

Confirmation Denied – But Why?

All too often our office receives calls from the debtor or the attorney for debtor asking this question: “Why was confirmation of the proposed plan denied?” In many cases the answer is either that the debtor failed to perform his responsibilities or the attorney for the debtor failed to perform his responsibilities.

One of the debtor’s primary responsibilities in making sure a case gets confirmed (and ultimately completes) is to make all payments required under the plan. This includes both payments to the Trustee and to creditors the debtor is paying directly. Another of the debtor’s primary responsibilities is to promptly provide their attorney complete and accurate information. Attorneys need this information, and supporting documentation, to prepare the plan, petition, any needed amendments, and to address any issues that arise after filing or at the meeting of creditors prior to the confirmation hearing (and throughout the case). The failure of the debtor to perform either or both of these duties can frequently be attributed as the cause for denial of confirmation.

The attorney’s responsibilities in making sure the case gets confirmed are simultaneously more diverse and complex and yet some are quite simple. First and foremost, the attorney must know and understand the plan and confirmation requirements set forth in §1322 and §1325 of the bankruptcy code as well as any other relevant code section incorporated by the all-encompassing §1325(a)(1). The plan and all amendments must satisfy the requirements of these sections for the Trustee to recommend confirmation of the proposed plan. As we review a case for confirmation, these requirements are a significant focus of that review.

Many questions must be answered in the analysis of whether any proposed plan satisfies the statutory confirmation requirements. What follows is a mere sampling of

potential issues and is by no means meant to be an exclusive or exhaustive list:

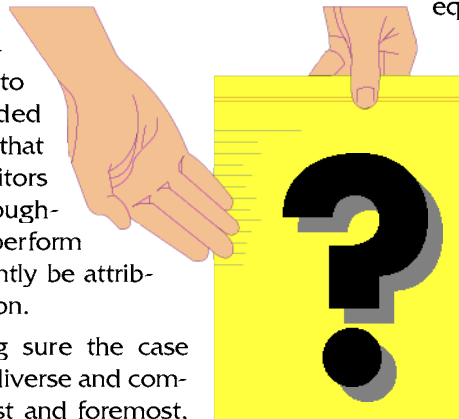
1. Is there any pre-petition conduct of the debtor, based on prior filings or testimony at the meeting of creditors, or information in the petition that would indicate the petition and plan were *not* filed in good faith? Has there been a change in circumstances sufficient to justify a refiling of the case? [§1325(a)(3)]

2. Does the plan offer to pay unsecured creditors at least as much as they would receive had the case been filed as a Chapter 7? [§1325(a)(4)] If schedule A shows there is equity in real estate, the burden is on the debtor to show why that schedule is inaccurate or does not otherwise show a complete picture for the Chapter 7 liquidation analysis. In addition, assets listed on schedule B, transfers of property made within 90 days pre-petition or made for less than reasonably equivalent value or with intent to defraud creditors, or made to a relative or insider are all also considered in this analysis.

3. Does the plan propose to pay secured creditors the value of their collateral plus an interest component for “present value” or to surrender the collateral to the creditor? [§1325(a)(5)] Since the Supreme Court decision in *Rash* requires payment of “replacement value” (essentially retail) and the 7th Circuit decision in *Till* requires the presumptive payment of the contract interest rate, offering anything less frequently results in a creditor objecting to confirmation.

4. Can the debtor make the plan payments and otherwise perform the plan? [§1325(a)(6)] A default on payments to the Trustee or to creditors the debtor pays directly raises

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Confirmation Denied – But Why?

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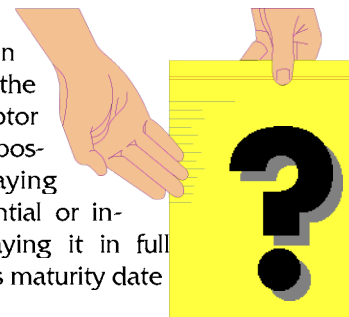
this issue. Also, if the income is speculative or unsupported, or if the debtor is unemployed, this requirement may not be met. Plans that rely on future voluntary sales of real estate to successfully complete necessary payments to creditors are often deemed not to satisfy this provision. Further, if claims are filed in amounts that make it impossible for the plan to complete at the proposed dividend, an inability to comply with the plan is indicated.

5. Does the plan provide that all of the debtor’s disposable income be used to make plan payments in the first 36 months? **[§1325(b)(1)(B)]** Common issues here involve excess or improper deductions from gross income in the nature of savings, voluntary retirement contributions, and pension or other direct loan repayments or wage assignments. Unless the Court deems such items “reasonably necessary to the maintenance or support of the debtor or debtor’s dependents,” they are disposable income that must be dedicated to plan payments. **[§1325(b)(2)]**

Likewise, if expense items are excessive or unnecessary, they will be considered disposable income and the excess or unnecessary amount must be dedicated to the plan payments. Often overlooked are direct monthly payments for debt owed to a creditor that will be paid off prior to the end of the plan. These expenses are projected disposable income.

Also, a plan does not comply with **§1325(b)(1)(B)** when the debtor is wasting disposable income by keeping in-

vestment property where the costs exceed the return or income generated by the property or when the debtor is improperly diverting disposable income by prepaying mortgage debt on residential or investment property by paying it in full through the plan prior to its maturity date contrary to **§1322(c)(2)**.



6. Does the plan provide for the full payment of §507 priority debt? **[§1322(a)(2)]** In our experience, agreements to repay a compromised amount of tax liability to the IRS or IDR are invalid upon filing bankruptcy and must be renegotiated. If the plan provides for other than full payment of a priority debt, the creditor must affirmatively agree to that treatment and cannot be found to have consented by merely failing to object.

7. Does the plan “unfairly discriminate” against a particular class of creditors? **[§1322(b)(1)]** Direct payment by the debtor of a secured creditor’s claim (e.g. vehicle) where the collateral is worth less than the debt results in a 100% repayment of the unsecured part of that under-secured secured creditor’s claim. This constitutes unfair discrimination against other unsecured creditors who are receiving a lesser dividend payout on their claims.

Also, if the plan creates a special class paying one or more unsecured claims a 100% dividend but other unsecured claims a lesser dividend based on something other “co-debtor protection” **[§1322(b)(1)]**, it may be unfair discrimination. Courts differ on what types of claims in the same class may be treated differently and yet the treatment still be considered ‘fair’ discrimination.

All that having been said, the denial of confirmation often results from the attorney’s failure to perform the more simple responsibilities. The attorney must review all petitions, plans, amendments and other documentation filed with the court or submitted to the Trustee. Confirmation is often denied based on a failure to check all relevant boxes, fill in all necessary blanks and complete all needed information in either the model plan and/or schedules. It is imperative that attorneys take notes at the §341 meeting of creditors for issues raised, information or documentation requested and amendments needed.

The petition is reviewed in advance of the meeting for compliance with the code requirements indicated above and the attorney can learn of potential non-compliance issues at that early stage. Whether the attorney agrees or disagrees, the matters can only be addressed if the attorney is aware of them. It is also important for the attorney

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The Editorial Staff:	
Kimberly Eisenberg, Cheryl Jones, Angela Hope-Davis, Joanne Coshonis, Robin Dirksen and Dave Latz	
Contents and Contributors:	
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Trustee Matters
Case Law Updates

Maybe some of you are like me. You are tired of working on the FY 2004 budget worksheets and need a break. After all, if the numbers from FY 2003 balanced last year, why can't they balance this year? Is it just a part of budget frustration not to have the formulas correct? As I walk through the office, I have to answer the same questions again. "No, we can't budget for an exercise room" and "no, a pool table should not be included on the Budget Wish List."

So, as an aside, I picked up the May issue of "Consumer Bankruptcy News," Volume 12, Issue 18, which offered some interesting highlights as it spotlighted recent decisions from appellate courts. As I printed some of the cases for further reading, I realized I would have to put them aside until the budget was complete. After all, our Standing Trustee Coordinator, Howard E. "Chip" Wilkes, has set **June 27, 2003**, as the budget deadline.

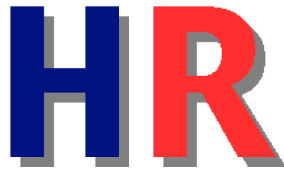
I returned to the budget, added "Controller" to my wish list and plowed ahead. After you have gone through some of the cases, you, too, may enjoy getting back to the budget.



Marilyn O. Marshall, Standing Trustee

Spotlight on the 7TH CIRCUIT		
Highlighting the most important recent decisions from the appellate courts.		
Topic	Case	What you need to know
Section 106	<i>Nelson v. LaCrosse County District Attorney (In re Nelson)</i> , 301 F.3d 820 (7th Cir. 2002)	Article I of the U.S. Constitution did not authorize Congress to abrogate states' sovereign immunity through Section 106.
Section 349	<i>Appeal of Enodis Corp. (In re William L. Hall)</i> , 304 F.3d 743 (7th Cir. 2002)	The dismissal of a millionaire's bankruptcy was not cause for the imposition of sanctions because the debtor had a good reason to file for bankruptcy even though it later turned out that he couldn't benefit from bankruptcy relief.
Section 350(b)	<i>In the Matter of Zurn</i> , 290 F.3d 861 (7th Cir. 2002)	The reversal of a state court judgment that a Chapter 13 plan paid in full does not warrant the reopening of the bankruptcy case.
Section 541	<i>Morlan v. Universal Guaranty Life Insurance Co.</i> , 298 F.3d 609 (7th Cir. 2002)	A debtor did not forfeit his interest in an undisclosed prepetition class action that alleged the defendants breached fiduciary duties imposed by ERISA.
Section 727	<i>In re Kontrick</i> , 295 F.3d 724 (7th Cir. 2002)	The time limit for filing complaints objecting to discharge under Section 727 is not jurisdictional.
Section 1307	<i>Appeal of Watson (In re Smith)</i> , 286 F.3d 461 (7th Cir. 2002)	Filing for Chapter 13 protection after a bankruptcy court rules that a debt is excepted from discharge under Section 523(a)(2) and (4) is not bad faith per se. Nor was it bad faith for the debtor to propose a plan that didn't fully repay the fraudulently incurred claim.
Section 1322(c)	<i>Colon v. Option One Mortgage Corp. (In re Colon)</i> , 319 F.3d 912 (7th Cir. 2003)	The right of an Illinois debtor to cure a default expires upon the completion of the foreclosure sale of the debtor's property. It does not continue during the period between the sale and the judicial confirmation of the sale by the state court.
Section 1325(a)(5)	<i>In re Till</i> , 301 F.3d 583 (7th Cir. 2002)	The appropriate rate of interest to be paid on the secured portion of an undersecured creditor's claim is the rate that would be paid on a loan of similar duration made to a similarly situated debtor who is not in bankruptcy.

HUMAN RESOURCES
An Inquiring Mind
Asked, "What Is A
Flexible Spending
Account?"



A flexible spending account (FSA) is also sometimes referred to as a cafeteria plan, a flex plan, or a Section 125 plan. An FSA allows an employee to set aside pre-tax dollars from his or her paycheck to pay for anticipated health or childcare expenses over the course of a calendar year. The employee's salary is reduced by an amount specified by the employee. Participants use their tax-free dollars to pay for these expenses and realize increased spending power and substantial tax savings. Generally, the money you set aside in the accounts is not subject to federal and state taxes and social security taxes (when applicable). Flexible spending accounts can greatly benefit employees who have moderate to heavy medical or childcare expenses.

Reimbursable Expenses

Participants are allowed to have access to their account for reimbursement of expenses not covered by insurance that they regularly pay for such as the following:

- ☞ Deductibles, co-pays, prescription drugs, medical supplies.
- ☞ Dental services, orthodontics, dentures.
- ☞ Glasses, contacts, eye solutions, eye surgery.
- ☞ Weight loss programs (as prescribed by a physician).
- ☞ Adult and child daycare services, adoption expenses.
- ☞ Chiropractic, psychiatric, and psychologist services.

Eligible reimbursable expenses must be incurred during the plan year. Funds unused at the end of the plan year will be forfeited to the plan.

Types of Accounts

Childcare and medical expenses are maintained in two separate accounts. Employees must determine how much they wish to set aside from their salary each year. Employees may not change their elections once the calendar year begins unless they have a change in family circumstances, such as the birth of a child, a marriage, or a divorce.

Elections

Elections must be made prior to the beginning of a plan year and cannot be changed or revoked at any time during the plan year unless the participant has a change in status.

Employer Sustains Some Risk

For a medical FSA the employer must make the full election amount available to participants on the first day of the plan. If an employee leaves employment before fully funding the plan, the employer must complete funding until employee deposits cover the balance.



Using the funds

As employees incur covered expenses, employees file claims to the FSA administrator who pays the claims on a biweekly basis until the funds the employee has set aside are exhausted. Claims for money set aside in a particular plan year must be for expenses incurred in that year. Unused money reverts to the employer. The employer may use the forfeited money to reduce expenses in running the plan, but may not return the money back to the employee.

This is just an overview of the flexible spending account program. It's a good program and we'd like to see an increase in employee participation. Our next enrollment period will be December, 2003. If you'd like information about how the plan can work for you, or how you can become a participant, see the Human Resources Administrator for more details.



Schedule Changes

We offer employees the opportunity to make changes to their work schedules two times each year—January and July. Employees who wish to make a change to their work schedule must do so by July 18, 2003. No other changes will be accepted unless there is a corresponding status change.

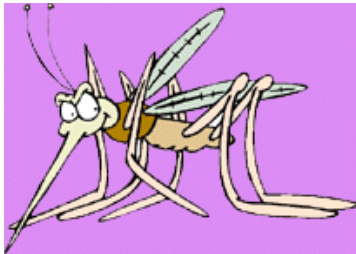
Robin Dirksen

Internet Tidbit

Are your credit card bills getting you down? The Public Interest Research Groups have developed a web site to inform consumers about how to best use their credit cards. This site includes information about regulations of the credit card industry and how to protect yourself. To learn more visit www.truthaboutcredit.org.



Those Little Buggers



Ah, summertime! Barbecues, swimming, baseball, and bugs – lots of bugs! Nothing can ruin a warm summer evening faster than mosquitoes.

Besides being annoying, mosquitoes can also be dangerous, carrying diseases like malaria and encephalitis. Short of not breathing or moving, there are some simple steps you can take to keep from getting bitten!

Start by getting rid of the mosquitoes around you.

Mosquitoes breed in standing water. Remove any containers that can hold water from around the outside of your home. Dispose of all empty beverage containers, plastic wrappers, or toys that might hold even small amounts of water. Don't leave pet food dishes outdoors. Cover garbage cans tightly with their lids. Do not allow water to drip from outside water faucets. Keep doors and windows tightly closed if you do not have screens. Before you come inside, check your clothing and skin for any "hitchhikers."

Avoid them if you can.

Mosquitoes are most active at dawn and dusk. Avoid unnecessary outdoor activities at these times. Most bug "zappers" do not significantly deter mosquitoes and in fact can attract more of them. Avoid wearing dark clothing, especially blue clothing.

Take care when you go out.

If you must go into an area where mosquitoes live, take these precautions. Wear long pants and a long-sleeved shirt. Tuck your pant legs into your socks and tuck in your shirt. Wear a hat and tie a bandanna around your neck. Repellents containing DEET can be used on your skin and clothing. Always use as directed. Check with your physician if you have any reaction to the use of DEET or if you are concerned about exposure to this type of repellent. Wash all repellent off of your skin when you come back indoors. Check with a physician before using DEET on children.

INFORMATION SERVICES Who's Who In CaseNET?



Of paramount importance among any Chapter 13 Trusteeship's responsibilities

are the disbursing of funds. Getting the dollars right is only half of that job. As crucial as it is for us to ensure the accuracy of CaseNET's financial records, it is equally important to correctly identify and locate the creditors who receive the disbursements from our office.

Of the more than 77,000 identities we have on file in CaseNET, nearly 30,000 are creditors. Those creditors have more than 63,000 addresses. Even if none of those addresses ever changed, assuring the accuracy of that many pieces of information would be a big job. But, it is an even bigger job than that because things do change. Creditors change their names, their addresses, and close offices...it could be a full time job just keeping up with it all.

In fact, Darlene Odom, our Identity Maintenance Specialist, is doing that job. Starting with some of the largest creditors, Darlene has been working her way through address records, making corrections where needed and consolidating to reduce the address lists down to the essentials. By now, many of us have collected a virtual stack of the *Identity Maintenance Updates* Darlene sends as she completes work on each creditor and 'freezes' their address lists. When an identity's address list is frozen, it is no longer possible to add new addresses or modify existing addresses for that identity.

A recent CaseNET revision has added a couple of new utensils to Darlene's toolbox. First, Darlene now will be able to designate one or more addresses as the preferred or "main" addresses to use for a given identity. Darlene is in the process of selecting main addresses for those identities that are currently frozen. Once addresses have been so designated, they will be marked with a bullet in choice lists.

A second addition to CaseNET enables Darlene to tag identities she is currently working on, before they're ready for freezing. When anyone clicks a button to add a new address for one of these "in review" identities, they will see a dialog box warning that the identity and its addresses are in review. If this happens to you, please take extra care to review the addresses already available in the system before adding a new address. Ask Darlene if you have any questions.

Keeping CaseNET's address book up-to-date is a huge job, and a big part of that job involves communication. With the combination of Darlene's informative emails and CaseNET's new ability to indicate identity and address status, each of us will have the information we need to keep our data accurate and up to date.

Cliff Tarrance & Darlene Odom

These are the answers to the
 ↓ I Scream, You Scream trivia quiz on Page 8. ↓

- I Scream, You Scream Trivia Answers**
1. California.
 2. Vanilla, chocolate & Neapolitan.
 3. Japan.
 4. Twleve.
 5. Sunday.
 6. Madagascar.
 7. True.
 8. Portland, Oregon.
 9. Rocky Road.
 10. Lick the bowl.

Ooh, Ooh That Smell! Can't You Smell That Smell?

I love the smell of barbeque pork in the morning. I drool over the thought of a juicy gyro any time of the day. If you offer me the choice between a new car and a six-foot long submarine sandwich, you'd better be carrying napkins. And it's all outside my window. At least it will be when the Taste of Chicago comes to Grant Park June 27 – July 6.

The Taste is an annual festival of music and merriment put on in celebration of food, fellowship, and the endless pursuit of profit. Dozens of the city's more reputable food establishments will erect booths and peddle their waist-expanding wares to the masses. Deep-fried or beer-battered, sticky or sloppy, steaming hot or freezing cold, any hankering your palate develops can be satiated by finding the proper booth. And all that stands between you and satisfaction is a few million people.

Contending with the wafting odors of mustard fried catfish and Italian beef is the stagnant raunch of humanity (which smells like peanut brittle, oddly enough). Everyone enjoys a nice afternoon in Grant Park with access to all his or her favorite foods; in this case, "everyone" means an estimated 3.6 million folks for the whole week. To assure a good time at the Taste, the Mayor's Office of Special Events suggests wearing comfortable shoes and sunscreen, drinking water, and attending during the less trafficked hours if you're bringing young children (i.e. during weekday afternoons). I suggest arming yourself with tasers and a bullwhip.

I've found that the best way to have a good time at the Taste of Chicago is to plan ahead. Approach the matter like a military maneuver. Assess what foods you'd like to find, locate their positions on a vendor map, set a rendezvous point to meet at so no one gets lost, say goodbye to your companions in case you don't return, and run into the crowd screaming bloody murder. And if anyone gets in your way, give them a taste of your whip.

For information on the 23rd Annual Taste of Chicago, consult the Mayor's Office of Special Events web page at:

<http://www.ci.chi.il.us/SpecialEvents/Festivals/Taste2003/>

Kyle Issleb



EMPLOYEE BIO: Kimberly Eisenberg

Nickname: Kim.

Birth date: August 5, 1969.

Birthplace: Michigan.

Family: I have a brother in New York and parents in Michigan.

Position: Staff Attorney.

Years with the Office: Five.

Favorite Food: Pizza.

Favorite TV program: Alias.

Favorite Color: Yellow.

Favorite expression: "Whatever."

Favorite Smell: Cookies baking in the oven.

Favorite Childhood memory: Summers at our neighborhood beach and on our boat.

If you could meet one person in the world, either dead or alive, who would it be? Not sure!

What's most important in life? Family and friends.

Is the glass half full or half empty? Depends on the day.

What's guaranteed to make you smile? My cat.

First thing you do in the morning when you wake? Push snooze.

My friends would describe me as: Fun to be with, a good listener and a good friend.

A perfect day for me would be: Relaxing with a good book.

Most embarrassing moment: Too many to choose from.

Proudest moment: I think is still yet to come.

In 5 years I see myself: Happy.



July Birthdays, Anniversaries And Other Notable Events

Independence Day on July 4th.

Gruntled Workers Day on July 13th.

Happy 5th Anniversary to **Angela**

Hope-Davis on July 20th!

Happy 5th Anniversary to **Carlos Lagunas** on July 20th!

Happy 5th Anniversary to **Agueda Orozco** on July 20th!

National Ice Cream Day on July 20th.

Happy Birthday to **Telisha Emerson** on July 21st!

Happy Birthday to **Agueda Orozco** on July 23rd!

Happy 3rd Anniversary to **Eileen Downes** on July 25th!

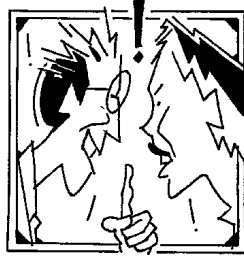
Happy 1st Anniversary to **Sandra Cortina** on July 29th!

Happy 1st Anniversary to **Jammal Davis** on July 29th!



**To Whom It
May Concern:**

Our office’s answer to “Dear Abby” from the perspective of both female and male employees.



Dear Whomever,

If your husband is driving and is en route to pick up you and your mother in law, who gets the front seat?

From: Who sits where?

HER RESPONSE...

Dear Who sits where?,

Let me get this straight: The situation is your husband is en route to pick up his wife and his mother, and the question that’s concerning you is who gets to sit in the front seat with the husband/son? My personal opinion to this question is that the seat belongs to the wife, but if the wife chooses to give her mother-in-law the seat then that’s totally up to her. I also think that the majority of people would disagree and say to give the seat to the mother out of respect. But the question behind that is when does the mother have to give her daughter-in-law respect as far as who gets the front seat? Now what if the table was turned and the father-in-law was picking up the wife and mother? Would the mother allow the wife to sit next to her husband while she sat in the back? I truly don’t think so!

Those mothers-in-law or even sons/husbands who think that their mother automatically gets the front seat do nothing but show their true colors. The mother who thinks that she gets the front seat shows that either she doesn’t know how to let go of what was once hers and now belongs to someone else or she just doesn’t respect the wife. It also might be that the mother doesn’t know how to respect the wife, or even that she should respect her deep down. This means she lacks some common sense in this area.

A man who thinks that his mother should sit next to him tells you more about his personality than you want to know. He is most likely a mama’s boy, and does not know how or even that he is supposed to let go. Any spiritual man knows this. This shows that he still enjoys the pampering that he gets from the mother, but also enjoys what the wife does for him. This man does not know that he is now one with the wife and not the mother. It is not going to be the mother who is sleeping next to him at night, taking care of his children before and after school, or cooking his dinner everyday. I think this man should be by himself which is just how he is going to end up.

HIS RESPONSE...

Dear Who sits where?,

The matter comes down to a judgment call: which one is a more pleasant driving companion? Whose nagging is less offensive to the ears and psyche? Once you figure this out, your choice is simple: stick that one in the rear. They are less likely to subject you to years of torture and torment for banishing them in the gum-sticky backseat while exalting the other to the glories of the passenger-side mansion. Perhaps the ride itself won’t be as enjoyable, but it sure beats regretting your decision 10 years later when your inadequacies as a son and/or husband are discussed at length over charred Christmas ham.

If they’re equally annoying or particularly contentious with each other, erect a boxing ring in the front yard and let them duke it out. Provide each a pair of 12-ounce gloves (or let them go bare knuckles if they are feeling vicious) and watch them pummel each other. Not only will this provide a clear victor (and thus remove the blame of losing the front from you) but they will wear themselves out in the fight and lack the strength to complain about your poor direction sense or how fast you’re driving. If you’re lucky, you might even find yourself driving alone with two sleeping angels and free to listen to whatever music or sportscast you want. This is known as “the good life.” Savor it for it may never happen again.

DO YOU HAVE A PERSONAL QUESTION THAT YOU’D LIKE TO ASK? SUBMIT ONE TODAY IN OUR ANONYMOUS DROP BOX LOCATED IN THE MAIL ROOM.

Confirmation Denied – But Why?

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to attend the confirmation hearing. While all efforts are made to raise all issues of non-compliance at the §341 meeting, the confirmation requirements are *not* waived if missed and not raised at that time. Issues initially not discovered or that arise due to testimony, or subsequent documentation and amendments, are raised at the confirmation hearing.

In addition, our office has dedicated phone lines for each Judge’s court call where the staff attorney can be reached to find out whether a plan will be recommended for confirmation *prior* to the confirmation hearing. The review of a case for the original confirmation hearing should be complete at least a day or two before the hearing. Most often, the question – *CONFIRMATION DENIED, BUT WHY?* – comes from those attorneys who failed to attend the confirmation hearing or even call before the hearing to see if there were any issues or outstanding items preventing a recommendation to confirm.

Jay Tribou

Newsletter F Y I s

If you would like to contact us or submit ideas or articles for the newsletter, you can do so by:

- ✓ e-mailing us at newsletter@chi13.com
- ✓ dropping your submission or idea in the anonymous newsletter folder located in the mail room, or
- ✓ leaving them with Dave Latz

Please remember when making a submission to the newsletter, it must be:

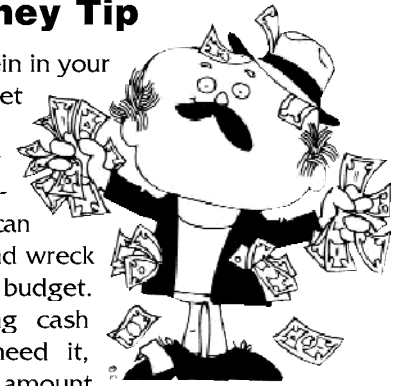
- ✓ type-written and
- ✓ submitted by the 1st Wednesday of the month via e-mail, a Word document or an ASCII file.

We also ask that anyone who goes to a seminar please be prepared to furnish the committee with a detailed article on its subject.

You may also view this edition of the Chronicle and previous issues on the Chapter 13 Trustee website at <http://www.chicago13.com/>.

Quick Money Tip

A quick way to rein in your budget is to set spending limits. But what about those ATM withdrawals? They can add up quickly and wreck havoc with your budget. Instead of taking cash whenever you need it, take out a set amount once a month. When you run out of cash, you'll know that you've reached the limit of your budget allowance.



**OFFICE OF THE
CHAPTER 13 TRUSTEE
MARILYN O. MARSHALL**
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I Scream, You Scream

July is National Ice Cream Month. How much do you know about America's favorite dessert? Test your ice cream knowledge! The answers are on page 5.

1. What state is the nation's largest producer of ice cream?
2. What are the top three flavors sold in the US?
3. In terms of exports, where does the US send the most ice cream?
4. How many pounds of whole milk does it take to make one gallon of ice cream?
5. On which day of the week is the most ice cream sold?
6. Where are most of the vanilla beans used for ice cream grown?

7. True or False? Superpremium and premium ice cream represent over 50 percent of the total dollar sales of ice cream.
8. Which US city is the top seller of ice cream?
9. Only weeks after the stock market crash of 1929, the founders of Edy's Grand Ice Cream made a batch of ice cream by adding ingredients used as sundae toppings to chocolate ice cream. The name of their creation described both the flavor and was a comment on the time. What is this ice cream?
10. According to a survey conducted by Opinion Research Corporation, 13 percent of all men love their ice cream so much that they what?

