

WHAT YOU SHOULD KNOW ABOUT YOUR CHAPTER 13 CASE

**CRAIG SHOPNECK,
CHAPTER 13 TRUSTEE**

For Cases Filed Under Chapter 13
in the
United States Bankruptcy Court
for the
Northern District of Ohio – Eastern Division
(Cleveland)

Includes Cuyahoga, Lake, Geauga and
Lorain Counties

This brochure answers questions that may arise during your Chapter 13 bankruptcy. Please read this brochure carefully and completely to learn about the role of the Chapter 13 Trustee and to understand your rights and responsibilities with regard to your bankruptcy. Legal questions should be directed to your attorney. The Chapter 13 Trustee does not provide legal advice.

If you lose your copy of this brochure, please call the Office of the Chapter 13 Trustee for a free replacement.

Notice: This brochure does not fulfill or replace the debtor's responsibility to complete debtor education pursuant to 11 U.S.C. §1328(g).

**KEEP THIS BROCHURE
FOR FUTURE REFERENCE**

RECORD YOUR CASE NUMBER

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Include your name and case number on all payments and correspondence sent to the Trustee.

Have your case number available when you call the Trustee's office.

MAKE CHECKS OR MONEY ORDERS PAYABLE TO:

Craig Shopneck, Chapter 13 Trustee

MAIL PAYMENTS TO:

Craig Shopneck, Chapter 13 Trustee
P.O. Box 714112
Columbus, Ohio 43271-4112

DIRECT LETTERS & INQUIRIES TO:

Craig Shopneck, Chapter 13 Trustee
BP Tower
200 Public Sq., Suite 3860
Cleveland, Ohio 44114-2321
Tel: (216) 621-4268
Fax: (216) 621-4806

TRUSTEE'S WEB SITE

www.ch13trusteecleveland.com

OFFICE HOURS

9:00 a.m. to 4:00 p.m.
Monday through Friday

REMEMBER...

Start making payments immediately.

Your first Plan payment to the Trustee is due no later than 30 days after your case is filed with the Bankruptcy Court.

Send payments to the Trustee's P.O. Box, not to the Trustee's street address.

- All payments to the Trustee must be mailed to the post office box at the address shown on the opposite page. The Trustee's office does not accept pay-by-phone or hand delivery of payments. Please allow three business days for your payment to be delivered to the Trustee's lock box and credited to your account.
- Be sure to include your name and case number on your check or money order.

Bring the required identification with you to the Meeting of Creditors.

Debtors must provide the following proofs of identification:

- Valid, unexpired photo identification (driver's license, state ID, employee ID, etc.). If the case is a joint filing, both debtors must have identification. If the debtor is using employment identification, the employer must still employ the debtor; and
- Proof of social security number. Government or employer issued documentation such as social security card, driver's license, IRS tax transcript, W-2 or 1009 are acceptable proof.

Keep in contact with your attorney.

- The Trustee's office does not provide legal advice. Please call your attorney if you feel changes are needed to your bankruptcy Plan. If you do not have an attorney, the Trustee strongly recommends that you hire one to assist you.

You have recently filed a bankruptcy case under Chapter 13 of the United States Bankruptcy Code. The purpose of this brochure is to explain to you what a Chapter 13 case is, what the Chapter 13 Trustee does, and what your responsibilities are as a Chapter 13 debtor. Acquainting yourself with the contents of this brochure will help you understand the Chapter 13 process and increase your chances for successfully completing your bankruptcy obligations.

WHY CHAPTER 13?

You and your attorney should have already discussed your various bankruptcy options before you chose to file a Chapter 13 case. You may have chosen to file a Chapter 13, rather than Chapter 7 liquidation, for several reasons:

- You may have fallen behind on your payments on a secured debt, such as a house or car loan, and you want to keep the asset that is the collateral on the debt;
- You may have assets that you own “free and clear,” and you want to keep these assets rather than have them sold to pay creditors;
- You may have debts, such as certain kinds of taxes and child support/alimony obligations, which cannot be discharged in a Chapter 7 case but may be paid over time in a Chapter 13 case;
- Your income is such that you are not eligible to file a Chapter 7 bankruptcy;
- You want to repay at least a portion of your debts over time; or
- You may have already completed a Chapter 7 case and received a discharge, and as a result you may be ineligible to file another Chapter 7 case for a specific period of time.

WHAT IS CHAPTER 13?

Chapter 13 is a type of bankruptcy in which debtors, either individuals or a married couple, choose to pay at least a portion of their debts out of their ongoing income, rather than having their non-exempt assets sold with the proceeds going to their creditors. As a Chapter 13 debtor, you are required to make regular payments to the individual who serves as the *Chapter 13 Trustee*. The Chapter 13 Trustee is appointed by the United States Trustee

and is authorized by the Bankruptcy Code to administer your *Chapter 13 Plan*. Your Plan is the legal document that you filed with the Court setting forth how much you will repay each of your creditors.

WHEN WILL CREDITORS STOP CALLING ME?

In most instances, as soon as you filed your bankruptcy, a *stay* was imposed on all of your creditors. The stay prevents creditors from taking certain actions against you to collect the money you owe them. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although you may request the court to extend or impose a stay. Because of the stay, creditors may not call you, garnish wages (except for child support and alimony), continue foreclosure proceedings, or attempt to repossess property. If your creditors do not stop these actions, contact your attorney immediately.

WHAT IS A DISCHARGE?

Your ultimate goal in any bankruptcy should be to complete your payment obligations and receive a *discharge*. A discharge is an order issued by the Bankruptcy Court stating that you have completed your obligations as a Chapter 13 debtor, and that certain debt you incurred before you filed your bankruptcy is forgiven. Once you receive a discharge, the individuals or companies to whom you owed money may not attempt to collect those debts from you again (except in certain circumstances, such as student loans, domestic support obligations, and certain kinds of taxes, which will be discussed later). In some instances, even if you complete your obligations as a Chapter 13 debtor you will not be eligible to receive a discharge. Your attorney will be able to advise you if you are eligible to receive a discharge upon completion of your bankruptcy.

WHO IS THE CHAPTER 13 TRUSTEE?

The *Chapter 13 Trustee* is the person who administers your Chapter 13 Plan. The Chapter 13 Trustee has several responsibilities including reviewing your bankruptcy petition and schedules for completeness and accuracy, reviewing your proposed Plan to make sure it complies with the bankruptcy laws, examining you at the *Meeting of*

Creditors, making sure your case is in order so he can recommend to the Bankruptcy Court that your Chapter 13 Plan be approved, collecting Plan payments, and making distributions to creditors according to the terms of your bankruptcy Plan as approved by the court. During the three to five year term of your bankruptcy, the Trustee will provide you with periodic reports of your Plan payments to the Trustee, the distributions the Trustee has made to creditors, and the amount of funds, if any, in the possession of the Trustee.

The Trustee is also responsible for making sure that you comply with your Plan after the Court approves it. If you fall behind on your payments, the Trustee will likely be the person asking the Court to dismiss your case. The Trustee's responsibilities do not include reminding you of your payment obligations to the Trustee or negotiating with creditors on your behalf. If a creditor contacts you, if one of your assets is repossessed or foreclosed upon, or if your mortgage company reports that you have fallen behind on payments, contact your attorney, *not* the Trustee.

The Trustee's office does not provide information to credit bureaus and will not become involved in any disputes you may have with credit bureaus. The Trustee's office does not provide legal advice. If you have legal questions, you should contact your attorney.

WHAT IS THE CHAPTER 13 PLAN?

When you filed your Chapter 13 petition, you were required to file a Chapter 13 Plan. Simply put, this Plan states how much you are to pay to the Chapter 13 Trustee and to certain secured creditors, and to whom the Chapter 13 Trustee is to make disbursements. Creditors that have claims based upon certain kinds of debts must be specifically named in your Plan. These debts include mortgages, taxes, child support and/or alimony debts, and debts that are secured by personal property, such as a car, furniture or jewelry. If you are behind on your mortgage payments, your Plan may provide for you to make up the delinquent payments. Your Plan may also provide for you to make your on-going mortgage

payments to the Trustee who in turn will make your monthly payment to your mortgage creditor.

WHAT KIND OF DEBTS DO I HAVE?

Debts on which there is no collateral are sometimes called *unsecured debts*. These would include but are not limited to debts such as utilities, credit cards, medical bills and loans to family members. Each unsecured creditor is individually listed in the bankruptcy documents filed with the Court. In your Plan, however, these creditors are not individually listed by name but instead are grouped together as unsecured creditors. They are paid a percentage of the amount of their claim. If you are unsure if a debt is secured or unsecured, ask yourself this question: If I don't pay this debt, is there something the creditor can take away or repossess? If the answer is "yes," the debt is probably a secured debt, and the creditor and the amount of the debt will have to be specifically provided for in your Chapter 13 Plan.

In most circumstances, all unsecured creditors must be treated equally. There is no provision in the Bankruptcy Code allowing you to favor one creditor of the same type over another, nor is there any provision in the Bankruptcy Code allowing you to omit a creditor from your bankruptcy schedules, no matter how much or how little you owe that creditor. In order to ensure complete compliance with the Bankruptcy Code, you must tell your attorney about all of your debts. The decision as to which debts are to be paid through your Chapter 13 Plan is not yours to make; in most cases, it is determined by the laws governing Chapter 13 bankruptcy.

I OWE SOMEONE IN MY FAMILY MONEY.

If you owe money to a family member, you must treat this debt exactly as you treat your other debts. It is unfair for you to pay a family member back in full while other creditors only get a portion of the money you owe them. If you owe someone in your family money, you must inform your lawyer. If it is later discovered that you owe money to a family member or if you repaid money to a family member within a certain period of time prior to the filing of your bankruptcy, and failed to disclose this information in

the documents filed with the Court, you risk having your bankruptcy case dismissed or converted to a Chapter 7 bankruptcy.

WHAT ARE MY PAYMENT OBLIGATIONS TO THE TRUSTEE?

Your Chapter 13 Plan requires you to make regular payments to the Chapter 13 Trustee. If you are employed, the Bankruptcy Court requires a *wage order* to be submitted to the court which orders your employer to withhold funds from your pay and to send these funds to the Chapter 13 Trustee.

If you are self-employed, or if your income is from a source such as a pension or Social Security, you are required to send the money yourself to the Trustee on at least a monthly basis. You may be eligible to participate in the Trustee's automatic payment program which allows you to elect to have your Plan payment deducted each month from your checking or savings account.

HOW ARE MY PAYMENTS DETERMINED?

Under the bankruptcy law and local Administrative Order, the amount you are required to pay is based upon various factors including your monthly income, reasonable and allowed living expenses, the amount of equity you have in your property, and whether your ongoing monthly mortgage payments are being made through the Trustee.

HOW DO I MAKE PLAN PAYMENTS?

You should receive from your lawyer a copy of the wage order, which is the Court order requiring your employer to make payments to the Trustee. This order includes your case number, the amount and frequency of your required payments, and the name and payment address of the Chapter 13 Trustee. If you are self employed or your income is derived from pension or social security, you are personally responsible for regularly making the Plan payments directly to the Trustee.

The Trustee does not accept payments by cash or pay-by-phone; nor does the Trustee have a place

where you can make payments in person. Payments must be *mailed* to the Trustee's P.O. Box shown on the inside cover of this booklet. The Trustee accepts money orders, bank checks, certified checks, and personal checks. However, if you bounce a check, the Trustee will no longer accept your personal checks.

For debtors who are self-employed or on a fixed income, the Trustee offers a payment program whereby Plan payments are automatically deducted each month from your checking or savings account. You may contact your attorney or the Trustee's office for information regarding the program.

The Bankruptcy Code requires that Plan payments to the Trustee start no later than 30 days after filing your case. If your employer is supposed to withhold money from your paycheck and send it to the Trustee but does not do so, it is your responsibility to make the Plan payment to the Trustee and to contact your employer and/or attorney about your employer's handling of your wages. You cannot sit back and wait for your employer to start making payments. It is your responsibility to make certain that Plan payments are made and that you are current in your monthly payment obligations to the Trustee. The Trustee does not send monthly statements, coupon books, or reminders. Failure to make payments to the Trustee is grounds for the dismissal of your Chapter 13 case. If your case is dismissed, then you will not receive a discharge, your debts will not be forgiven, and your creditors will be permitted to resume collecting the money you owe them.

WHAT IF I CHANGE JOBS?

You should tell your attorney and the Trustee's office immediately if you change jobs. Your attorney should file the appropriate paperwork with the Court so your new employer will begin withholding your Plan payments from your paychecks. Immediately letting your attorney know about your new job will help ensure that no interruption in Plan payments occurs. By making sure payments are not interrupted, you may prevent your case from being dismissed due to a deficiency in funding your Plan.

WILL THE TRUSTEE COST ME ANYTHING?

Included in your payment to the Trustee is a fee for administering your case. This fee is a percentage of the money the Trustee pays to your creditors. By law, this fee can be no more than 10%. In Cleveland, the Trustee's administration fee is less than 10%.

For example: If you pay \$100 to the Trustee, the Cleveland Trustee may be keeping \$6 as an administration fee, leaving \$94 available for your creditors. This is not a separate payment you have to make; it is already included in the money you pay to the Trustee.

WHAT IS THE MEETING OF CREDITORS?

Approximately six weeks after your Chapter 13 Plan and schedules are filed with the court; you are required to attend the *Meeting of Creditors*. If the case is a joint filing by a wife and a husband, both must attend. Your attorney is required to appear with you. The Meeting of Creditors gives your creditors and the Trustee an opportunity to talk to you about your finances and Plan for repaying creditors. The Trustee will also ask about assets you own, debts you owe, income you earn, and expenses you incur. If you own a business, he will inquire about the operation of your business.

You will receive from the Bankruptcy Court a notice in the mail detailing the time and location of your Meeting of Creditors. This examination is recorded and conducted under oath and penalty of perjury. You are required to answer each question accurately, truthfully and to the best of your ability. Your failure to appear at this meeting may result in the dismissal of your case. If circumstances will prevent you from attending this meeting, contact your attorney immediately. Work or family commitments are not satisfactory excuses for missing your scheduled hearing time.

WHAT SHOULD I BRING TO THIS MEETING?

You are required to bring the following items of identification to the Meeting of Creditors:

- A valid, unexpired photo ID (driver's license, state ID, employee ID, passport, etc.). If you are using

employment identification, that employer must still employ you; and

- Proof of your social security number (if it is not on your driver's license or state ID). You should note that the State of Ohio no longer issues driver's licenses that display the social security number.

If you do not bring these items of identification, the Trustee will not conduct the Meeting of Creditors.

Prior to the Meeting of Creditors your attorney should have already filed with the court or provided the Trustee's office with the following documents:

- Recent pay advices. (If your spouse is not filing bankruptcy, recent pay advices of the non-filing spouse are also required.)
- Your federal tax return for the most recent calendar year. (If your spouse is not filing bankruptcy, the recent federal tax return of the non-filing spouse is also required.); and
- Affidavit of support if you are receiving regular financial assistance from a friend or family member, other than your spouse.

In addition, the Trustee may require additional documents be provided such as savings, checking or brokerage account statements, verification of income and expenses, vehicle title or lease agreement, evidence of vehicle insurance, or business information. Failure to timely provide these items may prevent the Trustee from conducting a proper analysis of your current financial situation and proposed bankruptcy Plan; and may result in the Trustee asking the Bankruptcy Court to dismiss your Chapter 13 case.

WHAT ABOUT MY HOUSE PAYMENTS?

If you have a home mortgage, the on-going monthly mortgage payments will be included in the Plan payment you are responsible for making to the Trustee.

If the court allows you to exclude certain mortgage payments from the bankruptcy plan, you are responsible for making the regular on-going monthly mortgage payments directly to the mortgage company during your bankruptcy case. Your

mortgage payment due date will almost certainly be the same as it was before you filed bankruptcy. If the mortgage lender has stopped accepting your payments, you or your attorney may have to call your mortgage lender to arrange for the lender to start accepting payments. You cannot sit back and wait for your lender to contact you about starting your payments. Keep track of all of your cancelled checks, money order receipts, etc. so that, if necessary, you can prove that you have properly tendered your mortgage payments.

WHAT ABOUT MY CAR PAYMENTS?

If you have a car loan, your Plan will provide for the Trustee to make payments to the secured creditor. Your Plan may also provide for the Trustee to make pre-confirmation *adequate protection payments* which may be required to be paid to the creditor. These adequate protection payments are monthly payments to the creditor occurring after the the filing of your case but before the court approves, or confirms, your bankruptcy Plan.

If you lease a vehicle and your Plan provides for your retaining the lease, you will be responsible for making regular monthly lease payments directly to the creditor. Before the Trustee will recommend your Plan for approval by the court, you must provide the Trustee with evidence (including the amount and date of payment) of your having made the monthly lease payments due the creditor during the period of time between the filing of your bankruptcy case and the court's approval of your plan.

MAY I BORROW MONEY WHILE IN CHAPTER 13?

The Bankruptcy Code and the *Confirmation Order*, the court order approving your Chapter 13 Plan, combine to prohibit you from borrowing more than \$500 (or transferring an interest in real estate) without the permission of the Bankruptcy Court. To obtain permission from the court, your attorney must file the necessary documents with the court and request a hearing before the judge.

This \$500 limit is cumulative. For example, if you have already borrowed \$200, then you may borrow only \$300 more without the permission of the

Bankruptcy Court. Remember, it is the permission of the Bankruptcy Court, not the Chapter 13 Trustee that is required. In most cases, this will require the filing of a motion with the court, a hearing with a judge, and the signature of a judge upon a court order before you may borrow money. If you must borrow money, contact your attorney before signing any loan papers. Be warned! Some lenders attempt to take advantage of bankruptcy debtors by charging very high interest rates and/or closing costs or other fees.

Actions that require the permission or approval of the Court include:

- Selling your house;
- Refinancing your mortgage, even if you get no money from the transaction;
- Borrowing money using your house as collateral;
- Financing home improvements;
- Financing the purchase or lease of a car;
- Borrowing money from your employer or from a credit union;
- Borrowing money against a 401(k) plan;
- Borrowing money from family or friends;
- Co-signing a loan for anyone;
- Taking out a student loan;
- Using a credit card;
- Using a payroll advance service such as CheckSmart or Check Into Cash;
- Leasing, renting, or borrowing money to purchase furniture, jewelry, appliances, or audio/video equipment.

WHAT IF I HAVE A STUDENT LOAN?

Student loans are generally unsecured debts, and they are not treated any differently from other unsecured creditors during the term of your Plan. However, Congress has passed laws that affect the balance of the student loan debt that is not paid during your Plan. Unlike other unsecured debt that is unpaid in a Plan with less than 100% repayment, the remainder of the student loan debt is usually not forgiven when the discharge is granted upon completion of your Plan. This means that you will be responsible for any part of your student loan that is not paid through the Chapter 13 Plan. For example, if your Plan calls for a payment of 75% of the amount

owed to your unsecured creditors, your student loan will also be paid 75% through the Chapter 13 Plan. When your Chapter 13 Plan is over, you will still be responsible for the 25% of your student loan that was not paid through your Chapter 13 Plan, plus accrued interest.

WHAT IF I OWE ALIMONY OR CHILD SUPPORT?

Domestic support obligations such as alimony, maintenance and child support are generally priority unsecured debts. The laws regarding these obligations require that the arrearages you owe be included in your bankruptcy Plan, and that you continue to make your ongoing monthly support payments. Before the Trustee will recommend approval of your Plan you must be current on all domestic support obligations that have come due after you filed your bankruptcy case.

As a precondition to receiving a bankruptcy discharge you must certify to the court at the time you complete your Plan that you have paid in full all domestic support obligations that were due since the time you filed your case.

MAY I KEEP MAKING CONTRIBUTIONS TO MY RETIREMENT PLAN? MAY I KEEP MAKING PAYMENTS ON MY RETIREMENT PLAN LOAN?

In general, your retirement contributions such as IRA or 401(k) contributions will likely be allowed to continue. Similarly, repayments on retirement plan loans will also likely be allowed to continue. There are exceptions to this rule; your attorney can advise you if your circumstances are such that you will not be allowed to continue retirement contributions or loan repayments. Not repaying a retirement plan loan may have tax implications for you. Before you decide to file a Chapter 13 case you should talk to your attorney about the tax implications of not repaying a loan from your retirement account.

WHAT ABOUT MY INCOME TAXES?

Before the Trustee will recommend approval of your Plan you must have filed all applicable federal, state and local tax returns for all taxable periods in

the four years prior to your filing your bankruptcy case.

If you have not filed a tax return for several years, or if you have a tax return for a particular year that has not been filed, you should inform your lawyer. You will have to file with the taxing authorities all delinquent tax returns before the Court will approve your Chapter 13 Plan. The IRS is authorized to estimate how much you owe if you have not filed a tax return for a particular year. In almost all cases, the IRS estimate is considerably higher than the amount you would owe if you had filed the return, so you may save money over the long run by filing your delinquent tax returns. In addition, you may stop certain penalties from accruing when you file delinquent tax returns.

Even if all your returns have been filed, you should be prepared to turn over your federal tax return for the most recent tax year to your lawyer so that the return can be delivered to the Trustee. During the term of your Chapter 13 case, you are responsible for continuing to file your federal, state and local tax returns and to pay taxes in a timely manner. If you fail to file returns and/or pay your taxes, the IRS and other governmental agencies may file claims in your Chapter 13 case, which would disrupt the payments to your other creditors, make your Plan run longer than you planned, and may prompt the Trustee or one of your creditors to file a motion to dismiss your case or convert your case to a Chapter 7.

HOW DO I FULFILL THE REQUIREMENT TO ATTEND A PERSONAL FINANCIAL MANAGEMENT COURSE?

All Chapter 13 debtors must complete a *personal financial management course*. This course is in addition to the required credit counseling briefing you were required to complete prior to filing your bankruptcy. Your attorney should be able to provide you with the information you will need to attend and complete this course requirement. If you do not complete the personal financial management course you will not receive a discharge from the Bankruptcy Court even though you may have made all required Plan payments to the Trustee.

HOW CAN I KEEP TRACK OF MY CHAPTER 13 CASE?

Approximately 120 days after the Meeting of Creditors, the Trustee will send you a *Notice of Intention to Pay Claims*. This notice lists each creditor that is either listed on your bankruptcy schedules or has filed a proof of claim; and also shows the amount of the claim and whether the claim is either priority, secured or unsecured. You should review this notice carefully and contact your attorney if you have any questions or concerns.

In addition, the Trustee will send you an annual statement of your Chapter 13 case called the *Trustee's Report of Receipts and Disbursements*. You should review this statement carefully. The statement details the creditors who have filed claims in your case (and the amount and status of each claim), the amount of money you have paid to the Trustee, the amount of money the Trustee has paid to each creditor, and the balance remaining to be paid on each claim. Except with regard to certain secured claims, and unless you file an objection to a claim, the Trustee pays claims in the amount filed by the creditor, even if that amount differs from the amount you believe you owe that creditor or the amount that you specified in your Chapter 13 Plan for that creditor to be paid. If you notice a claim that you believe does not belong in your case or a claim in an amount significantly in excess of what you believe you owe that creditor, contact your attorney immediately. If a claim is filed in an amount in excess of the amount you believe you owe that creditor, completing your Plan in a five-year period may prove to be impossible, and your case may be dismissed without your receiving a discharge because you could not complete the Plan in a timely manner.

The annual statement also shows your current mailing address in the Trustee's records. If you have moved, it is your responsibility to notify the Trustee's office and your attorney of any change in address. Failure to do so may result in a delay in your receiving important notices, documents and other information concerning your case.

MAY I PAY MORE THAN REQUIRED?

Paying the Trustee more than the amount your Plan requires may decrease the length of time it takes to complete your Plan. Paying extra may cause your payroll deductions to stop sooner. If you wish to increase your Plan payments, contact your attorney. If you wish to make an extra payment, you may do so by sending a money order, personal check, or cashier's check to the Trustee's payment address.

MAY I PAY OFF MY CASE EARLY?

The Trustee will not automatically accept funds intended to pay off your case early. There are a wide variety of variables that the Trustee must consider. You should consult with your attorney if you are considering paying off your Chapter 13 case.

WHAT HAPPENS WHEN MY CASE IS OVER?

When you make your last payment to the Trustee, the Trustee will start the process of closing your case. Upon receipt of your last payment, the Trustee will make sure claims have been paid as provided for in the Plan and will ask the Bankruptcy Court to release your employer from the order that required the withholding of funds from your pay. Once the Trustee is satisfied that your Plan has been completed and that relevant provisions of the Bankruptcy Code have been complied with, your case will be closed and the final report will be issued. Once the Trustee informs the court that your case has been completed, it is the Bankruptcy Court, not the Trustee, who will determine if a discharge may be issued. It may take 90 days or longer from the time your final payment is received by the Trustee until the court determines if a discharge may be issued. If you have paid money to the Trustee in excess of the amount needed to complete your Plan, the excess funds will be returned to you after your case is closed to the address on record at the Trustee's office. If you have moved and the refund check is returned to the Trustee's office due to no forwarding address, the funds will be deposited with the Bankruptcy Court.

Once your case is completed, you are responsible for making the on-going mortgage

payments that were being paid by the Trustee. The Trustee will notify you in advance of the completion of your case so that you may make arrangements for your resumption of your monthly mortgage payments.

NOTES

CONCLUSION

You are the party ultimately responsible for the success or failure of your Chapter 13 Plan. You cannot assume that your attorney or the Chapter 13 Trustee will remind you of your obligations under the Plan.

Successful completion of your Chapter 13 Plan depends on:

- Regularly reviewing your pay stubs to make sure your Chapter 13 Plan payments are being withheld in the proper amount from your pay (or making payments directly to the Trustee if the deduction is not withheld);
- Making your monthly payments on your domestic support obligations;
- Notifying your attorney and the Trustee of any changes in your address, telephone number or employment;
- Reviewing the both the Notice of Intention to Pay Claims and the annual Trustee's Statement of Receipts and Disbursements when these are sent to you; and
- Keeping in contact with your attorney.

If you do these things, you will go a long way toward ensuring that your bankruptcy is successfully completed and that you are given a fresh financial start.

Federal law provides severe criminal penalties for bankruptcy crimes, which include bribery, concealment of assets, false statements, false claims, filing under a fictitious name and perjury. Title 18, United States Code, Sections 152 and 3571, provide penalties of up to 5 years imprisonment or a fine of not more than \$250,000, or both.
