

## New Rules: 3001 & 3002.1

In case you haven't heard, new bankruptcy rules will take effect on December 1, 2011. Of particular interest to the consumer bankruptcy community are the changes to Rule 3001(c), the creation of Rule 3002.1, and the new proof of claim forms. The purpose of this article is to explain the proposed changes and to outline the responsibilities the new rules and forms impose.

### **RULE 3001(c)**

In essence, the additions to Rule 3001(c) will increase the amount of information a lender must provide via the proof of claim form. Be advised that the proposed amendment requires the creditor to disclose more details and perform more work. However, the fairness to the debtor arguably outweighs the inconvenience that compliance with the rule may cause the creditor.

Rule 3001(c) mandates that claimants attach the original or duplicate writing that supports the claim. If the writing is lost or destroyed, the circumstances must be described in a statement that is filed with the claim.

Rule 3001(c) also requires the creditor to disclose all charges that are included in a claim. In addition to reporting the principal amount due, the creditor must itemize any interest, fees, expenses and all other charges that were assessed pre-petition.



# Rules

Lastly, if the creditor has a security interest in the debtor's property, the claim must disclose the amount of the default that existed upon filing. Also, if the lender is a mortgagee on the debtor's residence, and the lender established an escrow account for property taxes and insurance, then an escrow account statement must be attached to the claim. The proposed proof of claim form now contains an attachment that allows lenders to conform to the new rule's requirements.

### **RULE 3002.1**

The provisions of the new bankruptcy rule 3002.1 apply only if two requirements are satisfied. First, the subject mortgage must be secured by the debtor's home. In addition, the debtor's plan must be proposing to cure the loan's arrears while maintaining ongoing payments to the lender. If these elements are satisfied, the lender must be aware of the new requirements that it must follow pursuant to Rule 3002.1. In addition, the standing trustee and the debtor must pay close attention to the disclosures the lender will make during the life of the case.

### **Notice of Payment Change**

Mortgagees must file and serve a notice of payment change on the debtor, the debtor's counsel and the standing trustee. This notice must be filed at least 21 days prior to the new payment's due date, and the notice is required even if the payment change is due to an escrow analysis or an interest rate adjustment. This requirement is incorporated into a document that will supplement the official proof of claim form.

### **Notice of Post-Petition Charges**

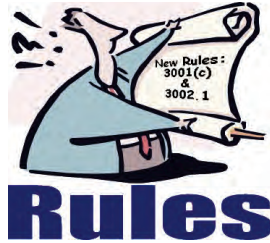
The new rule also requires lenders to file and serve an itemized statement of post-petition charges if the lender intends to hold the debtor or the collateral responsible for the charges. The notice must be filed within 180 days after the charges are incurred. As a result of this change, the debtor, the debtor's attorney and the trustee will be notified of late fees, NSF charges, attorney fees, and all other fees, charges and expenses the lender is assessing post-petition. The official proof of claim form contains a supplement, which creditors must use to report the charges.

The debtor or trustee has one year to object to the lender's post-petition charges. An opposing party may assert that the charges are unreasonable or excessive, that the charges are not recoverable under state or federal law, or that the costs are not allowed under the mortgage or the note.

*(Continued on page 2.)*

**New Rules:  
3001 & 3002.1**

*(Continued from page 1.)*



The rule makes it clear that the notices of post-petition charges and payment changes do not have the same evidentiary value as a proof of claim. These notices are not prima facie evidence of the notice’s validity or the payment amount, which eases the burden of objecting to the information the notice contains.

**Notice of Final Cure**

The rule also establishes a uniform process for determining whether the mortgagee should treat a debtor’s loan as current. The rule states that the trustee shall file and serve a notice of final cure on the lender, the debtor and the debtor’s attorney within 30 days from the time the debtor makes his final payment. If the trustee does not timely file the notice, the debtor may file and serve the notice. The purpose of the notice is to inform the parties that the debtor has cured his pre-petition arrears. In addition, the notice must also inform the lender of its duty to respond to the trustee’s notice.

The lender’s response must be in the form of a statement that indicates whether the debtor actually has cured the de-

fault and whether the debtor has paid all of his post-petition mortgage payments. The notice also must specify the amount of any existing shortages. The creditor must file its response within 21 days from the filing of the notice of cure. The rules state that the creditor’s response does not carry the same evidentiary weight that a proof of claim does. As a result, the amounts listed in the statement can be rebutted with significantly more ease.

Once the lender files its statement, the burden shifts again. At that point, the debtor or the trustee has 21 days to file a motion that asks the court to resolve the conflicting statements. During the hearing, the court must determine if the debtor has cured the pre-petition default and if the debtor has paid all the post-petition amounts that have come due. Depending on the outcome, the debtor may have to resume making payments to the lender.

**Enforcement**

Considering that sanctions can be imposed for failure to comply with Rule 3001 or Rule 3002.1, courts are better equipped to hold creditors accountable for adhering to the rules. Rule 3002.1 states that a lender can be penalized for failing to file a payment change notice, a notice of post-petition charges, fees and expenses or a statement in response to a notice of final cure. Similarly, Rule 3001 gives courts the authority to sanction a creditor for filing an incomplete claim. In both cases, after notice and a hearing, courts can order a creditor to pay expenses and attorney’s fees that result from the lender’s inaction. The court can also bar the lender from introducing the omitted information as evidence during contested matters or adversary proceedings. However, if the creditor can convince the court that the inaction was harmless or justified, the lender may be allowed to present the omitted information.

**Conclusion**

The underlying theme of the proposed rules appears to be disclosure. The changes allow for the release of relevant information, increase transparency between the creditor and the debtor, and the changes mandate that these practices are adhered to uniformly across the country. Although the rules impose additional responsibilities on the actors in our system, the new changes will cause more good than harm. Moreover, the likelihood of errors and abuses will reduce significantly since the details related to most transactions will be readily available.

*Keisha Hooks, Staff Attorney*

<b>THE MARSHALL CHRONICLES</b>	
<b>The Editorial Staff:</b> Cheryl Jones, HVB and Dave Latz.	
<b>Contents and Contributors:</b>	
New Rules: 3001 & #002.1, pgs. 1 and 2.....	<i>Keisha Hooks</i>
Internet Tidbit, pg. 2.....	<i>Helpful Hints</i>
Trustee Matters, pgs. 3, 4 and 5.....	<i>Marilyn O. Marshall</i>
By The Numbers: The Holiday Season, pg. 5.....	..... <i>U.S. Census Bureau and National Retail Federation</i>
Frequently Asked Questions From The Desk Of The Payroll Specialist, pg. 6.....	<i>Juliana Dunklin</i>
Follow Up, Follow Up, And Follow Up, pg. 7.....	..... <i>Kimberly Harris-Broomfield</i>
Four Ways To Eliminate Office Clutter, pg. 7.....	<i>Helpful Hints</i>
December’s Notable Events, pg. 7.....	<i>Dave Latz</i>
Trivia Quiz: Football, pg. 8.....	<i>Trivia Quiz</i>
December Holiday Fun Facts, pg. 8.....	<i>Fascinating Facts</i>
<b>Newsletter Information:</b>	
If you would like to contact us or submit ideas or articles for the newsletter, you can do so by:	
✓ e-mailing us at <a href="mailto:newsletter@chi13.com">newsletter@chi13.com</a> ,	
✓ 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 third Wednesday of the month via e-mail, a Word document or an ASCII file.	
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, all in full color, on the Chapter 13 Trustee website at <a href="http://www.chicago13.com/">http://www.chicago13.com/</a> .	

**Internet Tidbit**

Do you know that you may have unclaimed money owed to you? States have millions of dollars in unclaimed money and property. To check if you are owed anything, go to [MissingMoney.com](http://MissingMoney.com). You only have to enter your last name and state. It checks against current databases to find missing money for you. If you do find your name on the list, you will receive instructions on filing a claim with your state. There is no cost to use the site and no fees to claim your unclaimed property.

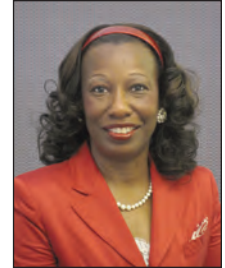


## Trustee Matters

### New Rules Require Changes To Trustee Procedures

Following is a list of the Forms and Rule changes effective 12/01/2011:

- ★ Rule 3001 – Proof of Claim (amended)
- ★ Rules 3002.1 – Notice Relating to Claims Secured by Security Interest in Debtors Principal Residence (new)
- ★ Form B 10 (Attachment A) – Mortgage Proof of Claims Attachment (new)
- ★ Form B 10 (Supplement 1) – Notice of Mortgage Payment Change (new)
- ★ Form B 10 (Supplement 2) – Notice of Post Petition Mortgage Fees, Expenses and Charges (new)



The new rules will require creditors and the trustees to follow certain procedures. Our internal procedures have been changed/modified to comply with the rule changes.

#### Rule 3001 Changes: The POC

Creditor requirement	Trustee procedures
Effective for all pending cases filed on or before 12-1-11.	New procedures will be effective for all original and amended mortgage claims filed on 12-1-11 or later.
POC asserted against the debtors principal residence must include an itemized statement of: <ul style="list-style-type: none"> <li>• Pre-petition interest</li> <li>• Expenses</li> <li>• Pre-petition arrears</li> <li>• Fees</li> <li>• Charges</li> <li>• Escrow statement</li> </ul>	Rule 3001 relates to the debtors principal residence, but we will apply the procedure to every mortgage claim filed. Creditors who file mortgage claims for real estate are not required to use the new POC form but are required to use attachment A and Supplements.
Form B 10 Attachment A must be filed with the POC for claims filed against property owned by the debtor.	The mortgage form letter (internal documents) has been revised and should be initiated when creditor fails to file itemized charges on Attachment A as well as file the current B 10 form. See example on page 5.
If mortgage includes escrow, then a statement must be filed as of the petition file date with the proof of claim form.	Check schedule J to determine if the mortgage includes escrow for real estate taxes or insurance. If the yes box is selected, then initiate mortgage form letter when the escrow statement is not filed with the claim (no mandatory form required for escrow statements).

#### Rule 3002 Changes

Creditor requirement	Trustee procedures
Notice of payment change shall be filed as a supplemental claim using the new official Form B 10 (Supplement 1).	These changes are currently routed to Case Administrators, Laura or Cheryl, via an e-mail but will now come into the claims window and assigned to various Case Administrators. Process claim as normal but if the supplement is attached, send an e-mail to Laura, Cheryl with a copy to Rosalind so the calculations can be done.
Notice of payment changes must be filed no later than 21 days before a payment in the new amount is due.	These will be referred to staff attorney when not filed timely with e-mail to Claims Analyst, Rosalind.
Post-petition fees, expenses and charges must be filed within 180 days of the incurred date on official Form B 10 (Supplement 2).	These will be referred to the staff attorney. Enter the claim as a separate record and put disburse on hold.
Trustee is required to give notice when all payments under the plan are complete.	Court sends the discharge notice to all creditors.
No later than 21 days after service of the notice file by the trustee, the holder shall file and serve on debtor and trustee whether it agrees on the amount required to cure the default; and whether the debtor is current on all payments.	Closing auditors will monitor to see if creditor files response after 21 days to agree or disagree that debt is paid in full. If disagree, the court shall determine whether the debtor has cured the default and paid all required post-petitions amounts in full after notice and hearing.

(Continued on page 4.)

**Trustee Matters** (Continued from page 3.)

**Consequences** for Rule 3001 or 3002 – Case Administrator will refer the case to staff attorney for possible sanctions under rule 3001 when we do not get the documents requested or a motion under rule 3002.1(f) in response to creditors statement. Disbursements should be off until resolved.

**An example of the B 10 (Official Form 10) a.k.a. the Proof of Claim**

8 10 (Official Form 10) (08/10 publication draft)

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION		2 <sup>nd</sup> AMENDED PROOF OF CLAIM
Name of Debtor JOSEPH NOTSOCOOL		Case Number 53B98765
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		COURT USE ONLY
Name of Creditor (the person or other entity to whom the debtor owes money or property): US Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2007-WF2		
Name and address where notices should be sent: Pierce and Associates, P.C. AND Wells Fargo Bank, N.A. Bankruptcy Department Attn: Bankruptcy Dept 1 North Dearborn, Suite 1300 3476 Stateview Blvd. Chicago, Illinois 60602 MAC#X7801-014 Telephone: 312-346-9088 email: bti@patty-pierce.com FL MEI, SC 29715		<input checked="" type="checkbox"/> Check this box if this claim amends a previously filed claim Court Claim Number: <u>10</u> (If known) Filed on: <u>11/7/11</u>
Name and address where payment should be sent (if different from above): Wells Fargo Bank, N.A./ US Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2007-WF2 Attn: Bankruptcy Dept One Home Campus MAC X2302-04C Des Moines, Iowa 50328-0001		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case
1. Amount of Claim as of Date Case Filed: \$188,199.64  If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5.  <input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges		
2. Basis for Claim: Mortgage Note (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: *****8803	3a. Debtor may have scheduled account as:  (See instruction #3a)	3b. Uniform Claim Identifier (optional)  (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of Setoff, attach required redacted documents, and provide the requested information  Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate Describe: 8219 S. Muskegon Avenue Chicago, IL 60617 Value of Property: \$ _____  Annual Interest Rate <u>5.0</u> % <input type="checkbox"/> Fixed or <input checked="" type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any:  \$97,088.70  Basis for perfection: Mortgage/Note  Amount of Secured Claim: \$188,199.64  Amount Unsecured: \$ _____
5. Amount of claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories check the box specifying the priority and state the amount.  <input type="checkbox"/> Domestic Support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507(a)(4) 3 <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507(a)(5). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507(a)(____). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental property or services for personal, family, or household use – 11 U.S.C. §507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507(a)(8).  Amount entitled to Priority: \$ _____  * Amounts are subject to adjustment on 4/1/13 and every 3 year thereafter with respect to cases commenced on or after the date of adjustment		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

(Continued on page 5.)

**Trustee Matters** (Continued from page 4.)

**An example of the B 10 (Attachment A)**

9 10 (Attachment A) (12/11) (08/10 publication draft)

**2<sup>nd</sup> AMENDED Mortgage Proof of Claim Attachment**

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(e)(2).

Name of Debtor: JOSEPH BOYBROOK Case No. 11CPST65

Name of creditor: Wells Fargo Bank, N.A. You use to identify the debtor's account. Use to identify the debtor's account:

**Part 1: Statement of Principal and Interest due as of the Petition Date**

Itemize the principal and interest due on the claim as of the petition date (include in the amount of claim listed in item 1 of your proof of claim form)

1. Principal due					Amount
2. Interest due	Interest rate	From	To	Amount	
	mm/dd/yy	mm/dd/yy	mm/dd/yy	mm/dd/yy	
5,875.8	8/1/08	4/30/09		116,887.30	
7,875.8	5/1/09	10/30/09		9487.20	
6,875.8	11/1/09	4/30/10		84249.14	
5,875.8	5/1/10	10/30/10		87831.09	
5.00	10/2/10	10/2/10		8459.30	
<b>Total Interest due as of the petition date \$38,820.02 copy total here</b>					<b>\$38,820.02</b>
<b>1. Total principal and interest due</b>					<b>\$ 127,810.73</b>

**Part 2: Statement of Prepetition Fees, Expenses, and Charges**

Itemize the fees, expenses, and charges incurred in connection with the claim as of the petition date (included in the amount of claim listed in item 1 of the proof of claim form)

Description	Date Incurred	Amount
Late Charges		\$
Non-sufficient funds (NSF) Fees		\$
Attorneys Fees	Forfeiture Fees	\$2939.00
Filing fees and court costs	* See attached breakdown	\$119.00
Advertisement costs	* See attached breakdown	\$2000.00
Shuttle/auctioneer fees	* See attached breakdown	\$823.00
Title costs	* See attached breakdown	\$975.00
Recording fees	11/07/07	\$36.00
Appraisal/broker's price opinion fees	* See attached breakdown	\$640.00
Property inspections fees		\$
Tax advances (non-escrow)		\$
Insurance advances (non-escrow)		\$
Escrow shortage or delinquency (not included in payments due)		\$
Property preservation expenses Specify:	* See attached breakdown	\$1000.00
Other: Specify: Prior Bankruptcy Fees	10/30/09 & 1/18/08	\$3000.00
Other: Specify: Prior Bankruptcy Costs	1/16/09	\$ 100.00
Other: Specify: Cook County Varata Building Regulation Fees	* See attached breakdown	\$ 1000.00
<b>Total prepetition fees, expenses, and charges: Add all of the amount listed above.</b>		<b>\$ 11,810.00</b>

**An example of the Mortgage Form Letter**

**OFFICE OF THE CHAPTER 13 TRUSTEE**  
**MARILYN O. MARSHALL**

OFFICE OF THE CHAPTER 13 TRUSTEE  
 MARILYN O. MARSHALL, STANDING TRUSTEE  
 228 SOUTH MICHIGAN AVENUE, SUITE 800  
 CHICAGO, IL 60604-2500  
 VOICE: (312) 431-1300  
 FAX: (312) 431-1856  
 WEBSITE: WWW.CHICAGO13.COM

November 23, 2011

RE: - Case not found.  
 Case not found.  
 Account# -

We recently reviewed the claim filed by your company in the above case. The claim is missing the following supporting information:

- Form B 10 (Attachment A) was not filed with the claim form. Effective 12-1-11, Bankruptcy Rule 3001 requires you to itemize any pre-petition charges on attachment A and file it along with the proof of claim.
- Documents supporting perfected interest in the collateral Bankruptcy Rule 3001(d) requires evidence of the perfected security interest be submitted along with your proof of claim.
- Itemization of billed pre-petition fees, costs and other charges.
- Itemization of billed flat fee pre-petition fees, costs and other charges.
- Escrow statement through the petition filed date was not filed.
- Incorrect claim form filed. Bankruptcy Rule 3001 requires you to use the current version of Form B 10 (Proof of Claim form) which became effective 12-1-11.

Please file an amended claim with the Bankruptcy Court to include this information. The missing documents need to be filed in the next 14 days to avoid further action or a delay in the disbursements.

If the documents cannot be filed in the specified timeframe then a written correspondence should be mailed to my attention at the address above. If you have any questions please contact our office at (312)431-1300. Thank you for your cooperation.

Sincerely,

User Name  
 Claims Department

**CM/ECF Filing Report For Chapter 13 Trustees Effective 12/01/11**

- ★ Bankruptcy Rule 2003 requires the filing of a statement upon adjourning a meeting of creditors or equity security holders. Therefore, our office will be using the report provided by Version 4.1 of CM/ECF. This enhancement is based on the change to Rule 2003, which becomes effective December 1, 2011, and requires that all continuances be entered on the docket. The Trustee's 341 Filings program enables the trustee to enter the outcome of debtor appearances and have the event immediately recorded on the docket report.
- ★ §341 meeting will be docketed as held, not held, or continued. When a meeting is continued, the new continuance date will appear on the courts docket. When there is a continuance, we will enter a reason for the continued meeting in the additional docket text field.

Client Services Representatives and Case Administrators who are responsible for checking-in debtors and their attorneys at the front desk should walk through the learning module provided by the court. It was easy to follow the instructions and so much fun to docket. The Electronic Learning Module and a handout are included on the court's website at <http://www.ilnb.uscourts.gov/cmecf4.1/> Debtor Attorney and other interested parties can check the court's docket on the case to see the meeting results docketed as held, not held, or continued.

Marilyn O. Marshall, Standing Trustee

**By The Numbers: The Holiday Season**

- Over 14 percent of all purchases made during the year occur during December.
- The U.S. imports almost \$489 million of Christmas tree ornaments from China between January and August.
- Nineteen percent of U.S. consumers plan to shop on the day after Christmas.

- Over 77 percent of shoppers buy at least one gift card during the holiday season.
- Don't like your gift? You have company. Twenty percent of Americans plan to return at least one gift this year.

Source: U.S. Census Bureau, National Retail Federation



**Financial****Frequently Asked Questions From The Desk Of The Payroll Specialist**

*Q: Debtors call the Trustee's office and they want to go on Payroll Control. How do they accomplish this?*

A: The debtor is advised to contact their counsel for this to be done. If the debtor's attorney has not already included it in the Plan by checking the box for Payroll Control to be set up on the case, their attorney should submit a payroll order directly to court for entry. We do not accept payroll orders at the Trustee's office.

*Q: Debtors call the Trustee's office because they no longer wish to be on payroll control, or they are on payroll control but they have lost their job. How do they discontinue payroll control?*

A: The debtor is advised to contact their attorney regarding their request to have payroll control stopped.

If the debtor's case is converted to a Chapter 7 or Dismissed, we will automatically notify the employer to stop the deductions for these reasons.

Until the employer has notified the Trustee in writing of a debtor's termination, we expect to continue receiving payments from the employer.

*Q: What if the debtors can no longer afford to have their payments taken from their paycheck via payroll control?*

A: The debtor is advised to contact their attorney and advise them of this. We cannot stop the payroll deductions without a court order to do so unless the case status changes to Dismissed or is converted to a Chapter 7.

*Q: Debtors call requesting that the payroll stop letter be faxed to their employers.*

A: The payroll stop letter can be faxed to the debtor's employer as requested. The stop letter can also be emailed to the employer. A stop letter is automatically mailed to the employers.

*Q: Employers ask if they can be set up for Electronic Funds Transfer for the garnishment order. Can they be?*

A: No. The Trustee requires a hard copy check from all employers.

*Q: Debtors call in and advise that they have changed employers. How is this handled?*

A: The debtor is advised to contact their attorney so that a new payroll order can be submitted to court for entry.

*Q: A debtor calls indicating a payroll order has been entered with the court but it isn't coming out of their check. How should this be handled?*

A: The debtor is advised to contact their payroll manager and ask if they are in receipt of the payroll order from the

Trustee. We can provide the debtor with the date that the payroll order was mailed to the employer. If the employer has not received the payroll order from the Trustee, it

could be because it was not sent to the garnishment department. If the employer's address needs to be corrected, the debtor, employer or the attorney can provide us, in writing, with the updated employer address information via mail, email or fax.

*Q: What if the employer calls asking which garnishment order has priority?*

A: The employer is advised to contact their legal staff or the debtor's attorney. We cannot provide any legal advice about any prior garnishment orders.

*Q: Employers and debtors call wanting to know how long a payroll order is in effect. What's the answer?*

A: Debtors and employers are informed to continue submitting payments to the Trustee until they receive a Payroll Stop Letter.

*Q: Should the debtor's attorney mail the payroll order to the Trustee's office?*

A: No, the debtor attorney should be mailing the payroll orders directly to the United States Bankruptcy Court for entry.

*Q: Debtors and employers ask "Who will be stopping the garnishments from the debtor's paycheck?"*

A: At the appropriate time we will notify the employer by mail when to stop the deductions from the debtor's payroll.

Once the debtor has paid into the plan all the payments necessary from the garnishment order, a final audit will be completed on the case by the closing staff. Once the closing staff has verified that the payroll can be stopped, or the case has been Dismissed, Converted to a Chapter 7 Bankruptcy, or the Payroll Control has been Vacated, a stop letter will be mailed to the employer.

*Q: The employer asked "Why did the post office return my check to me?"*

A: It most likely occurred because it was mailed to an incorrect address. All payments should be mailed to:

Marilyn O Marshall  
Chapter 13 Trustee  
P O Box 2031  
Memphis TN 38101-2031

*Juliana Dunklin, Payroll Specialist*



## Case Administration Follow Up, Follow Up, And Follow Up!

One aspect of a Case Administrator's position is what we simply call "follow up." We have internal follow up due to corrections and verification. However, our external correspondence to creditors and debtor's attorneys are extensive as well. The term "follow up" covers a broad aspect of our position on how we review and scrutinize any given case or claims received.

The most common follow up document sent is the Intent to Pay Letter. This letter is designed to clarify the debtor's attorney debt treatment in the plan. Many times the debtor's attorney will not list mortgage arrears in a plan for a non-surrendered property, but more often than not the mortgage claim will have an arrearage listed. We have set procedures to resolve this type of issue pre-§341 meeting, pre-confirmation, and when the case has been confirmed.

Another aspect of "follow up" arises from collateral issues. Even though the letter can be used to cover any secured debt, it is commonly used when an automobile type does not match the claim filed. This letter is sent to the debtor's attorney to verify what vehicle the debtor has in their possession. We are careful to review purchase dates, VIN numbers, and any attachments filed to match with the petition and plan.

Disclosure/Amended attorney fee request letters are sent often for discrepancies with case numbers, math, and when orders do not match the 2016-B form. Many times this can be resolved with a telephone call, but after one disbursement cycle the issue is forwarded to the staff attorney.

Other letters and notices are directly claim and/or creditor related. This includes duplicate notices, amended claim request letters, and mortgage document letters. Duplicates generally occur due to clerical error or sale of a debt. Amended claim letters are often sent for misspellings, missing or incomplete information, mathematical errors, and when priority status has been asserted but the claim should be unsecured. Mortgage letters are sent when the mortgage company neglects to send attachments with the recorder stamp and the arrears itemization page. Starting December 1, 2011 we will also issue the mortgage letter for creditors to file on the new Form B 10 with attachment A and an Escrow statement through the petition filed date.

All letters, notices, and follow up issues have specific time frames and procedures. Through our team verification process, we do our due diligence to make sure the documents are sent, docketed in our system, and imaged for anyone to review. On any given day, claims processed for the day can produce many letters to be sent, including one or more on the same claim. We are trained to scrutinize every detail of a claim for accuracy and as a team we work to minimize error.

*Kimberly Harris-Broomfield, Case Administrator*



## Four Ways To Eliminate Office Clutter

If you find that you can't find anything on your desktop, or that your towers of papers are about to topple over, these tips are for you. Using these simple ideas can help cut down on office clutter, making you more organized and productive.



1. Clean out and organize your office files. File cabinets have a tendency to become overstuffed, making finding your documents a challenge. Purge your file drawers of old, unused files and of documents that no longer need to be kept.
2. Clear your desk of unused items. Knick-knacks, old letterhead, extra coffee cups, and any other items you don't need for the day-to-day work you do should be removed or placed into a supply cabinet.
3. Throw away outdated reading material. It is easy to hold onto magazines, trade journals, newspapers, and sales material, hoping that you will one day have time to read them. However, most of the time, they just end up taking up precious space on your desk. Either toss them altogether, or organize them in storage boxes on a shelf.
4. Mount shelving near your desk to allow you to place items from your desk out of the way but still within reach. Space under your desk can be utilized with a file cabinet or other storage unit.

## December's Notable Events

**All Staff Meeting** on December 2nd.

Happy **12th Anniversary** to **Jay Tribou** on December 6th!

**National Pearl Harbor Remembrance Day** on December 7th.

Happy Birthday to **Cheryl Jones** on December 12th!

Happy **6th Anniversary** to **Keisha Hooks** on December 12th!

**Cat Herders Day** on December 15th.

**Hanukkah** begins on December 20th.

**First Day of Winter** on December 22nd.

**Christmas Day** on December 25th.

**Christmas Holiday** on December 26th (the office will be closed).

**Kwanzaa** begins on December 26th.

Happy Birthday to **Carlos Lagunas** on December 31st!

**New Year's Eve** on December 31st.



**Trivia Quiz: Football**

Test your football knowledge with this great little football quiz.


1. Which quarterback led the 1951 Cleveland Browns to an 11-1 season record?
2. Two months after President Kennedy was assassinated, which team won the NFL Championship game?
3. Which team was the last in the 20th century to go defunct?
4. What position did Jerry Rice play throughout most of his career?
5. Where did quarterback Donovan McNabb play college football?
6. True or False: Dan Marino never won a Super Bowl.



7. What position takes the hand-offs and also can move out as a receiver?
8. What was the original name of the New York Jets when they were in the AFL, before joining the NFL?
9. Who holds the title of the most fumbles in the NFL?
10. What is the length in yards of a football field, from one end to the other?



<b>The Answers:</b>	7. Running back.	1. Otto Graham.
	6. True.	2. Chicago Bears.
	5. Syracuse.	3. Dallas Texans (in 1952).
	9. Jon Kitna.	
	10. 120.	
	8. New York Titans.	
	4. Wide receiver.	

  
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**CHAPTER 13 TRUSTEE**  
**MARILYN O. MARSHALL**  
224 S MICHIGAN AVE STE 800 CHICAGO IL 60604-2500

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**December Holiday Fun Facts**

- ☀ Christmas was declared a national holiday in 1870.
- ☀ President Franklin Pierce was the first President to decorate the White House Christmas tree.
- ☀ Since the 1970's, the Kennedy Space Center has made their shuttle landing facility available for emergency landing by Santa Claus should problems develop during his annual visit to children around the world!
- ☀ Each year, Florida Christmas tree growers produce over 120,000 freshly cut quality trees for the holiday season.



- ☀ Hanukkah is celebrated every year between the end of November and the end of December. It begins on the 25th day of the Hebrew month of Kislev, which varies from year to year on the Western calendar. The eight day celebration commemorates the rededication of the Jerusalem temple, and the miracle of the sacred lamp that burned for eight days on a single day's oil.
- ☀ Kwanzaa is a seven day celebration of African culture begun by Dr. Maulana Karenga, a professor at California State University. Celebrated from December 26th to January 1st, Kwanzaa (which means "first fruits of the harvest") is meant to honor African heritage and present day life in America. The holiday ends with a large feast on the final evening called Karamu.