Chapter 13 Trustee's Office, and creditors.
10. Keep your attorney informed as changes and events occur in your life. Those changes include marriage, name change, moves, divorce, death, job loss, salary changes, pending lawsuits, lawsuit proceeds received, inheritances, insurance proceeds received, gifts, etc.
11. Maintaining a current accurate address in the Trustee's database **and** on the Court record, is required. If you move, notify your attorney to file a notice of address change with the

Bankruptcy Court. The Trustee will not change your records until the Court's records are updated with your new address.

12. Develop a budget with your spouse and family and stick to it as best you can.

13. Read this book. Save this book. Refer to this book. If you lose it or would like an additional copy, contact the Trustee's Office - one will be provided at no charge.

The Office of the Chapter 13 Trustee is available to provide assistance to you as you move through this legal process. We want to see you successfully complete your case and leave Chapter 13 with a fresh start. **The Trustee and his staff may provide you with factual information about your case, but the Trustee and his employees are prohibited by law from giving you legal advice and any information provided by them should not be construed, by you, or your attorney, as legal advice.**

Complying with your Chapter 13 plan will not be easy. You will have to make real sacrifices to meet the obligations which you have outlined in your plan and still live within your budget. Thousands of families have successfully completed their plans, resolved their debt problems, and paid most, if not all, of their obligations to their creditors. Chapter 13 will only work for you if you work hard at meeting your obligations under your plan. I commend you for choosing Chapter 13 and for your commitment to repay your debts. We sincerely wish you success in the performance of your plan and will help in every way we can. Good luck in your endeavor.

Richard V. Fink, Chapter 13 Trustee

GENERAL INFORMATION

1. During the life of your Chapter 13 case, you will hear yourself referred to as a “debtor”. This describes a person who is under the protection of the United States Bankruptcy Court.
2. Your attorney's role is to advise you. Though hiring an attorney well-versed in Chapter 13 law is not required, it is strongly recommended.
3. You have filed Chapter 13 in order to obtain protection from your creditors. You have **voluntarily chosen** the Chapter 13 program to reorganize, restructure, and repay your debts. Generally, you cannot be forced to remain in this program. You cannot remain in this program unless you propose a legal and accurate Chapter 13 plan and then meet the terms of that plan, which includes timely payment to your creditors.
4. **The Chapter 13 Trustee and his staff cannot, by law, give you, or your attorney, legal advice. Information communicated to you by the Chapter 13 Trustee or any Chapter 13 staff member is not intended to constitute legal advice. You must consult with your attorney for all legal opinions and advice.**
5. At the time your Chapter 13 Petition was filed, the Bankruptcy Clerk assigned your case a number. This number is important. You will need it whenever you write to the Chapter 13 Trustee's Office and every time you make a payment to the Trustee. Write your Chapter 13 case number on the front of this book. **Write your case number on everything that you send to the Trustee, including checks, money orders, cashier's checks, letters, and documents.**

6. Generally, all creditors that you listed on your Chapter 13 Petition are subject to the "stay" which usually prohibits them from contacting you once you filed your bankruptcy case. If you receive notices in the mail or are contacted by your creditors, immediately advise your attorney, so that your attorney may advise you as to whether these contacts are appropriate.
7. As a creditor, or its representative, usually may not contact you once your bankruptcy is filed, you should not deal with creditors once your bankruptcy is filed. In other words, you cannot pick and choose particular creditors to "pay on the side". All of your debts must be disclosed in your bankruptcy schedules and dealt with through your Chapter 13 plan.
8. **Your first plan payment is due within 30 days of the date that your Chapter 13 Petition was filed with the Bankruptcy Court.** If your case converted from Chapter 7 to 13, your first payment is due 30 days from the date of conversion. **The address for plan payments only is: Richard V. Fink, Trustee, PO Box 1839, Memphis, TN 38101-1839. Mail all your plan payments to the address shown above.** If you mail a plan payment to the Trustee's Office in Kansas City, you will slow down the processing of your payment and risk that that payment may be returned to you. The Trustee will not accept a plan payment hand-delivered at his office. Other general correspondence must be mailed to the Trustee's Office address in Kansas City.
9. **You must make your full plan payment.** If you do not make a full payment, and you have not received Court permission to reduce or miss the payment, your case may be dismissed from the Chapter 13 program. It is very important to contact your attorney if you ever expect to miss a plan payment due to being laid off, becoming medically disabled, because you changed jobs, etc. Under the law, there are serious consequences if your case is dismissed. You may be prevented from seeking future bankruptcy

relief or your future bankruptcy relief could be severely limited. It is important to talk to your attorney if you know of any reason why the Trustee will not receive a full plan payment from you. The Trustee has no authority to let you miss a payment or allow you to pay less than your plan requires. The Trustee must enforce your Chapter 13 plan as it was approved by the Bankruptcy Judge.

10. Making your Chapter 13 plan payments through a Wage Order to your employer is an easy way to ensure that your payments are made to the Chapter 13 Trustee on time. Set up a Wage Order through your attorney or contact the Chapter 13 Trustee's Office for assistance.
11. If your plan payment is being made by Wage Order to your employer, it is your responsibility to ensure that payments are made. If you get a paycheck and your plan payment has not been deducted, make your payment to the Trustee's plan payment address in Memphis, Tennessee yourself. Then check with your payroll department to determine why the plan payment wasn't deducted from your check.
12. Your plan payment may be made by Wage Order to your employer, money order, cashier's check, or personal check. **CASH IS NOT ACCEPTED BY THE TRUSTEE. Do not send cash through the mail or bring cash to the Trustee's Office.** You must send your plan payments to the Memphis, Tennessee lockbox address (address shown on cover). If you mail a plan payment to the Trustee's Office in Kansas City, you will slow down the processing of your payment and risk that that payment may be returned to you.
13. Plan payments must be posted to your case 15 days before month end to be available for disbursement to creditors. If a payment is received after the 15th of the month, those funds will not

be distributed to creditors until the following month's distribution cycle. **DO NOT SEND POST-DATED CHECKS.**

14. If you make a plan payment with a personal check, cashier's check, or money order, it is important that you fill out the instrument correctly. Any mistakes you make may result in the payment being returned to you and **NOT** being credited to your case. Follow these tips:

- Make your plan payment payable to the "Office of the Chapter 13 Trustee, Richard V. Fink, Trustee".
- Make sure that the name used in the bankruptcy case is shown on the check, cashier's check, or money order.
- Make sure you write your case number on the personal check, cashier's check, or money order.
- The hand-written amount must match the numerical amount shown on the personal check, cashier's check, or money order.
- The check must be signed.
- Do not post-date the check.
- Under no circumstances send cash.

15. Payments to your secured creditors (those whose debts have collateral attached) may begin prior to the confirmation of your Chapter 13 plan - these are called adequate protection payments. Then, once the Bankruptcy Court issues an order confirming your plan, payments to other creditors may begin. Checks are mailed to your creditors around the 5th of each month.

16. The Chapter 13 Trustee only distributes funds to creditors who have filed Proofs of Claim. The Trustee cannot send money to creditors who fail to file claims in your case. Whether you should file a claim for a creditor who fails to do so is a legal issue which you should discuss with your attorney.

17. Creditors not listed by you when you filed your bankruptcy case can cause problems. If you discover an unlisted creditor, one that you owed, but forgot to list in your bankruptcy documents, you must inform your attorney immediately.
18. After your Chapter 13 plan is confirmed and the two “bar dates” for filing Proofs of Claim have passed, you and your lawyer will receive, from the Trustee's Office, a document titled “Notice Allowing/ Disallowing Claims”. **REVIEW THIS DOCUMENT CAREFULLY.** It outlines which creditors have filed claims in your case, the types of claims they filed, and in what amounts. Consult with your lawyer immediately regarding those creditors who have not filed claims and those creditors that you think filed claims incorrectly. The Trustee must pay claims as filed by the creditors unless a formal written objection is filed with the Clerk of the Bankruptcy Court. If you believe a creditor filed a claim incorrectly as to the amount of the claim, type of claim, or both, contact your attorney immediately, so that the formal written objection to the claim can be filed with the Bankruptcy Court. Once the objection is filed, the Bankruptcy Judge may set the matter for a court hearing to resolve the dispute. **If you do not file a proper objection, the Trustee must pay the claim as filed by the creditor.** The length of time of your plan, and the time you will be in the Chapter 13 program, is controlled by the claims filed by your creditors and allowed by the Judge - not the length of time you state in your Chapter 13 plan.
19. You are required to maintain a current address in the Trustee's database and in the Bankruptcy Court's records. If you move, notify your attorney to file a notice of address change with the Bankruptcy Court. The Trustee will not change your records until the Court's records are updated with your new address.
20. Notify your lawyer, **in writing**, of any changes to your employment or income status (i.e. second job, overtime, job loss,

etc.). Your lawyer then must file the necessary documents with the Bankruptcy Court and amend your plan and schedules as required.

21. If you acquire any real or personal property while in the Chapter 13 program, you must notify your attorney. This would include: pay increases, inheritances, life or any insurance proceeds, recoveries from legal actions, bonuses, gifts, etc. Your attorney then will amend your schedules and plan and file appropriate pleadings with the Bankruptcy Court as required.

22. You must remain on a cash basis while in Chapter 13. You must not use credit cards. You must not borrow any money from a finance company, payday loan establishment, a bank, or a credit union without the express written approval of the Bankruptcy Judge or the Chapter 13 Trustee. You are prohibited from signing a "rent to own" contract or dealing with a "title loan" company. You cannot receive an advance on your salary. You cannot buy anything over time, such as a car or an appliance. You cannot run up a bill to anyone. You cannot sign, cosign, or guarantee an installment note. You are not permitted to borrow unless you have written permission from the Bankruptcy Judge or the Chapter 13 Trustee. **The only exception for borrowing without prior approval is in the case of an emergency for the protection and preservation of life, health, and property.** This prohibition against borrowing applies to any member of your family that is supported by you, whether they are under the jurisdiction of the Bankruptcy Court or not, as long as the debtor in the Chapter 13 may be held responsible for the debt. Here are some other examples of borrowing that are prohibited without prior Bankruptcy Court approval (this list is not exclusive):

- leasing a car, appliance, television, furniture, etc.
- financing or refinancing a house
- incurring student loans for yourself or others
- post-dating a check to a payday loan company

If you need a credit card in your name for work purposes, discuss this matter with your lawyer so that approval can be sought from the Bankruptcy Judge.

Obtaining credit without permission of the Judge is not only a violation of the Court's order, but it is subject to reversal by the Court. Any credit purchase you make without approval of the Judge could be illegal, what was purchased might have to be returned, and you very likely would lose any payment you made. Your case may be dismissed and your ability to obtain future relief from your creditors severely limited.

23. Requests to borrow \$2500 or less may be made to the Chapter 13 Trustee using a form that you can obtain from the Chapter 13 Trustee or your attorney. All requests must state the name of the lender, the amount of the loan, the terms of repayment (including monthly payment amount and interest rate), the purpose of the loan, and the impact of the borrowing on the your ability to continue to fund your Chapter 13 plan. **THE CHAPTER 13 TRUSTEE IS NOT A FINANCING RESOURCE. THE TRUSTEE DOES NOT LEND MONEY.**

24. Requests to borrow more than \$2500 must be made to the Bankruptcy Judge with a formal motion. All requests must state the name of the lender, the amount of the loan, the terms of repayment (including monthly payment amount and interest rate), the purpose of the loan, and the impact of the borrowing on the your ability to continue to fund your Chapter 13 plan.

25. Generally, you cannot sell, refinance, or dispose of any of your property during your Chapter 13, without the approval of the Bankruptcy Judge including your house, car, appliances, furniture, jewelry, etc. Whether the property was acquired before or after you filed your case does not matter. If you dispose of your property without permission, the transaction

may be set aside. If you want to sell any property, you **MUST** contact your lawyer to determine the appropriate course of action. In some cases, unencumbered property with a fair market value of \$2500 or less **MAY** be sold, without Court approval, if appropriate documents are filed with the Bankruptcy Judge after the sale. But most sales require advance permission of the Judge and your attorney must file the appropriate motions and receive approval before such sales proceed. Talk to your attorney before you sell any property.

26. You must maintain insurance on your property. **Insurance usually is not part of your Chapter 13 plan payment unless your homeowners insurance is part of an on-going mortgage payment being paid from your Chapter 13 plan payment. All assets must be insured against physical loss for at least the values stated in your schedules. If you operate a business or are self-employed, you must have liability insurance and other insurance customary for the industry, such as workers compensation, products liability, professional liability, etc.** Your motor vehicles may not be operated without insurance. If your motor vehicle is collateral for a loan and insurance terminates or you fail to provide proof of insurance to the lienholder, the creditor may notify you of the lapse and you have three business days to provide it with proof of insurance. If you fail to provide it with such proof of insurance, you either must surrender the vehicle to the lienholder or the lienholder may take possession of the vehicle. The lienholder may then get the Judge's permission to dispose of the vehicle. Generally, you are required to prepay at least three months of insurance on your motor vehicle and to have collision and comprehensive coverage with a deductible not to exceed \$500 and to name the lienholder as a loss payee.

If your homeowner's insurance is part of your mortgage payment, discuss this with your attorney to ensure that this coverage remains in force.

You should keep your insurance policies and declaration pages handy, to protect yourself, should any creditor ever believe that your insurance has lapsed. If an interested party, including the Chapter 13 Trustee, requests proof of insurance and you fail to provide it, it will be presumed that no insurance is in effect. Contact your lawyer immediately if you encounter problems with any of your insurance policies.

27. You must remain current with all of your financial obligations that are not being paid through your Chapter 13 plan payment. This includes all of your tax obligations that come due after filing Chapter 13.
28. You must prepare and file your tax returns annually. You must pay your post-Chapter 13 taxes as they come due. You must submit a copy of your tax returns to the Chapter 13 Trustee upon his request. **If you receive a tax refund, contact your attorney before you spend it.** You must first consult with your attorney regarding tax refunds.
29. **You must discuss with your lawyer the timely and formal assumption or rejection of unexpired leases and executory contracts.** This is a complicated and important issue. It is necessary for you and your attorney to thoroughly discuss and appropriately deal with these issues.
30. Once a year, you will receive, in the mail, a "Case Summary Report" from the Trustee's Office showing the financial activity in your case over the preceding year. **REVIEW IT CAREFULLY.** Examine all payments you made, claims filed and approved, and disbursements to creditors for correctness. Call the Chapter 13 Trustee's Office with problems or questions immediately. You can also view activity in your case on a day to day basis, if desired, by obtaining access to the National Data Center website at **www.13datacenter.com**. (see #31 below).

31. The Chapter 13 Trustee recommends that you review the activity in your case at least once per month via the website, **www.13datacenter.com**. There is no charge to you for this service. At your Section 341(a) Meeting of Creditors, you received a brochure outlining the process for obtaining access to your case through this website. If you have any difficulty with access, dial 1-866-938-3639, the toll-free telephone number on the brochure, to connect with the web host who can assist you. If you need an additional brochure, contact the Chapter 13 Trustee's Office and one will be sent to you. If, as you review the data in your case at the website, you discover information that appears to be incorrect, contact the Chapter 13 Trustee's Office, in writing, at: Office of the Chapter 13 Trustee, Website Issues, 818 Grand Blvd., Ste. 800, Kansas City, MO 64106-1901, so that any potential problem can be investigated and corrected.
32. The Chapter 13 Trustee's Office is open Monday through Friday from 9 AM to 4:30 PM, except on federal holidays or during staff training. Telephones are answered from 9 AM to 4 PM. Because of the large call volume, you may need to leave a voice mail message. Please leave your name, case number, a telephone number where you can be reached during the day, and a general statement about the nature of your call. Phone calls are generally returned within 24 hours. If you have an emergency, you should contact your attorney, not the Chapter 13 Trustee's Office.
33. Generally, if your case was filed in the **Kansas City** area, your Section 341(a) Meetings of Creditors will be conducted in the Scarritt Building at 818 Grand Blvd., in the Scarritt Conference Center located on the floor designated as 9S. If your case was filed outside of Kansas City, in the areas of St. Joseph, Jefferson City, Columbia, Springfield, Carthage, or Joplin, etc., you will need to consult with your lawyer as to the location of your Section 341(a) Meeting of Creditors. You also will receive a notice from the Bankruptcy Court. When you and your spouse appear at the

Meeting of Creditors you will be required to show proper identification. On the record, you will be required to verify your identity by submitting two forms of identification. The first identification document must be a picture ID, such as a driver's license. The second identification document must have your full Social Security number typed on it (not hand-written) and must be independent of the first identification document. If two debtors are filing jointly, both debtors must provide identification, as outlined above. **Failure to provide two forms of accepted identification will cause your Section 341(a) Meeting of Creditors to be stopped and continued to a future date.** Here are some examples of acceptable identification:

- a driver's license
- a Social Security card
- a valid passport
- work identification card
- a tax return
- a W-2 or 1099
- a pay stub
- a military identification card
- a Veteran's Administration card

34. If your case was filed in the **Kansas City** area and you are involved in a courtroom hearing with the Bankruptcy Judge, the hearing will be held at: Charles Evans Whittaker Federal Courthouse, 409 E. 9th St., Kansas City, MO 64106. You are required to show proper identification as you enter the building. If you have a cell phone, it will be confiscated and you can collect it as you leave the building. If your case was filed outside of the Kansas City area, in one of multiple cities, such as St. Joseph, Jefferson City, Columbia, Springfield, Carthage, or Joplin and you are attending a courtroom hearing with a Bankruptcy Judge, consult with your attorney for the appropriate courthouse location and protocols for entry to those buildings.

35. **All Chapter 13 plan payments should be mailed to:
Richard V. Fink, Trustee, PO Box 1839, Memphis, TN 38101-1839.**
36. Requests by you for the amount of money necessary to pay off your Chapter 13 case or for a date that your case will complete can only be supplied by the Trustee's Office upon a written order by the Bankruptcy Judge. Discuss the matter with your attorney so that an appropriate motion can be filed with the Court.
37. **DO NOT GAMBLE WHILE YOU ARE IN CHAPTER 13.** If you fail to comply with this prohibition, the Chapter 13 Trustee may request that any gambling winnings or the equivalent dollar amount of gambling losses be paid into your Chapter 13 case or your case may be dismissed.
38. Your attorney, on your behalf, may request a suspension of plan payments in your case for cause. Depending on the circumstances of your case and the parameters of your plan, there could be some serious ramifications of such requests. The Judge does not automatically grant plan payment suspensions.
39. **Read the remainder of this book. A great deal more information is shared regarding your options and obligations while your Chapter 13 case is pending.**

CHAPTER 13 INFORMATION BY SUBJECT **(ALPHABETICAL ORDER)**

ADDRESS CHANGE – CHAPTER 13 DEBTORS

The Chapter 13 Trustee communicates by mail with Chapter 13 debtors. The Trustee sends out Case Summary Reports of financial activity, legal pleadings, etc. If the Trustee does not have each debtor's accurate name and address, these items are not delivered and are returned to his office. You are required to maintain an accurate address in the Trustee's database and in the Bankruptcy Court's records. If you move, notify your attorney to file a notice of address change with the Bankruptcy Court. The Trustee will not change your records until the Court's records are updated with your new address.

ADVERSARY PROCEEDING

During your Chapter 13 case you may become involved in a bankruptcy lawsuit called an adversary proceeding. For example, if one of your creditors claims that your debt to them should not be discharged because it was obtained through fraud or embezzlement, the creditor will file an adversary proceeding. If you receive notice of an adversary proceeding in the mail, contact your attorney immediately.

THE BANKRUPTCY COURT

As a Chapter 13 debtor, you are under the jurisdiction and protection of the Federal Bankruptcy Court. All hearings will be conducted by and all orders and rulings will be issued by Federal Bankruptcy Judges. The Bankruptcy Judges' courtrooms are located on the 6th floor of the Charles Evans Whittaker Federal Courthouse at 400 E. 9th

St., Kansas City, MO. 64106. Kansas City motion docket hearings are conducted at this Courthouse. If your case is located in an area outside of Kansas City, such as Jefferson City, Joplin, Carthage, Springfield, Columbia, or St. Joseph, consult with your attorney as to where the courtroom hearings will be held. You may also contact the Clerk of the Bankruptcy Court at 816-512-1800 for the location of a hearing. You should not contact a Bankruptcy Judge directly. If you are attending a hearing in Kansas City, Jefferson City, Carthage, Springfield, or St. Joseph courthouses, you will be required to walk through a metal detection device. Leaving metal objects at home will move you through the line faster. Cell phones, knives or other potentially dangerous articles, etc. are confiscated and returned when you leave. There is handicap access to the Kansas City courthouse via a ramp on the east end of the front entrance. Photo identification is required to enter any federal courthouse.

The Bankruptcy Court Clerk's Office is located in Kansas City in the Charles Evans Whittaker Federal Courthouse, at the same address shown above, but on the 1st floor. The Clerk's Office is open between 9 AM and 4:30 PM. The telephone number is 816-512-1800. Official bankruptcy documents are electronic and copies may be requested at the Bankruptcy Clerk's Office (there is a per page charge for copying).

THE BANKRUPTCY COURT – MOTION DOCKET

The Federal Bankruptcy Judges conduct motion dockets multiple times each month. A motion docket is a series of many hearings that are held to resolve disputes in Chapter 13 cases. Motion dockets are held in the Charles Evans Whittaker Federal Courthouse at 400 E. 9th St., in Kansas City. But cases originating in other areas will have motion docket hearings in other courthouses nearer those locations. If you are involved in an issue that requires a hearing, consult with your attorney regarding the date, time, and location of the hearing.

You should discuss with your lawyer whether your attendance is required. Photo identification is required to enter any federal courthouse.

BORROWING

The use of credit, credit cards, etc. during your Chapter 13 is prohibited, unless you have the written permission of the Bankruptcy Judge or Chapter 13 Trustee. The exception is in the instance of an emergency for the protection and preservation of life, health, or property. The Chapter 13 Trustee may grant debtors approval to borrow sums of \$2500 or less, per request, if the appropriate form and information are provided. A written request must be sent to the Chapter 13 Trustee stating the purpose of the loan, the amount of the loan, the terms of repayment of the loan (payment amount, interest rate, etc.), and information regarding the impact of the loan on the debtor's ability to continue to fund the Chapter 13 plan. The Trustee does not lend money; debtors must find their own source of financing. **A request to borrow more than \$2500 must be filed with and approved by the Bankruptcy Judge prior to borrowing.** This requires that a legal pleading be filed with the Clerk of the Bankruptcy Court stating the purpose of the loan, the amount of the loan, the terms of repayment of the loan (payment amount, interest rate, etc.), and information regarding the impact of the loan on the debtor's ability to continue to fund the Chapter 13 plan. This includes borrowing for a house, car, appliance, student loan, etc. Leases are a form of borrowing. If you need a credit card for work purposes, contact your lawyer to apply for approval from the Bankruptcy Judge.

BOUNCED CHECKS

Payment, received in the form of a personal check from a Chapter 13 debtor, is held by the Trustee for at least 15 days. Then it is available

for disbursement to creditors. If a Chapter 13 debtor makes a payment to the Trustee with a personal check that “bounces” (is returned due to insufficient funds, closed account, etc.), the debtor’s creditors will not be paid in that cycle and the Trustee may file a motion to dismiss the debtor’s case from Chapter 13. In order to remain in Chapter 13, the debtor may be required to redeem the bad check with collected funds and personal checks may not be accepted by the Trustee’s Office in the future. Further, the Chapter 13 Trustee may request that the Bankruptcy Judge issue a Wage Order to the debtor’s employer or request that the case be dismissed.

BUSINESS CASES

Chapter 13 debtors who file as small businesses are subject to the same requirements, restraints, and jurisdiction as debtors filing as individuals. Small business debtors may be required to file periodic reports and summaries of their business operations with the Chapter 13 Trustee and the Bankruptcy Court. Contact your attorney if you have any questions. Since self-employed debtors have no employer, it is necessary for them to make plan payments directly to the Trustee.

CAR - BUYING OR LEASING

If you wish to buy or lease a car during your Chapter 13 case, you must follow this procedure:

...find a source of financing. Find out repayment terms, i.e. vehicle cost, monthly payment, interest rate, months to repay, etc. and;

...contact your attorney. Discuss with him or her whether financing a vehicle purchase or lease will interfere with your Chapter 13 plan

payments, mortgage payments, child support, or alimony payments, etc. and, if not;

...ask your attorney to file a motion with the Bankruptcy Court for permission to borrow to purchase a vehicle or to lease a vehicle;

...the Bankruptcy Judge may set the motion for a hearing. If the Bankruptcy Judge approves the motion, he will enter an order granting you permission to purchase or lease a vehicle.

CASE NUMBER

At the beginning of your case you were assigned a case number. That number is extremely important to you during your Chapter 13 case. It is the method that the Bankruptcy Court and the Chapter 13 Trustee's Office use to identify you. Case numbers are used to avoid any mix-ups that might occur with people who have similar names. **Write your case number on every check or money order, every letter, and every document that you send to the Chapter 13 Trustee, to your lawyer, or to the Bankruptcy Court.** It is also helpful to have your case number readily available when you call the Chapter 13 Trustee's Office with a question.

CASE SUMMARY REPORT

Every twelve months the Chapter 13 Trustee mails to each debtor a copy of a Case Summary Report showing all financial activity in the debtor's case for the preceding 12 months. The document shows creditor claims allowed, monies paid into the case by the debtor, disbursements made by the Trustee, and to what creditor, etc. You must review this document immediately and carefully. If you detect any problems or errors with the report, contact the Chapter 13 Trustee's Office immediately. If you do not understand something in

the report, call the Trustee's Office. Save this document indefinitely. Store it with your other important papers related to your bankruptcy.

CASH

Under no circumstances will the Chapter 13 Trustee accept plan payments made in cash. Plan payments must be made in the form of a money order, cashier's check, or personal check. Plan payments may also be made by check from the debtor's employer with a Wage Order. **Every payment must include the debtor's Chapter 13 case number. Under no circumstances will the Chapter 13 Trustee accept plan payments in cash.**

CHAPTER 13 TRUSTEE'S OFFICE

The Chapter 13 Trustee's Office is located at 818 Grand Blvd., Ste. 800, Kansas City, MO. 64106-1901. The office is open between 9 AM and 4:30 PM, Monday through Friday, except on federal holidays or during staff training. Correspondence is sent to the Kansas City address noted above.

Mail all your plan payments to the lockbox address at:

**RICHARD V. FINK, TRUSTEE
PO BOX 1839
MEMPHIS, TN 38101-1839**

If you require a meeting with a Chapter 13 staff member, please call in advance and make an appointment. The Chapter 13 Trustee's telephone number is 816-842-1031. General inquiry telephone calls from debtors, debtors' attorneys, and creditors are answered between 9 AM and 4 PM, Monday through Friday. The Trustee's toll free number is 1-800-962-0369. Please leave your name, case number, a

telephone number where you can be reached during the day, and a general statement about the nature of the call. Phone calls are generally returned within 24 hours. If you have an emergency, you should contact your attorney, not the Chapter 13 Trustee's Office.

CHAPTERS IN BANKRUPTCY

There are several types of bankruptcy provided for in the Federal Bankruptcy Code. The most common are Chapter 7, Chapter 11, Chapter 12, and Chapter 13. Each will be briefly described here.

Chapter 7 is often called regular or straight bankruptcy. In it, a debtor's property may be sold by the Chapter 7 Trustee and the money used to repay creditors.

Chapter 11 is bankruptcy that is generally used to restructure a business. It is used to reorganize debts, assets, and operations in order to remain in business and repay creditors from future cash flow.

Chapter 12 is the reorganization chapter for family farmers or fishermen. The debtor submits a plan to the Trustee and the Bankruptcy Court and repays his creditors according to the plan.

Chapter 13 is a voluntary bankruptcy program for any individual or family with regular income. It involves obtaining Bankruptcy Court approval for a plan of repayment of debt to the creditors. A Chapter 13 plan will generally run from 36 to 60 months.

COMPLETION OF CASE

After each disbursement cycle, the Chapter 13 Trustee generates a report listing cases that appear to be within 1 or 2 months of closing

as completed. In order to verify that a case is near completion, the case will be audited.

When the audit is completed and the last payment has been made to satisfy the creditors, the Chapter 13 Trustee will file a Notice of Completion with the Bankruptcy Court and will request that the Court cancel the Wage Order to the debtor, or to the debtor's employer, to make plan payments.

Final Reports summarize the financial activity in closed cases over the life of the plan. Final Reports are generated by the Trustee during month-end processing after all checks associated with the case have cleared the Trustee's bank. The Final Reports then are filed with the Bankruptcy Court. If the debtor has complied with terms of the plan and all other legal requirements for a discharge, the Judge will enter an Order of Discharge which is served on the debtor and debtor's attorney. Debtor refunds, in closed cases, generally will be mailed to the debtor after the 15th day of the month following the closing date.

CONFIRMATION

It is the responsibility of the debtor and his or her attorney to develop a workable Chapter 13 plan. The Bankruptcy Court will confirm a Chapter 13 plan if:

...the plan complies with the requirements of Chapter 13;

...all required fees, charges, and deposits have been made;

...the Petition has been filed and the plan proposed in good faith;

...each secured creditor has either accepted the plan, or is given back its collateral, or is allowed to retain its lien on collateral and is paid its secured claim under the plan;

...each priority unsecured creditor has been paid in full or agreed to other treatment;

...each non-priority unsecured creditor will receive under the plan at least as much as the creditor would have received if the debtor had filed a Chapter 7;

...it appears that the debtor's plan is feasible and that the debtor will be able to make the required payments and comply with the plan.

If the Bankruptcy Court will not confirm the Chapter 13 plan that you have proposed, you may amend the plan, convert the case to a Chapter 7, or dismiss the case voluntarily. If the Court will not confirm the original plan, it will give the reasons for its disapproval, so that the plan may be modified, if possible, to be acceptable.

CO-SIGNERS

A co-signer, co-maker, or guarantor on any of your consumer debts is generally protected from contact by the creditor by the "co-debtor stay". This protection applies only in Chapter 13 cases and only on consumer debts. If the co-signer, co-maker, or guarantor has given collateral for the loan, the creditor must request a hearing before the Bankruptcy Judge in order to proceed against the property. The co-debtor stay will only protect co-signers, co-makers, or guarantors for the amount of debt your Chapter 13 plan proposes to repay. If your plan does not pay the creditor in full, a creditor may obtain permission from the Bankruptcy Court to collect from the co-signer, co-maker, or guarantor, that portion of the debt that your plan is not going to pay.

COSTS OF FILING A CHAPTER 13 CASE

Each Chapter 13 case filed has four costs:

- 1) Bankruptcy Court Filing Fee – a filing fee must be paid to the Court to initiate a bankruptcy case.
- 2) Chapter 13 Trustee's Fees – The Chapter 13 Trustee is required to charge a fee as a percentage of disbursements made to your creditors. These fees, established by law, are set by the Executive Office of the United States Trustee (division of the Justice Department). The fee will vary during the life of your case, but cannot exceed 10% of disbursements.
- 3) Attorney fees – Your attorney's fees should be discussed by you and your lawyer and set out clearly in your Chapter 13 plan. You should agree, in writing, on the fees and the services to be provided for those fees. Additional fees may be approved by the Bankruptcy Judge for services rendered beyond your initial agreement with your attorney.
- 4) Plan payments – Your first plan payment must be received at the Chapter 13 Trustee's lockbox in Memphis, Tennessee within 30 days of the date that you filed your Chapter 13 Petition. Your plan payment is then due each month thereafter (or as otherwise provided in your Chapter 13 plan) on or before the due date.

CREDIT CARDS

The use of credit cards, or any type of credit or borrowing, during the Chapter 13 case is prohibited, unless you have requested and received written approval from the Bankruptcy Judge or the Chapter 13 Trustee. Chapter 13 debtors should ignore credit card applications and solicitations and checks sent through the mail by

credit card companies. **Remain on a cash basis throughout the Chapter 13.** The only exception to the above policy is that use of credit is allowed in an emergency for the protection and preservation of life, health, or property. If you need a credit card for work purposes, contact your lawyer to apply for approval from the Bankruptcy Judge.

CREDIT RATING

Your credit rating during and after completion of Chapter 13 will be, as it is now and was in the past, the opinion of any credit grantor who looks at your record. A credit rating is a compilation of all of your past credit performances. This record is obtainable by the creditor, who reviews it and makes up his own mind, by his own standards, as to whether or not he wants to grant you credit. Suits, collections, attachments, insufficient checks, Chapter 7 and 13 bankruptcies – are all indications of credit problems. After many years and thousands of paid-in-full Chapter 13 cases in this area, many knowledgeable lenders look with respect upon those who have paid their debts in full under a Chapter 13 plan. Any credit record that has been blemished must be gradually rebuilt. Chapter 13 can be a good place to start. The Chapter 13 Trustee's Office does not report any case information to any credit reporting agency. Contact your attorney if you have questions regarding your credit rating.

CREDIT REPORTING AGENCIES

Reviewing your credit report either during or after the completion of your Chapter 13 case is a good idea. Here are the major, national agencies that you can contact to receive a copy of your credit report. After reviewing the report, contact the company if you feel errors exist or contact your attorney. Do not contact the Chapter 13 Trustee's Office regarding your credit report.

Experian
1-888-397-3742
www.experian.com

TransUnion
1-800-888-4213
www.transunion.com

Equifax
1-800-685-1111
www.equifax.com

According to the Fair Credit Reporting Act, anyone denied credit based on information contained in a credit file must be notified. The company that denied you credit will tell you from what agency they obtained your credit report and how you can get a copy, free of charge, if you request one within a reasonable time after receiving a denial letter. Contact your attorney with questions.

There are companies that advertise, both locally and nationally, that your credit report can be “cleaned up” and that bankruptcies, slow pays, insufficient checks, etc. can be removed from your credit report for “a small fee” (potentially hundreds of dollars). These companies’ claims are often overstated. Be cautious in your dealings with companies that makes these claims. Speak with your attorney prior to entering into an agreement with such companies.

CREDITORS

In Chapter 13, your creditors are the people or institutions that you owe. Once you have filed your Chapter 13 Petition, creditors are generally forbidden by law from making direct contact with you. Contact your attorney if a creditor communicates with you.

Creditors are classified for the purpose of repayment of debt in your Chapter 13 plan. There are three general categories of creditors, with one special sub-class.

The first classification is called “secured creditors”. You have pledged property, i.e. collateral, to this type of creditor to secure its debt. Most house and car loans have the house or car pledged as collateral and are secured debts.

The second classification of creditors is called “priority unsecured creditors”. Debts to these creditors include recent income taxes, payroll taxes, sales taxes, past due child support, court costs, legal fees, and Chapter 13 administrative costs. Your Chapter 13 plan must provide for 100% payment of all priority creditors.

The third classification of creditors is called “non-priority unsecured creditors”. Debts to these creditors have no property pledged as collateral and loans were made solely on the basis of your promise to repay them. They include most credit card debts, signature loans, medical debts, store charges, etc. Generally, the Chapter 13 Trustee makes payments to the secured and priority unsecured creditors first. Then funds left over are paid to the non-priority unsecured creditors usually on a pro rata basis. Therefore, it is often many months before non-priority unsecured creditors receive any payment.

A sub-class of non-priority unsecured creditors may include co-signed debt and other special classes of non-priority unsecured debt that the Court may allow to be paid differently from other non-priority unsecured creditors.

If you have a co-signer, co-maker, or guarantor on any of your consumer debts, Chapter 13 protects them from collection activities by the creditor, to the extent that your plan provides for payment of the debts – so long as you remain in the Chapter 13 program. You should discuss with your attorney classifying any such debt for 100%

payment, with interest, if permitted by the Court. If your plan does not propose to fully satisfy these co-signed debts, the creditor can get permission from the Bankruptcy Court to pursue the co-maker for the difference. Any contact by creditors with your co-signers after you filed your case should be reported to your attorney. There are some debts, owed to creditors that are not discharged at the end of your Chapter 13 plan, unless they are fully satisfied during the life of your Chapter 13 case. These include student loans, child support, alimony, and money owed because of death or personal injury you caused in the operation of a motor vehicle while under the influence of drugs or alcohol. Some of these debts can be paid in full during the life of your case; others may not be paid in full unless all of your non-priority unsecured creditors are paid in full. Discuss this issue with your attorney.

Some Courts may also permit special classification of “bad checks”, where failure to do so may impair your ability to perform under your plan.

Generally, creditors have 90 days from the date first set for your Section 341(a) Meeting of Creditors to file Proofs of Claim with the Bankruptcy Court. Governmental creditors, such as the IRS and Missouri Department of Revenue, have 180 days from the date you filed your Petition to file their claims. These dates are called “bar dates” because creditors are barred from filing claims and having them considered “timely filed” by the Bankruptcy Judge after those dates. However, it is your responsibility, not the Trustee’s, to file objections to untimely Proofs of Claim. Your failure to object to untimely Proofs of Claim may result in that creditor receiving payment under your plan. The Chapter 13 Trustee will pay claims provided for in your confirmed plan based on the amount shown on the creditor’s claim. If you disagree with how a creditor has filed its claim, you must file a formal written objection to the claim with the Bankruptcy Court. The Judge will generally conduct a hearing to decide the amount of the claim or type of claim, or both.

CREDITORS FILING LATE CLAIMS

Most creditors have 90 days after the date first set for your Section 341(a) Meeting of Creditors to file their claims for payment. Taxing/government entities have 180 days from the date of the Petition to file their claims. These time limits are called “bar dates”. Generally, creditors filing claims after their “bar date” may not be entitled to payment on their claims. However, unless you object to the late-filed claim, monies may be released for payment of it. Discuss all claims with your attorney – especially late filed claims.

CREDITORS NOT LISTED

Creditors not listed when you filed your bankruptcy schedules can cause a number of problems. There are two kinds of unlisted creditors: those you owed money when you filed your case and forgot to list (unlisted creditors) and those creditors who have a bill that was incurred by you after you filed the bankruptcy (“post-Petition” creditors). If you discover an “unlisted creditor”, you must let your attorney know the details and rectify the situation immediately. Your attorney can try to include the creditor in amended schedules and plan and, therefore protect you. Time is very important, so do not delay. Post-Petition creditors are rare because you should not incur debt while in a Chapter 13, without the express written approval of the Chapter 13 Trustee or the Bankruptcy Judge. But, unusual situations can arise. Post-Petition debts should be brought to the attention of your attorney immediately, so that a review of your plan can be made. If post-Petition debts are allowed to be added to your plan, the Chapter 13 Trustee may request an adjustment to your plan payment to handle the situation.

DEBTOR'S ATTORNEY

When your attorney agreed to represent you and signed your Petition with you, your attorney became obligated to appear and represent your interests subject to the terms of your agreement. Generally, your attorney must continue to appear on your behalf as long as your case is active or until the Judge permits your attorney to withdraw from your case. Your attorney can only help you and represent you if you keep in contact with your attorney's office. If you ever have any questions concerning your case, your creditors, your rights under the Bankruptcy Code, or your options under Chapter 13, **make it a rule to ask your attorney first.** Respond to your attorney's telephone calls immediately.

Your attorney should have given to you a written contract that explained to you how much the legal fee would be and how it would be paid. Be sure that you have discussed fully whether additional legal services during your plan will cost you more money or whether the initial fee will cover all legal expenses. Your attorney's fee may increase if you are involved in a bankruptcy lawsuit called an "adversary proceeding" or other services that are not customary or routine. Your attorney should notify you if he/ she seeks additional fees for representing you in the bankruptcy case, an "adversary proceeding" is filed, or for performing non-routine services. In most cases, your attorney will be paid the allowed fee through the Chapter 13 plan. All fees charged by your attorney must be disclosed to the Bankruptcy Judge and are subject to the Judge's approval.

It is strongly recommended that a Chapter 13 debtor be represented by a lawyer well-versed and experienced in Chapter 13 matters.

If you don't have an attorney and want one, or are unsatisfied with representation received, the Trustee can provide you the names of lawyers who practice Chapter 13 bankruptcy in your area. The Trustee cannot, however, recommend particular attorneys.

If you decide that you must change attorneys during your Chapter 13, your new attorney must enter an appearance on your behalf with the Bankruptcy Clerk and your old attorney must withdraw as your legal representative with a motion to the Bankruptcy Clerk.

IF YOU EVER HAVE A QUESTION CONCERNING YOUR CASE, A CREDITOR, A CLAIM, YOUR RIGHTS, OR YOUR OPTIONS - YOU SHOULD CALL YOUR LAWYER FIRST. NEITHER THE CHAPTER 13 TRUSTEE NOR HIS STAFF MAY GIVE LEGAL ADVICE; NOR SHOULD ANY INFORMATION RELAYED BY THE CHAPTER 13 TRUSTEE OR HIS STAFF BE CONSTRUED AS LEGAL ADVICE.

DEBTOR DUTIES

The debtor must be cooperative and truthful.

The debtor must review bankruptcy documents carefully to ensure accuracy.

The debtor should read and understand everything that is signed.

The debtor should read and respond to correspondence from your attorney, the Chapter 13 Trustee, and the Bankruptcy Court.

The debtor should ask questions of his or her attorney when he or she does not fully understand any aspect of the administration of his or her case.

The debtor must make plan payments timely and in full.

The debtor should monitor the activity in his or her case at **www.13datacenter.com**.

The debtor must remain current on regular bills and tax obligations while in the Chapter 13.

The debtor must notify his or her attorney and the Trustee promptly whenever a name, address, telephone number, employment status, or income status changes.

The debtor must not sell property without Bankruptcy Court approval.

The debtor must not use credit, credit cards, or enter into leases while in the Chapter 13 without Bankruptcy Court approval, except in the case of an emergency for the protection and preservation of life, health, or property.

The debtor should save copies of all documents pertaining to the bankruptcy.

The debtor must fully cooperate with the Chapter 13 Trustee.

DEBTOR NAME AND ADDRESS

During the entire period that your Chapter 13 case is pending, the Chapter 13 Trustee must have your current name and mailing address on file. All notices, letters, checks, reports, etc. will be mailed to the address that you put on your Petition, unless your address is updated with the Bankruptcy Court.

Changes in employment or income or assets should be reported, in writing, to your attorney so that your Chapter 13 plan and schedules can be amended as required.

DISCHARGE

When you have successfully completed your Chapter 13 plan by making all plan payments and have met all other legal requirements for a discharge, you may receive a Discharge Order from the Bankruptcy Court (some debtors are ineligible for a discharge). This discharge acts as an injunction against certain creditors, prohibiting them from taking unauthorized action against you after your case has ended and may extinguish your personal liability on a debt. However, if you have failed to pay a secured claim during your plan, then the lien on the collateral still may exist despite the discharge being entered. Furthermore, some claims are not discharged by completion of your plan. Your attorney can help identify these debts and develop strategies for paying them, if they were not paid in full during the life of your plan. Discuss eligibility for discharge with your attorney. If you received a Discharge Order, save it. Keep it in a safe place. Future creditors may require proof of your successful completion of your Chapter 13 plan in order for you to obtain credit.

DISMISSAL

Federal bankruptcy law allows you to request that your Chapter 13 case be dismissed at any time, unless some fraud has been committed; or you have already converted your case from another chapter of the Bankruptcy Code; or the Bankruptcy Court orders otherwise. Generally, no one can force you to remain under a Chapter 13 plan. If you desire to dismiss your case, contact your attorney. Understand that a dismissal will reactivate all unpaid or disputed debts, interest, finance charges, etc. which the Court did not recognize, and debts to creditors who did not file claims. The request to dismiss your case must be filed with a motion to the Bankruptcy Court. You should give careful consideration to this decision and discuss it with your attorney. If you voluntarily dismiss your case after a motion for relief from the automatic stay has been filed, you may be

ineligible to file another bankruptcy case for 180 days after the entry of the dismissal order.

If you fail to follow through with your plan payments, fail to appear at the Section 341(a) Meeting of Creditors, fail to cooperate with the Chapter 13 Trustee, or fail to comply with other requirements of the Bankruptcy Code or other terms of your Chapter 13 plan, the Chapter 13 Trustee or creditors may file a motion to dismiss your case with the Bankruptcy Court. A hearing may be set and if the Judge dismisses your case, you will lose the protection of the Court and be subject to creditor collection practices.

DISPOSABLE INCOME

If you are unable to repay all of your debts in full, you may be required to pay all of your disposable income to the Chapter 13 Trustee for three or five years, depending on your income. Disposable income is a complex legal concept which you should thoroughly discuss with your lawyer.

DIVIDEND TO CREDITORS

When you proposed your Chapter 13 plan, you and your lawyer calculated what payment would be paid to your non-priority creditors. This amount is the dividend that you will pay over the life of your plan to non-priority unsecured creditors. The amount and size of the dividend is important to you and the effect which your Chapter 13 will have in the future. There are certain statutory minimums which you must pay, dependent upon your financial circumstances, which include your income and assets.

If your financial situation improves while you are in your plan, you may be required to increase the dividend to your creditors. Contact

your attorney if your circumstances change from the time your Chapter 13 plan was confirmed.

We have found that most people would like to pay all of their debts back. Paying all debts in full may help you re-establish your credit after your Chapter 13 is completed.

ELIGIBILITY

Any natural person who resides in, owns property in, or does business in the United States, who has regular income, and who has secured, priority, and non-priority unsecured debts within parameters established by bankruptcy law is eligible to file a Chapter 13 case, except stockbrokers and commodity brokers.

A person who owns or operates a business may also file under Chapter 13. A self-employed person is eligible if the person has regular income and meets the requirements outlined above. A debtor who owns or operates his or her own business is normally permitted to continue operating the business during a Chapter 13 case. Corporations and partnerships are not eligible to file Chapter 13. If you are operating a business additional reporting and documentation will be required.

GAMBLING

Gambling is totally inappropriate during the Chapter 13 case. All forms and types of gambling are to be avoided. If you feel that gambling is a problem for you, here are some helpful resources:

Hot Line for Problem Gamblers – 1-888-424-3577

Gamblers Anonymous – **www.gamblersanonymous.org**

If you fail to comply with the prohibition against gambling, the Chapter 13 Trustee may request that any gambling winnings or the equivalent dollar amount of gambling losses be paid into your Chapter 13 case or your case may be dismissed.

GIFTS

The Chapter 13 Trustee and his staff are prohibited from receiving gifts or remuneration of any kind from any Chapter 13 debtor or creditor or other parties. If you would like to express thanks for assistance, send a note to the Trustee's Office. We are glad to hear from you.

GIFTS TO DEBTORS

If during the pendency of your Chapter 13 case you receive gifts with a value of \$2500 or more, you must report this, in writing, to your attorney immediately so that your schedules and plan can be amended and filed with the Bankruptcy Court as appropriate.

HOLIDAYS

The Office of the Chapter 13 Trustee is generally closed on federal holidays. There are additional days that the office may also be closed for staff training, meetings or inclement weather. It is a good idea to call the Office prior to a trip to downtown Kansas City. Also, we can be of greater service to you if you will call in advance to make an appointment to see a specific person about your case. The Office's telephone number is 816-842-1031.

INCOME CHANGES

If you experience any change in income (more or less, up or down) due to change in employment, loss of employment, a raise, a promotion, overtime work, bonus, lump sum payments, tax refunds, law suit proceeds, inheritances, gifts, life or any insurance proceeds, etc., you must report that information, in writing, to your attorney, so that you and your attorney can amend your Chapter 13 plan and schedules as required. The Chapter 13 Trustee must also be informed.

INCOME TAX REFUNDS

If you receive tax refunds in any year that you are in Chapter 13, do not spend that refund. Speak with your attorney regarding the refund.

INCOME TAX RETURNS

It is your responsibility to timely file all federal, state, and local tax returns both prior to and after the filing of your Chapter 13 Petition. If your tax returns have not been filed, or become delinquent during the course of your Chapter 13 plan, you may lose the protection of the Bankruptcy Court, as your case may be dismissed. During the life of your plan, the Chapter 13 Trustee may periodically request copies of your federal, state, and local tax returns to verify income. It is your responsibility to provide those documents when requested by the Trustee. If you experience issues with filing your tax returns, contact your attorney.

INFORMATION YOU PROVIDE

You have signed and your attorney should have provided you with copies of your bankruptcy schedules, plan, and all other documents that you signed and were filed on your behalf with the Bankruptcy Court. These documents are your permanent record, kept by the Bankruptcy Court, of your bankruptcy filing. Every document must be accurate in all respects. When you signed those documents you attested to the accuracy of the information. You must review the paperwork carefully. If your job, income, budget, assets, etc. change after the initial bankruptcy documents are filed, you must contact your attorney and submit updated documents to the Bankruptcy Court and the Chapter 13 Trustee. Failure to file accurate documents or failure to provide the Bankruptcy Court and the Chapter 13 Trustee with new information during your Chapter 13 may result in your case being dismissed, your loss of Bankruptcy Court protection, and you could face an assortment of civil and criminal charges and penalties.

INHERITANCE

If you receive an inheritance in the form of cash, insurance proceeds, property, etc. – you must report it to your attorney and the Chapter 13 Trustee, in writing, immediately so that you and your attorney can amend your Chapter 13 plan and schedules as required.

INSURANCE

You must maintain insurance on your property. **Insurance usually is not part of your Chapter 13 plan payment unless your homeowners insurance is part of an on-going mortgage payment being paid from your Chapter 13 plan payment. All assets must be insured against physical loss for at least the values stated in your schedules. If you operate a business or are self-employed,**

you must have liability insurance and other insurance customary for the industry, such as workers compensation, products liability, professional liability, etc.

Your motor vehicles may not be operated without insurance. If your motor vehicle is collateral for a loan and insurance terminates or you fail to provide proof of insurance to the lienholder, the creditor may notify you of the lapse and you have three business days to provide the creditor with proof of insurance. If you fail to provide the creditor with such proof of insurance, you either must surrender the vehicle to the lienholder or the lienholder may take possession of the vehicle. The lienholder may then get the Judge's permission to dispose of the vehicle. Generally, you are required to: prepay at least three months of insurance on your motor vehicle; have collision and comprehensive coverage not to exceed \$500; and name the lienholder as a loss payee.

In order for you to keep your secured property, while you are in the Chapter 13, you must make certain that the insurance premiums are paid in full and on time. The secured creditor must be listed as the lienholder and as the loss payee on insurance policies and binders.

If your homeowner's insurance is part of your mortgage payment, discuss this with your attorney to ensure that this coverage remains in force.

You should keep your insurance policies and declaration pages handy to protect yourself should any creditor ever believe that your insurance has lapsed. If an interested party, including the Chapter 13 Trustee, requests proof of insurance and you fail to provide it, it will be presumed that no insurance is in effect. Contact your lawyer immediately if you encounter problems with any of your insurance policies.

INSURANCE PROCEEDS

If you suffer a casualty loss and that loss is covered by insurance, you do not need the approval of the Bankruptcy Court for the insurer to pay the loss payee according to the terms of the insurance contract. If a creditor being paid through the Chapter 13 Trustee's Office is the loss payee on the insurance policy and funds are distributed to that creditor from the insurer, the Trustee must continue to disburse payments to that creditor according to the terms of the confirmed plan unless –

...you file a formal objection to the Proof of Claim with the Bankruptcy Clerk and the Bankruptcy Court enters an order directing the Chapter 13 Trustee to cease making payments to the creditor or the order reduces the allowed amount of the claim (the objection should specifically state the treatment of both the secured and unsecured portions of the claim);

....or the creditor withdraws or amends its claim.

If you receive any insurance proceeds in excess of \$2500, after payment of the loss payee, from a loss under the policy, you cannot dispose of the excess money (the money greater than \$2500) without an order from the Bankruptcy Court. Contact your attorney immediately.

LEASES AND OTHER EXECUTORY CONTRACTS

Filing a Chapter 13 Petition does not automatically accomplish an assumption, assignment, or rejection of any unexpired lease or executory contract. **The Chapter 13 debtor must affirmatively assume, assign, or reject executory contracts and unexpired leases either by a motion to the Bankruptcy Court or as a written part of the Chapter 13 plan.** The Chapter 13 Trustee does not

assume, assign, or reject an executory contract or unexpired lease. It is the responsibility of the debtor to do so. It is imperative that executory contracts and unexpired leases be handled timely (as there may be specific time limitations) and appropriately by the debtor. Contact your attorney.

LEGAL ADVICE

The Trustee and the employees of the Office of the Chapter 13 Trustee are prohibited by federal statute from giving legal advice to anyone. We are happy to help you with factual matters. Written or verbal communications to debtors, creditors, or attorneys by the Chapter 13 Trustee or his staff are not intended to constitute legal advice. If you require legal advice or have questions that might lead to legal advice, please contact your attorney.

MORTGAGE PAYMENTS

If your Chapter 13 plan provides for you to make mortgage payments directly to the creditor, you are obligated to make those payments on time and in full. If you fail to do so, your mortgage company may obtain an order from the Bankruptcy Court to take legal action against you, including foreclosure. If the mortgage payment is part of your Chapter 13 plan payment, the Trustee cannot pay your on-going mortgage payment until a Proof of Claim is filed and then only if you make your full monthly plan payments.

If the mortgage servicer changes during the life of your plan, the prior servicer, or the new servicer, is responsible for filing a notice of that change with the Bankruptcy Court. If the notice is not filed, those mortgage payments being paid through your Chapter 13 plan, may be interrupted. Be sure this matter is handled quickly.

If you have questions regarding this issue or get behind in payments due a mortgage creditor, contact your attorney immediately.

NOTICE ALLOWING/ DISALLOWING CLAIMS

The bar date for a non-governmental creditor to file Proofs of Claim in a Chapter 13 case is 90 days from the date first set for the Section 341(a) Meeting of Creditors. Governmental entities have 180 days from the date the Petition is filed to file their Proofs of Claim.

After the bar date has passed and your plan has been confirmed, the Chapter 13 Trustee files and sends to you in the mail a “Notice Allowing/ Disallowing Claims” which sets out how the Trustee has loaded your creditors’ Proofs of Claim to his database. The Notice is served on you and your attorney. You and your attorney should carefully review the Notice as the Trustee will pay creditors according to this document. If you dispute any claim or treatment of a claim, or the amount of a claim, you should contact your attorney immediately to file the appropriate formal, written objection to the claim(s) with the Bankruptcy Court. Each scheduled creditor is sent an “Acknowledgment of Claim and Notice of Proposed Treatment of Claim” from the Chapter 13 Trustee. The creditor gets notice that its claim will be allowed as set out in the Acknowledgment absent a timely objection being filed with the Bankruptcy Court.

NOTICE OF INFORMATION

Pursuant to 11 U.S.C. Section 1302(b)(1) and Section 704(a)(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 your creditors. Consistent with this duty, the Chapter 13 Trustee will make the following information available to your creditors on the website:

...your name, address, bankruptcy case number, state and district in which your case is pending, and the trustee assigned to your case. Neither your employer's name nor your Social Security number will be displayed on the site; however, parties in interest 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 claim, and the amount of the claim.

...a history of all payments you make to the Chapter 13 Trustee including the date and amount of each payment.

...a history of all payments made by the Chapter 13 Trustee to creditors in your bankruptcy case including the amount of the check, the person to whom the check was sent, and the date the check was issued.

You may review without charge your Chapter 13 case information which is posted at **www.13datacenter.com** – an Internet website.

You can obtain access to the Internet at a public library, if you don't have it at home. If something does not look right, you should contact the Chapter 13 Trustee's Office at: Office of the Chapter 13 Trustee, Attn: Website Issues, 818 Grand Blvd., Ste. 800, KCMO 64106-1901, so that any issue can be investigated and corrected, as appropriate. You may log on to the website 24 hours a day to review the status and accuracy of your case. You are only given access to data related to your own case.

PAYOFF REQUEST

Due to the necessity for a full case audit, a request for an amount of money to pay off a Chapter 13 case or for a date that the case will be

completed must be directed to your attorney. Your attorney must file a formal motion with the Bankruptcy Court requesting that the Chapter 13 Trustee provide this information. The information will not be provided without a Court order. You should be aware that payoff information is time sensitive.

PLAN LENGTH

Most Chapter 13 plans run between 36 and 60 months dependent upon the debtor's income. A plan must run a minimum of 36 months or repay 100% of what is owed to all creditors. By law a plan may not run longer than 60 months.

Many circumstances occur during the life of a Chapter 13 plan which cause a case to run longer than was originally estimated. A debtor needs to keep these circumstances in mind when calculating time remaining in Chapter 13.

Claims are filed by creditors and are often allowed differently than scheduled by the debtors. Creditor claim amounts are used by the Chapter 13 Trustee. It is imperative that you review the "Notice Allowing/ Disallowing Claims" and that you file formal objections to claims with the Bankruptcy Court when there is any disagreement regarding a claim as to the amount of the claim, type of claim, etc. Filed and allowed claims may cause your Chapter 13 plan to run longer than you think.

During the Chapter 13 plan, you may have requested and been granted suspensions of plan payments. This will cause the plan to run longer and not necessarily just by the number of months suspended.

During the Chapter 13 plan, you may have missed plan payments. This will cause the plan to run longer.

During the Chapter 13 plan, your monthly payments to creditors may have increased. This will cause the plan to run longer.

During the Chapter 13 plan, your attorney may have requested and been granted additional attorney fees by the Bankruptcy Judge. This will cause the plan to run longer.

At the time you proposed your Chapter 13 plan, you may not have taken into account interest on secured debts. This will cause the plan to run longer.

At the time you proposed your Chapter 13 plan, you may not have taken into account Chapter 13 Trustee fees. This will cause the plan to run longer.

Continue to make your plan payments to the Chapter 13 Trustee until the Bankruptcy Judge orders you to stop.

PLAN PAYMENTS

Your first Chapter 13 plan payment must be received at the Trustee's plan payment address, in Memphis, Tennessee within 30 days of the date you filed your Chapter 13 Petition. The Trustee is required to report to the Bankruptcy Court your failure to commence making your payment on time. The Court may then enter an order dismissing your case and withdrawing the protection of the Bankruptcy Court and you could be subject to creditor collection efforts and other actions. Your plan payments must be made each month on time and in full.

If you request a Wage Order to your employer and the employer does not make the payment, your case may be dismissed. You must check with your employer to be sure that payments are being deducted and forwarded to the Chapter 13 Trustee. (A Wage Order to your employer is a voluntary wage assignment and is not a

PROOF OF CLAIM

A Proof of Claim is a legal document that a creditor must file with the Bankruptcy Court in order to receive payment under a Chapter 13 plan from the Trustee. Even if the Chapter 13 plan specifically calls for payments to a creditor, that creditor will not receive any distributions from the Chapter 13 Trustee, if a Proof of Claim is not filed. The Bankruptcy Court sends a Proof of Claim form to all of your scheduled creditors at the address you provided. Additional forms can be obtained from the Bankruptcy Clerk's Office. Original Proofs of Claim must be filed with the Bankruptcy Clerk. The Clerk of the Court provides the Chapter 13 Trustee with images of Proofs of Claim. Generally, creditors file Proofs of Claim, although a debtor may file a claim on behalf of a non-filing, pre-Petition creditor.

The bar date for filing Proofs of Claim is 90 days from the date first set for the Section 341(a) Meeting of Creditors. (This is not 90 days from the date that the Section 341(a) Meeting is actually held.) Governmental units have 180 days from the date the Petition is filed to file their Proofs of Claim.

A Proof of Claim filed with the Bankruptcy Court is allowed as filed unless an objection is filed to it. The Chapter 13 Trustee pays Proofs of Claim based upon how they are filed and allowed, not on how they are scheduled or provided for in the plan by the debtor. Valuation issues may be raised by Objection to Confirmation, Objection to a Proof of Claim, or Objection to the Trustee's Notice Allowing/Disallowing Claims.

After the bar dates have passed, the Chapter 13 Trustee files a Notice Allowing/ Disallowing Claims which sets out how the Trustee has loaded the Proofs of Claim to his database. The Notice Allowing/ Disallowing Claims is served on the debtor and debtor's counsel. The debtor and his or her attorney should carefully review the Notice Allowing/ Disallowing Claims, as the Trustee pays creditors according

to allowed claims as shown on this document. Each scheduled creditor receives an Acknowledgment of Claim and Notice of Proposed Treatment of Claim from the Chapter 13 Trustee. The creditor gets notice that its claim will be allowed as set out in the Acknowledgement absent a timely objection being filed.

If an Objection to a Claim or an Objection to the Trustee's Notice Allowing/ Disallowing Claims is filed, that objection must be served on creditor(s) or creditors' attorney or the debtor or the debtor's attorney, whichever is appropriate.

Payments to secured creditors may commence prior to confirmation of the Chapter 13 plan. Payments on claims for secured debts, priority debts, and administrative expenses may start in the first monthly disbursement, after the Chapter 13 Trustee receives the Confirmation Order. Payments to non-priority unsecured creditors will not usually begin until after the Notice Allowing/ Disallowing Claims is sent to the debtor and funds become available for that class of creditor.

If a formal written objection is filed to a Proof of Claim, the Chapter 13 Trustee generally will not make a distribution to that creditor until the Bankruptcy Judge resolves the issue.

The Chapter 13 Trustee files objections to Proofs of Claim. However, it remains the debtor's responsibility to file objections to claims as the debtor is in the best position to know the terms and amounts of his obligations. A creditor may file an objection also if it thinks that its claim has not been properly loaded to the Trustee's database.

If a claim is filed as secured, interest is paid on it, and subsequently the debtor timely objects to a Proof of Claim and it is allowed as non-priority unsecured, or at a lower rate of interest, or at a lower value - the payments will be recomputed to apply the interest payments, or a portion thereof, to principal. If the value of the secured claim is

increased or the interest rate is raised after some payments have been paid, the payments generally will be recomputed between principal and interest.

The Chapter 13 Trustee makes disbursements monthly to creditors with filed and allowed Proofs of Claim. The order in which disbursements are made depends upon the class of the claim, the terms of the Chapter 13 plan, and funds available in the case.

The Trustee's fees are calculated based on the amount disbursed to creditors and are paid at each disbursement.

As a rule, secured creditors and attorneys' fees are paid equal monthly amounts; priority unsecured creditors are paid pro rata; non-priority unsecured creditors are paid pro rata as funds are available. The treatment of creditors is dictated by the terms of the plan. A pro rata payment is a percentage paid against the total claim, which is based on the amount of the claim, divided by the total owed to that class of claims, times the funds available. An equal monthly amount is a set sum, paid monthly, as provided by the Chapter 13 plan. If no equal monthly amount is specified, the Trustee will pay the claim pro rata with other similarly classed claims. Interest, if allowed, is calculated based on the principal balance of the claim. If there are insufficient funds to pay the interest due, the unpaid interest is carried forward and will be paid as funds are available. If there are insufficient funds to pay the equal monthly amount, no funds will be disbursed until there are adequate funds to pay the full equal monthly amount.

If an objection to a claim is filed, the Chapter 13 Trustee will process the objection and reserve any funds available for that creditor until the objection is resolved. If a Proof of Claim is filed significantly different than scheduled, the funds available for that claim may be reserved temporarily to give the debtor an opportunity to review the claim and file an objection to it.

Every twelve months, the Chapter 13 Trustee sends each debtor and the debtor's attorney a report detailing the financial activity in the preceding year of the debtor's case. This "Case Summary Report" documents receipts and disbursements. **THE DEBTOR AND THE DEBTOR'S ATTORNEY SHOULD CAREFULLY REVIEW THE REPORT.** The Trustee's treatment of creditors' claims in each debtor's case and receipts and disbursements can also be reviewed on the Trustee's Internet website at **www.13datacenter.com**. Any discrepancies noted in a debtor's case, via the website or in the Case Summary Report, should be reported to the Trustee's Office. Again, the Trustee recommends that throughout the life of a Chapter 13 plan, the debtor review the information about his or her case on the Trustee's Internet website at least once a month.

PROPERTY – SELLING OR BUYING

A Chapter 13 debtor may sell unencumbered property of the Chapter 13 estate valued at less than \$2500, without the permission of the Chapter 13 Trustee or the Bankruptcy Judge if all of the following conditions are met:

...the items sold must be worth less than a total of \$2500, and;

...there are no liens against any item to be sold, and;

...there were no liens avoided as part of the bankruptcy;

...there is no ownership dispute for any item to be sold, and;

...within 10 days after the sale has been completed, the debtor must file a report with the Bankruptcy Court listing the property sold, the sale price, and any other relevant terms of the sale, including date of sale and the purchaser's name and address, and;

A request to sell encumbered property (a lien exists) or property valued at or above \$2500 must be submitted in the form of a motion to the Bankruptcy Judge and be approved by the Judge prior to the sale closing.

The motion must set out a description of the property to be sold, the lienholder's name, the balance of an existing note, the amount of the expected sale, how the sale proceeds will be distributed, i.e. to whom and by whom, and the effect of the sale on the length of the Chapter 13 plan.

Call your attorney to discuss the correct procedures for applying to the Bankruptcy Court to sell property. This process could take some time. If you sell your property without following the correct procedure, the sale may be set aside by the Judge, your case could be dismissed, or other legal action may be taken against you.

Likewise, you cannot incur additional debt buying property, such as a house, car, appliances, etc., while you are in the Chapter 13, without written approval of the Chapter 13 Trustee or the Bankruptcy Court. Call your attorney to discuss the correct procedures for applying to the Chapter 13 Trustee or the Bankruptcy Judge to incur debt to buy property.

PRO SE DEBTOR

You are entitled to handle your own Chapter 13 case. If you handle your own case Pro Se, that is, without an attorney, and do not know how to proceed, the Chapter 13 Trustee strongly recommends that you hire an attorney. The law presumes that a Pro Se debtor knows the bankruptcy law, rules, and procedures. **The Chapter 13 Trustee is not your attorney and neither the Trustee, nor his staff, can give you legal advice.**

REFUND TO THE DEBTOR IN A CLOSED CASE

Funds that are already in a case when the case is closed as completed, that are not necessary for the satisfaction of creditors or administrative expenses, or funds received from a debtor(s) after a case closes as a completed case, will be returned to the debtor(s) as soon as practicable. The funds must have been posted to the case at least 15 days prior to the last working day of the month before a check is produced. Any funds available for return to the debtor are usually released on or about the 15th day of the month in which the refund check is drafted.

Funds received, in an unconfirmed or confirmed case, after the date of an Order of Dismissal or an Order of Conversion and after the Chapter 13 Trustee has closed the case will be returned to the debtor as soon as practicable. The funds must have been posted to the case at least 15 days prior to the last working day of the month. Any funds available for return to the debtor are usually released on or about the 15th day of the month in which the refund check is drafted.

Funds that were received prior to an Order of Dismissal or an Order of Conversion in an unconfirmed case will be disbursed to the Chapter 13 Trustee for any administrative expenses owed, to creditors receiving adequate protection payments, and to other parties pursuant to orders of the Court, such as fees owed to the debtor's attorney. Remaining funds will generally be refunded to the debtor. The funds must have been posted to the case at least 15 days prior to the last working day of the month. Any funds available for return to the debtor are usually released on or about the 15th day of the month in which the refund check is drafted.

Funds that were received prior to an Order of Dismissal or an Order of Conversion in a confirmed case will be disbursed pursuant to the terms of the debtor's confirmed plan.

Refunds are not available until the Chapter 13 Trustee is assured that all payments received in the case have cleared the bank.

SECTION 341(a) MEETING OF CREDITORS

You are required to attend a Section 341(a) Meeting of Creditors. The Chapter 13 Trustee, or his Presiding Officer, will conduct this hearing. The purpose of the hearing is to allow the Chapter 13 Trustee and creditors the opportunity to pose questions to you about your case. The Trustee also will point out any problems with your plan that need correction before confirmation can take place. And you will be allowed to use this opportunity to ask questions about the process.

When you attend your Section 341(a) Meeting of Creditors, you will be required to verify your identity by showing two forms of identification. You must provide a picture ID, such as identification issued by a government unit, such as a driver's license, valid passport, or military ID; and you must provide a second official ID which shows your Social Security number, such as a Social Security card, paystub, tax return, or W2. If spouses are filing jointly, both debtors must provide two forms of identification. Failure to provide two forms of accepted identification will cause your meeting to be continued to a future date.

STAY

As a rule, all the creditors listed on your Chapter 13 Petition and bankruptcy schedules are under a "stay", which is a restraining order preventing them from contacting you or your employer during your Chapter 13 case. If you get notices in the mail from a creditor, advise your attorney. If you receive other contacts from a creditor, such as a telephone call, a personal letter, a summons, or a visit in person - you

should immediately inform the creditor that you have filed a Chapter 13 bankruptcy. Give the creditor your case number, your Trustee's telephone number and address, and your attorney's name, telephone number, and address. Be sure to obtain the name, telephone number and address of the person who contacted you and notify your attorney immediately.

SUSPENSION OF A PLAN PAYMENT

A suspension of a plan payment may be requested by a debtor for cause. The debtor's attorney must file a motion with the Bankruptcy Judge. If the Judge orders a suspension and the debtor is on a Wage Order, it will be the responsibility of the debtor to cause the employer to stop the deduction of the plan payment for the amount of time the suspension is ordered. It will also be the debtor's responsibility to ensure that the plan payment deductions recommence on time.

An order granting a suspension does not eliminate the payments; rather it adds additional payments on to the end of the plan.

WAGE ORDER

One means of increasing the odds of your success in Chapter 13 is to request a Wage Order to your employer at the outset of the plan. A Wage Order frees the debtor from the burden of budgeting for the plan payment. The employer simply deducts your Chapter 13 plan payment from your wages and submits it directly to the Chapter 13 Trustee's plan payment address in Memphis, Tennessee.

At the beginning of the case, a Wage Order may be a debtor's option. (A Wage Order is a voluntary wage assignment, not a garnishment.) The debtor may request a Wage Order through the Chapter 13 plan or may ask the Trustee to request a Wage Order at any time during

the case. A short Wage Order request form is available from your attorney or from the Chapter 13 Office. **You should regularly check your paystub to ensure that your plan payment has been deducted timely and in the correct amounts. You should then check the Trustee's website once a month to confirm that the Trustee actually received the plan payment.** If the Wage Order is in place and the employer does not deduct the plan payment, the debtor remains obligated to make the plan payment timely and in full. It is the debtor's responsibility to check with the payroll department to determine why the employer is not honoring the Wage Order.

After all payments have been made under the terms of the Chapter 13 plan, the Trustee files a Notice of Completion and requests that the Court cancel the Wage Order to the debtor or the debtor's employer. **Do not stop making your plan payments until the Bankruptcy Judge tells you to stop.**

If a debtor does not use the Wage Order to the employer, plan payments must be made timely, fully, and regularly to the plan payment address in Memphis, Tennessee. **If the debtor does not make regular, full, and timely plan payments, the Bankruptcy Judge may order the debtor to use a Wage Order to the employer in order to remain in Chapter 13 bankruptcy.**

WEBSITE

The Chapter 13 Trustee offers access to a debtor, a debtor's attorney and creditors to find information related specifically to the debtor's case via the Internet. In order to review information regarding your case, you must access **www.13datacenter.com**. A brochure was provided to you at your Section 341(a) Meeting of Creditors outlining the process to gain access to this website. If you need assistance with access, contact the web host at 1-866- 938-3639.

You can get access to the Internet at the public library, if you don't have it at home. If something does not look right in your case at the website, you should contact the Chapter 13 Trustee's Office at: Office of the Chapter 13 Trustee, Attn: Website Issues, 818 Grand Blvd., Ste. 800, KCMO 64106-1901, so that any problem can be investigated and corrected.

You may then log on to the website 24 hours a day to review the status and accuracy of your case. You are only given access to data related to your own case. Your creditors also have the right to review information about your case at the Chapter 13 Trustee's website.

WHEN YOUR PLAN IS COMPLETED

After you have successfully completed your plan, that is, when the Chapter 13 Trustee has received enough money from you to pay your creditors according to the terms of your confirmed Chapter 13 plan, the Trustee will file a Notice of Completion and will request that the Bankruptcy Judge cancel the Wage Order. Do not stop making your plan payments until you have received the cancellation of the Wage Order.

Even if you are eligible for a discharge, you will not receive it unless you have complied with all legal requirements. This process is complicated and you should contact your attorney to discuss the legal requirements and make certain that you have met the requirements and that the necessary documents are filed with the Clerk of the Bankruptcy Court.

When your plan is completed and you have received a Notice of Completion, you may receive a refund check from the Trustee in the amount of any payment(s) not needed to pay your creditors. The funds must have been posted to the case at least 15 days prior to the last working day of the month. Any funds available for return to you

are usually released on or about the 15th day of the month in which the refund check is drafted.

If the Trustee was making your ongoing, long-term payments on your behalf, such as support payments, mortgage payments, or student loan payments - you must restart your payments directly to these creditors. Do not wait for a payment book or a reminder from these creditors to start making payments. If you have questions, contact your attorney.

When a creditor has had its claim satisfied through the completion of your Chapter 13 plan, it should send the paid-in-full papers, including lien releases, to you. If the creditor fails to do this, contact your attorney. If you receive a request for additional money from creditors, contact your attorney immediately.