

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.

Telephone
Telephone (941) 747-4644
Toll Free 1-800-248-2075
Facsimile (941) 750-9266

Payment Address
Jon M. Waage
P.O. Box 260
Memphis, TN 38101-0260

Mailing Address
Jon M. Waage
P.O. Box 25001
Bradenton, FL 34206-5001

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 7), and for inquiries as to claims and Plan disbursements, please call the Claims Department (option 6). 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 providing, in part, for the commencement of Plan payments to the Trustee. **Failure to make the required Plan payments will result in the Court dismissing the case, sometimes with prejudice.** In the event an amended Plan is filed proposing to increase Plan payments over and above that specified in the Order, the increased payments should begin with the next scheduled payment.

All Plan payments are due **within 30 days of filing your case either on the same day** of each month (check the order for the exact date) and must be made payable to Jon M. Waage, 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.

In addition to your regular monthly plan payments, the Trustee may require that all of your tax refunds must be committed to the Plan each year. You should not spend any tax refund without prior Court approval.

If you cannot make the Plan payments, you may want to contact your attorney. The Trustee 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. Business debtors should read the statement carefully and correct any deficiencies in their business practices.

CONFIRMATION

A confirmation hearing will be set. The 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 may request complete copies of tax returns or other information in order to make an informed recommendation for confirmation.

If a pre-petition mortgage default is being cured in a proposed Plan, all required mortgage payments falling due after the Chapter 13 Petition was filed must **also** be made to the Trustee. Payments to the Trustee will be used, in part, to cure arrears which accumulated on the mortgage prior to the filing of the Chapter 13 case.

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.