

# What Does It All Mean?

A little over a year after changes to bankruptcy law going into effect under the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA), many of us working in the bankruptcy field are asking ourselves, others and, in general, looking for the answer to the question: just what does it all mean? Unfortunately, though there has been a great deal of litigation interpreting the various changes, there appear yet to be very few definitive answers.

The meaning of such words or phrases as “projected” or “projected disposable income” and how to calculate disposable income primarily as these terms relate to debtors whose current monthly income (CMI) is over the median for the venue of filing have spawned a wide variety of opinions with very little consensus.

Courts across the country are struggling with the inherent difficulties created by the application of the means test of the BAPCPA in §707(b)(2)(A) & (B) as it applies to above median income debtors under §1325(b)(3). Especially troublesome is its interplay with the definition of disposable income in §1325(b)(2) and its reliance on CMI as the starting point and the restriction placed on the court that it may not approve a plan, if an unsecured creditor or Trustee objects, unless the plan satisfies the criteria set forth in §1325(b)(1), particularly §1325(b)(1)(B) requiring that “...all of the debtor’s *projected* disposable income to be received in the applicable commitment period...will be applied to make payments to unsecured creditors under the plan.” (emphasis added) If no objection is made under §1325(b)(1), the court has no independent duty to raise or address the issue and as long as the proposed plan meets the other confirmation requirements of §1325, the court may confirm the proposed plan. *In re Benson*, 2006 WL 2949101 (Bankr. E. D. N. C. 2006)

Most courts have found that Schedules I and J may be used for below median income debtors to determine “projected disposable income.” See *In re Dew*, 344 B.R. 655 (Bankr. N. D. Ala. 2006); *In re Schanuth*, 342 B. R. 601 (Bankr.W. D. Mo. 2006); *In re Kibbe*, 342 B. R. 411 (Bankr. D. N. H. 2006).

Webster’s online dictionary lists the first definition of the adjective projected as: planned for the future. <http://www.websters-online-dictionary.org>. The word projected modifies the defined term “disposable income” in §1325(b)(1)(B). Disposable income is defined in §1325(b)(2) as CMI, other than certain payments debtor receives that are used for the benefit of a child on whose behalf they are paid, less amounts reasonably necessary to be expended for the maintenance or support of the debtor or dependents, domestic support payments, charitable contributions and business expenses. CMI is defined in §101(10A) as the average monthly income that the debtor receives from all sources, except social security benefits, derived during the 6-month period ending the last day of month before the month of filing. No wonder courts have difficulty when a §1325(b)(1)(B) objection is made to confirmation. They must try to figure out if the plan proposed by the debtor satisfies the requirement that the disposable income the debtor plans to receive in the future will be used to make payments to unsecured creditors yet disposable income is determined by reference to historical income received by the debtor.

Regardless of the source of income or the expenses/deduction used to arrive at disposable income, everyone should be able to agree that the concept of disposable income is a netting of income and expenses/deductions. The modification of the term disposable income by the use of the word projected is not limited to modification of just the income component or the expense/deduction component and so, in this writer’s opinion, the “projection” must be applied to **both** the income and expense components. The B22C form’s calculations of CMI still controls to determine whether the debtor’s income is above or below the median and, thus whether §1325(b)(3) applies to allow/limit reasonable and necessary expenses to those set forth in §707(b)(2)(A) & (B) and also controls to determine the “applicable commitment period” under §1325(b)(4)

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that must be used in proposing a plan that can withstand a §1325(b)(1)(B) objection to confirmation.

The majority of courts that have addressed the issue of whether the “applicable commitment period” is a temporal requirement or a multiplicand have ruled that it in fact describes a period of time that the debtor must remain in a plan unless all allowed unsecured claims are paid in full. See *In re Davis*, 348 B. R. 449 (Bankr. E. D. Mich. Aug. 21, 2006); *In re Nevitt*, 2006 WL 2433491 (Bankr. N. D. Ill. Aug. 18, 2006); *In re Kagenveama*, No. 05-028079-PHX-CGC, slip op. (Bankr. D. Ariz. July 10, 2006); *In re Alexander*, 344 B. R. 742, (Bankr. E.D.N.C.2006); *In re Dew*, 344 B. R. 655 (Bankr.N.D.Ala.2006); *In re McGuire*, 342 B.R. 608 (Bankr. W. D. Mo. 2006); *In re Schanuth*, 342 B. R. 601 (Bankr. W. D. Mo. 2006); *In re Cushman*, — B. R., 2006 WL 2529575 (Bankr. D. S. D. Apr. 6, 2006); *In re Beasley*, 342 B. R. 280, (Bankr. C. D. Ill.2006); *In re Casey*, — B. R. —, 2006 WL 3071401 (Bankr. E. D. Wash. October 27, 2006); *In re Girodes*, 350 B. R. 31 (Bankr. M. D. N. C. Sep. 20, 2006). But see contra *In re Fuger*, 347 B. R. 94 (Bankr. D. Utah 2006).

The case of *In re Edmunds*, 350 B. R. 636, (Bankr.D.S.C., September 18, 2006) contains a fairly thorough analysis of the schools of thought that have arisen surrounding the issue of

whether to give meaning to the word “projected” or essentially to ignore it. One of the approaches the court calls the “Mechanical Application” of the means test wherein the amount determined by the B22C form determines the amount required to be paid to unsecured creditors without regard to the debtor’s actual ability to pay. Cases cited for that approach include: *In re Farrar-Johnson* —, B. R. —, 2006 WL 2662709 (Bankr. N. D. Ill. September 15, 2006); *In re Barr*, 341 B. R. 181 (Bankr. M. D. N. C. 2006); *In re Alexander*, 344 B. R. 742 (Bankr. E. D. N. C. 2006); *In re Guzman*, 345 B. R. 640 (Bankr. E. D. Wis. 2006) However, even though some courts follow this approach, they use different methods as to what expenses or deductions will be allowed on the B22C form with some of the courts allowing deductions even when the expense does not exist, (is not actual) or is not reasonable and other courts not allowing those deductions because they are not actual and thus are not “to be expended” as required by BAPCPA. Compare *In re Crittendon*, 2006 WL 2547102 (Bankr. M. D. N. C. Sept.1, 2006) with *In re Oliver*, 2006 WL 2086691 (Bankr. D. Or. Jun. 29, 2006).

Another approach the court calls the “Presumptively Correct” means test wherein the amounts arrived at on form B22C are considered presumptively correct and, therefore, the disposable income noted on that form must be paid to allowed unsecured creditors for the applicable commitment period. If the financial situation of the debtor is presently different than what the B22C calculations reflect, then the debtor can rebut that presumption with evidence that the “projected” income and expenses (reflected on schedules I & J) actually more accurately reflect the projected income. Cases cited for that approach include: *In re Jass*, 340 B. R. 411, (Bankr. D. Utah 2006); *In re Grady*, 343 B. R. 747, 751 (Bankr. N. D. Ga. 2006)

The Court in *Edmunds* concludes that the majority of courts are following what he calls the “Modified” means test. It’s modified because disposable income in §1325(b)(1)(B) is modified by the word projected. Whenever an unsecured creditor or Trustee objects to confirmation of a proposed Chapter 13 plan under §1325(b)(1)(B), the relevant information to be reviewed in determining whether that provision has been satisfied are the projected income and projected expenses/deductions the debtor anticipates or estimates during the applicable commitment period. Both components of the term disposable income are modified by the word projected. These courts correctly view and apply projected disposable income as a forward looking, rather than historical, concept. By giving effect to the word projected, the actual financial situation of the debtor can be considered and cases will be more likely to succeed. Cases cited for that approach include: *In re Love*, 350 B. R. 611 (Bankr. M. D. Ala. 2006); *In re Johnson*, 346 B. R. 256 (Bankr. S. D. Ga. 2006); *In re Demonica*, 345 B. R. 895 (Bankr. N. D. Ill. 2006); *In re Renicker*, 342 B. R. 304 (Bankr. W. D. Mo. 2006); *In re McPherson*, 350 B. R. 38 (Bankr. W. D. Va. 2006). Still these courts differ on whether a debtor should be allowed to take certain deductions.

There has been a wealth of decisions involving which deductions a debtor with an above median income can take on the B22C form in calculating disposable income. The deductions are generally divided into three types. The standard deductions of lines 24 through 29 including the National and Local standard deductions setting a fixed amount for “applicable” deductions. The meaning of the word applicable is the subject of litigation with

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<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> .	

## Trustee Matters



Merry Christmas and Happy New Year  
to everyone here at the  
Office of the Chapter 13 Trustee,  
to all in the bankruptcy community  
and to all your families!  
Have a wonderful holiday season.



Marilyn D. Marshall  
Chapter 13 Trustee



### What Does It All Mean? *(Continued from page 2.)*

some cases referring to the IRS guidelines to deny deductions in those cases where the debtors either do not in fact incur the particular expense, or are intending to surrender or cram down the collateral such that the expense in question will no longer be incurred or will be less. Other cases hold that the deduction is applicable as long as you are a debtor who has income that is above the median since then the BAPCPA entitles one to take the deduction whether even if in fact the expense is not incurred or is less. The other necessary expenses, now being referred to in some jurisdictions as ONE deductions, are actual expenses and must be reasonable and necessary as well. Some of these specifically require the debtor to provide documentary support to the Trustee if they are claimed. The issue arising with respect to these deductions primarily surrounds whether the amount to be taken (except for those line items that are limited) should be based on the average amount incurred during the same historical 6-month period from which the CMI was calculated or whether the amounts should reflect actual amounts projected to be incurred during the life of the plan. The payments on secured debt deductions are to reflect one sixtieth of the total amount contractually due to the creditor. Conflicting decisions have been issued as to whether the debtor should be entitled to any deduction for property that is being surrendered or the lien avoided or lesser deductions on collateral that is crammed down.

The list of other significant issues and the cases attempting to resolve the varying issues presented by the enactment of BAPCPA is sizeable – too much so to go into any greater detail here. The most interesting thing this writer has read to date is footnote 17 in *In re Edmunds*, 350 B. R. 636 at 650 (Bankr. D. S. C., September 18, 2006) to wit: “Due to the importance of consistency in rendering significant decisions under BAPCPA, all bankruptcy judges in this District have reviewed and concur with the result of this opinion.” In a District having 11 Judges, 9 of whom hear Chapter 13 matters, it would certainly be refreshing to find a like consistency among this district’s Judiciary. *Jay Tribou*



## Case Confirmation The Post Confirmation Review Distribution Process

After a case is confirmed in court, the paralegal docket the case as confirmed and performs a mini review. The paralegal then puts the confirmed case packets in a central place so they can be distributed for a further and more intense review.



The Post Confirmation Review Team performs this review. The Team Leaders equally divide (or close to it) the confirmed packets between the four members on the PCR Team.

A batch sheet is included with each batch of cases distributed. This batch sheet includes, the Team Member's name, date distributed, Judge's name, date of the Court Call, the case number and the Debtor's name.

If the paralegal requested a modification to the Debtor's payroll deduction due to a plan amendment, the date the modification was requested is noted on the batch sheet.

On the average, each PCR Team member has been receiving approximately 10 cases per batch. However, in last week's distribution, each batch contained 25 cases.

Once the PCR Team receives a batch, they immediately input each case number into a job function in CaseNET. This job will automatically put a docket into each case that reads "Post-Confirmation Review-PCR Received." This helps to track where the packet is located.

Within a few days or so, the PCR Team member should be ready to perform a review of the received cases. He/She will then go into the individual job for this batch and proceed with the job, to run the audit sheets for each case. Another docket is automatically stamped into CaseNET, "Post-Confirmation Review-PCR Initiated." This informs us that the cases are being reviewed.

After all the cases in the batch have been reviewed, the individual PCR Team member then completes the job. A third docket is automatically stamped into CaseNET, "Post-Confirmation Review-PCR Completed."

The completed batches are then given to the Team Leaders for final verification.

The Team Leaders will run the last phase of the job, which automatically makes a docket in CaseNET, "Post-Confirmation Review-PCR Verified."

This final phase also turns on the Disbursement Control switches in CaseNET that allows money to start being disbursed to creditors.

*Karen Barron*

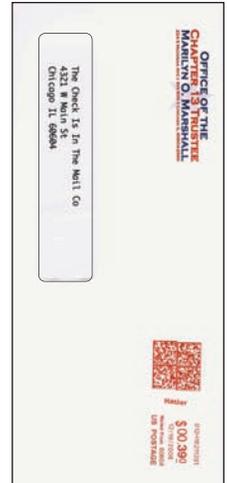
## Quick Money Tip

If you are looking for a way to get a head start on your taxes, look no further than the Internet. The IRS website at [irs.gov](http://irs.gov) allows you to download forms, get instructions, and read articles around the clock. Getting a jump start on your tax preparation will mean a speedier refund back to you.



## Financial What Happens After We Mail A Check?

We mail over 2,000 checks a month, which includes Creditor Disbursements, Debtor Refunds and Undesignated Disbursements. Every time we mail checks we send a data file to our bank with all of the information from the checks (we also send this file every time we void a check). The bank uses this file to compare the checks that clear through the banking system with the information in the file. If there is any difference with amounts or payees, the bank notifies us so that we can refuse to pay the check. This happens on a daily basis and this is what we refer to as positive pay. This is what happens to the majority of the checks we send out, they clear through the banking system exactly as written and the process is finished. Most of the time this whole process takes from seven to 10 days.



Some of the checks come back to us as undeliverable, the process for this was discussed in the November newsletter. In summary, they are returned by the Post Office, logged in through the mail room and researched by the financial department. In most cases the problem is straightened out by the next disbursement period and the funds are sent out again.

About 20 to 30 checks a month neither clear nor come back as undeliverable, what happens to them? That is a question that cannot be answered definitely. Most of them are probably received by the correct recipient but never cashed. How can I tell that this happens? A lot of them are for \$5.00 or less, and you can surmise the recipient did not feel it was worth their time and effort to cash the check. The other way you can tell they were received but not cashed is that after they are voided (90 days after the date of issue) the recipient will then attempt to cash the check but they will be denied because data file of void checks that we sent to the bank will match up to this check and payment will be denied.

Not all of these "stale-dated" void checks are for small amounts and not all of them are received by the correct recipient. We have no idea what has happened to these checks. But all checks not cashed within 90 days are voided, and then the financial department researches them to determine if the correct address was used. They are either re-issued or sent to the Clerk of the Court if we have determined we have done everything correctly. **Under no circumstances will we re-issue a check in less than 90 days unless we have received the check back.** Why is this? What would happen if the lost check suddenly appeared after we issued a replacement check? There would be two checks in the system. A "holder in due course" could legally cash either or both checks, and the case would have a negative balance. The only money in any case is what is remitted by the Debtor that we have not yet disbursed. When a case has a negative balance, we have disbursed more money than the Debtor remitted, which should not happen. That shortfall must be made up somehow. That somehow would have to come from the Trustee, whether it is \$1.00 or \$100,000.00.

*Dan Lyons*

## Information Services Improving CaseNET

We continually strive to improve CaseNET, our database application, and one of the best ways to do that is by listening to what our users ask for.

In our monthly staff meeting in November, paralegal James Leavitt had a suggestion for an improvement that would make data entry more efficient. He said it would help him if we could provide a way to choose recently selected creditors again without having to go through the full creditor lookup dialog.

It was easy to see how this would improve things — it's never fun to have to go through the same steps repeatedly. Computers don't mind that sort of thing, but for people it gets tedious quickly, while making tasks take longer than they ought to.

On November 30, we rolled out a new version of CaseNET that took up James's suggestion. Now, when you select a creditor address for Scheduled Debt, Proof or Claim, CaseNET remembers what you selected, and it uses that information to provide shortcuts for re-using the same creditor addresses.

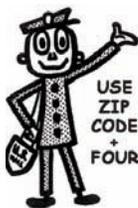
If you want to choose a previously selected address again, you can bypass the Find Creditor Address dialog by holding down the Shift key or the Option key when you click the "i-ball" button next to the creditor name or disburse-to address.

- Hold down Shift to choose the most-recently selected address (without displaying a dialog)
- Hold down Option to display a choice list dialog with all recently selected creditor addresses

The screenshot shows the 'Schedule D SECURED DEBT' window. It has fields for 'Debtor', 'Acct Number', and 'Disburse To'. A tooltip is visible over the 'i-ball' button, listing three actions: 'Click to search and select a creditor address', 'Shift-click to select the most recent address', and 'Option-click to choose from a list of recent addresses'. Below the fields are checkboxes for 'Co-Debtor', 'Unliquidated', 'Contingent', 'Disputed', and 'Not discha'. At the bottom, there is a table for 'Scheduled Debt Treatment' with columns: Plan Group, Type, Amount, Set, Seq, Alloc St..., Plan Cla..., and Accrual.

It can be hard to remember these sorts of "secret handshakes," so we're adding a slight improvement to the improvement: a tool tip will display when you let the mouse pointer hover over the i-ball buttons, and you can use the brainspace you'd otherwise dedicate to remembering the key-click combinations for something else useful. Like those extra four digits they added to your ZIP Code back in 1983, which you can never remember.

*Cliff Tarrance*



*Merry Christmas and Happy New Year from the members of the Newsletter Editorial Staff:*

*Cheryl Jones, Shanika Thomas, Joanne Coshonis, Helen Latz and Dave Latz*

*Have a Safe and Happy Holiday Season!*

## Case Administration Claim Withdrawals



In the course of a year, we receive approximately 5,200 claims. The majority of claims are electronically filed with the court and received via a court download. In absence of a claim, we will create what is called a plan based claim for debts that are listed as secured in the plan. Claims for unsecured debts must still be filed with the court. Secured claim amounts are paid according to the debt treatment in the plan or the filed claim (whichever is the lesser). Unsecured claims are paid according to the percentage designated in the plan or up to the amount allowed by the confirmed pot. If for some reason the creditor shows that the balance is satisfied prior to the amount we show is due, then a claim withdrawal letter must be submitted to our office. Most claims are withdrawn as a result of a direct payment from an outside source such as a debtor; insurance proceeds or because the original claim amount was overstated.

The Identity Maintenance person is currently responsible for processing claim withdrawal letters. Before withdrawing the claim the legitimacy of the letter is checked and verified that the collateral description or account number match the claim filed.

Instead of issuing a letter of withdrawal, some creditors choose to amend their claim to show a zero balance or they simply return the last disbursement with a notation that the loan is paid in full. The latter scenario can be tricky in the case of a mortgage debt, due to the fact that the loan may have actually been purchased by another company, so the creditor should have notified us that the loan has been sold rather than stating the loan is paid in full.

Often times we get calls from debtors who state that they have paid the loan off directly or received documentation from the creditor that shows the debt is satisfied and they want to send us the information for processing. The reason we don't take documentation directly from a debtor is that we have had an instance where the debtor tried to falsify a letter of withdrawal therefore only the party that filed the claim can withdraw it.

In the case of plan based claims, some creditors refuse to tender a letter of withdrawal because they did not originally file the claim. In those cases we advise the creditor to simply submit a letter stating that the loan is satisfied.

*Rosalind Lanier*

## January Birthdays, Anniversaries, And Other Notable Events



- New Year's Day** on January 1st.
- Happy 17th Anniversary to **Karen Barron** on January 2nd!
- Happy 20th Anniversary to **Rosalind Lanier** on January 5th!
- All Staff Meeting** on January 5th.
- National Clean Off Your Desk Day** on January 8th.
- Penguin Awareness Day** on January 13th.
- Martin Luther King, Jr. Day** on January 15th.
- Happy 6th Anniversary to **Juliana Dunklin** on January 16th!
- National Nothing Day** on January 16th.
- Happy Birthday to **Darlene Odom** on January 21st!
- Better Business Communication Day** on January 22nd.
- Fun at Work Day** on January 26th.

## Information Services Believe It Or Not

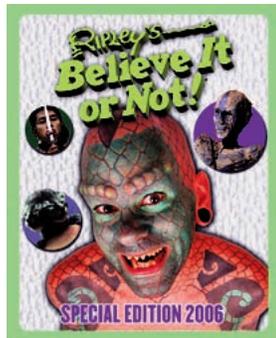
Believe it or not, some of our first cases under BAPCPA are almost ready to close. Though many of these cases are less than a year old, the debtors have completed their plan payments either by paying their case in full from re-financing or, unfortunately, because all secured creditors pulled out of the case and the balance was paid prematurely.

We here at the Trustee's office are currently restructuring our case closing process to accommodate BAPCPA cases. Unlike the old law, we now have to decide discharge eligibility and processes for notifying the Clerk of the Bankruptcy Court that plan payments have been completed. In addition to those changes, we also now have to have a re-check for compliance with domestic support obligations. Under the new law, not only do you have to be current with post petition domestic support obligations to get the case confirmed, you have to certify again at the end of the case that you are still current on any obligations you had or incurred in order to get out of Chapter 13.

We have drafted a "Post Confirmation Declaration" that will assist debtors in fulfilling this obligation that should be in production shortly. This document must be filled out and returned to this office before we can inform the Clerk that we are done with the case. If this form is not filled out and returned, we will be forced to notify the Clerk that the debtor has not fulfilled this obligation and their discharge may be in jeopardy.

As always, we endeavor to make the Chapter 13 process run smoothly and efficiently.

*Anthony Olivadoti*



## 20 Questions For: Santricia Mack

*Office Title:* Audit Specialist.

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

*If you could build a house anywhere in the U.S., where would it be?* Atlanta.

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

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

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

*What are your favorite books?* Fifth Born; The Darkest Child; Cane River.

*If you could bring anything back from your childhood, excluding people, what would it be?* No Bills.

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

*Hair style/haircut?* Pig Tails.

*Cartoon?* Flintstones.

*Cereal?* Apple Jacks.

*Sport?* Double Dutch.

*Subject in school?* It was Math.

*Author?* Delores Phillips.

*Singing group?* Troop.

*Video game?* Pac Man.

*Family outing?* Skating.

*Movie?* Lean On Me.

*I always wanted:* A "Real" Coach Purse.

*Now that I'm older I wish:* I had a Black Card.



## My Fondest Christmas Memories

Christmas wasn't really special growing up in my family of origin. I remember fights with my brothers, and the Christmas tree falling down.

So my fondest memories of Christmas started once my brother Jim, and his wife MaryJo, started a family and I became an Aunt to Erin.

I spent most of my Christmases, since Erin was born until she was about 16, with them. They lived in Richmond VA. I would travel, taking my dad Thomas, and visit. It was great watching the wonder and excitement of the Christmas season through the eyes of my niece. I still remember my Dad reading to Erin when she was about 5. She had on her pajamas and boots that she received from Santa. She wore those boots with everything the first few days. I remember her first bike with training wheels, Toto (Wizard of Oz dog) basket and pink streamers.

I remember family outings to Williamsburg to see the annual homemade Christmas wreaths everyone had on their doors. I also remember playing games, sitting around the fireplace and catching up on each other's daily lives.

While the temperature was always quite different in Richmond, compared to Chicago, Christmas was celebrated there the same as here, except there was no snow.

If we arrived in Richmond early enough, we would help trim the live tree. My sister-in-law, MaryJo made some soft handmade ornaments that could be put on the bottom of the tree so Erin could touch them when she was little. I also remember making ornaments with Erin one year in one of her Brownie meetings.

Every Christmas Eve, we would drive around and see the neighborhood luminaries that symbolize lighting the way for Christ. We would then attend Mass either on Christmas Eve, or Christmas morning, depending on when the Children's Mass was scheduled.

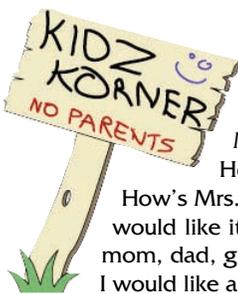
MaryJo is a fantastic cook and baker. Needless to say, my Dad and I had many scrumptious meals and desserts while we visited.

I hope we will now continue some of these Christmas traditions with my great niece Abby.

Happy Holiday and New Year.

*Rita M. Saunders*





### Kidz Korner: Letters To Santa

Dear Santa,

My name is Alysia and I am 8 years old. How's things up there in the North Pole? How's Mrs. Claus and all of the reindeers? This year I would like it if I could get enough money to buy my mom, dad, grandmother and older brother a gift each. I would like a new coat and a mall card to go shopping all year. I will leave enough food for you and your reindeers to eat but please take off your shoes when you come in the house. Please leave something for Jesus – it is his birthday.

Your friend, Alysia (Diva)

Dear Santa,

How's Comet? How old are you? Are you older then Jesus? We moved and we don't have a fireplace, so how will you get in?

Katie

Dear Santa,

Will I ever see you in person, and if so, can I pet Rudie? What does Rudie like carrots or cake? What do you like wine, milk or whisky? For Christmas I would like a PS2™ 18, Harry Potter and the Chamber of Secrets™ 9, Lord of the Rings - The Two Towers™ 12, new x-box and some new DVDs. I hope everyone will get something for Christmas.

Love From Marianne

Dear Santa,

I have been very good this year, except for all the bad things I've done, just put those things to the side. I think that you are really lucky you only have to work once a year and you have a massive workshop. I would love to come and see it. How old are you now? I am not sure that you should travel to all those malls before you have to deliver presents. Take care and rest until x-mas. I will see what I can leave you if my dad doesn't eat all the food. Remember to say Happy Birthday to Jesus since it is his day. I think he is older than you.



Adam

Dear Santa,

I want a Barbie™ 2 doll for Christmas and I wish you a Merry Christmas. PS.. I will leave you some beer and mince pies, and oh yeah carrots for the reindeers.

Thanks, Andrea

Dear Santa,

That isn't a real beard is it? I have seen you at the store. Please write back.

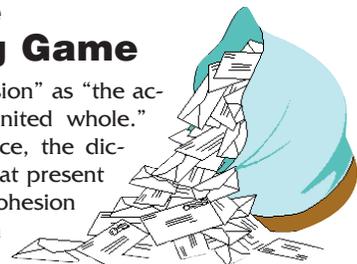
I want a Spiderman™ 23 web car for Christmas and a doll from the Barbie™ 2 Company. I will leave you carrots for the reindeers, a DVD, beer and some mince pies. Merry Christmas Santa.

From Christine

P.S. Lose some weight or your business of climbing down the chimney will soon end.

Contributed by Carolyn Donahue

### Secrets Of The Column Writing Game



The dictionary defines “cohesion” as “the action or fact of forming a united whole.” Using the word in a sentence, the dictionary continues, “the work at present lacks cohesion.” This lack of cohesion is what I intend to achieve in this column.

Why would I set that as my objective? Two reasons: 1) Year-end columns in many publications often follow this principle: they embody some form of mishmash; and B) I've already forgotten whatever point I may have been meaning to make. But one thing I do know: starting out with a dictionary definition is a good way to scare away readers, and then it doesn't matter what else you write, because nobody's paying attention.

The year-end column comes at a time when everybody is busy and over-tired. It's easy to imagine that nobody will have the time to read it, and so it becomes tempting for the columnist to just phone this one in. That's why in December, in almost every publication, you will see variations on these themes:

- ✕ The Mailbag. The columnist lets his or her readers do most of the writing, interspersed with a few snappy replies. I might have tried this one, but something seems to have delayed the expected deluge of reader mail.
- ✕ The Recap, with Updates. The columnist reprints excerpts of past columns, with brief additions to make it seem like he's at least done a little work. In my case, I could remind readers that as far back as last July, I recommended that when it came time for holiday shopping, if they wanted to buy somebody a sweater, they shouldn't buy a pig, because pigs don't sweat. Update: pigs still don't sweat. Similarly, CTA trains, as I noted in August, run chronically late. Update: yes, they still do. And winter days continue to be short, and nights long, but: Update: this trend should begin to reverse by the time this column is published. Bulletin! In September I complained that space travel was lagging far behind the expectations I held as a youth, and just this month, NASA announced their plans for returning to the moon, then to Mars, and Infinity and Beyond! But I don't want to brag about my influence.
- ✕ The List. Usually it's the 10 Best or 10 Worst of something. Or it could be some other theme, like “Secrets of the Column Writing Game.” I considered doing a list of Last-Minute Holiday Tips. Things like, instead of wrapping all those gifts, why not just spray-paint the boxes? I actually think that's a pretty good idea, but it's the only one I came up with.
- ✕ Heart-warming Holiday Anecdotes. Let's see. A priest, a rabbi and a Baptist minister walk into a bar...ummm...I've got nothing.
- ✕ Getting a jump on New Year's Resolutions. This might ought to be categorized as another example of the The List, but I felt like I needed another bullet-point.

Well, I'm about tapped out, but more importantly, my space is almost filled. So I'd like to take this opportunity to wish you the best of whatever's left of the holidays by the time you read this, and if they're already over, a speedy recovery. I know that all of us together will make 2007 the best 2007 we've ever had. Good night, and good luck.

Cliff Tarrance

### Trivia Quiz: Skating On Thin Ice

January is National Skating Month. Test how much you know about this artistic sport with this trivia quiz.

1. Who is considered the most decorated female figure skater?
2. At the 1994 Olympics, Nancy Kerrigan won a silver medal. In what place did her nemesis, Tonya Harding, finish?
3. What is considered to be the most difficult jump in figure skating: the axel, the lutz, or the salchow?
4. Which female figure skater is the only one to ever win three Olympic gold medals?
5. Which male figure skater is the only one to be featured alone on the cover of Sports Illustrated?
6. In 1920, who was the first woman to perform a jump in an Olympic competition?



7. Surya Bonaly is the only person ever to perform which move successfully in an Olympic competition?
8. In 1988, Debbie Thomas became the first black woman to do what?
9. What was the first ice skating movie ever made?
10. What is the area called where skaters go to sit with their coaches and hear their scores?



#### The Answers:

10. <i>The Kiss and Cry.</i>	5. <i>Brian Botano.</i>
9. <i>The Frozen Warning in 1917.</i>	4. <i>Sonja Henie.</i>
8. <i>Win an Olympic medal, a bronze.</i>	3. <i>The axel.</i>
7. <i>A back flip, landing on one foot.</i>	2. <i>Eighth.</i>
6. <i>Theresa Weld.</i>	1. <i>Michelle Kwan.</i>

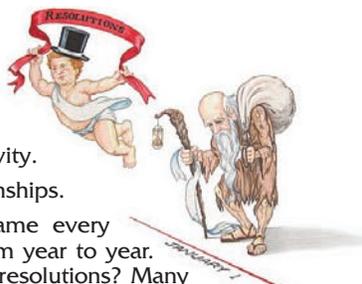
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### Popular New Year's Resolutions

What was your resolution last year? And did you follow through? If you are like most people, you gave up by the time February rolled around. See how you compare with the rest of the country.

The six most common resolutions of last year were:

1. Lose weight.
2. Pay off debt.
3. Stop smoking.
4. Drink less alcohol.
5. Increase level of physical activity.
6. Improve interpersonal relationships.



This list generally stays the same every year, but the order changes from year to year. Why is it so hard to keep your resolutions? Many

people feel ambivalent about such a drastic lifestyle change. This makes it hard to follow through and commit to the changes required.

To improve your chances of keeping this year's resolutions, start with a specific plan. Rather than saying, "I'm going to lose weight," commit to reducing desserts to one day a week and going for a daily walk. That way, you will know each day if you are still on track.

Also give yourself some room for slip-ups. Many people break a resolution and then decide it is not worth it to start all over again. Rather, they choose to wait a whole year until New Year's comes again to attempt their lifestyle changes. Know ahead of time that you will make mistakes, and come up with a plan for getting back on track. Don't be too hard on yourself and don't panic. Simply start again with your commitment to bettering your life. You will find that this may be the year you live up to all of your own expectations.