

## IMPORTANT THINGS TO KNOW ABOUT CHAPTER 13

**CONTACTING THE TRUSTEE'S OFFICE:** Office hours are 8:30 a.m. to 4:00 p.m. Monday through Friday.

<u>Telephone</u>	<u>Payment Address</u>	<u>Mailing Address</u>	<u>Physical Address</u>
Telephone (813) 658-1165	P.O. Box 830	P.O. Box 6099	721 Cortaro Drive
Toll Free 1-866-658-1165	Memphis, TN 38101-0830	Sun city Center, FL 33571-6099	Ruskin, FL 33573
Facsimile (813) 658-1166			

Chapter 13 debtors should keep in close contact with their attorney. The Trustee and his staff cannot give any debtor or creditor legal advice. All debtors are encouraged, however, to communicate with the Trustee's office and ask questions of a general nature. To check on payment status or to request an accounting, for example, please call the Accounting Department (option 4), and for inquiries as to claims and Plan disbursements, please call the Claims Department (option 3). A Debtor Status Report is always available, upon request, showing the entire payment and disbursement history of a case.

### PLAN PAYMENTS

In every Chapter 13 case, the Bankruptcy Court will enter an Order Establishing (1) Duties of Trustee and Debtor, (2) Plan Confirmation Procedures, (3) Requirements for debtor's Compliance, (4) Procedures for Allowance of Administrative Expenses, and (5) Procedures for Adequate Protection Payments to Secured Creditor. The Plan payment is the amount specified in the Debtor's Plan. If an Amended Plan is filed the Debtor is required to make the payment in the Amended Plan. **Failure to make the required Plan payments will result in the Court dismissing the case.**

The first Plan payment is due 30 days after the case is filed and must be made payable to Terry E. Smith, Trustee in the form of a **cashier's check or money order** only. The Trustee cannot accept cash payments or personal checks in any case. Each debtor's name and bankruptcy case number should be legibly written or typed upon the face of all Plan payments and correspondence.

If you cannot make the Plan payments, you may want to contact both your attorney and the Trustee's office. The Trustee, however, cannot give additional time to make required payments. Your attorney will be able to advise you of any alternatives in the event you fall behind or you cannot complete payments under a confirmed Plan.

### BUSINESS DEBTORS

Chapter 13 business debtors should have received, at the meeting of creditors, a statement reminding them of their responsibilities as a business debtor, together with a business case questionnaire. Business debtors should read the statement carefully and correct any deficiencies in their business practices. The questionnaire, together with copies of the past two (2) years income tax returns (individual and corporate, if applicable), should be returned to the Trustee as soon as possible.

### CONFIRMATION

A confirmation hearing will be set approximately 45 days after the initial §341 meeting of creditors. The five (5) bankruptcy judges each have different requirements for confirmation. Confirmation of a Chapter 13 Plan is often difficult for a debtor with good legal counsel, and a pro se debtor is well advised to seek the assistance of a competent bankruptcy attorney. It is the debtor's responsibility to review all filed claims and, if advisable, object to any claims either before or immediately after the claims bar date established at the start of each case.

### GENERAL CONCERNS

All federal and state tax returns must be filed in order to have a Chapter 13 Plan confirmed. The Trustee is required to have complete copies of tax returns and payroll advices prior to your Meeting of Creditors. Other information may also be requested in order to make an informed recommendation for confirmation.

All creditors must be listed in the bankruptcy schedules and dealt with in the Chapter 13 Plan. To add an omitted creditor, please see your attorney.

A debtor may not, without the Trustee's consent, purchase on credit during the life of a Chapter 13 Plan. The Trustee's consent is often required, for example, for refinancing a home mortgage or to purchase a replacement automobile. If the Trustee's consent is needed, make a request in writing and be specific, indicating what is being purchased, the cost, and the anticipated monthly payment.

Court approval is required for the sale of any real estate, other than a homestead, and in some instances a title company may require a Court Order approving the sale of even homestead property.

Read all the mail you receive from the Court and the Trustee's office for times, dates, and other important matters. Each debtor must promptly notify both the Court and the Trustee's office of any address change.