



THE

# MARSHALL CHRONICLES

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## Welcome BAPCPA!

I must confess. I could not wait for the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) to take effect. I understand that many readers will not echo those same sentiments. I can imagine the frustration this new law has caused for some practitioners. The new code, however, is more than just pay advices and hanging paragraphs. It is a brand new act, riddled with inconsistencies and ambiguities. This is precisely why I adore this new law.

This act gives lawyers and bankruptcy judges the first opportunity in years to interpret a fresh set of provisions. I suspect BAPCPA will spawn vast amounts of litigation, which is why I am so excited. I am anxious to see the creativity and persuasiveness of our consumer bankruptcy bar. This new law will require practitioners to become active promoters of their clients' best interests. Lawyers will have to begin researching, briefing, analyzing, and arguing so that we can gain a better understanding of the new code's mandates. For this reason, I am pleased that the BAPCPA was enacted.

In other areas of the country, the litigation that I yearn for currently is taking place. From voiding cases to defining good faith, many courts have begun giving life to the new code. I have found many of the decisions to be audacious, clever, and well reasoned. Most of all, I feel the opinions are essential. Since this code is subject to many differing interpretations, judicial intervention is critical. After surveying many post-BAPCPA decisions, I found that the unnumbered paragraph of 1325(a) has been the focus of recent litigation.

The hanging paragraph that follows section 1325(a)(9) has given rise to several controversies. This paragraph states that section 506 of the code does not apply when creditors have a purchase-money security interest in personal property acquired for personal use and purchased within a year prior to the debtor's filing, or within 910 days if the personal property is a motor vehicle. Basically, debtors can no longer split undersecured claims if the qualifications outlined in the hanging paragraph are satisfied.

910 claims, as they are commonly known, have been frequently discussed in the past months. A Georgia bankruptcy court in *In re Jackson*, 338 B.R. 923, 926 (Bankr. M.D. Ga 2006), held that "personal use" means

personal use of the debtor, not his spouse. The debtor obtained financing to purchase a vehicle for his wife during the 910 days prior to filing bankruptcy. The court held that section 506 would apply to the claim since the car was not purchased for the personal use of the debtor. *Id.* at 926. The creditor argued that because the car was purchased for personal, family or household use, the claim is a 910 claim and should not be bifurcated. The court, however, enforced the plain language of the statute, and found that section 506 would apply to the claim. While "personal, family or household" use appears in other code provisions, the court explained that the omission by Congress indicates that the hanging paragraph is to have a different meaning. *Id.* Therefore, the debtor would be allowed to bifurcate the lender's claim. Recent decisions have also held that 910 claimants are not required to be paid at the contract rate of interest.

In *In re Robinson*, 338 B.R. 70, 75 (Bankr. W.D. Mo. 2006), the court held that 1325's unnumbered paragraph did not overturn the Supreme Court decision *Till v. SCS Credit Corp.*, 541 U.S. 465, 124 S.Ct. 1951 (2004). The court disagreed with two creditors, who expected to receive the contract rate of interest. After analyzing the legislative history of the section 1325 amendments, the court determined that Congress did not intend to reverse *Till*.

The court cited House Reports that summarized the changes in the treatment of certain secured creditors, and those changes did not include an amendment to the current method of calculating interest rates. The court also cited *In re Johnson*, another decision that dealt with the issue of 910 claims. 337 B.R. 269 (Bankr. M.D.N.C. 2006). The *Johnson* court also found that *Till* still applied even though section 506 was not applicable to certain secured claim. The *Robinson* court concluded that the formula mandated by *Till* continued to apply to 910 claims.

As we know, secured claims must be treated one of three ways pursuant to §1325(a)(5), one of which is the surrender of the collateral. In *In re Ezell*, 338 B.R. 330 (Bankr. E.D. Tenn. 2006), a Tennessee bankruptcy court had to decide an interesting question: are 910 claims entitled to an unsecured claim if the debtor chooses to surrender the property? The creditor argued that the claim remains fully secured,

(Continued on page 2.)



## Legal The Means Test



Median income is a phrase that has almost become synonymous with BAPCPA. One of the biggest changes and challenges associated with the Bankruptcy Reform legislation is that all debtors must now be subject to the “means test” in order to overcome a presumption of abuse and bad faith. The intended result of the requirement was that more debtors would choose Chapter 13 and try to pay back at least some of their accumulated debt. We have been anxiously awaiting and monitoring BAPCPA cases to determine the trends and to see if Congress received its intended results. To date we have approximately 970 cases filed under the reformed act. Of those, 16% or 158 cases had debtors that were above the median income level when the case was filed. How does that translate into success? So far it may be too early to tell but as of now, 34% of the cases propose to repay 100% to unsecured creditors, 5% pay unsecured creditors between 50 to 99%, 13% pay unsecured creditors 20-49%, 33% pay approximately 10% and 15% propose to pay 0% to unsecured creditors.

*O. Anthony Olivadoti*

## Welcome BAPCPA!

*(Continued from page 1.)*

irrespective of whether the debtor retains or surrenders the vehicle. The debtor asserted that since 910 creditors no longer have a secured and an unsecured claim, deficiency balances that may result from surrender should not be allowed. If §506 does not apply to 910 claims, then these claims can no longer be bifurcated. The debtors in Ezell argued that since 910 claims are fully secured, plans must pay these claims in full if the debtor is retaining the vehicle. So a debtor who opts to return the vehicle has satisfied the claim in full.

The court in Ezell agreed with the debtors. This was an issue of first impression for the court, so it consulted the code, legislative history, and briefs submitted by various interveners. Ultimately, the court held that fairness requires that the surrender of collateral fully satisfies a 910 claim. Id. at 342.

These are just a few of the interesting decisions BAPCPA is responsible for generating. I hope you will find that the new amendments are more than just calculating current monthly income or waiting for clients to provide all the newly required documentation. It presents us with an opportunity to change the way we practice bankruptcy law. While I would characterize our consumer bar as congenial and non-adversarial, we will undoubtedly face real controversies that must be decided by the courts. I hope we, as attorneys, will not shy away from attacking the issues that confront our clients.

*Keisha Hooks*



<b>THE MARSHALL CHRONICLES</b>	
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We also ask that anyone who attends a seminar please be prepared to furnish the committee with a detailed article on its subject.	
You may also view this edition of <b>THE MARSHALL CHRONICLES</b> , as well as all the previously published issues, on the Chapter 13 Trustee website at <a href="http://www.chicago13.com/">http://www.chicago13.com/</a> .	

## Systems Managers Share Ideas

We systems people don't get out much, but on Monday, April 10, the systems managers for trustees in the Northern District of Illinois gathered for our second annual meeting. Marcos Resendiz, systems manager for Tom Vaughn's office in Chicago hosted. Also in attendance were Mike McGuckin (Glenn Stearns, Lisle), Kristyn Sinn (Thomas King, Oshkosh) and Andy Hawley (Mary Grossman, Milwaukee).



Even though our offices use different software vendors to administer cases, we had plenty of things to talk about. It's good to get an idea of how we are handling different issues. After getting a tour of the office, we hit the items on our agenda. These included BAPCPA, the Model Plan, CM/ECF and backup procedures, among other things.

Terminology sometimes causes confusion when you're working on different systems in different offices. For example, Mike McGuckin was referring to the "B2 notice" and what kind of report he had to write to generate this notice. I thought, "I don't think we're sending that." Well, of course we are. It's just that we call it the Cost of Collection notice.

The controllers from our offices were meeting at the same time in Marilyn Marshall's office. We were visited by Trustee Glenn Stearns and Chip Wilkes, Chapter 13 Coordinator. Chip gave a good suggestion that we include the UST's systems person and the systems manager from the Clerk's office next year. Looking forward to meeting with my colleagues again next year. Maybe we can even host it in our office.

*Sandra Pillar*

## Trustee Matters

### BAPCPA – The 7th Inning Stretch

It has been almost seven months since the Bankruptcy Abuse Prevention Consumer Protection Act was implemented. There have been some noticeable changes in case filing, documents received as required under §521, the number of §341 meeting held and the number of cases confirmed. Ironically, there has been little change in the dollar amount of receipts we process monthly. But, don't let the numbers deceive you; the number of pay offs received on active cases has increased. Therefore, to understand why with fewer cases receipts remain unchanged we have to subtract the dollar amount of refunds to debtors on cases completed because of early payoffs from the total receipts, then add back in the increase in plan payments because the current mortgage is paid in the plan. Also, it is great that most of the newer cases are including the current mortgage payment in the plan.

Our current caseload is 6,820 compared to 7,445 last year. New case filings for our office are:

October 1 through 16, 2005.....	667
October 17 through 31, 2005 .....	29
November, 2005.....	105
December, 2005 .....	111
January, 2006.....	152
February, 2006.....	175
March, 2006.....	226

New case filing under BAPCPA has decreased from the number of new cases filed last year but is starting to rise slightly each month since November, 2005.

Our office trained extensively for the changes related to BAPCPA, but when the big event arrived, we were not prepared for the challenges which we thought we had anticipated. In reviewing BAPCPA cases, most of the documents had not been filed as required under §521. The biggest challenge was the receipt of payment advices (pay stubs). We had always required a copy of the most recent pay stub at the §341 meeting. However, §521(a)(1)(b)(iv) required copies of all payment advices or evidence of payment received by debtor from employer within 60 days before the Petition was filed, had to be filed with the Court. Per a Standing Order effective as to all cases filed on or after 10/17/05 in the Northern District of Illinois, payments advices were to be delivered to the Trustee at least seven days prior to the §341 meeting. In our preparations, as outlined in our little black book, "Unraveling BAPCPA," the Trustee preferred to receive the documents at least 14 days prior to the meeting. Most debtors arrived at the §341 meeting without the payment advices. My preference was unheard of and the Standing Order was ignored. Because of the number of missing payment advices, I immediately had to change the policy of not holding the meeting if all required documents were not in the office or filed with the court to holding the meeting and stating on the record that documents were not tendered at the meeting. We are beginning to see an improvement in the number of payment advices received at the meetings and hope that in most cases the payment advices will be e-mailed ([payadvices@chi13.com](mailto:payadvices@chi13.com)) or

faxed at least seven days prior to the meeting as required by the Standing Order.



My preference for receiving transcripts instead of the copy of the tax returns at least 14 days prior the meeting turned out to be a dream. §521 (e)(2)(A) requires the Debtor to provide the Trustee a copy of the tax return at least seven days before the meeting for the tax year ending before the petition is filed. Additionally, §1308(a) requires the filing of pre-petition tax returns. The debtor must file all tax returns (federal, state and local) that are required under non-bankruptcy law for four years preceding the bankruptcy filing. The tax returns must be filed no later than the day before the original date for the first meeting of creditors. Since failing to file tax returns raises a confirmation issue under §1325(a)(1) and (9), we will object to confirmation if debtors fail to comply with 11 U. S. C. §1308.

We began to see a decrease in the number of §341 meetings conducted each day. Since BAPCPA, we have had days when only one meeting was scheduled compared to the 34 we were accustomed to hearing a day. This time the complaints from the hearing officers were reversed.

#### Number of §341 Meeting Held:

October, 2005 .....	322
November, 2005.....	344
December, 2005 .....	260
January, 2006.....	135
February, 2006.....	126
March, 2006.....	164

Remember, the Trustee's office only gets a percentage fee (currently 5.5%) on cases that are confirmed. Therefore, as we take the 7th inning stretch to review BAPCPA, we know that we must keep the old cases paying and make sure the new cases are confirmable. We will continue to dismiss cases for material default and use the payment default letter as a tool to encourage payment prior to setting the dismissal motion.

#### Number of Cases Confirmed:

October, 2005 .....	266
November, 2005.....	334
December, 2005 .....	283
January, 2006.....	217
February, 2006.....	123
March, 2006.....	123

We have used our monthly meetings (Unraveling BAPCPA) with the bankruptcy community as the forum to address persistent issues, which hinder the confirmation of a plan. I can't over-emphasize the need to complete Section E of the Revised Model Plan (October 17, 2005). We must have amounts for fixed monthly payment. Remember, the Trustee must be able to administer the changes made in Paragraph G. Our last BAPCPA meeting will be held April 27, 2006. Don't forget to reserve a space.

*Marilyn O. Marshall, Standing Trustee*

## Financial Payoff Letter Request

Many have asked the question, why 30 days for a payoff letter? I would like everyone to understand we are not trying to punish the debtor by keeping them in bankruptcy. No, the trustee is not trying to get interest from the debtor's plan payments. Hopefully, after reading this article, many will understand the minimum 30 days for a payoff request.

In order to be considered for a payoff letter you must request the letter with our standard form that you are able to receive from the Chi13.com website. Along with the form, the mortgage company must have a signed authorization form from the debtor.

Once the form has been filled out completely, the mortgage company can fax all necessary documents for the Payoff request. The information is faxed to the mailroom clerks. Once the clerks have received the information, it takes 24 hours to process.

After the mailroom clerks enter the information into the system, the information is given to the financial department at the end of the week. Once the financial department has the information the auditor reviews the case to make sure the case is eligible for a payoff letter. The financial department receives between 15 to 30 payoffs a week.

When determining eligibility to receive a payoff letter, the auditor checks to see if:

- All the bar dates have passed.
- The case is confirmed for at least six months.
- A signed authorization form from the debtor was included with the payoff request form.
- And, most importantly, the case must be active.

After reviewing all cases to make sure all qualifications have been met, the auditor runs the audit job every three weeks. The auditor may have 40-70 payoff requests to audit.

In our office, the auditor's have standards that must be met. When the financial department is reviewing a case for audit, there are a number of things that must be reviewed. To name a few:

- Check all legal dockets on the case.
- Review the mortgage payments if paid in the plan and check all claims that were filed.
- The information from our records must match the information on PACER.

When auditing a case from PACER, it can take from 30 to 60 minutes for one case depending on the activity on the case.

If a problem occurs, the manager and the legal department must conduct further review before sending a payoff letter. Depending on the problem, sometimes we have to wait for a response, which may take up to 14 business days. The reason a payoff letter has not been sent out is because the problems that are found do affect the Chapter 13 balance. Our office does not want to send a payoff letter unless the balance is correct.

If no problems are found, the letter can be faxed within 24 hours after the audit has been completed.

I would like for everyone to understand the auditors are responsible for sending the most accurate information as possible. The Trustee is not a mortgage company and therefore cannot send a letter within 24 hours. There are many legal activities that affect the debtor's balance. The Trustee's obligation is to make sure the case is being administered correctly.

Santricia Mack



## Case Administration Adequate Protection Payments 101

Prior to BAPCPA creditors who wanted to receive disbursements prior to confirmation would file a motion with the court. Once the order was entered, the paralegals would make a request on the disbursement database to have the amount provided for in the order disbursed in the next creditor disbursement. The allocation start date for payments would be equal to the date the order was signed. Disbursements would continue from that point until the case was confirmed.



Post-BAPCPA, creditors can receive adequate protection payments without an order as long as the schedule indicates that there is a purchase money security interest (PMSI) for that debt and the debt is provided for in the plan. Instead of manually handling these debts through the disbursement database, the System Team developed an automated process.

The individual who is responsible for processing the original plan and schedule information will check:

- Schedule D – to see if the debt is listed as a PMSI
- Plan – to see if the PMSI debt was provided to be paid by the Trustee

Once the schedule and plan information is verified for these items, the appropriate fields will be updated in CaseNET. All subsequent plans or schedules processed by the paralegals must also be checked for any additional, modifications or deletion of PMSI debts.

Creditor disbursements are the third Friday of every month, so all original and or amended plan and schedules must be processed by the second Friday of every month. A job will be run the third Monday of the month that will go through and select any debts that are scheduled as an adequate protection and create a claim for that debt. Keep in mind the allocation start date for these debts will be thirty days from the date the petition is filed, so a claim may be created in one month but not receive a payment until the following month. For example:

- Case file date = 3/28/06
- Claim allocation date = 4/17/06
- Check-run date = 4/21/06

Based on this example, the creditor would receive an adequate protection payment in April (if money was on hand) because the adequate protection program honors the allocation start date as a payment that is due for April.

Unlike the post confirmation review process the adequate protection payments will not go through as many checkpoints, so it is vital that everyone involved understands the process and is extra careful during the entry process.

Rosalind Lanier

*“Confidence can get you where you want to go, and getting there is a daily process. It's so much easier when you feel good about yourself, your abilities and talents.”*

Donald Trump

## Case Confirmation Getting Cases Ready To Be Confirmed, That's My Job!



When preparing court calls, the paralegals make sure that the continued packets that were heard the week before are docketed on CaseNET. We want to be sure they are included when creating a new list.

Once I create the new court call list, I organize my packets in numerical order. I keep my email open because I receive emails from court when amendments are filed and to check if any required documents were sent to me. Also, there might have been other documents that we requested at the §341 meeting that have been delivered directly to the office, these are known as hard copies. The hard copies are then put with the confirmation packets. (Hard copies are the documents that were not sent to the Trustee's email address [payadvices@chi13.com](mailto:payadvices@chi13.com) or [taxreturns@chi13.com](mailto:taxreturns@chi13.com)). It is helpful to the paralegals if the documents are not sent directly to the staff attorneys. We would rather have them sent to the designated email addresses because it helps processing the information more efficiently.

When a debtor's attorney files any documents with court, the paralegal will receive an email from court stating that an event has occurred with this case. For example, when filing an amended plan, the paralegal will get an email stating that an Amended Plan was filed (date) by (debtor attorney). These emails are reviewed throughout the day, so that the cases are as current as possible. Paralegals make a note on the tracking sheet if we determine the latest filed plan is *not* the model plan dated 10/17/05. Paralegals are also responsible for following up and making sure "required documents" are updated and processed in CaseNET. There are documents that the paralegal must look for when preparing the court call. Those fields must be *satisfied* before going to the staff attorney for review. If I find a field with no activity, then I will send an email to the debtor's attorney to remind them that documents are still needed. This is a great benefit for the debtor attorney. It helps them by informing them what is still needed and looked for by the trustee.

When I am finished reviewing for recently filed amendments and required documents, the next thing I do is print (blue) confirmation tracking sheets for every case that is on the confirmation call. I write on the tracking sheet and indicate if the §341 meeting was not held; if motions for fees were filed; or if any Cost of Collections and/or Objections were filed.

Once this packet review is complete, the completed packets are then given to the staff attorney for their review.

Catherine Mendoza

## Internet Tidbit

Got a song stuck in your head, but can't figure out exactly which song it is? Drop by [Songtapper.com](http://Songtapper.com) and simply tap in the rhythm of the song's melody. You use your space bar to tap in the rhythm and the system will give you possible results for the song you are playing. If it is a song new to the program, you can teach it by entering in the song title and artist.



## 20 Questions For: Patti Brower (Disbursement Specialist)



*If you could have named yourself, how would your name appear on your birth certificate?* Elizabeth Ann.

*If you could build a house anywhere in the U.S., where would it be?* In Missouri, on the Lake of the Ozarks.

*When you were a kid, what profession or job did you want to have when you grew up?* Astronaut.

*If they made a movie about your life, what current actor/actress would play you?* Meryl Streep.

*What is your least favorite household chore?* Mopping floors.

*What are your favorite books?* Cookbooks.

*If you could bring anything back from your childhood, excluding people, what would it be?* Sunday drives with family, aunts, uncles and cousins.

*When you were growing up what was your favorite...*

*Hair style/haircut?* Straight hair.

*Cartoon?* Hard to decide on just one: Jesters, Flintstones and Gilligan's Island.

*Cereal?* Lucky Charms.

*Sport?* Kick baseball.

*Subject in school?* Math.

*Author?* Betty Crocker.

*Singing group?* Jackson 5.

*Video game?* Ping Pong that hooked up to the TV.

*Family outing?* Fishing.

*Movie?* The Mummy from Creature Features.

*If you wanted to be cool:* Wearing hip hugger or bell bottom jeans.

*I always wanted:* To travel to Japan and Europe.

*Now that I'm older I wish:* I knew what I know now back when I was in my 20's.

## Inquiring Minds

*What exactly is a "PMSI?," and how does it affect a case?*

A "PMSI" refers to a Purchase Money Security Interest. A security interest is a "purchase money security interest to the extent that it is created, taken or retained by the seller of the item or "collateral" to secure all or part of its price. Such a security interest involves secured credit sales under which a seller sells goods to a buyer and reserves a security interest in the goods that are sold in order to secure the unpaid purchase price and credit charges. Purchase money loans are created when a lender advances funds to a debtor for the purpose of allowing the debtor to acquire a new asset, and the funds are used for that sole purpose. There are two elements that must be established by a purchase money lender. First, the lender must show that value was given "for the purpose of enabling the debtor to acquire rights in the collateral." The second element is a tracing requirement: it must be shown that the value was actually used to acquire those rights.



Joanne Coshonis

## Major League Baseball Predictions

Carlos and I are back for predictions on which teams will make the playoffs in Major League Baseball (MLB). First I'll recap our predictions for the final four in the NCAA men's basketball tournament. I had one selection correct and also picked correctly that Illinois would lose in the second round. Carlos' predictions did not make the newsletter, but he did not get any right; I'm sure he will do better in baseball. Now on to my MLB selections. To lessen my bias to the Cubs, I looked at an independent ranking (Sports Illustrated) of all the players in MLB to rate by player talent only which are the best teams in each division and used this analysis to pick my division and wildcard winners. So let's first look to the West.



**AL WEST** – The rankings show the Angels as the best team with the Oakland A's a close second, I'm going to go with the A's as the winner because of their superior starting pitching, which is probably the best in baseball.

**NL WEST** – This division consists of three mediocre teams and two of the worst teams in baseball. In a race that nobody will care about, I pick the Dodgers over the Padres, but either team will be lucky to finish with more wins than losses.

**AL EAST** – The Yankees and the Red Sox players are rated as the second and third best teams in baseball; they also spend the most money on payroll. I'm going to go with the Red Sox because of their slightly superior starting pitching.

**NL EAST** – The Phillies supposedly have the most talent in this division, but they have been under-achievers for the last few years, and they have problems with their bullpen. I'm going to go with the Mets to eke out the Braves in a tight contest.

**AL CENTRAL** – The White Sox are rated as the team with the most talent in all of baseball, but the Indians are right there with them. The strength of the White Sox is the depth of their starting pitching, and their weakness is their bullpen. The Indians starting nine is actually ranked higher than the White Sox, and their starting pitching, one through four, is right there with them. The difference is the number five pitcher, where the White Sox have a decided edge. If they stay completely healthy, the Sox will repeat as division champs. But I'm picking the Indians to edge them out.

**NL CENTRAL** – The rankings show this as the most competitive division of all with four teams ranked in a virtual dead heat and the Cardinals are not one of them. The Reds are ranked the best by a slim margin, but they have one of the worst pitching staffs in baseball (they are ranked high because of their starting eight and their bench) so they will not be a factor. That leaves the Astros, Brewers and Cubs. For the Cubs to win they need two of their three injured pitchers to come back strong. If they do, their starting pitching is deeper than the Astros, and their bullpen is equal. It seems too big a leap for the Brewers to go from a mediocre team to first place in one year. The edge goes to the Cubs.

**NL WILDCARD** – This goes to the second place team from a division with the best record. The teams from the West are too weak to contend. So look for a battle between the Astros and the Braves. The winner will come from the division that has the worst teams that the second place team can beat up on and pad their record. The Marlins and Nationals will be worse than the Pirates and Reds, so the Braves win the Wildcard.

**AL WILDCARD** – again, leave the West out of this equation, this is between the White Sox and the Yankees. Except for the Royals, the Central division should be much more competitive this year but so should the East. I give the edge to the White Sox, as they will probably pound the Royals.

*Dan Lyons and Carlos Lagunas*

DIVISION	DAN	CARLOS
AL WEST	A's	A's
NL WEST	Dodgers	Giants
AL EAST	Red Sox	Red Sox
NL EAST	Mets	Mets
AL CENTRAL	Indians	Indians
NL CENTRAL	Cubs	Cubs
NL WILDCARD	Braves	Cardinals
AL WILDCARD	White Sox	Yankees

## Good Reads

Here are a few good book suggestions we want to share with you submitted by our avid readers:



### **Crazy Love by Desiree Day**

This book is about two roommates that have been friends for years. Both women are forced to deal with their insecurities and secrets in this funny and scandalous story about love.

*Kenya Williams*

### **Angel on My Shoulder by Natalie Cole**

The above book is about Natalie Cole's addictions and how she overcame them.

*Valencia Jordan*

### **The Mists of Avalon by Marion Zimmer Bradley**

This fantasy story is about King Arthur, vividly retold through the eyes and lives of the women who wielded power from behind the King. It is wonderfully intricate and full of fantasy, romance and intrigue.

*Carolyn Donahue*

## May Anniversaries, Birthdays And Other Notable Events



- Happy 6th Anniversary to **Kenya Williams** on May 1st!
- Happy Birthday to **Rita Saunders** on May 2nd!
- Happy 2nd Anniversary to **Carolyn Donahue** on May 3rd!
- Happy 2nd Anniversary to **Catherine Mendoza** on May 3rd!
- All Staff Meeting** on May 5th.
- Happy Birthday to **Anthony Olivadoti** on May 13th!
- Mother's Day** on May 14th.
- Happy 19th Anniversary to **Sandra Pillar** on May 18th!
- Happy 3rd Anniversary to **Cheri Johnson** on May 21st!
- Happy 11th Anniversary to **Anthony Olivadoti** on May 22nd!
- Memorial Day** on May 29th.
- Happy 7th Anniversary to **Cliff Tarrance** on May 31st!

## I'll Never Forget The Time My Mom...

As a child, I will never forget this lesson in safety from years past. It was a warm day in May, and this was when air conditioning was a luxury. My mother was ironing and talking on the phone with all the windows and the kitchen door open for air. A huge thunderstorm was brewing, and since there were tornado sirens going, the neighbors from the block were arriving with their kids, as we were the only house with a basement. Suddenly, a loud bang with blue lightning occurred as we sat in the kitchen and my mom ironed and talked to a concerned neighbor wanting to come over for safety. The lightning actually came in through the window and struck the wall next to the phone. Luckily, no one was injured, but it left a huge burn and hole in the wall next to the phone. Lesson to learn is: Do not talk on a phone or stand near open windows with an electric appliance during a thunderstorm.



*Mark Caffarini*

When I was in 4th grade and my mom made we wear a suit to school for picture day. I hated to wear a suit to school but now when I look back I am glad she did. She just wanted me to look my best.

*Carlos Lagunas*

I remember when I was eight years old, my mom and I took the Greyhound bus from Chicago to Gary, Indiana, every other Sunday to visit my mom's sister. I remember feeling like we were really going somewhere. They were always special trips.

*Darlene Odom*

I'll never forget the time my mom made me feel guilty when I was nine years old. I had money to buy my mom a Mother's Day present but instead I bought a bunch of 45 records for myself. When I didn't give her anything, she asked me the question "Do I do that to you?" Do I miss giving you presents for your birthday or Christmas? Ever since then, I have always made sure I remember to give my mom a gift for Mother's Day.

*Denise Ashley*

My mother graduated from College with her Bachelors Degree. I was glad to share that experience with her and my Stepfather. It was something that she always wanted to complete.

*Kenya Williams*

I'll never forget the time my mom made me wear some torn gym shoes to school for a year. I wanted some new Red All Star gym shoes so bad, I thought I would be smart and slit my gym shoes on the side (hoping that would get me a new pair). I don't know how my mom found out for the life of me that I slit my shoes. I told her I tore them climbing a fence. I guess you can't pull anything over on mom. By the time I was able to get a new pair of shoes, All Stars were out of style.

*Cheryl Jones*

In high school when I was preparing for a violin recital, I got back from a rehearsal that didn't go well. My violin teacher had been uncharacteristically critical. I walked in the door and went straight up to my room to cry. When I got downstairs, my mom had baked a batch of my favorite cookies. I didn't get any mom lectures about how I should have practiced harder or that my teacher was right. It's nice when your mom remembers your favorites. Those cookies sure tasted good.

*Sandra Piller*

I'll never forget the time my mom came up to me stirring a bowl of creamy green buttercream icing and asked me if I'd like some. Well, 10-year-olds just love buttercream icing so I grabbed a big spoonful and rammed into my mouth. The only problem was that it was green onion dip, not icing. It was the meanest thing my mom ever did to me - and I don't let her forget it either!

*Dave Latz*

## Gardening Tip: Growing Tomatoes



There are two types of tomatoes you can choose to grow; the determinate type have vines that grow to a determined point also known as bush tomatoes. The other is indeterminates where the vines continue to grow and need support.

Determinate tomatoes are probably your best bet for growing in a container. Pick a plant with no yellowing or speckling on the leaves.

There are many different strains to choose from such as early tomatoes, heirloom tomatoes, plum tomatoes, and small-fruit tomatoes (grape and cherry tomatoes). The early tomatoes are good for growing early in the season and are ideal for cool summer temperatures. Heirloom tomatoes are the old strains that have been kept alive by gardeners harvesting their own seed. Brandywine is a 112-year-old Amish variety and is known to be juicy. Plum and Roma tomatoes are the Italian style tomatoes and are great for tiny gardens or for containers. The small fruit tomatoes are also a great plant for a small container.

Tomatoes need a lot of sun and consistent watering. When planting the tomatoes keep in mind the plants won't begin to set fruit until the overnight low is regularly above 55 degrees. If you are planting the tomatoes in a garden be sure to have them two to three feet apart.

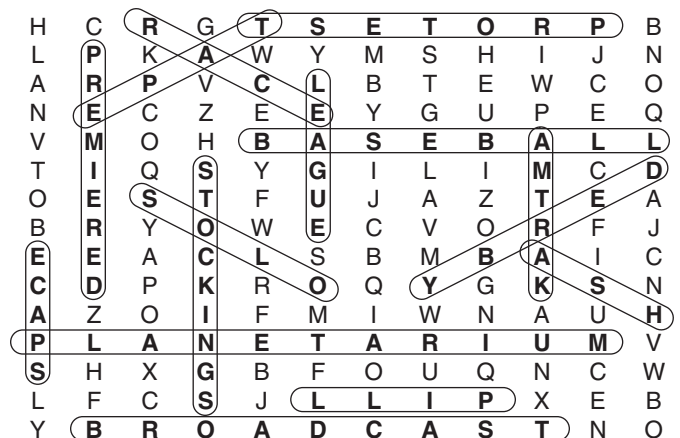
It is best to harvest your tomatoes when they are fully ripened and just starting to soften. When you store your tomatoes be sure they are in dark, warm conditions. It is best not to refrigerate tomatoes. Fresh tomatoes start to lose their flavor as soon as they go below 55 degrees.

I hope these tips aid you in your endeavor of growing tomatoes. Good luck and happy planting!

*Cheri Johnson*

## The Answers To The May In American History Puzzle

Did you find all 15 of the historical words from the back page?



## May In American History Puzzle

Find the highlighted words that pertain to our May Month in History. (The answers may be found on page 7.)

*May 1st*

1971 – The national railroad **Amtrak** began service, combining the operations of 18 passenger railroads.



*May 3rd*

1971 – National public radio, financed by the Corporation for Public Broadcasting, sent out its first **broadcast**.

*May 4th*

1970 – Four students were killed by U.S. National Guard at an anti-war **protest** at Kent State University in Ohio.

*May 5th*

1904 – Cy Young pitched the first perfect **baseball** game.

1961 – Alan Shepard became the first American in **space**.



*May 6th*

1915 – Babe Ruth of the Boston Red Sox hit his first major **league** home run in a game against the New York Yankees in New York.

*May 9th*

1960 – The Food and Drug Administration (FDA) approved the world's first commercially produced birth-control **pill**.

*May 10th*

1930 – The first U.S. **planetarium** opened in Chicago.

*May 15th*

1940 – Nylon **stockings** were sold for the first time in stores throughout the country.

*May 17th*

1875 – The first Kentucky **Derby** was run.



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*May 18th*

1980 – Mount St. Helens erupted in southwestern Washington State, blowing steam and **ash** more than 11 miles into the sky.

*May 20th*

1932 – Amelia Earhart became the first woman to make a **solo** transatlantic flight.



*May 22nd*

1967 – The children's show, "Mister Rogers Neighborhood," **premiered** on PBS.

*May 27th*

1930 – Cellophane tape, later known as Scotch **tape**, was patented by Richard Gurley Drew.

*May 30th*

1911 – The first Indianapolis 500 car **race** was held.

*Cheri Johnson*

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