

Your Rights and Responsibilities Under Chapter 13

**Read this pamphlet carefully.
If you lose your copy, call the
Office of the Trustee for a
replacement.**

Chapter 13 Trustee:
Margaret A. Burks, Esq.

Office Hours:
Monday through Friday
8:30 a.m. to 4:30 p.m.

**The First payment is due
30 days after filing.
Make all money orders or
certified checks payable to:
The Office of the Trustee**

**All payments must be mailed to:
The Office of the Trustee
P.O. Box 290
Memphis, TN 38101-0290**

**Put your Case Number on all
money orders and correspondence.**

**The Office of the Trustee does not
accept payments at the office address.
Do not mail payments to the street address.**

Case No. _____

Attorney Phone No. _____

Attorney E-mail: _____

Use this number in any contact with the
Office of the Trustee or the Bankruptcy Court.

WHAT ARE YOUR RIGHTS?

The purpose of Chapter 13 is to allow you to repay your debts and obligations over a period of time while protecting your source of income. Most creditors are familiar with Chapter 13 and will respect your use of it and will not violate the restrictions which the law puts on their collection proceedings. If, however, such action does take place, you should immediately notify your Attorney so he or she can take action to stop such practices. (If you have filed Chapter 7 or Chapter 13 before, ask your Attorney to explain your rights.)

REPORTS:

After you are in Chapter 13 for about six (6) months, you will receive a listing of your creditors and the amounts of the claims which they have filed. This is called a "Notice of Intention to Pay Claims." If you find any errors in this report, contact your Attorney immediately.

In January of each year, you will receive from the Office of the Trustee a complete report of all activity on your case. When you receive this report, look it over and if you have any questions, you should call your Attorney or you may contact this office **IN WRITING**. Because of the large number of reports we send, we will not accept telephone inquiries about these reports. Reports will not be available at other times unless requested by your Attorney.

TAX REFUNDS:

You may retain \$800 from a single tax refund and \$1600 from a joint tax refund. Any tax refund above these amounts must be turned over to the Chapter 13 office unless your plan provides otherwise.

WEB SITE:

Information regarding your case is available to your creditors on the Chapter 13 Web Site. You may request a copy from your attorney. You may also access information regarding your case through a website address: www.13datacenter.com. You will need to answer some basic questions concerning your case to obtain a login and password.

PAYMENTS:

Your MAJOR OBLIGATION under the Plan is to see that your regular payment to the Trustee is made. By submitting your Plan to the Court, you asked for certain protections in return for your promise to make your payments to the Trustee. When the Court confirms your Plan, that promise becomes an order of a United States Court requiring you to make such payments. The Trustee will file a Motion to Dismiss if payments are not received.

In most cases, your employer will be asked to assist you in meeting your obligation by making a deduction from your paycheck. If your employer fails to cooperate for any reason you still have the obligation to make the payment yourself. The failure of your employer to cooperate will never be a valid excuse for missing your payment. Check your paystubs!

If you change your job, contact your Attorney so he or she can notify the Court.

ADMINISTRATIVE FEES:

The Trustee charges a small percentage fee on every dollar distributed to your creditors.

In addition, your case is charged 50¢ per notice sent by the Chapter 13 office, plus postage.

CHANGE OF ADDRESS OR JOB:

Notify your attorney **IN WRITING** of any change of address or employment.

WHAT SHOULD YOU DO IF PROBLEMS ARISE? CALL YOUR ATTORNEY

If for any reason, you find that you will be unable to make your regular payment, call your Attorney.

Your Attorney may be able to file a Motion to Suspend your payments for a short time for good cause. The Trustee is unable to allow you to miss your payments.

If you remember an old debt which you forgot to list, call your Attorney. Your Attorney may be able to have it added to your plan. Such action may result in an increase in your payment to keep your Plan within the time limit set by law, which is three to five years.

Attorney fees for post-petition work and any unpaid pre-petition work will be paid by the Chapter 13 Office through your plan upon application and order from the Court filed by your Attorney.

DELINQUENT CASES:

If your account becomes delinquent, you may be asked to meet with the Trustee to discuss the future of your plan. If you fail to attend such a meeting, the Trustee will file a motion to dismiss your case.

The Trustee can also file a motion to dismiss if your account becomes delinquent without meeting with you. If your case is dismissed, your creditors can pursue you for any and all debts.

NEW CREDIT, SELLING PROPERTY, RECEIPT OF MONEY:

If an urgent need arises which requires you to obtain new credit, over \$1,000, you cannot do so without permission of the Court, and/or Trustee. Your Attorney can request such permission by Application to the Trustee's office. A good and valid reason must be given to secure such new credit.

You cannot sell any property, including real estate, without notifying the Court and the Trustee. Your Attorney will file a motion with the Court or Trustee.

Your confirmation order provides that all funds/ money received should be turned over to the Chapter 13 office unless the Court orders otherwise.

CONCLUSION:

A Chapter 13 Plan properly prepared and carried out by you to completion can be an excellent and responsible way for you to begin reestablishing your credit rating and get a fresh start in your financial affairs.

Trustee Address:
Office of The Trustee
600 Vine Street, Suite 2200
Cincinnati, OH 45202
Do not send payments to this address
Phone No. 621-4488

Questions:

Always call your Attorney first and allow Counsel time to respond to your request. The Chapter 13 office cannot give legal advice.