

COVID-19 341(a) procedures for chapter 13 cases in the Santa Ana Division

341(a) meetings of creditors will be conducted remotely throughout the duration of “stay at home” orders by local, state, or federal orders.

The 341(a) conference line of 1-866-916-8638 and the “participant code is 9393985#” will be monitored for the first 15 minutes of each calendar hour and any party appearing on the line will either continue through the line or be redirected to a Zoom video conference at the participant’s option.

Attorneys representing Debtors at the 341(a) meeting will be asked to upload the debtor(s) ID and Social Security number to 13documents.com. A new document type has been added to the site to accommodate these documents and deliver them to the Debtors’ case for verification by the hearing officer.

We expect compliance with all the requirements of §521 and Local Bankruptcy Rule 3015-1. Allowances will be made for inability to comply because of the COVID-19 pandemic.

341(a) meetings will be conducted by video conference using Zoom whenever possible. The office will have the Trustee and two staff attorneys conducting meetings concurrently.

Invitations to the Zoom meeting will be sent by each officer to cases on calendar. We will make sure that cases are grouped by attorneys so one attorney does not have to deal with competing Zoom meetings in the same calendar.

Attorneys should determine whether the debtor(s) will be able to participate into the Zoom meeting by video conference or telephonically. For those debtors who can appear through a Zoom meeting, the attorney is to provide an e-mail address– in which case a link to the meeting will be sent by the hearing officer. If the appearance will be telephonically– in which case the phone number and meeting code will be provided by the attorney to their client.

If you are planning to have an appearance attorney cover the hearing for you, please let us know who the attorney is so we can bunch their appearance together.

We will be providing all attorneys the 341(a) questionnaire and the 341(a) handout as an attachment to the e-mail directing them to a Zoom meeting. We will be sending through snail mail the same information to Pro Per and attorneys for whom we have no e-mail address.

Attorneys will be required to upload the signed 341(a) questionnaire to 13documents.com. Pro Per will be provided a return envelop to return their questionnaire to the office.

Plan payments can be submitted to the lockbox at the usual address or through ePay. All employees are working remotely and payments submitted to the office are only open once a week – so this method is very much discouraged.

If your lender has granted you a forbearance of payments, please attach that documentation to your declaration of post petition payments. Please note that confirmation of the case will be delayed until a determination is made of how those payments will be handled – capitalized to the end of the loan, made up during the life of the plan, or provided for over the term of the plan.

Section 1308 requires that all tax returns due in the 4 year period ending on the date of the filing have been filed. We will inform the courts that we are not objecting to confirmation based on the failure of the debtor to comply with this section prior to July 15, 2020, for tax year 2019. However, we will object to confirmation if tax years prior to 2019 have not been filed.