

Information and Guidelines  
CHAPTER 13 CASES  
Amrane Cohen, Chapter 13 Trustee

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*Office location and mail inquiries*

**770 The City South Drive South  
Suite 8500  
Orange, CA 92868**

*Payments only*

**Amrane Cohen, Chapter 13 Trustee  
P.O. Box 1252  
Memphis, TN 38101-1252**

*THE OFFICE IS OPEN FROM 9:00 A.M. TO 4:00 P.M. MONDAY THROUGH FRIDAY. THE OFFICE IS CLOSED FOR FEDERAL HOLIDAYS.*

**Phone: (714) 621-0200**

**Fax: (714) 621-0277**

**Web page: [www.ch13ac.com](http://www.ch13ac.com)**

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**NOTICE: INFORMATION PROVIDED AMRANE COHEN, CHAPTER 13 TRUSTEE, ABOUT YOUR CASE IS AVAILABLE TO REGISTERED USERS AT THE WEB SITES: [WWW.CH13AC.COM](http://WWW.CH13AC.COM), [WWW.13DATACENTER.COM](http://WWW.13DATACENTER.COM) AND [WWW.NDC.ORG](http://WWW.NDC.ORG).**

**YOU CAN CHECK WHAT INFORMATION IS BEING DISPLAYED ABOUT YOUR CASE BY LOGGING ON TO [WWW.NDC.ORG](http://WWW.NDC.ORG).**

**BANKRUPTCY INFORMATION, INCLUDING FILED SCHEDULES, IS AVAILABLE AT THE COURT WEBSITE: [WWW.CACB.USCOURTS.GOV](http://WWW.CACB.USCOURTS.GOV)**

**YOU HAVE THE RIGHT TO REQUEST THAT ANY INCORRECT INFORMATION DISPLAYED ABOUT YOUR CASE BE CORRECTED. REQUESTS TO CORRECT INFORMATION DISPLAYED ABOUT YOUR CASE BY THE CHAPTER 13 TRUSTEE MUST BE IN WRITING ADDRESSED TO TRUSTEE COHEN AT THE OFFICE LOCATION ABOVE. IF THE INFORMATION YOU ARE REQUESTING TO BE CORRECTED WAS OBTAINED FROM DOCUMENTS YOU FILED WITH THE BANKRUPTCY COURT, YOU WILL NEED TO ATTACH A CONFORMED COPY OF THE AMENDED DOCUMENT TO YOUR REQUEST. THE OFFICE WILL NOT CHANGE THE POSTING DATE OF PAYMENTS MADE TO THE OFFICE.**

**PLEASE MAKE SURE TO OBTAIN THE FOLLOWING INFORMATION AND TO KEEP IT HANDY. IF YOU HAVE ANY QUESTIONS ABOUT YOUR PAYMENTS, PLEASE ASK YOUR ATTORNEY AND THE TRUSTEE BEFORE LEAVING THIS MEETING. INFORMATION ABOUT HOW TO MAKE YOUR PAYMENTS STARTS ON PAGE 15 OF THIS BOOKLET.**

**YOUR CASE NUMBER IS: SA \_\_\_\_\_**

**YOUR PLAN PAYMENT IS: \$ \_\_\_\_\_ FOR \_\_\_\_\_ MONTHS**

Congress passed the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) to combat abuse of the bankruptcy system by debtors. The Act also provided those debtors who qualify under the new law additional relief. The additional relief consists of the ability of debtors to shelter the repayment of loans taken from retirement plans from the reach of creditors and trustees. Contributions to qualified tuition plans were also extended to allow families to save for educational expenses.

### **Eligibility**

Chapter 13 is a section of the bankruptcy code which helps qualified individuals (or small business owners) who desire to repay their creditors and are in financial difficulty.

Only an individual with regular income that owes, on the date of the filing of the petition non-contingent, liquidated, unsecured debts of less than \$394,725 and non-contingent, liquidated, secured debts of less than \$1,184,200 or an individual with regular income and such individual's spouse, except a stockbroker or commodity broker, that owes, on the date of filing the petition, non-contingent, liquidated, unsecured debts that aggregate less than \$394,725 and non-contingent, liquidated, secured debts of less than \$1,184,200 may be a debtor under chapter 13 of this title(11 U.S.C. 109(e)).

These amounts are adjusted every three years and the next adjustment is scheduled for April 2019.

To combat fraud, Congress added the requirement that all individuals obtain an individual or group briefing from an approved nonprofit budget and credit counseling agency. The United States Trustee Program maintains a list of approved credit counseling agencies on its web site [www.usdoj.gov/ust/](http://www.usdoj.gov/ust/) under credit counseling and debtor education.

### **Protection from creditors**

Chapter 13 protects individuals from the collection efforts of creditors, permits individuals to keep their real estate and personal property, and enables individuals to establish a plan to repay their debts through periodic payments. During the period of the plan the individual is called a "debtor". The plan payment is determined by the amount the debtor can afford after paying necessary living expenses for debtor(s) whose income is below the median income of California, and according to a formula specified in section 707(b) for debtor(s) whose income is greater than the median income of California. If the amount that the debtor can afford is not sufficient to pay creditors within the time limits allowed by the code, that plan is said to be not feasible. The Court may dismiss a case if the proposed plan is not feasible.

### **Plan payments to chapter 13 Trustee**

Due Date for Payments under the Plan. Proposed plan payments begin 30 days after the petition is filed and are due each month on that same date. A debtor must mail to the Trustee, at the P.O. Box address, or bring to the 341(a) meeting all payments that become due after filing for

bankruptcy. If the due date anniversary falls within one week of the scheduled 341(a) Meeting of Creditors, the debtor should bring the trustee payment to the 341(a) meeting of creditors.

Acceptable forms of payment: All plan payments must be in the form of a money order or cashier's check and made payable to Amrane Cohen, Chapter 13 Trustee. Cash or personal checks will not be accepted. You must write on the money order or cashier's check the *bankruptcy case number* and the *name of the debtor* so that the debtor's account can be properly credited. Plan payments are due monthly on the day the petition was filed. Plan payments made in certified funds but lacking your name and case number or plan payments made by personal check may not be accepted. Such payments will be returned to the sender and the plan payment will be considered **DELINQUENT**.

Payments may also be made by on-line check through a bank website. Debtors must have an e-mail address and register for this service in order to participate. There is a fee charged by the bank processing this transaction not the office of the chapter 13 trustee. The web site for on-line payments can be accessed by selecting the **ePay** link on the trustee web site ([www.ch13ac.com](http://www.ch13ac.com)).

After confirmation of your plan, you may elect to make your plan payments by automatic withdrawal from a checking account with a bank, savings & loan, or credit union. You may elect this method to make your payments by filling out and filing with the office of Amrane Cohen an ACH authorization form. The required form is on page 17 of this booklet.

THE DEBTOR WILL BE RESPONSIBLE FOR ANY BANK CHARGES FROM THE DEBTOR'S BANK FOR NON-SUFFICIENT FUNDS AS A RESULT OF THE PROCESSING OF AN AUTHORIZED ACH TRANSACTION. ONCE ACH IS AUTHORIZED, IT CAN ONLY BE STOPPED BY THE DEBTOR WITH 30 DAYS NOTICE IN WRITING TO THE OFFICE OF THE TRUSTEE. E-MAIL NOTICES OF CANCELLATION ARE NOT BINDING.

Additional information about making payments to the Office of Amrane Cohen, Chapter 13 Trustee is included starting on page 15 in this booklet.

Court order to make plan payments and post petition mortgage payments: The bankruptcy code and Local Rules require the debtor to make plan payments and post-petition mortgage payments. If the debtor is not in compliance with this requirement by the date of the 341(a) meeting, the trustee will make a motion for the case to be dismissed. In certain cases, where the Trustee suspects abuse of the bankruptcy process the request to dismiss may be with a bar to refiling under either §109(g), which may bar the debtor from refiling any bankruptcy case for 180 days without prior authorization by the Court, or under §349, which allows the Court to bar debtors for a longer period of time.

### **Payments on mortgages or trust deeds**

Post-petition mortgage payments. The local rule governing bankruptcy filing in the Central District of California (which includes all chapter 13 cases filed in the County of Orange, CA) allows the debtor to make post petition pre-confirmation mortgage payments directly to the

creditors. The debtor(s) must make these payments timely following the filing of the case and the debtor(s) is required to file a declaration about making the payment with the court and serve a copy of this declaration on the creditor and the trustee. A copy of this form is available from your attorney or the court website at: [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov). (Under Forms - Local Bankruptcy Rules & Forms - Local Bankruptcy Rules & Forms - F3015-1.4.DEC.PRECONF.PYMTS)

Failure to make the post-petition mortgage payments: The trustee will make a motion to dismiss the case if the post-petition pre-confirmation mortgage payments that have come due are not current and made in accordance with the local rules by the date of the 341(a) meeting of creditors. This includes the requirement to file the required declaration on form F 3015-1.4.DEC.PRECONF.PYMTS

Mortgage payments after Plan confirmation: After a plan is confirmed, the debtor must make the regular mortgage payments in accordance with the provisions of the plan. IF YOU DO NOT UNDERSTAND WHO WILL MAKE THE MORTGAGE PAYMENTS UNDER THE PROVISIONS OF YOUR PLAN, MAKE SURE TO ASK THE TRUSTEE OR HEARING OFFICER AT YOUR 341(A) MEETING OR REQUEST WRITTEN CONFIRMATION OF THESE INSTRUCTIONS FROM YOUR ATTORNEY'S OFFICE.

### **Submission of documents to the trustee's office**

The Bankruptcy Code and the Local Rules require the debtor or the attorney for the debtor to submit many documents to the Trustee. The Trustee prefers service by electronic mail. The documents being submitted should be converted to a pdf with the case number and case name legible on the first page. The pdf cannot be password protected as the trustee is unable to open password protected pdfs. The pdf of the documents should be e-mailed to [efile@ch13ac.com](mailto:efile@ch13ac.com) for cases in the Santa Ana Division. Please make sure to put the case number and debtor name in the subject line of your e-mail. We confirm receipt of documents submitted this way.

We discourage mailing documents to the office because of the time required and a fax is available but not encouraged. No confirmation is sent for documents submitted by regular mail or fax.

### **Proof of current income**

The Bankruptcy Code requires debtors to file copies of all "pay advices" or other evidence of payments received with the Court (see §521(a)(1)(B)(IV)). Generally pay advices are pay stubs but can sometimes be statements of commissions earned or any other statement that informs you of earnings from any employment.

Evidence of income is due at the office of the trustee seven days prior to the 341(a) meeting (see L.B.R. 3015-1(c)(3): Debtors must provide to the Chapter 13 Trustee evidence of current income (pay stubs, W2 forms, tax returns or other equivalent documentation) at least seven (7) days before the §341(a) meeting of creditors. Failure to submit this information timely may result in the dismissal of the case.

Self-employed debtors and debtors engaged in business: Debtors engaged in business are required to provide the required reports listed in L.B.R. 3015-1(c)(4). The reports required are:

- (A) Projection of average monthly income and expenses for the next 12 months;
- (B) Evidence of appropriate business insurance;
- (C) Inventory of goods as well as a list of business furniture and equipment as of the date of the filing of the petition;
- (D) Monthly income and expense statements for at least six months preceding the date of the filing of the petition, or for such shorter time as the business has been in operation for less than the requisite six months, signed by the debtor under penalty of perjury, including a statement regarding incurred and unpaid expenses;
- (E) Tax returns for at least four years or since the start of the business, whichever period is shorter;
- (F) The trustee may request additional evidence, including but not limited to bank statements, cancelled checks, contracts, or any other evidence to support the ability to fund the proposed plan and the contention that all disposable income is being devoted to repaying creditors.

Other required documents:

Declaration Re: Filing of Tax Returns and Payment of Domestic Support Obligation (Preconfirmation) (F 3015-1.08.DEC.TAXDSO).

Declaration Setting Forth Post Petition, Preconfirmation Payments on: 1) Deeds of Trust Payments (or Mortgages); 2) Leases on Personal Property; 3) Purchase Money Security Liens on Personal Property [LBR 3015-1(e) and LBR 3015-1(m)](F 3015-1.4.DEC.PRECONF.PYMTS).

If the debtor has a **Domestic Support Obligation**, even if such an obligation is fully current, provide the trustee, within 14 days of the filing of the petition, the name, current address, and current telephone number of the holder of such claim. A form to collect this information is available at the end of this booklet and on the trustee web site.

**341(a) meeting of creditors and confirmation hearings:**

Examination of debtor under oath: A debtor's case is assigned to a court-appointed Trustee. At the §341(a) meeting of creditors, the Trustee, or one of the staff attorneys from the trustee's office, will examine the debtor under oath regarding his/her assets and liabilities and the feasibility of the plan. Any creditors who appear may also be given an opportunity to ask questions of the debtor.

Mandatory requirements: The debtor(s) and debtors' attorney must attend the §341(a) meeting of creditors. If the petition was filed by a married couple, both individuals must be present. Unexcused failure to appear at the meeting of creditors is grounds for dismissal of the case.

Picture ID and proof of social security number: BAPCPA requires the verification on the record of the identity of debtor(s) who appear at 341(a) meetings. You must provide proof of your identity by providing the trustee or the trustee representatives a government issued picture ID and proof of social security number. A valid driver license or ID card and an original social security card are considered acceptable forms of proof of ID and social security number. There are other documents that can be used for such purpose if you do not have a valid driver license or social security card. These documents are listed in the USTP public notice effective February 18, 2002 and available at: [http://www.usdoj.gov/ust/r16/reg\\_info.htm](http://www.usdoj.gov/ust/r16/reg_info.htm) February 2002 Debtor Identification Program (pdf) under Public Notices.

Confirmation hearing: The debtor's attorney, or a debtor who is appearing Pro Se, must appear at any confirmation hearing unless specifically excused by the Trustee at the 341(a) meeting of creditors (see L.B.R. 3015-1(d).)

### **Additional requirements for confirmation**

BAPCPA has added many technical requirements for confirmation. Those that affect debtors most directly include the requirement that all post-petition domestic support obligation be current for a plan to be confirmable. Congress also added a requirement that tax returns for the past four years be filed prior to the meeting of creditors. Creditors secured by a motor vehicle or personal property are now entitled to payments prior to confirmation - known as adequate protection payments - which used to be made as part of the plan.

### **Notice service of the plan and notice of the plan confirmation hearing (L.B.R. 3015-1(b)(3):**

The plan must be served on all creditors and the trustee: Each creditor of said debtor must be sent a copy of the debtor's plan at least 28 days before the 341(a) meeting of creditors. The plan must also be served on the trustee. The form for the required plan in the Central District of California is available at: [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov). (Under Procedures/rules/forms - Local Bankruptcy Rules & Forms - Local Bankruptcy Rules & Forms - F3015-1.01.CHAPTER13.PLAN). The proof of service verifying that the plan was mailed to all parties and a list of all parties served must be received by the trustee at least ten days prior to the 341(a) meeting. The required form for the Notice of Section 341(a) Meeting and Hearing is available at: [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov). (Under Forms - Local Bankruptcy Rules Forms - Local Bankruptcy Rules Forms - F3015-1.01.CHAPTER13.PLAN). At the same time as the service of the plan, a Notice of Section 341(a) Meeting and Hearing on Confirmation of Chapter 13 Plan with Copy of the Chapter 13 Plan must be completed and filed. The Notice is available at: [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov). (Under Forms - Local Bankruptcy Rules Forms - Local Bankruptcy Rules Forms - F3015-1.02.NOTICE.341.CNFRM).

### **Creditor claims:**

Payments made without a claim: The mandatory chapter 13 plan for this district provides that secured creditors and priority debts listed in class 1 will be paid in accordance with the plan

even if they do not file a claim. If the creditor files a proof of claim, that creditor will be paid according to that proof of claim, unless the Court orders otherwise. (F3015-1.01 page 1)

Holders of all other claims (including deficiency claims and all other kind of unsecured claims) must file timely proofs of claim, or they will not be paid any amount.

Bar date: The notice of commencement issued by the Court provides the bar date for filing of proof of claims. The bar date is generally within 90 days of the initial 341(a) meeting for most creditors and 180 days from the filing of the petition for government creditors such as the IRS and the Franchise Tax Board of California. Unsecured creditors who receive notice of the bankruptcy and fail to meet these deadlines may have their claims discharged when you complete your case. This means you are no longer legally liable for those debts.

### **Notice of intent to pay claims:**

Proof of claim: Creditors are required to serve a copy of any proof of claim filed with the court (i.e., send a copy of the filed claim) to the debtor's attorney (if any) or the debtor(s) if not represented by counsel. (See F.R.B.P.3002 and LBR 3015-1 (b)(5))

Notice of Intent to Pay Claims: The trustee's office reviews the claims register for every confirmed case the month after the bar date for general creditors has expired and sends to the debtor and debtor's attorney, if any, a document called a Notice of Intent to Pay Claims.  This procedure does not relieve the attorney for the debtor from their obligation to review the claims register under RARA. This Notice lists all the claims filed in your case according to the Court's claims register. This document is very important as it lists the amounts your creditors claim you owe them.

What creditors will be paid: Unless you or your attorney object to the claim filed, the trustee's office will honor such claim. This means different things for different types of claims. The office of the trustee will pay in full from available funds after the deduction of trustee fees all administrative claims (attorney fees and claims classified as administrative claims by orders of the Court) and all secured and priority claims. Unsecured claims will be paid the amount of the claim times the percentage proposed in the plan or will share the net amounts left over after payment of all administrative, secured and priority claims.

For example, if your plan proposes to pay unsecured creditors at 100%, then all claims will be paid in full unless you object to them. If your plan proposes to pay unsecured creditors 50%, then administrative, priority and secured claims will be paid in full as filed or as provided for in the plan. Unsecured claims will be paid 50% of the filed claim. If an unsecured creditor files a claim for \$100, they will be paid \$50 under such a plan.

What is a base, what is a percentage, and which one controls in my case? : A chapter 13 plan which proposes to pay unsecured creditors in full can be of any term (i.e., from 6 months to 60 months, the six months minimum is to allow the governmental bar date to pass). Depending on your gross income for the six months immediately preceding the filing of your case, you will

be classified as either a below or above median income debtor. Above median income debtors must propose a 60- months plan if they do not propose to pay unsecured creditors in full. Below median income debtors must propose a plan that is at least 36 months in length. The **base amount** is simply the monthly plan payment multiplied by the number of months the plan is proposed for. So if a plan proposes to pay \$600 per month for 40 months, the base amount for that plan is \$24,000.

The plan is understood to pay unsecured creditors the higher of the base or the percentage. Using the example above, if secured and priority creditors file claims so large that there is not enough money left over to pay the unsecured creditors 50% of their claims the plan has become unfeasible and will not complete even if the debtor makes all 40 payments of \$600. On the other hand, it may be that very few creditors file claims. In that situation the \$24,000 pledged by the debtor into the plan may pay unsecured creditors 60% or even 100% of their claims. In that situation the base amount controls and the trustee will pay the filed claims the highest percentage achievable within the limits of the base amount, up to 100%.

Objections to Claims. If, in going over the *Notice of Intent to Pay Claims*, you see a creditor whose name you do not recognize, or a dollar amount you do not agree with, you need to obtain that claim and determine whether an *Objection to the Claim* is appropriate. Please remember claims in bankruptcy cases are transferred from one creditor to another. So you need to investigate claims you do not recognize and decide whether it is appropriate to object to the claim. When you object to a claim, you are asking the Bankruptcy Judge to reduce the amount of the claim in your case or even remove it completely from the case.

If you have an attorney, call your attorney. Your attorney will know how to object to a claim. If you do not have an attorney, you must teach yourself how to object to a claim. Any objections by the debtor to the claims listed must be filed with the court within 21 days after the date of the Notice. Failure to file an objection within the deadline set by the Notice of Intent to Pay Claims does not deprive a debtor of the right to object to the claim but it may deprive the debtor of the right to expect the chapter 13 trustee to recover any funds disbursed to the creditor after the deadline.

If the debtor does not file objections to the claims listed and if these claims total more than the claims listed by the debtor in the debtor's plan and schedules, the debtor may be required to amend the plan by a Motion to Modify Confirmed Plan and to increase the amount of the proposed plan payments.

### **Changes of Address:**

It is important, as you go through your Bankruptcy Case for the next three to five years, to keep both the Court and the chapter 13 trustee informed of your whereabouts at all times. So, if you move, you **must file** a *Notice of Change of Address* with the Bankruptcy Court, and be sure to send a copy of it to the trustee. The debtor's address on the trustee's computer system is only updated if there is a change of address filed with the court. This office will not accept requests to change a debtor's address made by any other means. Your creditors may try to reach you, the



court may try to reach you, and the trustee will *definitely* try to reach you, all by mail, during the pendency of your Bankruptcy Case. If your mail is returned *undeliverable*, your case may be **DISMISSED**.

### **Copies of tax returns and business income statements:**

You are required to provide the trustee copies of your tax returns within 14 days of filing with the appropriate tax agency – generally the IRS and the Franchise Tax Board (LBR 3015-1(o)).

### **Sale or refinancing of property, incurring additional debt:**

The plan does not revert the property in the debtor until discharge: A debtor must obtain the approval of the Court and inform the trustee of any intent to sell or refinance the debtor's principal residence or other real property. The debtor must also obtain the consent of the Court and the trustee prior to incurring additional debt. The debtor should consult an attorney for further information.

Incurring New Debts, Selling, Purchasing or Refinancing Property: While you are in Bankruptcy, you are restricted in the types of transactions you may complete. In order to sell, buy or lease a major asset such as a house, a car, etc. or to borrow in excess of \$250.00 (including buying or refinancing a home or taking out a new car loan), you *must obtain permission from the Bankruptcy Court*. Again, if you have an attorney, call your attorney. Your attorney will know how to obtain permission to enter into these types of transactions from the Bankruptcy Court. If you do not have an attorney, call the Trustee's office. The Trustee has forms and instructions for the types of motions required allowing you to sell, buy or refinance a home, or to purchase property with a new loan, which will be sent to you by mail only if you are acting as your own attorney.

### **What to Do When You Have Trouble Making Payments:**

The Bankruptcy Code provides that a chapter 13 case may be dismissed if a debtor *defaults* on a chapter 13 plan. The trustee *will* move to dismiss your case if you fall behind in your monthly plan payments. The Bankruptcy Code also provides, however that your plan may be modified or that some of the payments due under your plan may be suspended *for good cause*. Accordingly, if you have trouble keeping up with the payments due under your plan, consider filing a *Motion to Modify/Suspend Plan Payments*. Once more, if you have an attorney, call your attorney in regards to this type of motion. If you do not have an attorney, call the trustee's office. The trustee's staff will send you the forms and instructions required for this type of motion through the mail only if you are acting as your own attorney.

### **Six month reports**

The trustee will send you and your attorney an accounting of the money received in your case over the past six months and the payments made from your case to creditors or attorneys over the past six months. **This is a very important document. Please review it carefully.** If you

believe that a payment is missing from your case, write the trustee informing him of the missing payment and give the office the following information: the date the payment was made, the cashier's check or money order number and the amount of the payment. You will receive a written response to your inquiry. If you do not receive a written response within 30 days, please call the office and ask to talk to the Trustee. The Trustee has a policy of talking to any debtor or creditor who calls the office and requests to talk to the Trustee. You can reach the trustee directly by dialing (714) 621-0200 x 223. You will generally get your questions answered faster if you call the receptionist as the trustee is out of the office in court at least 6 days a month.

Please review all the creditors being paid. If a creditor you do not know or that you do not owe money to is being paid from your case, please call the trustee's office and explain the situation to any of our employees. If we agree with you, we will correct our system and send you written confirmation of the change. If we do not agree with you, we will so inform you on your call.

### **Additional requirements for discharge**

BAPCPA added a number of requirements prior to the granting of a discharge to a debtor. Following is a short list of these requirements, but you must discuss these with your attorney as procedures will change from time to time. The procedures are set out in LBR 3015-1(t).

1. You must complete a personal financial management course from an approved provider and file the certificate awarded to you with the Court prior to the granting of a discharge.
2. You must file a Debtor's Certification of Compliance Under 11 U.S.C. §1328 and Application for Entry of a Discharge. The certification requires the following type of information:
  - Did you complete all your payments including any payments due on Domestic Support Obligations that came due during the pendency of your plan;
  - Provide your current address (this may be used by child support collections agency to get in touch with you);
  - The address of your most recent employer;
  - List any creditors who hold debts that have been determined non-dischargeable;
  - List any creditors holding debts that you have reaffirmed (rare in chapter 13);
  - Declare that you have not signed a written waiver of discharge;
  - Declare that you have not received a discharge in a case filed under chapter 7,11,or 12 within the past four years of the filing date of the chapter 13;
  - Declare that you have not received a discharge in a chapter 13 within the past two years of the filing date of the chapter 13;
  - Declare that you have completed a personal financial management

- course;
- Declare whether you have used a homestead exemption of more than \$125,000 and if so whether you were convicted of a felony prior to the filing of the case or during the pendency of the case;
  - Declare whether you owe a debt which arises from a violation of federal or state security regulations, a civil remedy under section 1964 of title 18, or a criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five years.

**Debtor audits:**

Effective with cases filed after October 17, 2006, the United States Trustee Program will be selecting cases randomly for auditing. If your case is selected, you are required to provide the necessary information to the auditor retained by the United States Trustee Program. You are also required to assist the auditor in the completion of his engagement. Failure to assist the auditor, may result in the revocation of your confirmation or of your discharge. This requirement may be suspended from time to time by the United States Trustee Program.

**Credit rehabilitation:**

Debtors who complete their plans may improve their credit by informing the primary credit reporting agencies (Equifax, Experian, and Transunion) of their discharge. A copy of your final report from your Chapter 13 Trustee and a copy of the discharge from the court should accompany a letter to the agency informing the agency that you have paid off your plan. You may want to include a statement indicating what percentage was paid to unsecured creditors.

You can reach these reporting bureaus at the following addresses:

Equifax Credit Information Services, Inc.  
P.O. Box 740241  
Atlanta, GA 30374

[www.equifax.com](http://www.equifax.com)

TransUnion  
P.O. Box 2000  
Chester, PA 19022

[www.transunion.com](http://www.transunion.com)

Experian  
475 Anton Blvd.  
Costa Mesa, CA 92626

[Www.experian.com](http://www.experian.com)

**Limitation on legal advice to debtors:**

The Bankruptcy Code provides in §1302(b)(4) that the trustee shall “advise, other than on legal matters, and assist the debtor in performance under the plan;” The Office of the Trustee will attempt to assist all debtors complete a confirmed plan, however, it cannot provide any legal advice to the debtors.

*For further information on bankruptcy procedures, please refer to the local bankruptcy rules and any amendments thereafter (i.e., the U.S. bankruptcy code and rules and local bankruptcy rule 3015-1.)*

## **Important Things To Know About Your Chapter 13 Plan**

- 1. Your plan payment begins within 30 days of the filing of your petition.**
  - *For example, if your case was filed on 3/15 then your first plan payment becomes due by 4/15*
  
- 2. Your plan payment is due once a month, every month from the date of filing your petition until the end of the term of your plan.**
  - *For example, if your case was filed on 3/15 and your plan provides for \$2,500 per month for 60 months then you will need to pay \$2,500 every month for 60 months starting 4/15*
  
- 3. Your plan payment must be in the form of a money order or cashier's check.**
  - Payable to "Amrane Cohen, Chapter 13 Trustee"
  - With your name and case number printed clearly on the face of the payment instrument
  - CASH IS NEVER ACCEPTED FOR A CHAPTER 13 PAYMENT
  
- 4. Prior to your case being confirmed – payments are to be brought to the hearing or mailed at least 7 days prior to any hearing. After your case is confirmed – you may either mail your payments or pay by internet check.**
  - Mailing Address: Amrane Cohen, Chapter 13 Trustee,  
For Santa Ana cases: P.O. Box 1252, Memphis, TN 38101-1252  
For Riverside cases: P.O. Box 562, Memphis, TN 38101-0562
  - Internet Payment: Register in the ePay System available at www.ch13ac.com  
Select the "ePay" link to get started
  
- 5. For your 341(a) Meeting of Creditors - you must bring (1) a government issued photo ID and (2) proof of your Social Security number (social security card, government id or original W2).**
  - *Even though the meeting is called a meeting of creditors, you must attend or your case may be dismissed.*
  
- 6. You may not buy, sell, trade, or give away any real estate, vehicle, or anything else of value while you are in a chapter 13 without the permission of the Court.** You may not buy anything on credit for more than \$500.00 unless you get approval from the Court prior to the purchase. The only exception is for emergency medical care.
  
- 7. You must inform your attorney, the court and the trustee if you move or change jobs.**
  
- 8. If a creditor contacts you during your chapter 13 advise them of your case number and give them the name and telephone number of your attorney.** If they do it again, let your attorney know.
  
- 9. You will get faster service from the trustee office if you know your case number.** Our phone number is (714) 621-0200, our email address is [efile@ch13ac.com](mailto:efile@ch13ac.com), and our web site is [ch13ac.com](http://ch13ac.com). *The chapter 13 trustee, his attorneys, and his staff are not authorized to provide you any legal advice.*
  
- 10. Bankruptcy schedules are filed under penalty of perjury.** Failure to list assets, creditors, lawsuits, or any interest in property in your bankruptcy schedules will result in a referral of your case to the United States Trustee Program and to the United States Attorney's Office.

**Notice Is Hereby Given That The Information Relating To Your Chapter 13 Bankruptcy Case Will Be Made Available On The Internet To Your Creditors And Other Parties In Interest.**

Pursuant to 11 U.S.C. §§1302(b)(1) and 704(a)(7), the 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 parties in interest.

In furtherance of this duty, the Chapter 13 Trustee will make the following information available to parties in interest who request such information:

1. Your name, address, bankruptcy case number, state and district in which your case is pending, and the trustee assigned to your case. Your Social Security number will not be visible to parties in interest, except for the last 4 digits.
2. Information about claims filed in your case including the identity of the creditor, the type of claim (e.g. secured, priority, or unsecured), the amount of the claim, and an account number identifier which may include the last 4 digits of your account with the creditor.
3. A history of all the payments you make to the chapter 13 trustee including the date and amount of each payment and when it was posted to the trustee's system.
4. A history of all disbursements made by the Chapter 13 Trustee in your bankruptcy case including the date of the disbursement, the payee, the trustee check number, and the amount.

You may review, without charge, the information about your chapter 13 bankruptcy case that is posted on the internet. The internet address is [www.ndc13.com](http://www.ndc13.com). The site is operated by the National Data Center, Inc. ("NDC"). You can contact the NDC for technical assistance at 866.938.3639. Questions specific to your case should be directed to the Office of Amrane Cohen, Chapter 13 Trustee.

In addition to appearing on the NDC site, information about your bankruptcy, including copies of your schedules and plan, are available on the internet in PACER. Access to PACER requires an account and is subject to a charge per inquiry. PACER is operated by the Administrative Office of the Bankruptcy Courts.

## How to make your plan payments to the trustee

The following information is provided to assist you in complying with the requirement to make plan payments to the trustee. If there is any conflict between the information provided here and direct advice from your attorney, please make sure to follow the advice of your attorney.

### **1. Acceptable form of payment:**

The chapter 13 trustee does not accept payments by cash or personal check. As provided for in LBR 3015-1(k)(3), plan payments must be made by **cashier's check or money order**. LBR 3015-1(k)(3) allows the trustee to approve other means to make payments. This office accepts payments through ePay (described on the prior page) from the filing of the petition on, and payments through ACH for confirmed plans. Automated payments from your bank through bill pay are NOT approved as a means to make plan payments. The office does not have the ability to accept payments by debit cards.

### **2. Who to make out the check to:**

Please make your cashier's check or money order payable to **Amrane Cohen, chapter 13 trustee**.

### **3. Additional required information on your payment.**

Please make sure to write **your name and case number** on the face of your cashier's check or money order.

### **4. Address where your payments should be sent:**

For Santa Ana (Orange County) Cases: **Amrane Cohen, Chapter 13 Trustee**  
**P.O. Box 1252**  
**Memphis, TN 38101-1252**

For Riverside (Inland Empire) Cases: **Amrane Cohen, Chapter 13 Trustee**  
**P.O. Box 562**  
**Memphis, TN 38101-0562**

**Payments that are not made by cashier's check or money order may be returned to the sender. This will mean your case will be considered delinquent and may be dismissed.**

**Cashiers' checks or money orders that do not have the debtor name and case number on their face may be returned to the sender. This will cause the case to be considered delinquent.**

### **Payment by automatic transfer (ACH)**

You may authorize the chapter 13 trustee to withdraw the plan payment from your checking account. **Failure to have sufficient funds in your account after authorizing the automatic transfer, ACH, will result in NSF charges to you by your bank.**

**If you select this method to make your plan payment, you must make your payment by cashier's check or money order until your case is confirmed. After your case is confirmed, you will receive a letter from the trustee informing you that your automatic withdrawal is in place, until you receive that letter please continue to make your payment by cashier's check, money order, or ePay. **IF YOU HAVE ANY QUESTION ABOUT WHETHER YOUR PAYMENT IS GOING TO BE WITHDRAWN AUTOMATICALLY, JUST CALL THE OFFICE, WE WILL BE HAPPY TO ANSWER YOUR QUESTIONS.****

If you want to make your plan payments by automatic transfer, please fill out and return the attached authorization.

YOU ARE NOT REQUIRED TO SELECT THIS METHOD FOR MAKING YOUR PAYMENTS. IF YOU SELECT THIS METHOD TO MAKE YOUR PAYMENT, YOU CAN SELECT ONE OF THREE DUE DATES. THEY ARE THE 20th, THE 25<sup>TH</sup>, OR THE END OF EACH MONTH.

### ePay

The Office of Amrane Cohen, Chapter 13 Trustee now accepts payments tendered through the ePay website.

There is a charge for using this service. This charge is assessed and collected by the company providing the ePay service not the office of Amrane Cohen, Chapter 13 Trustee. As of this writing the charge is \$2.00 for any payment amount. Please check the current charge on the website as the amount charged may change from time to time.

To use ePay you need to register and you must have an e-mail address. You can access the registration site and the payment site through the office web site at [www.ch13ac.com](http://www.ch13ac.com).

The terms and conditions for this service are available on the ePay web site.

Once you have established an account, you can make payment through the ePay site. You will immediately receive an e-mail confirming that you have authorized a payment to be made from your checking account. The payment is processed that night and reported to the Office of Amrane Cohen, Chapter 13 Trustee the next day. If there is any problem with the authorized payment, you will receive an e-mail informing you of the rejection of the payment.



**AUTHORIZATION TO TRANSFER PAYMENTS  
FROM MY BANK ACCOUNT**

**(for joint debtors, I means we and my means our throughout this document)**

I, \_\_\_\_\_, case number \_\_: \_\_\_\_\_  
(Please print your name) (Print you case #)

hereby authorize the office of Amrane Cohen, chapter 13 trustee, to transfer from my account the funds necessary to cover the monthly plan payment. I understand that I am responsible for making my monthly payment to the chapter 13 trustee under the terms of my confirmed plan. I understand that it is my responsibility to make sure that funds sufficient to cover the plan payment will be available every month at least 48 hours prior to the due date that I have selected below.

I am requesting that the funds to make my plan payment be withdrawn from my account with the following institution, \_\_\_\_\_ .  
(Print name of bank, savings and loan, or credit union)

I understand that each month a withdrawal will occur on (select one of the following dates:)

\_\_\_\_\_ the 20<sup>th</sup> of each month;

\_\_\_\_\_ the 25<sup>th</sup> of each month;

\_\_\_\_\_ the end of each month.

The actual withdrawal will occur on the next business day after the date you select above. For example, withdrawal at the end of each month will be made the first business day of the following month.

I understand that the Office of Amrane Cohen, chapter 13 trustee, will only be responsible for accounting for funds actually transferred from my bank to his bank.

Date: \_\_\_\_\_ Debtor's signature: \_\_\_\_\_

Co-debtor signature: \_\_\_\_\_

(Attach a copy of a check marked "void" on the signature line here using scotch tape or a glue stick)

**GUIDELINES FOR ALLOWANCE OF ATTORNEYS FEES**  
**IN CHAPTER 13 CASES**

**THESE GUIDELINES GOVERN THE ALLOWANCE OF ATTORNEYS' FEES IN CHAPTER 13 CASES IN THE CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION.**

**AN ATTORNEY MAY RECEIVE AN ORDER APPROVING FEES UP TO THE AMOUNTS SET FORTH HEREIN WITHOUT FILING A DETAILED APPLICATION IF:**

The attorney has filed with the court and served on the chapter 13 trustee the statement required pursuant to rule 2016 of the Federal Rules of Bankruptcy Procedure and a fully executed copy of the "Rights and Responsibilities Agreement Between Chapter 13 Debtor and Their Attorneys" ("RARA"), copies of which are available in the clerk's office and the court's web site at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov); and

No objection to the requested fees has been raised.

**THE MAXIMUM FEE WHICH CAN BE APPROVED THROUGH THE PROCEDURE DESCRIBED HEREIN IS:**

\$5,000 in a case where the debtor is self-employed or engaged in a business; or

\$4,000 in all other cases;

**IF AN ATTORNEY SEEKS ADDITIONAL FEES OR ELECTS TO BE PAID OTHER THAN PURSUANT TO THESE GUIDELINES:**

The attorney shall file and serve an application for fees in accordance with 11 U.S.C. §§ 330 and 331, Rules 2016 and 2002 of the Federal Rules of Bankruptcy Procedures and Local Bankruptcy Rules 2016-1 and 3015-1, as well as the Guide To Applications For Professional Compensation issued by the United States Trustee for the Central District of California.

In any event, on its own motion or the motion of any party in interest, the court may order a hearing to review any attorney's fee agreement or payment, in accordance with 11 U.S.C. ' 329 and Rule 2017 of the Federal Rules of Bankruptcy Procedure.

**IF THE ATTORNEY HAS FILED A RARA AND A 2016(b) STATEMENT, THE BALANCE OF FEES DUE WILL BE PAID PRIOR TO A REFUND BEING ISSUED TO THE DEBTOR. VERIFY THAT YOU HAVE BOTH A RARA AND 2016(b) STATEMENT ON FILE WITH THE TRUSTEE TO MAKE SURE THE REFUNDS ARE PROCESSED CORRECTLY.**

This form is required to be provided to the Trustee no later than  
14 days after the filing of the petition  
(see LBR 3015-1(b)(6))

**Information re: holder of Domestic Support Obligation in**

**case number: 8: \_\_\_\_\_-bk-\_\_\_\_\_**

Name of DSO holder: \_\_\_\_\_

**Address line 1:** \_\_\_\_\_

**Address line 2:** \_\_\_\_\_

**Address line 3:** \_\_\_\_\_

**City:** \_\_\_\_\_

**State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone number:** \_\_\_\_\_

This form must be submitted to the Office of Amrane Cohen, Chapter 13 Trustee within 14 days of the filing of the petition. A pdf of this form is available on the trustee website.  
The form can be e-mailed to **[efile@ch13ac.com](mailto:efile@ch13ac.com)**