

# **General Information Reference** **Guide for Chapter 13 Debtors**

Office of Tim Truman  
Standing Chapter 13 Trustee  
Northern District of Texas

**Correspondence Address:**

Chapter 13 Trustee  
6851 NE Loop 820 Ste 300  
N. Richland Hills, TX 76180  
(817) 770-8500

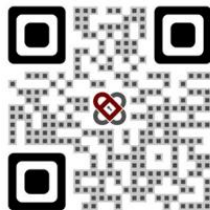
**Payment Address:**

Chapter 13 Trustee  
P.O. Box 961076  
Fort Worth, TX 76161-0076

**For Information About Your Case & To Track Payments**

Visit the National Data Center at [www.ndc.org](http://www.ndc.org)

To register for a free account to access your case or scan the code below



**For Helpful Forms & General Information**

Go to the Trustee's Website at

[www.13network.com/trustees/ftw/ftwhome.aspx?tc=ftw](http://www.13network.com/trustees/ftw/ftwhome.aspx?tc=ftw)

Dear Debtor,

This Reference Guide is designed to help you understand the Chapter 13 process and your responsibilities as a Chapter 13 debtor in the Northern District of Texas. Some of the information in this Guide is unique to our Bankruptcy Court and to our Chapter 13 office. We want you to understand the protection you have during your bankruptcy case and to answer any questions you may have.

**Please read this Guide and keep it for future reference until your case is completed. Remember it does not replace the advice of your attorney.**

A few important things you can do to help make the process run smoothly are:

1. Make sure your attorney always has updated contact information. If you move, change jobs, or change your phone number, let your attorney know.
2. If you hit a “bump in the road” and cannot make your Plan payment, let your attorney know immediately so they can help you.
3. Open and answer any mail from the court, your attorney, or the trustee’s office. Assume all related mail is important and open it immediately. Call your attorney if you don’t understand what you have received.

Filing a Chapter 13 bankruptcy to deal with your financial crisis is a very important turning point in your financial life and can help you achieve a bright future for yourself and your family.

My staff and I want you to SUCCEED! We want you to reach your goal of successfully completing your Chapter 13 Bankruptcy Plan. We wish you and your family the very best.

Sincerely,

*Tim Truman*

## **TABLE OF CONTENTS**

	Page
Your Trustee.....	4
Your Case Number.....	4
General Order 2021-05.....	4
Personal Financial Management Course Requirement.....	4
What if There is a Change in the Information I Originally Filed?.....	5
Current Address & Telephone Numbers.....	5
To View Your Case Information On The Internet.....	5
How to Make Your Plan Payments.....	6
First Payment Due Date.....	6
Wage Deductions.....	6
What if I Change Jobs?.....	6
What If I am Self-Employed?.....	6
Automated Online Bill Pay (TFS) for Non-Wage Earners.....	6
MoneyGram (by TFS).....	7
Payments Made to the Trustee's Lockbox.....	7
Automatic Stay Against Creditors.....	7
Creditor's Motions to Modify Automatic Stay.....	8
Pay Only Through the Plan.....	8
Types of Claims.....	8
Co-Signers and Guarantors.....	8
Use of Credit During Bankruptcy.....	8
Special Treatment of Home Mortgage (if delinquent).....	9
Special Treatment of Home Mortgage (not delinquent).....	9
IRS Income Tax Returns.....	9
Address For Sending Copies of Tax Documents.....	10
In Case You Cannot Make Your Plan Payment When Due.....	11
The Annual Statement From the Trustee.....	11
What Happens After I Make My Last Payment? When do I get my Discharge?.....	11
What Happens if I am Under a Wage Directive When My Case Closes?... Final Report & Account.....	12
My Case is Closed but There is Still Money on Hand.....	12
Future Credit Rating.....	13
Savings Account.....	13

## **YOUR TRUSTEE**

Your Chapter 13 Bankruptcy Trustee is Tim Truman (“Trustee”). The office address is 6851 N.E. Loop 820, Suite 300, North Richland Hills, Texas, 76180-6608 (for correspondence only). **DO NOT MAIL YOUR PAYMENT TO THIS ADDRESS** (use the payment address listed on the cover, or page 7).

Customer Service is (817) 770-8500.

Office hours are Monday through Friday, 9:00 a.m. to 12:00 p.m. and 1:00p.m. to 4:00 p.m. (closed for lunch between 12:00 and 1:00 p.m.).

**The Chapter 13 Trustee’s office is closed on federal holidays and when the Birdville Independent Schools are closed due to bad weather.**

The Trustee’s office cannot give legal advice, however the Trustee’s staff is familiar with the policies and guidelines under Chapter 13 and is well qualified to discuss with you most problems or non-legal questions that may arise. Consult your attorney on all legal questions. Notify the Trustee’s office if you have difficulty reaching your attorney.

## **GENERAL ORDER 2021-05**

Special local procedures are set out in General Order 2021-05 issued by the Bankruptcy Judges in the Northern District of Texas (the “General Order”). Copies of this order may be obtained from the bankruptcy clerk; the court’s website [www.txnb.uscourts.gov](http://www.txnb.uscourts.gov); or the trustee’s website at [www.13network.com](http://www.13network.com). You should ask your attorney to make you familiar with the provisions of the General Order. You have certain duties and responsibilities under the General Order in addition to those under the Bankruptcy Code.

## **YOUR CASE NUMBER**

At the time your Chapter 13 petition was filed, the Bankruptcy Clerk assigned you a case number. **This number is very important. WRITE YOUR CASE NUMBER AND NAME ON ANYTHING YOU SEND TO THE TRUSTEE’S OFFICE**, including any payments.

## **PERSONAL FINANCIAL MANAGEMENT COURSE REQUIREMENT**

You are required to complete a financial management course before you will be entitled to receive a discharge of your debts. The class is designed to give you a positive start on your Chapter 13 Plan and to answer any questions you may have about the Chapter 13 process. We provide this class free of charge, and suggest it

be taken prior to your Section 341 hearing. The class specifically addresses what you are expected to do throughout your case and how to avoid the pitfalls that might prevent you from being successful in completing your plan and receiving a discharge. The financial management course is different from and is in addition to the credit counseling that you received before you filed your bankruptcy case.

**SIGN UP ONLINE AT WWW.13CLASS.COM**

Trustees' Education  
Network (TEN)



**WHAT IF THERE IS A CHANGE IN THE INFORMATION I ORIGINALLY FILED?**

**Contact your attorney** with any changes to the information originally filed. Filing Chapter 13 is a federal judicial proceeding. You should place the highest priority on your case. It is important to be honest and complete in every document because many of the required papers are filed under the penalty of perjury. Tell your attorney about any address changes, job changes, or creditors you may have overlooked.

**CURRENT ADDRESS & TELEPHONE NUMBERS**

**Contact your attorney** immediately if you change your address, employment, or telephone number. To update your mailing address with our office, visit our website at [www.13network.com](http://www.13network.com), complete the change of address form, and send it to our office.

**TO VIEW YOUR CASE INFORMATION ON THE INTERNET**

The National Data Center (“NDC”) provides **FREE ACCESS** to your Chapter 13 Bankruptcy case information using your cell phone, tablet, or computer. Information is updated nightly and provides you with the information you need to stay informed about your case, including viewing your payment history and disbursements to creditors. **Go to [www.ndc.org](http://www.ndc.org) to create a login using your case number, last four (4) digits of your social security number and an email address.** For instructional videos, visit [www.YouTube.com](http://www.YouTube.com) and enter “*National Data Center*” to find available videos. You may also visit the Trustee’s website at [www.13network.com](http://www.13network.com) for more information.

## **HOW TO MAKE YOUR PLAN PAYMENTS**

Whether you make your plan payment by wage directive, electronically, or by mailing it to our lockbox, you are responsible for making sure your plan payment is received by our office timely. If you are not under a mandatory wage directive, you may make your payment online through TFS Bill Pay, TFS MoneyGram, or by mailing a Cashier's Check or Money Order to our Lockbox address. Please refer to pages 6 and 7 for more information.

## **FIRST PAYMENT DUE DATE**

Your first payment must be received within thirty (30) days of the date your Chapter 13 case was filed. The Trustee does not send payment reminders. **If you do not make your first payment on time, your Chapter 13 case may be dismissed.**

## **WAGE DEDUCTIONS**

Per the Mandatory Wage Directive provision of the General Order Concerning All Chapter 13 Cases, unless the Court orders otherwise, you are required to have your Chapter 13 plan payment deducted from your payroll check. Unless you do not receive wages from an employer, a Wage Deduction is mandatory unless otherwise ordered by the court. A "Wage Directive Information" form is available from your attorney, the trustee's office, or from the trustee's website. (You can download it by going to [www.13network.com](http://www.13network.com). Look under the listings for Texas, choose Tim Truman, Trustee, and then click on Debtors.) The Trustee's office will use the form to setup your case and mail the "Wage Directive" request to your employer to start deductions from your payroll check. **DO NOT GIVE THIS FORM TO YOUR EMPLOYER.** Send the completed Wage Directive form to the Trustee by email at [341docs@ch13ftw.com](mailto:341docs@ch13ftw.com) OR by Fax (817) 770-8508.

## **WHAT IF I CHANGE JOBS?**

**Contact your attorney** if you change jobs, especially if your Plan payment is being paid through a payroll deduction (Wage Directive). If you are currently on a Wage Directive, you will need to complete and submit a new "Wage Directive" form, with your new employer's information, to the Trustee. (Refer to "Wage Deductions" section on Page 5).

## **WHAT IF I AM SELF-EMPLOYED?**

If you are self-employed, retired, or receive social security, OR if you are excused from using a Wage Directive, you are responsible for making your plan payments directly to the Trustee. Payments can be made by using TFS Bill Pay, or TFS MoneyGram, or payment by Money Order or Casheirs' Check sent directly to the Trustee's lockbox, which is explained below.

### **AUTOMATED ONLINE BILL PAY (TFS) FOR NON-WAGE EARNERS**

Debtors who are not able to make their Chapter 13 plan payments by wage deductions, such as those who are self-employed, retired, or excused from wage deductions, may elect to pay electronically using TFS Bill Pay service. TFS charges for this service. For more information or to sign up, visit the Trustee's website or go to <https://tfsbillpay.com> to learn more about making your plan payments electronically.

### **MONEYGRAM (by TFS)**

The fastest way to make a Chapter 13 Plan payment, used in time sensitive situations such as dismissal motions, before confirmation, or to catch-up payments. Call TFS MoneyGram's hotline at (888) 739-2749. TFS charges a flat fee of approximately \$9.00 for each MoneyGram.

### **PAYMENTS MADE TO THE TRUSTEE'S LOCKBOX**

A cashier's check or money order **must** be mailed to **P.O. Box 961076, Fort Worth, Texas, 76161-0076. (NO personal checks or cash) (Do not mail correspondence to this P.O. Box.)** You must put your **name** and **case number** on the money order or cashier's check for it to be credited to your case. Make money orders or cashier's checks payable to "**Chapter 13 Trustee**".

### **AUTOMATIC STAY AGAINST CREDITORS**

If this is your first bankruptcy case, all creditors you listed in your Chapter 13 case are under an "automatic stay" (restraining order). The automatic stay prohibits creditors from contacting you or your employer in any way and from foreclosing on or repossessing your property. If an automatic stay does not apply to your case, a creditor may obtain permission of the court to foreclose or repossess property by filing a motion. Do not worry about routine delinquent notices from creditors. If you get a direct contact from a creditor, such as a telephone call, a personal letter, a summons, or a visit in person, you should immediately tell the creditor that you are under a Chapter 13 bankruptcy, give the creditor your case number and the name of your attorney. Get the name of the party contacting you and their address and telephone number. Report this information to your attorney. If this is your second case in one year, the automatic stay only lasts for thirty (30) days, unless it's extended by the court on a motion filed by you or your attorney to extend the automatic stay. If this is your third or higher case in one year, then there is no automatic stay. Talk to your attorney about your options.

## **CREDITOR'S MOTIONS TO MODIFY AUTOMATIC STAY**

A creditor obtains permission to foreclose or repossess by filing a "Motion to Modify Automatic Stay". Under local rules, if a creditor files the "Motion to Modify Automatic Stay" and serves a copy on you and your attorney, the stay will be lifted unless a written response to the motion is filed by you or your attorney with the Bankruptcy Court within fourteen (14) days after service of the motion. If no written response is timely filed by you or your attorney, an Order Lifting Stay will be entered by default. After that, the creditor can foreclose on your house, car, or other collateral even if you think you have valid excuses, defenses, or counterclaims.

**Contact your attorney** if at any time during your Chapter 13 case, either before or after confirmation, you receive a copy of a creditor's "Motion to Modify Automatic Stay". If you do not have an attorney, you should file a written response to the motion in the Bankruptcy Clerk's office within fourteen (14) days.

## **PAY ONLY THROUGH THE PLAN**

You cannot pick and choose any particular creditor(s) and pay them on the side. All debts owed by you on the date you filed Chapter 13 are generally dealt with through the plan, except current domestic support obligations.

## **TYPES OF CLAIMS**

There are three (3) basic types of claims: priority, secured, and unsecured. Priority claims include court costs, fees which you agreed to pay your attorney, expenses of administering the plan, IRS taxes, and domestic support obligations. Priority claims must be paid in full. Per the Plan, the Trustee makes monthly payments to secured creditors, including interest. Any funds remaining after payment to secured and priority creditors will be divided among unsecured creditors on a pro-rata basis.

## **CO-SIGNERS AND GUARANTORS**

If you have a co-signer, co-maker, or guarantor including a non-filing spouse on any of your consumer debts, Chapter 13 protects them from collection activities by the creditor (to the extent your plan provides for payment of such debts) as long as you remain under Chapter 13. Any creditor contact with any of your co-signers after you have filed your case should be reported to your attorney.

## **USE OF CREDIT DURING BANKRUPTCY**

The use of credit while under Chapter 13 is prohibited, except in business cases and in extreme emergency situations. If you believe you have such an emergency, you should contact your attorney for assistance in security proper permission from the



court. The use of credit cards or charges of any kind while under Chapter 13 is a use of credit without court approval and is prohibited.

### **SPECIAL TREATMENT OF HOME MORTGAGE (IF DELINQUENT)**

(For those debtors who are delinquent when the case is filed)

Any Debtor that is the monetary equivalent on two (2) full months or more in arrears to a mortgage lender as of the Petition Date or Conversion Date is required to participate in the Conduit Program. **The current monthly mortgage payments will be included in the Debtor's Chapter 13 Plan and subsequent on-going monthly mortgage payments will be issued by the Trustee to the mortgage lender.** The Debtor must remain within the Conduit Program during the term of the Plan until the Case has completed, dismissed, or converted.

In the event the current mortgage payment changes during the term of the Plan, the mortgage lender must file a "Notice of Payment Change". The Trustee will disburse the current monthly mortgage payment(s) consistent with the "Notice of Payment Change" as of the effective date therein specified by the mortgage lender. If the Debtor's Chapter 13 Plan Payment is not sufficient to support the current Mortgage payment change, the Trustee will send a "Notice of Plan Payment Adjustment". This will notify the Debtor of the increase in their Chapter 13 Plan Payment and the effective date of this change.

### **SPECIAL TREATMENT OF HOME MORTGAGE (IF NOT DELINQUENT)**

(For those debtors who are not delinquent when the case is filed)

Current payments are to be made by you directly to the mortgage holder. If current payments are not made by you in full and on time, **contact your attorney**.

Any Debtor that defaults equivalent of two (2) full months or more to a mortgage lender during the pendency of the case, may be required to participate in the Conduit Program for the remainder of the Plan.

### **IRS INCOME TAX RETURNS**

During each year that you are in an active Chapter 13 bankruptcy case you are required to provide a copy of the federal income tax return you filed with the IRS to the Trustee's office. The Trustee only needs the first two pages of the 1040 portion as well as Schedules 1 through 5, if any, of the return. If you have business income or loss on Line 12 of Schedule 1, the Trustee needs the complete Schedule C. The

copy of the Tax Return should be sent to the Trustee or to your attorney's office (if so instructed by your attorney) as soon as possible after it is filed with IRS. You will receive a letter from our office in January of each year requesting a copy of the return(s) with instructions on what you need to send to the Trustee.

Failure to submit to the Trustee a copy of your tax return may result in the dismissal of your case. If you request an extension from the IRS, you must provide documentation to the Trustee. If you are not required by the IRS to file a tax return, you must provide an affidavit to the Trustee stating that you are not required by the IRS to file a return and why. Your attorney can assist you with the affidavit. That affidavit should be provided to the Trustee as soon as possible after the beginning of each year but at a minimum by the deadline for filing the return with IRS (typically April 15<sup>th</sup>).

If you request an extension from the IRS for filing your tax return, please provide to the Trustee copies of any W-2's and/or 1099's when filed and no later than the deadline for filing it with the IRS (typically April 15<sup>th</sup>).

If you file an amended tax return, you must also promptly send a copy to the Trustee.

Your tax return, extension, or affidavit may, if so instructed by your attorney, be submitted to your attorney to upload to the Trustee's portal on or before April 15<sup>th</sup>. Be sure to check all pages of the tax return and **black out** or redact all social security numbers, names of children, and any bank account information for direct deposit of refund amounts. This information is not needed by the Trustee. Make sure your bankruptcy case number is written on the top of the 1<sup>st</sup> page of the tax return.

It is the policy of the Trustee to file a "Motion to Dismiss" on any case in which a tax return, extension, or affidavit is not received by April 15<sup>th</sup> of each year. Please be sure you comply with this requirement. Contact your attorney if you have any questions.

**Address for sending copies of tax documents:**

*(If not submitted to your attorney to upload to the Trustee's portal)*

1. EMAIL (PDF FORMAT): [Trumantaxreturns@ch13ftw.com](mailto:Trumantaxreturns@ch13ftw.com)
2. FAX: 817-770-8518
3. US MAIL: CHAPTER 13 TRUSTEE  
6851 NE LOOP 820 #300  
N RICHLAND HILLS TX 76180

## **IN CASE YOU CANNOT MAKE YOUR PLAN PAYMENT WHEN DUE**

Only the Bankruptcy Judge can authorize late payments, skipped payments, or any other change to your original plan. If future circumstances cause you to default and the trustee files a “Motion to Dismiss” or a “Notice of Intent to Dismiss”, you have two (2) options (only on confirmed cases):

1. An agreed “Interlocutory Order” (I/O) can be signed by the debtor or the attorney for the debtor and the Trustee. This Order will conditionally deny the Trustee’s motion or notice to dismiss subject to extra payments being timely made each month in addition to the regular monthly payment for a specific period of time. The maximum amount of time allowed to catch up the payments under the I/O is six (6) months. There is no charge for this order by the Trustee’s office. Please be aware that there is no further notification prior to dismissal if the terms of the I/O are not strictly met.
2. A “Modification” can be filed by your attorney if your case has already been confirmed. Contact your attorney immediately. Your attorney may be allowed by the Court an additional fee to be paid through the Plan.

A very important thing to remember is that if you do nothing, then your case will probably be dismissed and you will lose all the benefits you already have under the bankruptcy law. To do nothing is the worst possible thing. Therefore, it is important to take responsibility for your case and to communicate regularly with your attorney’s office when needed.

## **THE ANNUAL STATEMENT FROM THE TRUSTEE**

Every year, in the anniversary month of your Chapter 13 filing, you will receive the Trustee’s Annual Report which gives you an accounting of the money you have paid into the Plan and what your creditors have received. It will show the balance on all claims being paid through your Plan. Your attorney also receives a copy of the report. If you have any questions concerning the report, contact your attorney. You can also keep track of your payments online through the National Data Center (refer to Page 5 “To View Case Information on the Internet” for more information regarding online access) or the Trustee’s website.

## **WHAT HAPPENS AFTER I MAKE MY LAST PAYMENT? WHEN DO I GET MY DISCHARGE?**

When the Base Balance (total payments due under your Plan) reaches \$0.00 or no creditors remain to be paid, the case will be audited and closed by the Trustee’s office. A “Notice of Completion” will be filed with the Bankruptcy Court and

mailed to you and your attorney. **Your attorney will then have twenty-one (21) days to file with the Bankruptcy Court a “Motion for Debtor Discharge” which must include an affidavit signed by you, the Debtor.** After the motion is filed, the Trustee’s office will wait twenty-one (21) days to see if any objections to the Motion have been filed. If no Objections are filed, the Trustee’s office will send the “Discharge Order” to the Bankruptcy Court for the Judge’s approval. Once signed by the Judge, the “Discharge Order” will be mailed to all parties in the case (your attorney, and all creditors). This process usually takes thirty (30) to forty-five (45) days.

The Bankruptcy Court will close your case once a “Discharge Order” has been signed by the Judge. **However, the Bankruptcy Court may close your case if a “Motion for Debtor Discharge” is not timely filed within the required twenty-one (21) days of the filing of the “Notice of Completion” (see above). If that happens you will need to call your attorney since you may not receive your “Discharge Order” until that is resolved.**

#### **WHAT HAPPENS IF I AM UNDER A WAGE DIRECTIVE WHEN MY CASE IS COMPLETED AND CLOSES?**

If you are under a “Wage Directive” when your case completes and closes, the Trustee’s office will mail a “Notice of Termination of Wage Directive” to your Employer, and send a copy to you and your attorney. Any funds received after the case is completed and closed will be returned to you by the Trustee at the next monthly disbursement.

#### **FINAL REPORT & ACCOUNT**

Once all financial accounting is completed (all checks to creditors and/or any refund checks to you have cleared the Trustee’s bank), a “Final Report & Account” will be filed with the Bankruptcy Court and a copy will be mailed to you. Your creditors will receive a notice that the “Final Report & Account” was filed. **The “Final Report & Account” and “Discharge Order” are both very important documents that you should keep in a safe place indefinitely. You may need them to re-establish credit in the future.**

#### **MY CASE IS CLOSED BUT THERE IS STILL MONEY ON HAND**

Any money on hand after the case is closed or any money received from your employer after the case is closed will be disbursed to you at the Trustee’s next monthly disbursement.

### **FUTURE CREDIT RATING**

Your credit rating during and after completion of your Chapter 13 bankruptcy will be, as it is now and was in the past, the personal opinion of any credit grantor who looks at your record. It is a record of your past credit performance. This record is made available to a credit grantor who uses its own standards in deciding whether or not to grant credit to you. Suits, collections, attachments, Chapter 7 bankruptcy, credit counseling, and Chapter 13 bankruptcy are all signs of credit problems.

### **SAVINGS ACCOUNT**

The Trustee wishes you success in the performance of your bankruptcy plan. Over the next three (3) to five (5) years, you will have things come up which threaten your completion of the plan. You will very likely have an interruption of income or an unexpected expense, e.g., car repair, home maintenance, or medical expenses. The Trustee strongly encourages you to immediately open a savings account at your bank or credit union and make a commitment to pay yourself first each payday. Make this a habit. The important thing is not how much but how regularly you make your savings deposit.

### **PLEASE KEEP THIS DOCUMENT FOR FUTURE REFERENCE**

If you have any questions, please ask your attorney first. If you are for any reason unable to get your non-legal questions answered by your attorney, please call the Trustee's office during business hours at (817) 770-8500