

341 Meeting announcement

Please pay attention to the following announcements. You will be given information concerning the hearing today followed by information that you need to be successful in your Chapter 13 case.

You are here today for your section 341 meeting, also known as the first meeting of creditors. Creditors may appear at this hearing and ask you questions. The Trustee or her representative will conduct the hearing and will ask you questions to determine if your case complies with the requirements of the Bankruptcy Code. The hearing will be recorded so please speak loudly and clearly.

When your name is called, please come to the table and have your picture identification and proof of social security number ready to hand to the hearing officer as you approach the table. Raise your right hand and remain standing until you are sworn. The hearing officer will verify your identity and social security number from the items you provided and then return them to you.

The hearing officer will ask you questions to determine if you are using your best efforts to repay your creditors. These will include questions regarding your income and expenses, people whom you support and people who help to support you. There will also be questions concerning tax returns you have filed and tax refunds you have received. If you are married the Trustee will ask questions concerning your spouse's income even if your spouse did not file the bankruptcy petition. The written question sheet you completed for use at this hearing should include information on your spouse's name, employer, and income.

The hearing officer will also ask questions to determine if you are paying your unsecured creditors as much as they would receive if you had filed a Chapter 7 liquidation, in which the Trustee would take your non-exempt assets, sell them, and give the proceeds to your creditors. The hearing officer will ask you questions about real estate and may ask about other assets that you own and debt that you owe.

The hearing officer will ask you a series of standard questions, which are included on the question sheet you filled out prior to this meeting. Please make sure that your answers to these and all other questions are accurate. You are testifying under penalty of perjury. The United States Trustee, an agency of the Department of Justice which supervises the Chapter 13 Trustee, asks that we point out the FBI sign on the wall and let you know that it is a federal felony to conceal assets or lie under oath during the course of these proceedings.

During your Chapter 13 case, the Chapter 13 Trustee will pay most of your old bills. You are prohibited from incurring any new debt without Court permission. Unless you have Court permission, you may not use credit cards and you must close open accounts. Also, you may not sell or transfer any assets without prior Court approval. The Court's local rules require you to notify the Trustee and your attorney of material changes in financial condition. You should also notify your attorney if you acquire significant assets so your attorney can determine if this is something that must be disclosed to the Court.

You are responsible to for making sure the Trustee receives your plan payment each month. In most cases, your first payment is due thirty days after the date you filed your bankruptcy petition and payments are due each following month on the same day. In most cases , you will have a wage order, which means the Judge has ordered your employer to take money out of your paycheck and send it to the Trustee. You must make sure your employer is taking the money out of your paycheck. If your employer is not taking money out of your paycheck, you need to make the payment to the Trustee yourself. You may make electronic payments to the Trustee, but such payments can only be made through the Epay link on the Trustee's website. The Trustee can not accept electronic payments unless they are made through the Trustee's Epay system. There is a charge to you for using this service. You may mail payments to the Trustee, but such payments must be made via cashiers check or money order and must be sent to the special post office box in Memphis Tennessee. The Memphis post office box is a lockbox maintained by the Trustee's bank and is to be used only for making payments. You should not send letters, tax returns or anything else to the Memphis post office box. Everything other than payments should be mailed to the Trustee's St. Louis post office box. Anything you send to the Trustee or to the Memphis lock box should include your name and case number. Payments must include your name and case number, typed or legibly printed, so that the payments will be properly credited to your case. We have thousands of open cases and many of the cases have the same or similar names. The case number is necessary to make sure the payment is credited to the correct case.

You are required to send the Trustee a copy of your tax returns each year after you file them with the IRS and state taxing authority. You may be required to send the Trustee part of your tax refund. You should consult your attorney and read your plan carefully to determine what part of your tax refund you may keep and what part, if any, you must turn over to the Trustee. Failure to provide the Trustee with either your tax return or the appropriate part of your tax refund may result in dismissal of your case.

After your plan is confirmed by the Judge and after the last day for filing claims has passed, the Trustee will review the claims in your case. The Trustee will send you a report called "The Trustee's Intent to Pay Claims" which will list the claims filed in your case. If a creditor files claim in an amount you think is wrong or if you think you do not owe the debt, you should contact your attorney. The Trustee will send you a report once each year. The report will list every receipt and disbursement in your case during the prior year. Look at this report to verify that the Trustee received payments you sent and that the funds are being disbursed correctly. If there is a problem, you should contact your attorney promptly. You have a responsibility to see that your case is proceeding properly.

The Chapter 13 Trustee makes information about your case available to parties in interest on the website of the National Data Center. Parties in interest would normally be limited to you, your attorney, and your creditors. Information known as "personal identifiers" is redacted. You may view your case information at the National Data Center website: www.ndc.org. This website provides you with easy access to information about your case. If you believe there is an error in the information, you should communicate that to your attorney.

Please adjust your cell phone so that it will not ring during the hearings.

In the event of an emergency, please exit the building by the east door, past the marshals, and meet at the corner of 10th and Walnut so that the hearing officer can take a head count.