

OFFICE OF THE CHAPTER 12 & 13 STANDING TRUSTEE

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ATTENTION ATTORNEYS REPRESENTING CHAPTER 13 DEBTORS:

Pre-hearing conferences will be held in the two days before hearings according to the schedule on the following page unless otherwise notified. The purpose of the conferences is to determine what matters will be contested and what matters are not contested. There will be no time to receive and review additional documents and amended schedules at the conference. **These must be received by the Trustee by 5:30 p.m. the Wednesday prior to the conference.**

Cases set for Confirmation:

If the plan is ready to be confirmed, **please tender to the Chapter 13 Trustee a proposed confirmation order no later than seven (7) days prior to the scheduled hearing.** If the order meets with the Trustee's approval, the Trustee will submit the order to the Court. Please see the addendum to this letter regarding guidelines for preparing confirmation orders.

If the plan is not ready to confirm, please be prepared to sign off on an order denying confirmation. The order denying confirmation will set conditions under which the case can be dismissed without further notice or hearing ("drop-dead" language).

The Trustee will alert the Court to matters that are not resolved. These contested matters will be called by the Court for hearing. Do not expect the Trustee to conduct further pre-hearing conferences on the day of the hearing.

Cases set for Motion to Modify:

If the Trustee has objected to a debtor's motion to modify and you wish to present a proposed agreed order, please deliver the proposed order to the Trustee's modification department as soon as possible, but no later than 5:30 p.m. on the Wednesday before the hearing. Because complicated interest calculations must be checked, these orders cannot be reviewed at the pre-hearing conference.

Cases set for dismissal:

A docket will be available at the pre-hearing conferences showing what matters have already been resolved. The Trustee's staff will be available to meet with attorneys or debtors to work out agreements on any unresolved motion to dismiss. Questions should be directed to the Trustee's dismissal department. Continuances will generally not be an option. The Trustee has little authority to agree to continuances. If a feasible post-confirmation motion to modify is filed with the Court and delivered to the Trustee by 5:30 p.m. on the Wednesday before the hearing, the hearing on a motion to dismiss may be continued.

Miscellaneous matters involving the Trustee and set for hearing can also be discussed at the pre-hearing conference. Do not expect to discuss matters not on the docket.

Addendum Regarding Confirmation Orders

Please consider the following in preparing the confirmation order:

1. Please use **Local Form 3015-b** for cases filed after October 16, 2005.
2. If a **creditor has filed a timely objection to confirmation**, and the Debtor wants the plan confirmed, **THE DEBTOR'S ATTORNEY MUST APPEAR IN COURT FOR THE CONFIRMATION HEARING** unless one of the following occurs:
 - the creditor files a document with the Court withdrawing its objection;
 - the creditor's representative signs the confirmation order;
 - a written agreement (signed by the creditor), stating that the agreement resolves the objection, is attached to the confirmation order; or
 - a written statement (signed by the creditor) withdrawing the objection is attached to the confirmation order.
3. The confirmation order may not make **material changes to the plan**. Any material changes to a plan must be made through an amended plan and not simply through the proposed confirmation order. For an amended plan to be considered by the Court for this docket, the plan must have a full 35 days notice to all parties.
4. The confirmation order may not change or clarify a creditor's treatment unless the creditor's representative signs the confirmation order or an attached written statement agreeing to the change.
5. The confirmation order may not materially lower the amount to be paid to unsecured creditors. The reduction to unsecured creditors may not be more than 1% of the distribution. For example, if the unsecured creditors were to receive \$5,000 under the plan, the distribution may not be reduced more than \$50.
6. The confirmation order may not show collateral as "surrendered" unless the plan proposed to surrender the collateral, or the creditor's written agreement is attached to the confirmation order.
7. The confirmation order may not materially change the Debtor's payment amount to the Trustee. See paragraph 3.
8. The confirmation order may not artificially "bring the debtor current." If the debtor is delinquent under the plan as filed, confirmation must be denied.
9. The confirmation order may not provide for a future step up in payment that was not requested by the Trustee.
10. The confirmation order may not propose that the only party being paid is the Debtor's attorney (no secured creditors, no priority creditors, and very little dividend to unsecured creditors).