

# IMPORTANT INFORMATION ABOUT YOUR CHAPTER 13 CASE

## **YOUR CASE NUMBER.**

When you file a Chapter 13 case, the Bankruptcy Court issues a number for that case. Make sure you know your case number and include the case number with any documents or payments you send to the Chapter 13 Trustee or the Bankruptcy Court.

## **YOUR CHAPTER 13 PLAN.**

Your Chapter 13 plan identifies the payments you are required to send to the Chapter 13 Trustee, will tell the Chapter 13 Trustee what she should do with those payments, and will let your creditors know how you propose to treat the debts you owe to them. Your plan must be confirmed by the Bankruptcy Judge to be completely effective. The Trustee, your creditors, or other parties in interest may object to the plan that you propose. If you and the party who objects cannot come to an agreement, the Bankruptcy Judge will determine if your plan can be confirmed. You may be required to amend your plan before it is confirmed. If you do not do everything your Chapter 13 plan requires you to do, your bankruptcy case may be dismissed or the Court may not issue an order discharging you from your remaining debts at the end of the case. It is very important that you communicate with your bankruptcy attorney to make sure you understand your Chapter 13 plan.

## **THE PEOPLE INVOLVED IN YOUR CHAPTER 13 CASE:**

**Your attorney:** The attorney you hired to represent you is the only person involved in the bankruptcy process who can give you legal advice. You must make sure your attorney knows how to contact you if your address or phone number changes.

**The Bankruptcy Court:** The Bankruptcy Court is comprised of the Bankruptcy Judges, the Clerk of Court and their staff. Your Chapter 13 plan, schedules, and other documents, along with motions, proofs of claim and other such documents, are filed with the Clerk of Court. The Bankruptcy Judge has the authority to decide matters connected with your bankruptcy case, but a matter must be filed with the Clerk of Court before it can be presented to the Bankruptcy Judge for a decision. Most Chapter 13 debtors do not have to appear personally before the Bankruptcy Judge. The Bankruptcy Court cannot provide you with legal advice.

**The Chapter 13 Trustee:** The Chapter 13 Trustee has a number of duties including: Receiving payments from you as directed in your Chapter 13 plan, disbursing those

payments as directed in your Chapter 13 plan, conducting your section 341 meeting (first meeting of creditors), making a recommendation to the Bankruptcy Judge regarding your Chapter 13 plan (either objecting to the plan or recommending that the Judge confirm the plan). The Chapter 13 Trustee's staff can provide you with some information regarding your case (such as what payments are due, what payments the Trustee has received, and what payments the Trustee made to creditors) but the Chapter 13 Trustee and her staff cannot give you legal advice. The Chapter 13 Trustee's website is: [www.ch13STL.com](http://www.ch13STL.com)

**The United States Trustee:** The Office of the United States Trustee is part of the U.S. Department of Justice. The United States Trustee supervises the Chapter 13 Trustee but may also be directly involved in your case.

## **THINGS YOU MUST DO WHILE IN A CHAPTER 13 CASE**

### **CHAPTER 13 PLAN PAYMENTS.**

Your Chapter 13 plan will require you to make payments to the Chapter 13 Trustee and may also require you to make some payments directly to your creditors. If the Chapter 13 Trustee does not receive the payments required by your plan, the Trustee will file a motion asking the Court to dismiss your case. It is very important that you make sure the Trustee receives your payments.

There are several ways you can make payments to the Chapter 13 Trustee.

**Wage order.** For most people, the most successful way to make plan payments to the Trustee is to ask the Bankruptcy Court to issue an order directing your employer to send the payments directly to the Trustee. Even if the Court has issued a wage order to your employer, you are responsible for making sure the Trustee receives the payments. You should make sure the Chapter 13 plan payments are deducted from your wages and you should check to make sure the Trustee receives the payments. If your employer does not send a payment, or does not send a full payment, you need to make the payment yourself.

**Electronic payments:** You can make electronic payments to the Trustee, but you must use one of the two vendors who the Trustee accepts. Links to those two systems can be found on the Trustee's website: [www.ch13STL.com](http://www.ch13STL.com). You cannot use your bank's bill-pay service, Venmo, or any other method for electronic payments.

**ePay:** You must have a bank account to use ePay. The ePay link can be found at [www.ch13STL.com/epay/](http://www.ch13STL.com/epay/) If you wish to use ePay, you must set up an account and log in each time you want to make a payment and ePay does charge you a flat fee for each payment. If you make an ePay payment before 5:00 pm, the Trustee will receive the payment the next business day.

**TFS.** The website for TFS is [TFSBillPay.com](http://TFSBillPay.com). If you wish to use TFS, you must set up an account. Your attorney may be able to help you set up an account.

**Electronic payments with a bank account:** TFS will allow you to make a single payment or to set up recurring payments. TFS does charge you for each payment and the amount of the charge increases with the amount of the payment. If you make a payment via TFS, it will be at least five business days before the Trustee receives the payment.

**Electronic payments without a bank account.** TFS has an option that will let you make an electronic payment without a bank account by using the Moneygram system. You must set up an account with TFS to make these payments. The Trustee will receive these payments one business day after you make them. This option is more expensive than the other options for electronic payments, but may be less costly than sending a payment by express mail.

**Cashiers Check or Money Order:** If you do not have a wage order and cannot make payments electronically, you can make your Chapter 13 plan payment by cashiers check or money order. If you use this method, you need to send your payment to the Trustee's lockbox at the Memphis Tennessee PO Box and you must make sure to print your name and case number on the payment. It generally takes five business days for a payment to reach the lockbox. The lockbox address is:

Chapter 13 Trustee

PO Box 2112

Memphis TN 38101-2112

**THIS PO BOX IS FOR PAYMENTS ONLY**

**TAX RETURNS. AND TAX REFUNDS.** Your Chapter 13 plan requires you to send the Trustee copies of your federal and state tax returns each year while your case is open. You should redact social security numbers (including those of your dependents) before you send the returns. The Trustee prefers that you provide the returns to your attorney, so that your attorney can send the Trustee the returns electronically through a secure portal. If you do not send the Trustee your tax returns, your case may be

dismissed because you failed to meet this requirement of the plan. If you do not file tax returns because you are not required to do so, please let the Trustee know.

Your plan also requires you to send the Trustee part of your tax refund each year if the refund exceeds a certain amount. Please consult your attorney to determine if you are required to send part of your tax refund to the Trustee.

**FINANCIAL EDUCATION COURSE.** Most people must take a credit counseling course before filing a Chapter 13 case and are also required to take a Financial Management Course after the case is filed in order to receive a discharge of debt. This course must be taken from a provider approved by the United States Department of Justice. Your attorney can assist you with finding an approved provider. The Chapter 13 Trustee will pay the cost of the Financial Management course if you use TEN (Trustee's Education Network) as your financial education provider. You can sign up to take the course from TEN at [www.13class.com](http://www.13class.com).

**YOUR ADDRESS.** It is important that you make sure your attorney, the Chapter 13 Trustee and the Bankruptcy Court know of your current address. If you move or if you are getting mail at a different address for any reason, please let your attorney know so that the attorney can file a notice with the Court to change your official address.

**NEW DEBT.** The order confirming your Chapter 13 plan will state that you cannot incur any new debt (credit card use, car loans, etc) unless the Bankruptcy Court gives you permission or unless it is necessary for your health and safety and you do not have time to get permission. If you need to incur debt, please contact your bankruptcy attorney to assist you with getting the Court's permission.

**NEW ASSETS.** You should disclose to the Court, through your attorney, new assets of significant value (or potentially significant value) that you receive, such as inheritances and gifts. If you learn that you have the right to sue someone for something, such as an accident, medical malpractice or employment discrimination, you should let your attorney know so that they can disclose this to the Court. If you do not disclose new causes of action to the Court, you may lose the ability pursue those causes of action.

**SELLING OR TRANSFERING THINGS YOU OWN.** The order confirming your Chapter 13 plan will state that you cannot sell or transfer anything you own without the Court's permission. If you wish to sell or transfer something, please contact your bankruptcy attorney to assist you with getting the Court's permission.

## HOW TO GET INFORMATION ABOUT YOUR CASE

**Your attorney:** Some information is best obtained from your attorney. If you require legal advice as well as information, your attorney is the only person who can provide you with legal advice.

**The Chapter 13 Trustee's Office:** One of the Trustee's jobs is to provide information about your case and the administration of your case to "parties-in-interest" including you. You can call the Trustee's office to find out information such as whether the Trustee has received payments you sent, whether the Trustee is paying a particular creditor, if the Trustee has reviewed something that was filed in your case, when matters have been set for hearing. The Trustee and her staff cannot provide you with legal advice, however, and will ask you to call your attorney if your question requires legal advice.

**National Data Center:** The National Data Center is a non-profit organization that collects information from Chapter 13 cases across the country and provides that data to parties-in-interest, primarily creditors. You can set up an account with the National Data Center to electronically access information on your Chapter 13 case. There is no charge to you for this account and it will allow to view information on your case at any time via a computer, tablet or smartphone and can set your account to send you alerts for some events. The information available includes payments the Trustee has received from you and posted to your account and payments the Trustee has made to your creditors. To set up an account, go to [www.ndc.org](http://www.ndc.org).

**The Bankruptcy Court:** The Clerk of Court maintains public access terminals on the 4th Floor of the Thomas Eagleton Federal Courthouse. You may use these terminals to access the official court file in your case.

## HOW TO COMMUNICATE WITH THE CHAPTER 13 TRUSTEE

**Phone:** The Trustee's office can normally be contacted Monday through Friday 8:30am-5:00 pm. The Trustee's phone number is 314-781-8100

**Mail:** The Chapter 13 Trustee's address for correspondence is:

Chapter 13 Trustee

PO Box 430908

Saint Louis MO 63143

**DO NOT USE THIS ADDRESS  
TO SEND PAYMENTS**

**Facsimile:** The Trustee's fax number is 314-781-8881

**Email:** Do not communicate with the Trustee's office via email.

## **MAKING YOUR CHAPTER 13 CASE SUCCESSFUL**

### **PROOFS OF CLAIM:**

The Chapter 13 Trustee will take the money that you pay to her and send it to your creditors based on the directions in your Chapter 13 plan and based on the proofs of claim filed in your case. You should pay attention to the proofs of claim that are filed in your case to make sure that the Trustee pays all the creditors you want to be paid and that the Trustee does not pay creditors you believe should not be paid.

If there is no proof of claim filed for a creditor, the Trustee cannot make payments to that creditor even if your plan states you want them to be paid. If you want a particular creditor to be paid and that creditor does not file a proof of claim, you should promptly contact your attorney.

The Trustee will make payments on all filed proofs of claim unless your plan specifically states the creditor should not be paid or if there is an objection to the claim or a Court order directing the Trustee to not pay the claim. If a proof of claim is filed for a creditor you believe you do not owe or who you feel should not be paid, you should promptly contact your attorney.

### **LACK OF FEASIBILITY**

"Feasibility" means that your Chapter 13 plan proposes to pay enough money to the Chapter 13 Trustee to allow the Trustee to pay all the creditors in the manner your plan directs they should be paid. Even if your plan is confirmed, it may lack feasibility for several reasons. If you receive something indicating your plan is not feasible, you should contact your attorney to make sure you understand the effect on your case.

The Trustee may object to confirmation of your plan because she calculates that your plan does not contain enough money to pay all creditors in the manner the plan directs. Your attorney may disagree with the Trustee's calculations or believe that future events (such as payment of tax refunds or objections to proofs of claim) will cause the plan to be feasible. The Court may confirm your plan in spite of the Trustee's objections with the direction that you may not receive a discharge at the end of your case if the Trustee was correct.

Alternatively, at the time of confirmation your plan may appear to contain enough funds to pay creditors in the manner your plan directs, but later events may cause that

calculation to change. Proofs of claim may be filed in amounts higher than anticipated, mortgage payments may increase, or you may be unable to make plan payments for a few months, causing more interest to be paid to creditors than anticipated.

The Trustee checks each case for feasibility after the deadline to file proofs of claim and will file a notice if she believes the case is not feasible. The Trustee may file other notices that a case is not feasible.

If you are close to making the final payments on your plan and the case is still not feasible, the Trustee will file a motion asking to dismiss the case because it will not pay creditors in the manner required by the plan. If you get such a notice, you should contact your attorney promptly to see if you have an option to cure the feasibility problem and successfully complete the case.

### **WHEN YOU HAVE COMPLETED YOUR CHAPTER 13 PLAN**

When you have made the last payment in your case and all creditors have been paid in the manner provided by the plan, the Trustee will file a Motion to Return Any Excess Funds and Terminate Any Payroll Deduction by Employer. This motion will be filed even if you do not have a wage order and even if the Trustee is not holding any excess funds that would be returned to you. The motion is the signal to the Court to begin the process of closing your case.

Please contact your attorney at this time so that you can take the final steps to complete your case. Through your attorney, you must file some documents with the Court at this time. If these documents are timely filed and you are otherwise entitled to a discharge, the Court will issue an order discharging you from remaining debt.

When all the checks the Trustee has issued have cleared her bank (including any refund check issued to you) the Trustee will file her Final Report with the Bankruptcy Court and the Bankruptcy Court will then enter a Final Decree closing your case.

Your Bankruptcy Case Number: \_\_\_\_\_

Your Bankruptcy Attorney: Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Your Chapter 13 Trustee: Diana S. Daugherty

Website: [www.ch13STL.com](http://www.ch13STL.com)

Phone: 314-781-8100

Fax: 314-781-8881

Chapter 13 Trustee  
PO Box 2112  
Memphis TN 38101-2112

**This address is for  
PAYMENTS ONLY**

Chapter 13 Trustee  
PO Box 430908  
St. Louis, MO 63143

**This address is  
NOT FOR PAYMENTS**

National Data Center: [www.NDC.org](http://www.NDC.org)

ePay: [www.ch13STL.com/epay/](http://www.ch13STL.com/epay/)

TFS: [www.TFSBillPay.com](http://www.TFSBillPay.com)

Bankruptcy Court: 111 South Tenth St.  
Fourth Floor  
St. Louis, MO 63102  
Phone: 314-244-4500  
[www.moeb.uscourts.gov](http://www.moeb.uscourts.gov)