

# Devin Derham-Burk, Standing Trustee

Office of the Chapter 13 Trustee  
Northern District of California • San Jose Division

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## VERY IMPORTANT INFORMATION YOU MUST KNOW AS A DEBTOR

### 1. PAYMENTS

Payments made to the **Trustee**: You must your scheduled plan payment to the Trustee by the 20<sup>th</sup> of every month. No cash or personal checks are accepted. Your payments must be made in certified funds such as money orders or cashier's checks. Payments must be made payable exactly as follows: DEVIN DERHAM-BURK, TRUSTEE. You must include your name and case number on the payment. The Trustee will not send you payment reminders. Making your plan payment is solely your responsibility. You must MAIL your payments to the following payment address: PO BOX 50009, SAN JOSE, CA 95150-0009. YOU MAY NOT DELIVER YOUR PAYMENTS IN PERSON.

**For an online bill pay option**, please visit [www.tfsbillpay.com](http://www.tfsbillpay.com) or call (888)729-2413 to set up an account. If you would like a Voluntary Wage Deduction through your employer, please contact the Trustee's office at (408) 354-1345.

**Failure to make Trustee Payments**: If you fail to make payments, the Trustee will ask the Court to dismiss your case. If your case is dismissed, your creditors may proceed against you. After **confirmation of your plan**, you will first receive a "Notice of Default" which gives you several ways to fix the missed payment. If you receive one of these notices, read it very carefully and contact your attorney and the Trustee's office immediately. If you do not respond to the Notice of Default, your case will be dismissed.

**Payments not paid to the Trustee**: Unless your plan provides otherwise, you must continue to make your house payments to your lender, or to your landlord, and you must continue paying your insurance, gas, electric, utilities and car insurance payments.

### 2. PLAN APPROVAL/CONFIRMATION (Court approval of your plan)

If no one objects to your plan, the Trustee will ask the Court to confirm (approve) your plan. Normally, your attorney will tell you that you do not need to attend the hearing where the Court will confirm your plan.

An objection to your plan means that someone will ask the Court not to approve your plan. There may be a hearing that your attorney, and sometimes you, must attend. You must keep in contact with your attorney to take care of the objection. Your attorney will tell you if you must attend the hearing.

### 3. PROBLEMS, QUESTIONS, CHANGES – WHOM SHOULD YOU CONTACT?

**Your attorney**: The first person you should always contact is your attorney. Your attorney has agreed to represent you during the whole time you are in Chapter 13. If a creditor calls or writes you, contact your attorney. **If you do not have an attorney, you alone are responsible for your case.** If you need to change or add any information to your bankruptcy papers, contact your attorney.

**The Trustee**: You may contact the Trustee whenever you need help that does not require legal advice. The Trustee or her staff cannot give you legal advice. The Trustee does not respond to email inquiries. See the footer below for ways to contact the Trustee by Telephone, Fax, or Mail.

**Changes**: If there are any changes in your address, telephone number or job, you must immediately notify your attorney who will then file the proper notice with the Court and the Trustee. If you fail to do this, you may miss important information that may help or harm your case.

### 4. BUYING AND SELLING PROPERTY

**Trustee/Court permission**: If you want to sell or buy any property, such as a house or car, you must get permission from the Court or the Trustee. You must immediately contact your attorney and the Trustee's office to find out the steps you need to take to get approval to buy, sell or refinance property while you are in Chapter 13.

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Payment Box: P O Box 50009 • San Jose, CA 95150-0009  
Correspondence Only: P O Box 50013 • San Jose, CA 95150-0013  
Telephone: (408) 354-4413 • Fax: (408) 354-5513