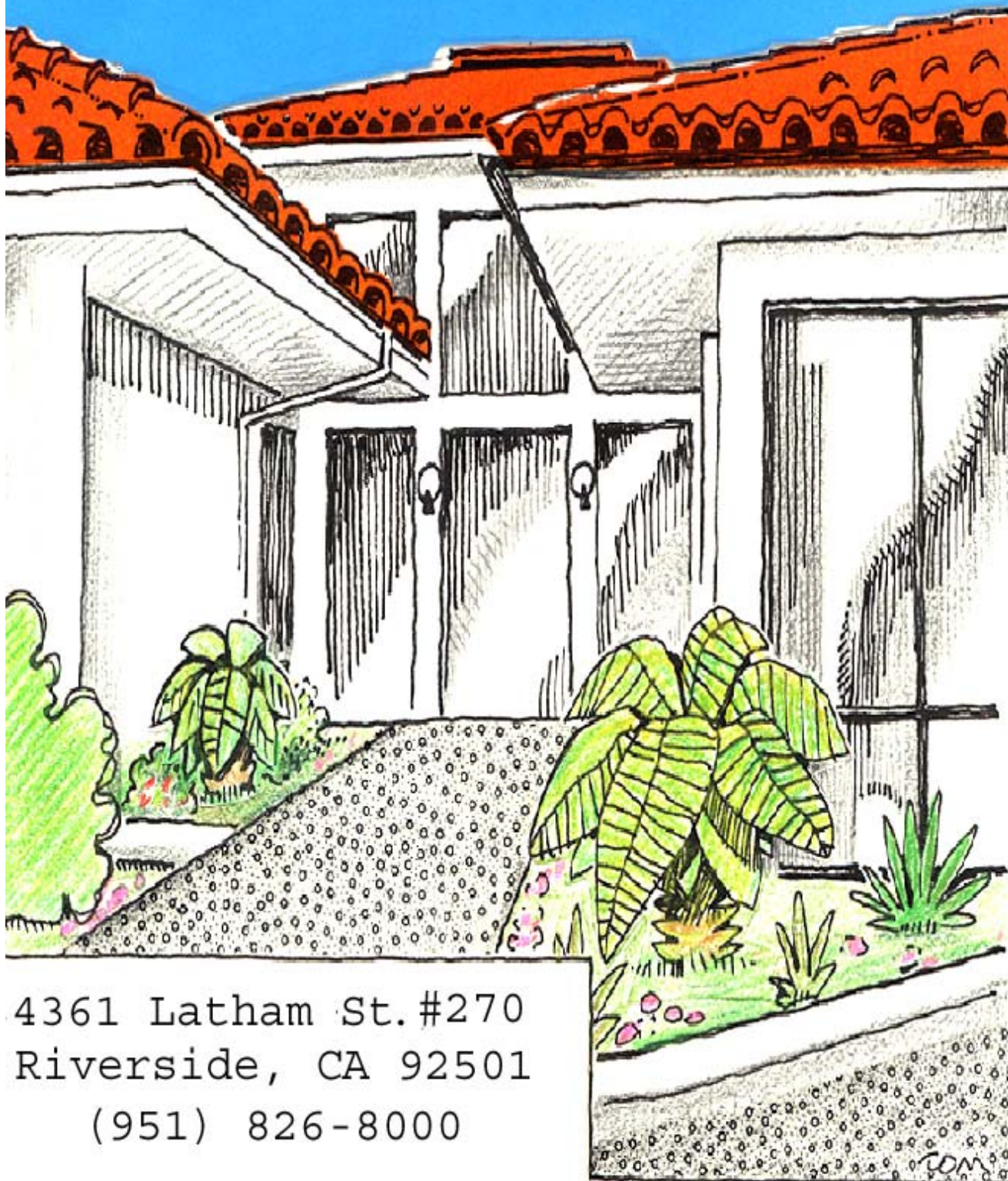


# Chapter 13 Handbook



4361 Latham St. #270  
Riverside, CA 92501  
(951) 826-8000

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This handbook contains brief answers to many of the questions you may have about your Chapter 13 bankruptcy case. This is not a substitute for the advice of an attorney, and remember: the Trustee is not your attorney and he cannot give you legal advice. Read this booklet carefully and completely to better understand your obligations and responsibilities, and then refer to it when you have questions.

Your case number is very important. Be sure to write your case number and your name on anything you send to the Trustee—letters, legal documents, and most important: your plan payments.

My Case No. is: RS \_\_\_\_\_

My Plan Payment Amount is \$\_\_\_\_\_ Per Month.

My Payments are Due on the \_\_\_\_\_ Day of each Month.

My Attorney's Name is: \_\_\_\_\_

My Attorney's Telephone Number is: \_\_\_\_\_



**Plan Payment Address:  
Chapter 13 Trustee  
P. O. Box 92997  
Los Angeles, CA 90009**



**Plan Payments must be: (1) in the form of certified check or money order only  
and (2) made payable to: Chapter 13 Trustee.**

**Be sure to PRINT your NAME and CASE NUMBER  
on each payment instrument.**

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*Bankruptcy proceedings are governed by Title 11 of the United States Code (U.S.C.), the Federal Rules of Bankruptcy Procedure (FRBP), and the Local Bankruptcy Rules (LBR), including LBR 3015-1, which governs Chapter 13 cases filed in the Riverside Division of the Central District of California.*

*The Local Bankruptcy Rules and some Chapter 13 forms are available from the Clerk of the Bankruptcy Court. LBR 3015-1 and some Chapter 13 forms may be downloaded from the court's website at: [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov). You can also call the clerk's office at: (951) 774-1000.*

*The Chapter 13 Trustee does not provide bankruptcy forms.*

*Information about receipts and disbursements in Chapter 13 cases administered by Rod Danielson, Chapter 13 Trustee is available on-line at: [www.13network.com](http://www.13network.com). In order to protect the privacy of those who file for bankruptcy protection, access to debtor information on-line is password-protected. To sign-on, you will need to submit a signed user agreement to the Trustee. The Trustee will assign a log-in and a password. To obtain a user agreement, check the website or call the Trustee's office at (951) 826-8000.*

*Case information for some Chapter 13 cases in Los Angeles is available on-line at: [www.13network.com](http://www.13network.com). Case information for Chapter 13 cases administered by Nancy Curry is available on-line at [www.trustee13.com](http://www.trustee13.com). Case information for Chapter 13 cases administered by Amrane Cohen is available on-line at [www.ch13ac.com](http://www.ch13ac.com).*

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For more information and useful downloads visit the Trustee's

website at: [www.rodan13.com](http://www.rodan13.com)

\*\*\*\*



**Did you know?**

The concept of bankruptcy dates back to ancient Roman times, when a debtor could voluntarily surrender his assets to his creditors by petitioning a magistrate, thereby retaining his civil rights (*cessio bonorum*). The first voluntary bankruptcy laws in the United States were enacted in 1841.

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*See the Chapter 13 Time-line after page 14!*

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## CHECKLIST FOR YOUR §341(a) MEETING OF CREDITORS

You recently filed a Chapter 13 bankruptcy petition and received notice of the date of your creditor meeting pursuant to the provisions of 11 U.S.C. §341(a). The following is a list of your obligations for the §341(a) meeting:

**1. Honestly and Accurately Answer Questions:** When you filed your Chapter 13 petition, you initiated a federal court case. It is a federal crime to knowingly and fraudulently sign false bankruptcy documents or to commit perjury by testifying falsely at the §341(a) meeting. 18 U.S.C. §152. Carefully review your bankruptcy documents, and if you find errors, **TELL YOUR ATTORNEY AND THE TRUSTEE IMMEDIATELY.** Most of the time your bankruptcy papers can be amended to correct minor mistakes or omissions.

**2. Bring Your Plan Payments:** A plan payment is the dollar amount set forth on the first or second page of your plan that you propose to pay to the Chapter 13 Trustee each month. Your first plan payment comes due 30 days after the date you filed your bankruptcy petition. Subsequent payments are due on the same day of each month thereafter. For example, if you filed your petition on April 15, your first payment would be due May 15 and on the 15th of each month thereafter. If your case was converted from Chapter 7, your first plan payment is due 30 days from the date of entry of the conversion order.

Plan payments must be made by cashier's check, certified check or money order only. No cash or personal checks will be accepted. Payments must be made payable to "**Chapter 13 Trustee.**" Your case number and name must be legibly written on each cashier's check, certified check or money order.

*Your case may be dismissed if you do not bring all plan payments with you and in the proper form.*

**3. Mortgage Payments:** All mortgage payments that come due after you file your petition and before the §341(a) meeting must be given to your attorney who is to forward the payments to your mortgage lender. **If you are not represented by an attorney, see #4 on page 2.** If your plan has been properly served, the lender knows that mortgage payments may be received after the due date because they are to be forwarded by your attorney.

These payments must be made by cashier's check, certified check or money order only. The payments must be made payable to the lender. Your name, loan number and bankruptcy case number should be legibly written on each cashier's check, certified check or money order.

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Before mailing any payments, consult with your attorney. Your attorney is in the best position to advise you of the correct procedure for ensuring that your plan and mortgage payments are submitted properly. *Your case may be dismissed if you do not pay all post-petition mortgage payments as required by the court. See LBR 3015-1 for more details.*

- **4. Mortgage Information:** Know the day of the month your payments are due, whether you have a grace period, the amount of each payment, the account number and the address to which payments must be sent. Please check with your lender to see if there is a new account number or a special address to which delinquent payments must be sent. Bring this information with you to the §341(a) meeting.

IF YOU ARE NOT REPRESENTED BY AN ATTORNEY, you must mail your mortgage payments to your lender by certified mail, and file Bankruptcy Form 3015-1.4 with the court and serve the form on the affected creditor(s), and the Chapter 13 Trustee. Follow the instructions on the form carefully. The form is available from the clerk of court and on-line at: [www.rodan13.com](http://www.rodan13.com).

- **5. Proof of Income:** Make sure that the Trustee receives evidence of all sources of your current income at least 8 days before the §341(a) meeting. For wage earners, “proof of income” means legible copies of your three most recent consecutive paystubs. Be sure that your paystub or other proof is representative of your income. For example, if you do not usually work 45 hours per week, do not provide a stub for a pay period that is based on 45 hours. Include a written explanation of how you calculated your average monthly income, and be sure to write down how often you receive a paycheck (e.g., weekly, bi-weekly, semi-monthly or monthly). Be prepared to explain all payroll deductions.

Not later than 7 days prior to 341(a) meeting, you must submit a copy of your most recent tax return to the Trustee.

**Debtors Engaged in Business:** If you are self-employed, you must submit a Business Report to the Chapter 13 Trustee on the Trustee’s approved form, and copies of the last five years of federal income tax returns, including all schedules and attachments. You must also submit the last 6 months of business bank statements. If the business is incorporated, you must also submit five years of corporate returns. If the business is a partnership, five years of partnership returns must also be provided.

The Business Report must be completely filled out, signed under penalty of perjury, and must include all documents requested in the form, including tax returns and a list of business inventory. The business report form is available on-line or by calling the Trustee’s office. The Trustee must receive the completed report and all attachments at least 8 days before the §341(a) meeting.

The reporting requirements for a Chapter 13 debtor engaged in business are

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continuing in nature, and are quite extensive. For further information about your responsibilities as a debtor engaged in business, refer to 11 U.S.C. §1304, FRBP 2015 (c)(1), and Local Bankruptcy Rule 3015-1.

**Income from Rental Property:** If you receive rental income (or you own property in addition to your residence), you must complete a Real Property Questionnaire for each property. The Real Property Questionnaire is available on-line or by calling the Trustee's office. The Trustee must receive the completed questionnaire at least 8 days before the §341(a) meeting.

*Your case may be dismissed, including dismissal with a 180-day bar against re-filing, if the Trustee does not receive proof of all sources of income at least 8 days prior to the §341(a) meeting.*

**6. Petition, Plan and Schedules:** You should have filed each of these documents with the Clerk of the Court. Bring a complete set of your bankruptcy documents with you to the §341(a) meeting.

**7. Your Spouse:** Both husband and wife must be present when there is a joint filing.

**Your children:** Please make separate arrangements for your children. There are no accommodations for children at the §341(a) meeting.

*Your case may be dismissed if you do not appear at the §341(a) Meeting.*

**8. Proof of Service:** Make sure that each of your creditors was sent a copy of your plan, that a proof of service form has been filed with the Court, and that the Trustee has received a copy of your proof of service at least 10 days prior to the §341(a) meeting.

*Your case may be dismissed if the Trustee does not receive the proof of service timely.*

**9. Proof of Vehicle Insurance:** Bring a copy of the “declarations” page of your motor vehicle insurance policy.

**10. Bring Photographic Identification:** You will be asked to produce a photo ID. A valid California driver's license, California ID card, or a military identification card will be sufficient.

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- **11. Proof of Social Security Number:** You will be asked to produce proof of your Social Security number. Acceptable forms of proof are: Social Security card, original pay stub (not a copy), and original W-2 or 1099 forms from your employer.
  
  - **12. Bring a pen:** Be prepared to take notes at the §341(a) meeting. There are blank pages at the end of this booklet for this purpose.
  
  - **13. If you need the assistance of a translator:** It is your responsibility to bring an independent individual qualified to provide translation services.

*If you fail to appear at the 341(a) Meeting or fail to timely submit all payments, your case may be dismissed with a 180-day bar to re-filing under any Chapter of the Bankruptcy Code.*

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**WHAT IS CHAPTER 13?** Chapter 13 is one method under the Bankruptcy Code to obtain relief from your creditors while at the same time providing a fair means to pay them back as much as you can over a period of up to 5 years. Chapter 13 has gained widespread acceptance across the country as an attractive alternative to a Chapter 7 liquidation bankruptcy. Individuals who file for Chapter 13 bankruptcy protection are commonly referred to as “debtors.”

Only an individual (or a married couple) with regular income who owes, on the date of the filing of the petition, non-contingent, liquidated, unsecured debts of less than \$336,900 and non-contingent, liquidated, secured debts of less than \$1,010,650, may be a debtor under Chapter 13. These limits may increase every 3 years. Corporations, partnerships, probate estates, stockbrokers and commodity brokers are not eligible for Chapter 13 relief. 11 U.S.C. §109 (e).

**PROTECTION FROM CREDITORS.** Chapter 13 protects individuals from the collection efforts of creditors, permits individuals to keep their real estate and personal property, and provides individuals an opportunity to construct a plan to repay their debts through reduced monthly payments. The size of the plan payment and the term of the plan are determined by a number of factors, including the amount the debtor can afford after paying reasonable living expenses and whether unsecured creditors would receive at least as much in the Chapter 13 case as they would if the debtor filed for bankruptcy under Chapter 7. 11 U.S.C. §§109 (e), 1325.

**CONTACTS BY CREDITORS.** Creditors who are listed in your Chapter 13 filing are under an automatic restraining order that prohibits them from attempting to collect money or property from you without a court order. 11 U.S.C. § 362 (e). If you receive telephone calls or notices in the mail from your creditors, send them to your attorney. Be sure you tell your attorney the name of the person who contacted you. Your attorney may want to follow up on such a call. The name of the person contacting you is very important.



**It's a Fact!**

Last year, over 58,800 cases were filed, and over 12,600 of them were Chapter 13 cases.

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**THE CHAPTER 13 STANDING TRUSTEE.** Rod Danielson is the Trustee assigned to your case. The Trustee represents the bankruptcy estate. The Trustee is not your legal representative nor is the Trustee the legal representative for any creditor. The primary function of the Trustee is to administer the bankruptcy estate; that is, to oversee timely receipt of your plan payments and make prompt and accurate payments to your creditors. The Trustee also provides information about Chapter 13 cases to debtors, creditors, and the Court. Neither the Trustee nor any member of his staff may give you legal advice.

**YOUR CASE NUMBER.** When you filed your Chapter 13 petition, the Clerk of the Bankruptcy Court assigned your case a number. This number is very important. You will need it whenever you write to the Trustee or when you make a payment to the Trustee. **ALWAYS PRINT YOUR CASE NUMBER AND YOUR NAME ON ANY PAYMENTS, LETTERS, OR OTHER DOCUMENTS YOU SEND TO THE TRUSTEE.**

**YOUR ADDRESS.** The Trustee must know your current and exact mailing address for as long as you are in Chapter 13. The Trustee has the address that you put on your petition and will send all notices to that address until you tell the Trustee, in a signed writing, to send them somewhere else. The Trustee has a form for this purpose, and the form is available by calling the Trustee or you may access the form on-line at [www.rodan13.com](http://www.rodan13.com). Be sure to sign your notice of change of address and include your case number. At the end of your case, any refund will be sent to the address you submitted to the Trustee. You would be surprised how often debtor refund checks are returned due to a bad address. To ensure that you receive all important notices, and any refunds, make sure the Trustee, your attorney, and the bankruptcy court have your correct mailing address at all times. It is also helpful if you provide the Trustee with your current telephone number.

**YOUR ATTORNEY.** When your attorney agreed to represent you and signed your petition with you, your attorney became obligated to appear and represent your interests throughout the life of your Chapter 13 case. Your attorney remains your “attorney of record” for as long as your case is active or until the judge permits your attorney to withdraw from your case. LBR 3015-1. If you ever have any questions concerning your case, your creditors, your rights under the Bankruptcy Code or your options under Chapter 13, make it a rule to ask your attorney first.



**Did you know?**

The Central District of California (Region 16) stretches from Temecula to San Luis Obispo, and from Los Angeles to the Nevada border. *The Riverside Division* of the Central District includes San Bernardino and Riverside Counties.

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Your attorney must explain to you how much you will pay in legal fees and how your attorney expects the fees to be paid. Be sure that you have discussed fully whether additional legal services during the life of your plan will cost you more money or whether the initial fee will cover all legal services. In some cases, your attorney may agree to be paid allowed fees through the Chapter 13 plan. However, all fees charged by your attorney must be reviewed and approved by your bankruptcy judge, even if you agree to pay more or pay them outside the plan. In the Riverside Division, if your attorney is being paid through the plan, he or she can receive up to one-half (½) of the monthly plan payment amount each month toward payment of the fees.

When you need advice or assistance, you should be able to get help from your attorney. Although the Trustee is able to answer many questions, the law prohibits the Trustee and the Trustee's staff from giving you any legal advice. If you have a problem, a question, or need advice, always call your attorney.

**DEBTORS IN PRO PER.** While use of an attorney is encouraged, it is not required. You may choose to proceed on your own, without an attorney's assistance. If this is your decision, you should understand that you will be fully responsible for properly completing and filing all documents and motions. No special allowances are made for debtors *in pro per*. Also, be prepared to disclose at the §341(a) meeting the name, address, telephone number and amounts you paid any one who helped you with your filing. Bring any receipts, business cards or written information you received from the person who assisted you.

**CHAPTER 13 COSTS.** The costs of administering Chapter 13 cases are paid by each debtor and are included in your monthly plan payment. The United States Bankruptcy Code states that the Chapter 13 Trustee is to charge an expense and compensation sum. The maximum charge is 10 percent of the amounts disbursed to creditors by the Trustee in each case. The percentage fee will vary during the life of your case, but is generally less than 10 percent and would not be more than 10 percent at any time. 28 U.S.C. § 586 (e) (1) (B) (I).

If your case is dismissed or converted to another chapter prior to confirmation, the Trustee will return to you all funds on hand, less the Trustee's administrative fee of \$50. If your case is dismissed or converted to another chapter after confirmation, the Trustee will refund to you all funds on hand, less \$100 for Trustee's fees, if the Trustee has not already received \$100 from disbursements made for the case. 11 U.S.C. 503 (b); LBR 3015-1.

**Did you know?**

There is no grace period for making your plan payments, and the Trustee does not give extensions or make payment arrangements. If you cannot pay your plan payment on time or in the full amount, contact your attorney for assistance. Only the judge can change the provisions of your plan (see page 15).



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**§341(a) MEETINGS of CREDITORS and CONFIRMATION HEARINGS.** 11 U.S.C. §341 provides that the debtor “shall appear and be examined at the meeting of creditors. At your §341(a) meeting, the Trustee or one of his attorneys will collect plan payments and ask you questions, under oath, about your assets, your liabilities and the feasibility of your plan. You will be asked about your income, expenses, prior bankruptcy filings, and any other matters that the Trustee believes are relevant.

The Trustee will also determine whether your plan is *feasible*, that is, whether your proposed plan payments are sufficient to pay off your creditors during the term you propose. Any creditors who appear will also be given an opportunity to ask questions. This meeting will be recorded. Copies of the record may be requested from the Office of the United States Trustee. (See page 30).

You and your attorney are required to attend the §341(a) meeting. If a petition was filed by a husband and wife, both must be present. There are no accommodations for children.

The Trustee will recommend that the Court confirm (approve) your plan if the Trustee believes that the plan complies with the legal requirements for Chapter 13 cases, and if all creditor objections have been resolved. If the Trustee determines that the plan is deficient, you will be informed of the deficiencies and, depending on the nature of deficiencies, the §341(a) meeting may be continued to permit further questioning. At the confirmation hearing, your judge will determine if your plan should be approved. Refer to page 31 for the location of the courtroom of the judge in your case.

**Copies of any new, revised or amended documents must be received by the Trustee at least 8 court days prior to the §341(a) meeting or the confirmation hearing.** If any creditor is adversely affected by an amended plan, you must serve a copy of the amended plan on each such creditor at least 25 days before the confirmation hearing. LBR 3015-1.

You and your attorney **must** appear at every confirmation hearing unless specifically excused by the Trustee at the §341(a) meeting. LBR 3015-1. If you are proceeding without an attorney, you must be present, unless the Trustee specifically excuses you.



**It's a fact!**

There are 5 Chapter 13 Trustees and over 40 Chapter 7 Trustees in the Central District of California.

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**PLAN PAYMENTS.** All your payments must be in the form of cashier's check, certified check or money order. Cash, personal checks and second party checks are not accepted. Your case will be considered delinquent if you do not make the payments in full, on time and in the proper form.

Plan payments must be made payable to "Chapter 13 Trustee." Always write your name and case number on all plan payments. If you do not include the required information on all payments, they will not be accepted. This will cause a delay in properly crediting the payments to your account, make your account delinquent and, possibly cause your case to be dismissed.

**PAYMENTS BEFORE CONFIRMATION.** Consult with your attorney before mailing any plan (or mortgage) payments. If you mail a payment and that payment is lost or delayed, your case may be dismissed if the Trustee has not received the payment by the date of any hearing in your case. It is therefore safer and wiser to bring your payments with you to each hearing until your plan is confirmed. For reasons of security and accounting control, the Trustee does not accept plan payments at his office address.

Please note that a mortgage lender may impose a late fee on a tardy mortgage payment.

**PAYMENTS AFTER CONFIRMATION.** Once the Court has confirmed (approved) your plan, you can begin making your regular monthly mortgage payments directly to your lender.

Your plan payments to the Trustee must be mailed to his bank lock box:

Rod Danielson, Chapter 13 Trustee  
P. O. Box 92997  
Los Angeles, CA 90009

Remember that your payment will be returned if it is mailed to the Trustee's office instead of the lock box, if it is not in the form of a cashier's check, certified check or money order, or if it does not include your case number and your name.

If your plan payment amount was increased at the 341(a) meeting or confirmation hearing, you must "make-up" the difference between the amount you paid and the confirmed plan payment amount. You have three months to pay the difference and become fully current.



**Did you know?**

While you are in Chapter 13, you cannot purchase or sell a car or any real property without a court order (see page 11).

**CREDITOR CLAIMS.** In order to be paid, your creditors must file proofs of claim with the court no later than 90 days (the “bar period”) after the date first set for the §341(a) meeting of creditors. Government agencies generally must file proofs of claim within 180 days after the date you filed the petition in your case. Priority creditors and holders of claims secured by real or personal property are paid in accordance with your plan until a proof of claim is filed. Creditors are required to serve copies of their proofs of claim on the debtor, the debtor’s attorney and the Trustee. The Trustee will only rely on a conformed copy of the proof of claim or the claims register from the Clerk of the Court to disburse payments. You or your attorney may file a proof of claim on behalf of a creditor. However, if the creditor subsequently files a claim, make sure that you withdraw the claim you filed, otherwise the Trustee may pay both claims.

Be aware that some debts are “non-dischargeable.” This means that they may not be discharged in bankruptcy. Examples of non-dischargeable debts include child support, certain taxes, and student loans. 11 U.S.C. §§523, 1328. One advantage of Chapter 13 is that you can propose a plan to repay these debts over time.

**NOTICE OF INTENT TO PAY CLAIMS.** After the claims bar period expires, a Notice of Intent to Pay Claims (NIPC) will be sent by the Trustee to you and your lawyer. The NIPC will be based on the claims register from the Court and any conformed proofs of claim received by the Trustee. The NIPC will list all creditors who have filed claims and the amount of each claim. You should review the NIPC promptly and carefully. The Trustee is required to pay all filed claims. **All claims listed on the NIPC, including duplicate claims, late-filed claims or claims which were discharged in a prior Chapter 7 case, will be paid by the Trustee unless you successfully object to the claim or the creditor amends or withdraws the claim.**

*You are in the best position to know whether the claims listed on the NIPC are legitimately your debts. Therefore, it is your responsibility to ensure that only valid claims are paid.*

**If you feel you do not owe certain debts listed on the NIPC, call your attorney. Do not call the Trustee.** Unless there is a court order, the Trustee has no authority to withhold payments to a creditor who has filed a proof of claim. If you do not schedule a hearing before your judge and successfully object to the claim or if the creditor does not amend or withdraw the claim, the Trustee will pay the claim as filed. Letters or telephone calls to the Trustee do not constitute objections to claims and will not stop the Trustee from paying the claim. The form and content of objections to claims are governed by Local Bankruptcy Rules and other applicable law.



**It’s a Fact!**

The Chapter 13 Trustee in Riverside disburses approximately \$1.2 million each month to creditors, debtors, and their attorneys.

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**NOTICE OF ADDITIONAL CLAIM.** As noted, creditors have 90 days after the §341(a) meeting to file their claims for payment, and then the Trustee will send you a NIPC listing all claims filed. Any time the Trustee receives a conformed copy of a claim after the initial NIPC, he will send you an updated notice called “Notice of Additional Claim.” This notice will include claims that came to the Trustee’s attention after the original NIPC was served. If you do not object, the Trustee will pay the additional claim.

**NOTICE OF CHANGE OF ADDRESS OF CREDITOR and NOTICE OF NEW CREDITOR.** It is not uncommon for a creditor to sell its claim to another creditor or for a creditor to change its name or address. When the Trustee receives information that a creditor has changed its name or address, the Trustee will send you and your attorney a notice that is similar to a NIPC, but which has important differences. The “Notice of Change of Address of Creditor” is self-explanatory. The “Notice of New Creditor” is sent when the Trustee is informed that a creditor has changed its name or that the debt has been assigned to a different creditor.

*It is extremely important that you review any notice you receive from the Trustee carefully and that you independently verify that the claims are valid and that any change of creditor name or address is accurate. If you do not object to a claim or to a change of a creditor name or address, you are instructing the Trustee to send your money to the new creditor or creditor address. If that new address or creditor name is not correct, it will be your responsibility to try to get your money back from the incorrect creditor. This applies to all creditors listed on the NIPC, the Notice of Additional Claim, the Notice of Change of Address of Creditor, the Notice of New Creditor, and creditors listed on the Trustee’s Status Report. Remember: this is your case, your creditors, and your money. It is your responsibility to ensure that the proper creditors are being paid.*

**SALE OR REFINANCE OF PROPERTY and INCURRING NEW DEBT.** During the life of your Chapter 13 case, you must obtain a court order to incur additional debt; for example, to purchase or lease an automobile. Consult your attorney for further information. Also, you cannot dispose of or refinance any of your property, including your home or other real estate, without a court order. If you dispose of your property without Court permission, the transaction may be set aside and your case may be dismissed. If you want to sell property, trade-in a car or sell your home, be sure to discuss it with your attorney and secure a court order approving the transaction. The Trustee does not give “letters” approving such transactions, nor can the Trustee give legal advice.



**Did you know?**

On the Chapter 13 Trustee’s staff are individuals who can communicate in Spanish, Tagalog, and Vietnamese.

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**VOLUNTARY CONVERSION TO CHAPTER 7.** Sometimes after filing a Chapter 13 petition, a debtor decides that another Chapter of the Bankruptcy Code provides more appropriate relief. You have the right to request that your case be converted to a case under Chapter 7 of the Bankruptcy Code at any time, unless your petition was filed as a Chapter 7 case and was then converted to Chapter 13. 11 U.S.C. §1307 (a). In addition, if you received a discharge in Chapter 7 during the last 8 years, the court may not permit you to convert your Chapter 13 case to Chapter 7. Talk to your lawyer for more information.

**VOLUNTARY DISMISSAL.** Federal Bankruptcy law allows you to request that your Chapter 13 case be dismissed. 11 U.S.C. §1307(b). No one can force you to remain in a Chapter 13 plan. If you want to discontinue your case, contact your attorney to file the appropriate documents with the Court.

You should understand, however, that a dismissal will reactivate all unpaid or disputed debts, all interest and finance charges, all late charges not allowed by the Bankruptcy Court, and all debts to creditors who did not file proofs of claim. In addition, you will be forced to deal with those creditors on their terms, not your terms or the court's. The request for dismissal of your case must be in writing and must comply with all legal requirements of the court and the law. In some circumstances, voluntarily dismissing your case could result in dismissal with a 180-day bar against filing another bankruptcy petition. 11 U.S.C. §109(g).

**PAYING MORE THAN REQUIRED.** Increasing your payments to the Trustee, even if only by a few dollars a month could have a big impact on finishing your plan ahead of time and reducing interest costs. If you ever wish to increase your plan payments, contact your attorney. If you wish to make a single extra payment, you may do that by sending a money order or a cashier's check to the Trustee's lockbox. Be sure to put your name and case number on any payments you send to the Trustee.

*Remember though, that even if you pay extra this month, another payment comes due next month and each month thereafter. If you fail to make a payment each month, the Trustee may seek dismissal of your case.*

The Trustee may object to early completion of a plan if early completion would result in less than a 100% repayment to unsecured creditors. Refer to the "base plan" section of this handbook on page 18, and contact your attorney for more information.



**Did you know?**

The two letters that appear at the end of your case number are the initials of the judge assigned to your case (see page 31).

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**CONTACTING THE TRUSTEE'S OFFICE.** Office hours are Monday through Friday from 9:00 a.m. to 4:00 p.m. The office is closed on most federal holidays.

**By Letter:** If you have a question that your attorney cannot answer, you may ask the Trustee by writing a letter. You can also request a print-out of all receipts and disbursements or a copy of a status report. All such requests should be in writing. Always include your name and case number. Address your letter to:

Rod Danielson  
Chapter 13 Trustee  
4361 Latham St, Suite 270  
Riverside, CA 92501

**By Fax:** (951) 826-8090: You can also fax your question or request to the Trustee.

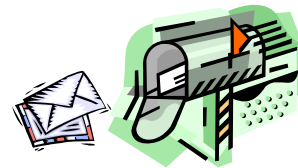
**By Phone:** (951) 826-8000: If you cannot wait for a written response, you may call the Trustee's office during office hours. Do not feel that you have to talk personally with the Trustee. The staff is familiar with the policies and guidelines under Chapter 13 and is well qualified to discuss with you any of your problems or questions.

**In Person:** A meeting with the Trustee or a member of the Trustee's staff can be arranged by appointment. **Please keep in mind that neither the Trustee nor the Trustee's staff may give legal advice.** Direct all legal questions to your attorney.

**Via the Internet:** Information about receipts, disbursements and claims is available on-line at: [www.13network.com](http://www.13network.com). To obtain access, you must submit a signed on-line access agreement to the Trustee. The Trustee will assign you a user ID and password by fax or mail. You can download an on-line access agreement from the Trustee's website or call the Trustee's office at (951) 826-8000. General information about Chapter 13 in Riverside is available at the Trustee's website: [www.rodan13.com](http://www.rodan13.com).

**Did you know?**

It's important to notify the Trustee in writing if your mailing address changes. If you don't, you may not receive important letters, notices or even refunds (see page 6).



*Plan payment receipt and disbursement information is readily available from the Trustee. Please note, however, that the Trustee's case-file is not available for public viewing. Due to the sensitive nature of the documents contained in the file, including copies of state and federal tax returns, bank statements, and medical and court records, only Trustee staff members have access to the physical file. This practice respects the privacy of individual debtors and also complies with policies restricting access to tax returns and related information, as established by the United States Department of Justice, as well as under California law. If you wish to view a document in the Trustee's file, talk to your attorney about obtaining a court order.*

**BANKRUPTCY DOCUMENTS and CASE INFORMATION.** The Trustee is not the official keeper of the records in Chapter 13 cases, and the Trustee does not provide copies of documents that are contained in bankruptcy court files. To obtain copies of any filed documents, including plans, petitions, claims, orders or pleadings, call the bankruptcy court clerk's general information telephone number at (951) 774-1000.

You can obtain copies of many filed documents, including petitions, schedules and entered orders, as well as dockets, through the court's on-line CM/ECF PACER system. For information about CM/ECF PACER, check the court's website at: [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov) under "electronic services."

You can also obtain case information by calling the court's "voice case information system" at (951) 774-1150.

The Local Bankruptcy Rules and some Chapter 13 forms are available from the Clerk of the Bankruptcy Court. LBR 3015-1 and some Chapter 13 forms may be downloaded from the court's website at: [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov) under "procedures/forms/rules." The Chapter 13 Trustee does not provide bankruptcy forms.



**It's a fact!**

The Bankruptcy Court system was established under Article I of the United States Constitution. Judges of the bankruptcy court are appointed to 14-year terms.

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**CHAPTER 13 CASE**

Petition filing date.	Plan and Schedules must be filed.	First plan payment due.
(15 days)		(30 days)

“Claims bar date”  
Creditor claims should be  
filed with the Court.

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(4-5 months after petition filed)

“Government claims bar date”  
Claims of government agencies  
should be filed with the Court.

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(6 months after petition filed)

Trustee makes final disbursement to creditors.	Trustee files and serves “Final Report.”
(3-5 years)	(1-3 months after final disbursement)

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**TIME - LINE**

§341(a) meeting/confirmation hearing.  
Plan payments collected by Trustee.  
Plan confirmed.

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(20-90 days)

Trustee files and serves  
“Notice of Intent to Pay  
Claims.”

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(5-6 months after petition filed)

Trustee authorized to begin payments to all  
creditors whose claims have not been  
disallowed or withdrawn.

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(8-9 months after petition filed)

“Order of Discharge” issued  
by Court.

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(6-8 weeks after  
“Final Report” file)

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**TRUSTEE’S MOTION TO DISMISS (TMD).** As a Chapter 13 debtor, you have many legal obligations. The Trustee has an obligation to monitor your compliance with your legal duties. Failure to perform your obligations may result in dismissal of your case.

Your obligations are set forth by statute, bankruptcy rules, and in court orders. Remember that if you willfully violate a court order, the law requires that your case be dismissed, and you may be prohibited from filing a new petition under any chapter of the Bankruptcy Code for a period of 180 days. 11 U.S.C. §109(g)(1).

The Trustee may ask the judge to dismiss your case if you violate a court order or if you fail to perform a legal duty as set forth in the Bankruptcy Code or Rules. The Trustee’s Motion to Dismiss (**TMD**) may be filed for any of the following reasons:

**Delinquency:** If you fail to pay your plan payment to the Trustee each month by the due date as ordered by the court, your case will be deemed delinquent. There is no grace period, and the Trustee does not give extensions or make payment arrangements. Only the judge in your case can change your payment requirements. Remember that if you pay extra one month, your regular payment is still due the following month.

It is very important to contact your attorney (not the Trustee) if you ever expect to miss a payment due to a lay-off, medical disability or job change. If your case is dismissed, you may not be eligible for any kind of bankruptcy relief for six months, so it is important to talk to your attorney if you know of any reason why the Trustee will not receive a payment.

If you receive a TMD, remember that calling the Trustee to state that you have mailed the delinquent amount will not stop your case from being dismissed. Unless the full delinquent amount (and any payments that have come due in the interim) has been posted to your case within 15 days of the date the motion was mailed, your case will be dismissed.

The Trustee has no authority to let you miss a payment, make a payment late, allow you to pay less than your plan requires or change your payment date. Only the judge can make such decisions. When you expect that you will not be able to meet the obligations of your plan, you should contact your attorney immediately to discuss your options, including whether to ask the judge to change the requirements of your plan in order to accommodate your changed circumstances. Do not wait until you are delinquent to take action.

**Unreasonable Delay:** 11 U.S.C. §1307(c)(1) provides that on request of an interested party the court may dismiss a Chapter 13 case for cause, including “unreasonable delay by the debtor that is prejudicial to creditors.” Generally, “unreasonable delay” refers to a substantial lag in making timely plan payments. It can also refer to your failure to timely submit documents requested by the court.

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**Expiration:** Your plan was confirmed for a set number of months. If there is a balance due to your creditors at the end of that term, the Trustee will notify you, your attorney and the judge by filing a motion to dismiss for expiration. Monitor the NIPC (see page 10) and status reports closely to gauge whether your plan payment amount is sufficient to pay all claims by the end of your plan. If not, you can address the situation by voluntarily paying more money to the Trustee each month, or by asking the judge to change the requirements of your plan. Call your attorney for assistance.

**Infeasibility:** If the total of the claims filed in your case exceeds the total of the claims you listed in your schedules, your plan may not be feasible. This means that all of the debt will not be paid by the end of your plan. To ensure that your plan remains feasible, always carefully review the NIPC (see page 10) and your status reports.

**Failure to Comply with the Court's Order of Confirmation:** The order of confirmation in your case may require that you submit tax returns, verification of automobile insurance, or any number of other documents to the Trustee within a specified time period. If you fail to comply with the requirements, you are in violation of the court order, and your case may be dismissed, including dismissal with a 180-day bar to refiling. Make sure you understand your obligations under the order of confirmation, and comply with them in a timely manner.

*If you receive a Trustee's Motion to Dismiss, call your attorney immediately. Very often, your attorney can file appropriate papers objecting to the motion to dismiss. You only have 15 days from the date the TMD was mailed to address the problem. Calling or writing to the Trustee does not stop the 15-day period from running, and remember, the Trustee cannot give legal advice.*

The best way to address a TMD is to avoid receiving one. As soon as you become aware of an unexpected expense or change in your circumstances, or if your plan becomes infeasible, talk to your lawyer about the best way to address the problem before it interferes with your performance under your plan.

**PAYROLL DEDUCTION ORDERS.** If you wish to have your monthly plan payment deducted from your paycheck and forwarded to the Trustee, please notify the Trustee of this fact after confirmation of your plan by writing a letter to the Trustee asking for "payroll deduction." Be sure to include the address of your employer's payroll department.

Remember that a payroll deduction order will only be issued after your plan has been confirmed. Usually there is some delay between the time the plan is confirmed and the time your employer begins deducting the payments from your paycheck. It is your responsibility to continue making the plan payments until your employer takes the money from your checks. If for any reason you wish to discontinue the payroll deduction, advise the Trustee in writing.

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**AUTOMATED CLEARING HOUSE (ACH).** You can have your plan payments automatically deducted from your bank account on or about the 20th of each month. Call the Trustee's office to obtain an "ACH Authorization" form or you may access the form on-line at [www.rodan13.com](http://www.rodan13.com).

**DEALING WITH CREDITORS.** You cannot pick and choose a particular creditor you wish to pay "on the side" or outside of the plan. All of your debts must be dealt with through the Court. You must pay all creditors through your Chapter 13 plan.

**STATUS REPORTS.** Most people are very interested to know how much they owe to their creditors and how much they have left to pay on their Chapter 13 plans. Twice yearly, the Trustee will send you and your attorney a status report listing the total of disbursements made to each creditor, your attorney and the Trustee as well as the approximate balance to pay-off your plan. The approximate balance may not include unmatured interest, late-filed claims, trustee fees, or base plan requirements if your plan pays less than 100% to unsecured creditors (see page 18).

Status reports are available on-line at: [www.13network.com](http://www.13network.com). You may also submit a written request for an additional status report to be faxed or mailed to you.

**ESTIMATED PAY-OFF.** If you wish to know the amount necessary to pay-off your plan, you should submit a request in writing. The Trustee can also give you an estimated pay-off over the telephone. Remember that any estimated pay-off would not include filed claims of which the trustee is not aware.

**CREDITORS NOT LISTED.** Creditors not listed by you when you filed your petition can cause quite a few problems. There are two kinds of unlisted creditors: Those you owed money to when you filed your petition but forgot to list on your schedules -- we call them "unlisted creditors," and those creditors who have a bill that was incurred after you filed your petition -- we call this type "post-petition creditors." If you find an unlisted creditor, one you owed but forgot to list, you should let your lawyer know the details immediately. Time is very important here, so do not delay if such a creditor is discovered. If any creditors did not receive proper notice of your bankruptcy, the debts owing to these creditors may not be discharged.

Post-petition creditors should be rare, because Court permission is required for you to borrow money or run up a bill while under Chapter 13. Post-petition debts should be brought to the attention of your attorney so that a review of your plan can be made. In some cases, these debts may be included in your plan.

**HOW CREDITORS ARE PAID.** The plan payments you send to the Trustee are used to pay your creditors, as well as your attorney and the Trustee.

So that you will have some idea how your creditors are paid, you should know that there are three (3) basic types of claims: priority, secured, and unsecured. Generally, first the Trustee pays creditors with claims on your real or personal property (secured claims) and creditors holding claims due to such debts as child support and

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delinquent taxes (priority claims). Finally, the Trustee pays everyone else (general unsecured claims).

Unless the order of confirmation provides other treatment for these creditors, unsecured creditors are not paid until the secured creditors and the priority creditors are paid in full. Consequently, it could be some time before the first payments are made on the unsecured claims. Secured claims receive interest at the rate proposed in the plan unless the court orders otherwise.

If a creditor does not agree to the interest rate or treatment proposed in the plan, the creditor must object prior to confirmation.

In Riverside, your attorney may receive up to one-half (½) of the plan payment amount towards payment of his or her fees.

Priority and secured creditors are paid pro-rata each month from funds that are available for distribution, unless the plan provides otherwise.

**BASE PLAN.** In most instances, your plan is a base plan. This means that you must pay your plan payments to the Trustee for distribution to creditors for the entire term of your plan or until your unsecured creditors are paid at 100%. The minimum amount you must pay to the Trustee is called the *base amount*. For example, if your plan payment amount is \$500 per month, and you have 60 month base, you must pay to the Trustee at least \$30,000. The sum of \$30,000 is your *base amount*.

Under a base plan, you must submit sufficient funds to pay: (1) the percentage you proposed to pay to your unsecured creditors or (2) the base amount, *whichever is greater*. The order of confirmation provides that state and federal tax refunds are pledged to the plan. Tax refunds are not a substitute for plan payments, and you must continue to pay your regular monthly plan payment, in addition to tax refunds. Tax refunds are not credited against your base amount; they are owed (in addition) to your base.

Remember that you have committed all of your projected disposable income to the Trustee for the term of the plan. If you pay the base amount prior to the expiration of your plan, you may be required to continue to make monthly payments in order to pay a higher percentage to your unsecured creditors. Before making any advance or lump sum payment, talk to your attorney.

**INSURANCE.** You are required to maintain insurance on all property that serves as security for your debt to any creditor. This includes vehicles, real property, and any business assets if you are a debtor engaged in business. If you do not maintain insurance, the judge may dismiss your case or permit the creditor to repossess or foreclose on the property that is the security for the debt.

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**POST-PETITION TAXES, TAX RETURNS AND TAX REFUNDS.** You are required to file your individual tax returns each year as they come due, and to pay any taxes that you owe. Debtors engaged in business must also timely file all appropriate state and federal returns as required by law. If you fail to file your tax returns or to pay your taxes, the court can dismiss your case, and you may incur substantial penalties. Be sure to mail a copy of your tax returns to the Trustee each year within ten days after you have filed those returns.

All tax refunds that you receive after filing your petition are pledged to the plan. Refer to the “base plan” section of this handbook (see pg. 18).

**THE PERCENTAGE YOU PAY TO UNSECURED CREDITORS.** If your Chapter 13 plan pays at least a seventy percent (70%) dividend to unsecured creditors, you may be able to obtain a second discharge under a Chapter 7 liquidation bankruptcy within 8 years after you have received your Chapter 13 discharge. Although you may feel that this is not important, giving up the right to full bankruptcy relief is significant and could work to your disadvantage if, in the future, you are faced with a catastrophic financial problem. If your financial situation improves while you are in your plan, you can increase the dividend to your creditors and thus improve the effect of your discharge USC §727(a) (9). If you want to do this, meet with your attorney to review whether a better discharge is possible.

**FINAL REPORTS.** After you have successfully completed your Chapter 13 plan, you and your attorney will receive a copy of the final report of the Trustee. The final report is an accounting of all money received and all payments made by the Trustee during the term of the plan. The original of the final report is filed with the Bankruptcy Court. If there are no objections, the Court will issue the “order of discharge,” which is the final order of the court discharging your debts. Do not be surprised if it takes some time to receive this discharge. When you receive it, keep a copy of the order of discharge in a safe place, as you may need it if you are ever required to prove that you have successfully completed your Chapter 13 plan and discharged your debts.

Final reports are also sent to debtors and their attorneys when a case is closed due to dismissal or conversion to another chapter of bankruptcy.



**It's a Fact!**

Chapter 13 Trustees in the United States and its protectorates disbursed over \$1 billion last year.

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**DISCHARGE.** In order to receive a discharge in Chapter 13, you must certify to the court that you are current with any domestic support obligations (e.g., child support) and that you have completed an approved instructional course concerning personal financial management. The court must also make findings that there are no proceedings pending against you in which you could be found guilty of violating certain federal securities laws or of any criminal act, intentional tort or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years. The Trustee has a certification form that you must sign and return in order to obtain your discharge. You may not receive a discharge if you have received a discharge in Chapters 7, 11 or 12 during the 4-year period preceding the filing date of the current case, or if you have received a discharge in Chapter 13 during the 2-year period preceding the filing date of the current case.

**CONTACT BY CREDITORS AFTER COMPLETION OF CHAPTER 13.** When a creditor's claim has been fully paid through your plan, the creditor should, and usually does, send the "paid-in-full" papers to you. If the creditor does not provide the "pink slip," send the creditor a copy of your discharge along with a letter of explanation. If that does not work, contact your attorney. If you receive any request for additional money after your plan is completed, do not pay without first talking to your attorney.

**NEW CREDIT.** Your credit rating during and after completion of your Chapter 13 plan will be based on information provided by individual creditors.

Your credit history is made available to creditors who then make independent determinations whether or not to grant credit to you. Suits, collections, attachments and bankruptcies are indications, in one degree or another, of credit problems.

Debtors who complete their plans may be able to improve their credit profile by informing the credit reporting agencies that they have received a discharge. A copy of your final report from the Chapter 13 Trustee and a copy of your discharge order from the Court should accompany a letter informing the agency that you have completed your plan.

You should consider requesting a copy of your credit report to ensure that the information contained in the report is accurate. There is a nominal fee for obtaining a copy of the report from the agencies.

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Some credit reporting agencies are:

1. Experian  
P. O. Box 2002  
Allen, TX 75013-2104  
(888) EXPERIAN  
[www.experian.com](http://www.experian.com)

2. Transunion  
P. O. Box 1000  
Chester, PA 19022  
(800) 888-4213  
[www.transunion.com](http://www.transunion.com)

3. Equifax  
P. O. Box 740241  
Atlanta, GA 30374  
(800) 685-1111  
[www.equifax.com](http://www.equifax.com)

Any credit record that has been blemished by payment problems must be gradually rebuilt. Chapter 13 is a good place to start.



**It's a Fact!**

The average plan payment amount  
in Riverside is \$598.00.

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**ONE FINAL WORD.** Complying with a Chapter 13 plan is not easy. You may have to make a real sacrifice to meet the obligations that you have specified in your plan and still live within your Chapter 13 budget. Thousands of families have successfully completed their Chapter 13 plans and know that they have resolved their debt problems without filing a Chapter 7 liquidation bankruptcy and have paid most, if not all, of their obligations to their creditors. Chapter 13 will only work for you if you work very hard at meeting your obligations under your plan.



**Did you know?**

Some creditors find that the successful completion of a Chapter 13 plan can help to rebuild your credit history by showing that you were able to make regular, timely payments to the Trustee for 3 to 5 years. In addition, after completing your Chapter 13 plan, you should have significantly less debt than you had when you started, and so you should be better able to afford to make regular payments.

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## **FREQUENTLY ASKED QUESTIONS**

### **Plan payments**

**Q: My plan is confirmed. Where do I send my plan payments?**

*A: Plan payments are accepted only at: P.O. Box 92997, Los Angeles, CA 90009. Only certified checks or money orders are accepted. The payment must be made payable to “Chapter 13 Trustee” and must have your case number and last name legibly written on the instrument.*

**Q: What happens if I make the money order out wrong, or forget my case number or last name?**

*A: The money order will be returned, and you will be considered delinquent. If you don't include this identifying information, the Trustee cannot be certain that he is posting the funds to the correct case. By including this information, you are helping to ensure that your money is accurately credited to your case.*

**Q: Can I make my payments in person or mail them to the office address?**

*A: No. As a security measure, no funds are accepted at the office address. If you mail them to the office address, they will be returned and you will be considered delinquent.*

**Q: Can I change the due date for my plan payments?**

*A: Only the judge in your case can change the due date for your payments. Contact your attorney for assistance in filing the proper papers to request a change in the due date.*

**Q: I will not be able to pay my plan payment this month. What should I do?**

*A: Call your attorney immediately. Your attorney can file papers asking the judge to change the provisions of your plan by suspending payments, extending the plan, or possibly changing the monthly payment amount. Do not call the Trustee. The Trustee cannot change the provisions of your plan or make any payment arrangements. Only the judge can do that. See the following questions concerning “delinquency” for more information.*

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## **Delinquency**

**Q: I'm late with my plan payments. Can I make them up at the end?**

*A: No. The Trustee does not make payment arrangements and the Trustee does not have the authority to change the provisions of your confirmed plan. Only the judge can do that. Contact your attorney if you are not able to pay your plan payments as they come due. You must obtain a court order to change any of the provisions of your plan.*

**Q: I'm late with my plan payments. Can I make a payment arrangement?**

*A: No. The Trustee does not make payment arrangements or enter into repayment plans.*

**Q: I received a Trustee's Motion to Dismiss my case for delinquency. What does that mean?**

*A: You are delinquent in paying your plan payments to the Trustee, and he is asking the judge to dismiss your case. You have 15 days from the date the Motion was mailed to become fully current or to file and serve an objection to the Trustee's Motion to Dismiss.*

*If you are not fully current (including any plan payments that have come due since the Trustee's motion was mailed) by the "action date" on the first page of the Motion to Dismiss, your case will be dismissed. You will no longer have the protection of the bankruptcy court, and your creditors will be free to seek repayment of the debts you owe them. Contact your attorney as soon as you receive the Trustee's Motion to Dismiss. See the next question for more information.*

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**Q: I received a Trustee’s Motion to Dismiss my case for delinquency. What should I do?**

*A: Call your attorney. Your attorney can explain your options and can assist you in dealing with the motion. Basically, there are two ways to address the Trustee’s Motion to Dismiss. You can either:*

*(1) Pay the delinquent amount immediately by mailing a certified funds for the full amount of the delinquency (including any payments that have come due after the date the Motion was mailed to you) to the Trustee’s Post Office Box. **DO NOT DELAY!** If the Trustee has not posted the money to your case by the “action date” stated on your motion, your case will be dismissed. Calling the Trustee will not help. The Trustee cannot give extensions or make payment arrangements. Do not mail the payments to the office address. They will be returned to you, and you will continue to be delinquent.*

*(2) If you have a legal basis to do so, file an opposition to the Motion and schedule a hearing before the judge in your case. Your attorney can assist you with this.*

***DO NOT CALL THE TRUSTEE. Calling the Trustee does not change the action date and will not buy you any additional time. The Trustee does not give extensions or enter into payment arrangements. The Trustee will not “hold” the order or make any special arrangements. The Trustee cannot give legal advice.***

**Q: I mailed the full amount of the delinquency on the “action date.” Will my case still be dismissed?**

*A: Probably. If the funds have not been posted to your case by the date the order of dismissal has been sent to the court, your case will be dismissed, even if the money comes in later. Calling the Trustee does not change the action date and will not buy you any additional time. Call your attorney as soon as you receive the Trustee’s Motion to Dismiss.*

### **Disbursements**

**Q: When does the Trustee mail the disbursement checks?**

*A: Monthly, approximately in the middle of the month.*

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**Q: Can I pick up my check in person?**

A: *No. As a security measure, all disbursement checks, including debtor refunds, are mailed.*

### **Paying Claims**

**Q: Who will the Trustee pay in my case?**

A: *The Trustee will pay all secured and priority creditors based on the provisions in your plan until the creditor files a claim. Once a claim is filed, the Trustee will pay the creditor based on the claim. If you disagree with the amount of the creditor's claim, call your attorney.*

*If your plan has been confirmed, approximately 4 months after the §341(a) meeting of creditors, you and your attorney will receive the Trustee's Notice of Intent to Pay Claims. This is a list of all the claims received by the Trustee. Review the notice carefully, and make sure that all of the debts listed are actually yours. If you find debts that you believe you do not owe, call your attorney! Do not call the Trustee. The Trustee must pay all claims as filed unless the creditor withdraws or amends the claim, or the judge orders that the claim be disallowed.*

*Periodically, you will receive status reports that list all the claims that the Trustee has received and the amounts paid to creditors. Review these reports very carefully and make sure that:*

- (1) All the debts listed are actually owed by you;*
- (2) All creditors that should be paid actually are being paid, and*
- (3) All payments you have sent to the Trustee have been posted.*

*If you find any discrepancies, CALL YOUR ATTORNEY.*

**Remember:** *this is your case and your money. It is your responsibility to monitor your case to ensure that the claims are correct.*

**Q: I just received a status report, and there is a creditor listed that was discharged in my prior Chapter 7 case. Will the Trustee pay the claim?**

A: *Yes. Contact your attorney to assist you in dealing with the claim. Unless the claim is withdrawn by the creditor or disallowed by the judge, the Trustee has no choice but to pay the claim. Calling or writing to the Trustee has no effect: either (1) the creditor must amend or withdraw its claim, or (2) the judge must order that the claim be disallowed.*

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**Q: I am a creditor. Will I receive interest on my claim?**

*A: Interest is paid at the rate specified in the debtor's plan. If no interest is specified, no interest will be paid. Contact an attorney for more information.*

**Q: I don't have an attorney, but I think I need one. Can you suggest an attorney?**

*A: The Trustee is not permitted to recommend specific attorneys. You can contact the following attorney referral services:*

<i>California State Bar Association</i>	<i>(800) 540-3160</i>
<i>Riverside County Bar Association</i>	<i>(951) 628-7520</i>
<i>San Bernardino County Bar Association</i>	<i>(951) 888-6791</i>

***The Trustee does not endorse any particular referral service or attorney, and he has no knowledge of how attorneys are selected by the referral services.***

*You might also seek a recommendation from friends, relatives, or co-workers.*

**Q: I'm a creditor, and I want to file a claim. Where do I get the form and what do I do with it?**

*A: The Clerk of the Bankruptcy Court sent you a blank "proof of claim" form with the notice of the bankruptcy case. If you did not receive one or have misplaced it, you can obtain blank forms at the Office of the Clerk at 3420 12<sup>th</sup> Street, Riverside, CA 92501. Check with your attorney; he or she may also have claim forms available.*

*After you have filled out the "proof of claim" form, make five copies, and mail them to: Clerk of the Bankruptcy Court, 3420 12<sup>th</sup> Street, Riverside, CA 92501. Include a self-addressed, stamped envelope to get a "conformed" or "file-stamped" copy back. Be sure to forward a conformed copy to the Trustee at 4361 Latham Street, Ste. 270, Riverside, CA 92501. That way, the Trustee can begin making disbursements sooner and to the correct address. You must also serve a copy on the debtor and debtor's attorney.*

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## **Miscellaneous**

**Q: I need to buy a new car, and the dealer says I have to get a letter from the Trustee. Can I get a letter from the Trustee?**

*A: No. If you wish to incur debt (buy or lease a car, sell, buy, or refinance a home) you must obtain a court order. The Trustee does not have the authority to give letters of approval. Contact your attorney for assistance.*

**Q: I want to pay off my plan early. How do I find out the pay-off amount?**

*A: Write to the Trustee and ask for an estimated pay-off. Understand, however, that any pay-off figure you receive from the Trustee is an estimate. It will not include any filed claims that the Trustee is not aware of, nor will it include interest that will accrue in the future on any secured claims. If your plan pays less than 100% to your unsecured creditors, you may be required to increase that percentage to 100% if you are seeking to pay off your plan early. Contact your attorney for more details.*

**Q: Can I get a status report?**

*A: Yes. Call the Trustee's office and request one. It will be sent by fax or mail.*

**Q: My husband filed for bankruptcy. Can I get some information about his case?**

*A: The Trustee will give out certain information about cases to interested parties in the case. Note, however, that if you are not on the petition as a co-debtor in the case, the Trustee can only give you some general information that would be available to creditors or other interested parties. Since you are not the debtor in the case, you cannot make decisions about the case, and there is some information that you will not be provided. You cannot "handle" the case for the debtor.*

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**Q: I received a “Notice of Infeasibility.” What does that mean?**

*A: The Notice of Infeasibility is generally sent if you are nearing the end of your plan and it appears as though your plan payments are not high enough to pay all of the debt remaining in your plan.*

*The Notice of Infeasibility is NOT a request to dismiss your case; it is a reminder. You should review the accompanying status report carefully, and consult with your attorney about how to address the infeasibility. You can voluntarily increase the plan payment amount you send to the Trustee each month, or you may be able to file a motion asking the judge to extend your plan. You may also be able to object to the payment of some claims, if you have a legal basis to do so. Talk to your attorney for assistance.*

**Q: What happens when I have paid all my debts through the plan?**

*A: When the Trustee has received sufficient funds to pay all claims, and it appears as though the plan will be “paid-in-full” (completed), the Trustee’s staff will review the court’s claims docket on-line to verify that all claims listed on the docket have been paid. If any additional claims are discovered, you and your attorney will receive notice and you will have an opportunity to address the claims.*

*If no additional claims are found, then after the last disbursement of funds, the Trustee will send the “Notice of Intent to File Final Report” to the debtor, debtor’s attorney, and all creditors. The “Notice of Intent to File Final Report” includes a list of all claims and amounts paid. Interested parties have 30 days to object, and if there are no objections, the Trustee will notify the clerk of the court to issue the “Discharge Order”. A copy is mailed to you and your attorney. This is the most important document in the case and it should be kept in a safe place. You will need it if you are ever required to prove that you received a discharge.*

*If your case was filed on or after October 17, 2005, you must certify to the court that you are post-petition current with child or spousal support (if any). Talk to you attorney about other discharge requirements.*

*It could take several months from the time you send your final payment until you receive your discharge.*

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## IMPORTANT ADDRESSES

**Chapter 13 Trustee  
(Documents & correspondence)**

4361 Latham Street, Suite 270  
Riverside, CA 92501  
(951) 826-8000  
(951) 826-8090 (Fax)  
Case data: [www.13network.com](http://www.13network.com)  
Trustee's website: [www.rodan13.com](http://www.rodan13.com)

**Chapter 13 Trustee  
(Plan payments only)**

P.O. Box 92997  
Los Angeles, CA 90009

**United States Bankruptcy Court  
Central District of California  
(Riverside)**

3420 Twelfth Street  
Riverside, CA 92501  
[www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)

**Office of the Clerk  
of the Bankruptcy Court  
(Riverside)**

3420 Twelfth Street, Room 125  
Riverside, CA 92501  
(951) 774-1000

**Office of the United States Trustee  
(Riverside)**

3685 Main Street, Suite 300  
Riverside, CA 92501  
(951) 276-6974

**Office of the United States Trustee  
(Los Angeles)**

725 S. Figueroa St., 26<sup>th</sup> Floor  
Los Angeles, CA 90017  
(213) 894-6811  
[www.usdoj.gov/ust](http://www.usdoj.gov/ust)

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**BANKRUPTCY JUDGES**  
**SERVED BY ROD DANIELSON, TRUSTEE**  
*(listed in alphabetical order)*

JUDGE: Peter H. Carroll  
United States Bankruptcy Court  
Central District of California, Riverside  
3420 Twelfth Street, Courtroom 304  
Riverside, CA 92501

JUDGE: Thomas B. Donovan  
United States Bankruptcy Court  
Central District of California, Riverside  
3420 Twelfth Street, Courtroom 301  
Riverside, CA 92501

JUDGE: Meredith Jury  
United States Bankruptcy Court  
Central District of California, Riverside  
3420 Twelfth Street, Courtroom 302  
Riverside, CA 92501



