

From: Alice Whitten
To: dfwch13@googlegroups.com; Debtor Bar; Creditor Bar; Legal Assistants
Cc:
Subject: Effective 7/1/10 -Whitten Office to Include Plan Modifications within TRCC
Date: Tuesday, June 22, 2010 4:37:00 PM

Counselors:

Effective July 1, 2010, the Whitten Office is going to tailor our TRCC process to allow for changes to be made to the Plan by proposing modifications to increase the Plan base and payments in order to make Plans sufficient based on the UCP, non-exempt property, letter agreements, Agreed Orders, and allowed or disallowed claims not previously accounted for at confirmation or a prior modification. These changes will all be spelled out in Section IV of the TRCC – titled Plan Modification – which is the last section of the TRCC.

Our goal is to eliminate the problems encountered with insufficient plans relating to claims either not provided for or not accounted for in their entirety, and requiring debtors to file Plan modifications after a TRCC order is entered. We hope to streamline the process, as allowed by the General Order, and reduce the number of modifications that have to be filed. This process mirrors the process that has been followed in Dallas for some time, and was previously followed in Fort Worth.

A notice will be delivered pursuant to the General Order and the proposed TRCC will set a date, time and place for the pre-hearing and court hearing. A pre-hearing conference will be set at least sixty (60) days from the date the proposed TRCC is sent to the debtor(s).

Objections/Responses to the proposed TRCC are to be made within 30 days of service. If an objection is filed, that objection will be heard at the pre-hearing conference and, if not resolved at the Court hearing set by the proposed TRCC. An Objection/Response should outline: why the payments/base as proposed by the TRCC are incorrect; if a claim has been objected to and disallowed (in part or in whole) but not addressed on the proposed TRCC; if a claim needs to be treated in the Plan, but is not provided for; or if the UCP is incorrect.

Any Objections/Responses that are resolved by an Agreed Order, letter agreement, etc., can be treated on the TRCC Order and will become the Plan. However, if an Objection is not timely filed or remains unresolved by failure to appear at either the pre-hearing conference or the Court hearing, then an Order on the proposed TRCC will be entered and will effectively become the Plan. If an Objection/Response to TRCC is filed by the debtor's attorney, that attorney will be entitled to request \$400.00 in attorney's fees as if he/she had requested a Plan Modification.

If there are any questions or concerns as to the TRCC process as outlined, we would be glad to schedule a time for the Trustee to address those with the Debtor and/or Creditor Bars.

Thanks
Alice

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Have you joined the DFW Ch13 Google Group?
To ensure that you stay in touch with communications from the area Ch 13 offices -you should!
Visit <http://groups.google.com/group/dfwch13> and ask to join.

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