

CONFIRMATION PROCEDURES – DALLAS DIVISION

Trustee: Tom Powers (x 210)

Staff Attorney: Debbie Morton (x 226)
Tara Tankersley (x 264) – part time

Legal Assistants: Stacy Lipsey (x 280)
Charlotte Fincher (x 298)

Confirmation Dept.: Lisa Stalnaker (x 270) – Manager
Pam Townsend (x 277) – Supervisor

Tom and Debbie handle the Chapter 13 confirmation dockets. Although Tom generally reviews Judge Houser miscellaneous matters and Debbie reviews Judge Hale and Judge Jernigan miscellaneous matters, the dockets are not necessarily divided along judge lines. If you would like to know who is handling a particular docket, call Stacy Lipsey.

Both the pre-hearing conferences and Chapter 13 hearings are held on the same day – Thursday. The pre-hearing conferences are noticed for 8:30 a.m. at the Chapter 13 office located at 125 E. John Carpenter Freeway, Suite 1100, Irving, Texas 75062. The confirmation and objection to claims dockets are **called** at 8:45 a.m.

Tom and Debbie both try to resolve as many matters as possible prior to “docket call”. You may resolve matters by making a telephone appointment with the appropriate legal assistant. Stacy handles Judge Houser cases and Charlotte handles Judge Hale and Judge Jernigan cases. We send out an email to attorneys on the Friday before the docket advising when telephone appointments are available. We will also resolve matters via email.

The most common objections to confirmation are:

1. Feasibility (especially problematic when Schedule I & J show negative income);
2. Failure to be current on plan payments at the time of confirmation;
3. Failure to pay taxing authority’s priority claim in full through the plan;
4. Failure to pay “unsecured creditors’ pool” in full;
5. Failure to “cramdown” non-910 car claims.

Helpful hints:

1. Feasibility is the MOST common objection. If you are attempting to resolve the objection by filing amended Schedules, be sure that the Schedules are signed by your client and filed with the court. If the debtor has a new source of income (i.e. new employment or family contribution), please provide **proof** of that new income.
2. If you are filing amended Schedules, remember that we become concerned when the new Schedules are significantly different than the original Schedules and there is no reasonable explanation for the difference. Also, remember that the amended Schedules may create a plan base or UCP issue.
3. Be sure your client is current on their plan payments (and post-petition mortgage payments) at the time of confirmation. This can be especially problematic if the debtor is under a wage directive and it has not yet started. In Dallas, we will confirm a plan if the debtor is less than a full plan payment delinquent and that amount is less than \$700. A debtor may be delinquent even though a delinquency objection has not been filed.
4. If the debtor is under an Interlocutory Order, we will be unable to recommend confirmation unless the debtor has made two regular plan payments and two cure payments under the I.O. In most cases the debtor will need to make the cure payments themselves.
5. If you choose to deny confirmation, we will file a Motion to Dismiss for Failure to Confirm. Get a new plan on file as soon as possible and if you do not receive a Notice of a new confirmation date within a reasonable time, follow up with our confirmation department. This will help you avoid a hearing on the Motion to Dismiss and a possible request for a reduction in attorney's fees.