

GUIDELINES FOR NEW CHAPTER 13 CASES

1. **Do not talk to creditors.** Please remember you are paying your attorney a fee to do this for you. If someone calls about a bill, please advise the caller to call our office at [telephone number] to talk about your Chapter 13 filing.
2. **Payments to the Trustee must start BEFORE court.**
 - a) Pay certified funds (money order or cashier's check) to Trustee until payroll deduction starts.
 - b) Identify payment with Bankruptcy Case Number and last four digits of your Social Security Number, your name, and your address.
 - c) Start paying immediately after your next paycheck. **THE TRUSTEE MUST RECEIVE PAYMENTS WITHIN 30 DAYS OF THE FILING DATE OF YOUR CASE OR HE WILL ASK THE COURT TO DISMISS YOUR CASE. DO NOT DELAY. START PAYING IMMEDIATELY AS INSTRUCTED.**
 - d) Mailing address for payments:

Chapter 13 Trustee, [mailing address]

Physical location: [physical address]
 - e) Bring proof of payments (receipts, check stubs) to court. If possible, mail or fax to us before court.
 - f) Your payments are \$ _____ per _____. Remember, you are responsible for making plan payments until your employer starts deductions.
 - g) Payments must be received by Trustee by the ____th of the month to be certain it will be posted that month. **NO PERSONAL CHECKS. NO CASH.**
 - h) We encourage you to visit the Chapter 13 Trustee's website at [fill in web site address] to access information about your case such as whether your payments have been received, what claims have been filed, etc., however, if you have specific questions about your case **DO NOT** communicate directly with the Trustee's office unless someone in this office has instructed you to do so.
3. **BRING GOVERNMENT ISSUED PHOTO IDENTIFICATION TO COURT WITH YOU AND SOCIAL SECURITY NUMBER.** This is a requirement for approval of your plan.
4. You cannot borrow money on credit unless it is a true emergency. This means no rapid refund at tax time, because this is a loan. Buying a car at a "tote the note" lot or household goods at a "rent to own" store is also prohibited. If you need credit, you will need Trustee permission to do so, [which requires your attendance at a budget counseling class with the Trustee] and evidence of how you can afford the credit. You must contact our office to start the process to incur credit.
5. Physical damage auto insurance is required if you are paying for a car in your Chapter 13 plan. You must mail or fax proof of physical damage insurance on the vehicle to [fax number].

This consists of a binder (a document signed by your agent which binds the company to cover you in the event of a loss) or the declarations page from your auto insurance policy. We need this before court, if possible. You must bring these documents to court unless you provide them to us in advance.

6. You MUST attend a meeting of creditors which will be scheduled approximately 30 to 40 days from the date your case is filed. If you have not received notice of this meeting within 2 weeks of the filing date, or if you do not understand the notice, please call our office.

(a) Please be at court at least 45 minutes early. Your attorney will meet you at the courtroom. It is virtually impossible to reschedule a meeting of creditors, and unless a true emergency comes up, we expect you to be present and ready to go forward at the scheduled meeting. Your failure to appear may result in dismissal of your case.

(b) PLEASE BE ADVISED THAT, IN THE EVENT YOU ARRIVE LATE TO YOUR MEETING OF CREDITORS AND YOU MISS THE TRUSTEE'S ROLL CALL, THE TRUSTEE WILL REQUIRE THAT YOUR MEETING OF CREDITORS BE RESCHEDULED. THIS MEANS THAT YOU WILL HAVE TO ATTEND COURT AT LEAST TWO TIMES. IT WILL ALSO DELAY CONFIRMATION OF YOUR CASE AND EXTEND THE TIME WITHIN WHICH CREDITORS MAY OBJECT TO YOUR CHAPTER 13 PLAN.

(c) THE TRUSTEE IS NOT SYMPATHETIC TO TRAFFIC OR WEATHER-RELATED DELAYS. PLEASE SCHEDULE YOUR TRAVEL TO THE COURTHOUSE ACCORDINGLY.

7. You must list all creditors that you owe in your bankruptcy case. This includes family members, friends, credit unions, and anyone else. You must tell us about all your assets as well, and answer completely all questions about your financial affairs. Remember, these answers are sworn to by you under penalty of perjury. If you have intentionally failed to disclose something in your petition, there is the possibility of sanctions against you, including loss of discharge and even criminal prosecution. Please review your petition carefully, as you must swear to the information in it at your meeting of creditors. **You may not buy, sell, trade, or give away any property without permission from the Trustee and the court.**

9. If you cannot make a scheduled payment, you must notify us immediately. If you move, change jobs, need to change your plan, have a change in marital status, forgot to tell us information, have questions about your case, or have questions relating to your financial well-being, please contact our office.

10. **If you have filed a previous bankruptcy case which was dismissed or not completed,** the following must be acknowledged (please initial any that apply):

I also acknowledge that I understand I have the following responsibilities in this case order to obtain successfully an extension or imposition of the automatic stay under 11 U.S.C. § 362:

- I understand that because I have had one or more dismissed cases in the prior year, my Automatic Stay is either limited to 30 days, for one prior case, or does not exist at all, for two or more cases.
- I understand that I must submit to the Court a valid reason why my last case(s) did not work and why this case will work.

- I understand that I must attend a hearing which will be scheduled within the first 30 days of my case.
- I understand that the best way for me to get the protection I need is to start making my payments immediately and have proof of my payments with me at the hearing. For example, if I am to make weekly payments and the hearing is in three weeks, I should have paid three payments by the time of the hearing or have the funds with me at the hearing. These funds must be in the form of cashier check, money order, or paycheck stubs showing where my employer deducted the payments.
- I understand that I must call [person's name] in the Chapter 13 Trustee's office at [telephone number], or register at [web site], and schedule my attendance at the Money Management Class and attend this class prior to my Meeting of Creditors date.
- I understand that if I have had two or more dismissed cases in the year prior to this case, I have no automatic stay at all. My filing of a bankruptcy will not stop a foreclosure or repossession.
- I understand that if I am not current in my plan payments at the time of the hearing, do not attend the hearing, or do not schedule and go to the Trustee's class, I will not get an automatic stay.

My attorney has gone over the above with me, and I understand what is expected of me.

CLIENT: _____

DATE

CLIENT: _____

DATE