

WHAT YOU SHOULD KNOW ABOUT YOUR CHAPTER 13 CASE

This pamphlet answers questions that may come up during your Chapter 13 plan. Read this completely to understand your rights and obligations and refer to it later when you have questions.

Please put your case number on all payments and letters sent to the Trustee.

Your Case Information:

Krispen S. Carroll
Chapter 13 Trustee

The Trustee's address is:

| | |
|-------------------------------|---------------------------------------|
| <u>PAYMENTS</u> | <u>LETTERS & INQUIRIES</u> |
| Chapter 13 Trustee | 719 Griswold Street |
| P.O. Box 2018 | 1100 Dime Building |
| Memphis, TN 38101-2018 | Detroit, Michigan 48226 |
| | (313) 962-5035 |

Information about your case may be obtained at:
www.13network.com

KEEP THIS FOR FUTURE REFERENCE!

****REMEMBER THIS. . .****

Start Making Plan Payments Immediately!

Payments should commence immediately, but not later than 30 days after your case is filed.

(see page 4)

Send NO Money to the Trustee's Office!

We do not accept payments in the Trustee's Office. Do not bring or mail payments to our office. All payments must be mailed to our bank lockbox.

(see address on cover)

Be sure to write your case number on your check or money order, as well as your name, before mailing any payment to the bank lockbox.

Keep in Touch with Your Attorney!

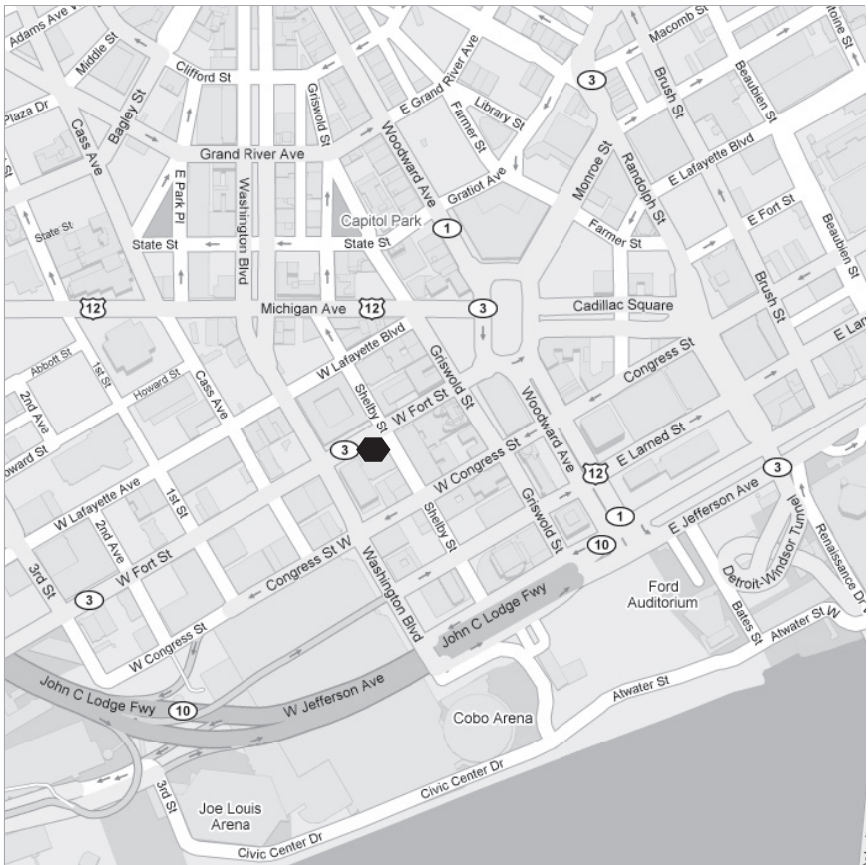
The Trustee's office does not give legal advice. You must call your attorney if you feel any changes are needed to your plan. This and other types of legal advice can only be provided by your attorney.

Income Tax Refunds and Returns are Required in Most Cases!

Income tax refunds are to be paid to the Trustee's office upon receipt and should be accompanied by a copy of your tax return. Regardless of whether a refund is received, a copy of your return should be forwarded to the Trustee's office to verify any liability. You should assume tax refunds should be paid in unless you are specifically advised by your attorney.

TABLE OF CONTENTS

- Introduction..... 1
- General Information
 - Your Case Number 1
 - Your Attorney 1
 - Your Name & Address 2
 - Calls to the Trustee’s Office 2
 - Annual Report of Plan Activity 3
 - Plan Length 3
- Payment Information
 - Payments 4
 - Payroll Deduction 5
 - Obligation to Pay 5
 - Child Support Obligation 6
 - Adjustment of Payments 6
 - Failure to Pay..... 7
 - Paying More than Required 7
- Creditors
 - Contact by Creditors 8
 - NSF “Bounced Checks” 8
 - Balance Due Creditors 9
 - Claims by Creditors..... 9
 - Late Claims 9
 - Creditors Not Listed 10
 - Credit Cards and Post-Petition Debt 11
 - Obtaining Credit Without Permission 11
 - How Creditors are Paid 12
- Miscellaneous
 - Cosigners and Co-Makers..... 13
 - Selling Property 13
 - Credit Rating..... 13
 - Income Tax Information..... 14
 - Income Tax Returns 14
- Ending Your Case
 - Stopping Payroll Deductions 15
 - Discharge..... 15
 - Request for Dismissal by You..... 16
 - Contact by Creditor after Completion..... 16



**● First Meeting of Creditors
(Section 341) Location**

Room 315
211 West Fort
Detroit, MI 48226

● Court Hearings
US Bankruptcy Court
211 West Fort
Detroit, MI 48226

Judge Steven W. Rhodes – Room 1825
Judge Phillip J. Shefferly – Room 1975

IMPORTANT INFORMATION ABOUT YOUR CHAPTER 13 CASE

INTRODUCTION: Chapter 13 is one method under the Bankruptcy Code to get protection from your creditors, providing that you pay them back as much as you can. It allows you to keep most or all of your property during the time you are paying creditors back. It also lets you modify some contract payments, interest rates and lengths of obligation. Creditors can take action against you only after you have had a hearing and the judge has allowed it. Chapter 13 has gained widespread acceptance across the country as an attractive alternative to a “straight bankruptcy” (under Chapter 7 of the Bankruptcy Code).

YOUR CASE NUMBER: When your Chapter 13 petition was filed, the Bankruptcy Court gave the case a number. This number is very important.

You will need this number whenever you call or write to the Trustee’s office and whenever you make a payment to the Trustee’s.

YOUR ATTORNEY: Under the rules of the Bankruptcy Court, your attorney must continue to represent you for as long as your case is active, or until the judge permits your attorney to withdraw from your case. If you ever have a legal question (concerning your case, a creditor, your rights or your options) ask your attorney first. You should reach a clear agreement with your attorney about his or her pay. In many cases, your attorney will be paid his or her legal fee through your Chapter 13 plan.

Be sure that you and your attorney have fully discussed whether additional legal services during your plan will cost you more money or whether the initial fee will cover all legal services.

Remember that all legal fees must be reviewed and approved by the Bankruptcy Judge. You may change attorneys during the life of your plan, but please let the Trustee know the name and address of your new attorney.

YOUR NAME & ADDRESS: The Trustee must have your current name and mailing address for as long as you are in Chapter 13. All notices, letters, checks, etc. will be mailed to the address which you put on your petition unless you or your attorney tell us to send them somewhere else.

I *If you ever move or change your mailing address, you **must** inform your attorney and the Trustee of your new address **in writing**. Name changes must also be in writing.*

Any changes in name, address or employment must be reported to the Trustee's office immediately.

CALLS TO THE TRUSTEE'S OFFICE: The Chapter 13 Trustee's phone number is:

I **(313) 962-5035**

While the Trustee's staff will do their best to assist you, **the Trustee's staff cannot give legal advice.**

This office is open Monday through Friday from 8:30 a.m. to 4:30 p.m. If you have a question which your attorney cannot answer, you may call the Trustee's office during those hours. You will not need to talk to the Trustee personally. The staff understands the policies and guidelines in Chapter 13 and is well qualified to discuss any problems or questions that may arise. ***The Trustee's staff cannot give legal advice, however.***

I *You should direct all legal questions to your attorney.*

ACCESSING YOUR CASE INFORMATION VIA THE INTERNET:
Detailed information about your case may be obtained at

I **www.13network.com**

After accessing the website, choose: “Michigan” Trustees, “Krispen S. Carroll”, then “Chapter 13 Inquiry”. The userID is your case number (numbers only); the password is your social security number (without dashes). The Trustee’s office also has a website, www.det13ksc.com, which we invite you to use for informational purposes.

ANNUAL REPORT OF PLAN ACTIVITY: Annually, AFTER the date of Confirmation of your Chapter 13 Plan, you will receive a **Report of Receipts and Disbursements** from the Trustee. This report includes all the financial activity on your case during the previous 12 months. It will itemize all the payments which the Trustee has made to creditors on your behalf. If you have any questions regarding this report, please contact your attorney.

PLAN LENGTH: It is important to remember that the length is only a close approximation at the beginning of your plan. Counting the months remaining in the length of your plan begins with the month in which your plan was confirmed by the court. The length is dependent on many factors which may change during the course of your plan. It is very rare for a plan to last the exact number of months it was originally scheduled to run. There are several reasons for this. Interest, which may or may not be paid to your creditors depending on your particular plan, adds length and dollars to your plan. Interest rates may change. It often happens that a creditor files for a larger amount than you thought you owed. You may have forgotten a creditor which must be added to your plan. Also, if unsecured creditors are being paid back less than 100% of their debt, and that payback percentage is reached before your time has ended, the percent to unsecured creditors will be increased.

■ *No plan is allowed to exceed 60 months in length.*

This is the time limit for completion allowed by the Court. If your plan should exceed 60 months in length, your attorney can help you in resolving this problem.

BUSINESS CHAPTER 13: Debtors who file as small businesses are subject to the same requirements, restraints, and jurisdiction as debtors filing as individuals. Since self-employed debtors have no employer, it is necessary for them to make payments directly to the Trustee's office.

Small business debtors are required to file quarterly reports and summaries of their business operations with the Trustee and the Court.

You should contact your attorney if you have any legal questions.

PAYMENTS: Your first payment should be sent to the address listed below immediately after filing, and must be received no later than 30 days after the case is filed.

Please make all checks
payable to Chapter 13 Trustee
Forward all payments to:
Chapter 13 Trustee
P.O. Box 2018
Memphis, TN 38101-2018

Money orders, cashier's checks
and personal checks must include:
1) your **NAME**, 2) your **ADDRESS**, and
3) your Chapter 13 **CASE NUMBER**.
*Do not mail cash or bring payments
directly to the Trustee's office.*

If your personal check ever "bounces" (is returned to us because of insufficient funds), we will require that all future payments be made in the form of a cashier's check or money order. Most Chapter 13 payments are made through a payroll deduction at your place of employment. Only in unusual circumstances does the Court allow plan payments to be made by you directly to the Trustee. This makes it easier to ensure that you pay the Trustee on time because the payments are automatically made on a regular basis by your employer.

The Trustee's office is able to accept ACH payments for any debtor(s) that have proposed a MONTHLY plan payment. Please visit the Library/Forms section of our website: www.det13ksc.com for a copy of the agreement.

PAYROLL DEDUCTION ORDERS: At the time you filed your Chapter 13 petition, your attorney probably submitted a payroll deduction order to be served on your employer. This order tells your employer to deduct your plan payment from your paycheck and send it to the Chapter 13 Trustee. This order prohibits your employer from honoring any garnishments while you are under Chapter 13, including back taxes. The only exceptions are ongoing child support and other special circumstances provided in the order. *It is important that both you and your employer understand that a payroll deduction order is NOT a garnishment.* A garnishment or attachment can only come from someone to whom you owe money. You do not owe the Court or the Trustee any money. You voluntarily filed and gave the Court exclusive jurisdiction over your future pay while you are under Chapter 13. The Trustee is just carrying out her duty to administer the plan.

It may be helpful if you speak to someone in your payroll department to make sure they understand that:

- this court order stops garnishments
- this deduction should not be listed as a garnishment or Friend of the Court payment

Most employers understand that you are making a serious effort to repay your debts, and think more highly of an employee who seeks to repay his debts than of one who avoids repaying his debts. **If your employer does not honor a wage deduction order, tell your attorney so that appropriate action can be taken.** If your employer has any questions, he or she may call our office for an explanation.

Note: It may take several weeks for your payroll deduction to become effective. In the meantime, be sure to make your regular payments directly to the Trustee. The judge's willingness to approve your plan will depend on the good faith effort you demonstrate by your payment record prior to the confirmation hearing. If your employer fails to make a payroll deduction, you must tell your attorney that the deduction was not made and you must send the needed plan payment

to the Trustee by personal check, money order, or cashier's check.

OBLIGATION TO PAY: Even though the Court will usually order your employer to deduct plan payments and send them to the Trustee, **you must remember that you have the obligation to make sure payments are made.** The law requires that your payments start *no later than 30 days* after your plan is filed. The sooner you start making payments, the greater chance you have of successfully completing your plan. The Trustee does not have the capability to use payment coupon books or to send monthly statements. Therefore, you must keep your own record of payments.

■ *It is a good idea for you to keep your pay stubs to prove that the payroll deduction have taken place.*

This way, if there is ever any discrepancy in your payment history you will have complete records showing the deductions that were made. Bring all pay stubs and copies of cancelled checks or money order receipts to court hearings. Please remember, *if you ever receive a regular paycheck in which the Trustee's payment was not withheld, you should immediately mail the payment yourself.* It is your responsibility to pay the plan payments, even when you are not working. If you become unemployed, you can amend your plan or take other necessary action. Talk to your attorney about your options.

CHILD SUPPORT OBLIGATION: If you are required to make child support payments for an on-going obligation, you must continue to make those payments after the filing of your bankruptcy and remain current on that obligation. You will be required to sign an affidavit attesting to the fact that you have made all payments that have come due after the filing of your case up through the date of your confirmation hearing. If you have not made these payments your case will not be confirmed.

ADJUSTMENTS OF PAYMENTS: It is extremely important for you to let your attorney know if something interrupts your pay and makes it impossible for you to make payments to the Trustee. In some cases, adjustments may be made on payments to prevent undue hardship. Whether or not you will be able to adjust your plan payments will

depend on how long your plan has been running and on the kinds of creditors you have.

■ *If you require a permanent payment adjustment, please contact your attorney to review and revise your plan.*

FAILURE TO PAY: If the Trustee's office fails to receive payments on your Chapter 13 plan, either the Trustee or a creditor will seek to have your case dismissed. If something happens to your job, you become disabled, you get fired or you are otherwise made incapable of continuing your current payments, consult your attorney at once. Your attorney should be able to counsel you on the best way to protect yourself during such time.

■ *Your plan requires you to send your Chapter 13 payments to the Trustee no matter what happens to your job, unless the Judge allows you to stop or reduce payments.*

If you are temporarily without work, be sure that as soon as you return to work, the payroll deduction starts again. The Trustee's role as administrator of Chapter 13 cases requires her to protect the interests of both debtors and creditors alike. Thus,

■ *whenever a debtor is substantially behind in payments under the plan, the Trustee will review the case for dismissal.*

When the Trustee seeks to have your case dismissed, you will be advised in writing. You should then contact your attorney immediately to discuss your options.

PAYING MORE THAN REQUIRED: *If your plan requires you to repay creditors 100%*, paying the Trustee more than what your plan requires you to pay may decrease the amount of time it will take your plan to complete. Paying a little extra may reduce administrative expenses for the Trustee and cause the payroll deduction to stop a little sooner. There are several ways to pay more than is required into your plan.

I *If you ever wish to increase your plan payments, contact your attorney. If you wish to make a single extra payment, you may do so by sending a money order, personal check, or cashier's check to the payment address.*

If you wish to complete your plan payments before the confirmed length of your plan has run, you must contact your attorney.

CONTACT BY CREDITORS: All the creditors that you listed on your Chapter 13 petition are under an automatic Restraining Order, also called the “automatic stay.” The automatic stay prohibits your creditors from contacting you or your employer in any way.

I *If you get notices in the mail from your creditors, send them to your attorney.*

Late notices from creditors need not cause you any great concern. If you receive a more personal, direct contact from a creditor, however, (such as a telephone call, a personal letter, a summons or a visit in person) you should immediately tell them that you are in a Chapter 13 bankruptcy and give them your case number. Then, give them the address and names of both the Trustee and your attorney.

I ***You should not discuss any debts with creditors in any manner.** Be sure to tell your attorney the name of the person who contacted you, so that he or she can follow up on the contact.*

By the same token, *you should not contact your creditors.*

“BOUNCED” CHECKS: A creditor may hold a check which you wrote that was not honored by your bank. This is called an NSF check for “non sufficient funds.” Because the bank did not honor the check, the creditor remains unpaid. After you have filed a Chapter 13, the creditor has two options for obtaining the money you owe.

I *The holder of the “bounced” check may join the plan as a creditor or prosecute the transaction as a crime, **but he may not do both.***

The creditor must file a claim to collect money through the Chapter 13. However, writing a bad check is a criminal offense and the creditor may decide to prosecute.

■ *The automatic Stay in your Chapter 13 case does **not** stop criminal prosecution.*

If the creditor did decide to prosecute, the debt would become a fine and you would handle the fine directly, outside of Chapter 13. Please contact your attorney for further assistance if you find yourself in this situation.

BALANCE DUE CREDITORS: If you have an immediate reason to know how much money you still owe to one creditor or to all creditors at any time during your plan, you may request in writing from the Trustee's office a copy of the accounting of your case. However, the Trustee automatically mails you and your attorney a copy of your case report annually. See the section titled "Annual Report of Plan Activity."

CLAIMS OF CREDITORS: The creditors which you list on your Chapter 13 petition are given an opportunity to file a claim for payment. ***They are allowed 90 days from the Meeting of Creditors to file their claim. (Governmental creditors are allowed 180 days from the date you originally filed for Chapter 13 bankruptcy in which to file their claim.)***

■ *If a creditor does not file a claim within the time allowed, but you want that creditor paid in your Chapter 13 case, please have your attorney file a claim for that creditor.*

Approximately four months after your case is confirmed, the Trustee's office will send you a complete list of every creditor who has filed a claim in your case and the amount of money they claim to be owed. This list is called a Notice of Intention to Pay Claims. You should read and examine this list very carefully.

If a creditor is listed incorrectly or any amount claimed seems incorrect, you should contact your attorney at once. Unless your attorney objects to a claim, **we will pay the amount the creditor requests rather than the amount listed on your petition.**

LATE CLAIMS: As noted above, most creditors generally have 90 days to file a claim. Creditors might not be entitled to payment if they file their claim after that date. If you do not want to pay a late claim, contact your attorney who must object to its payment. If a late claim is not objected to, it will be paid.

Unless you object to paying a late-filed claim, the Trustee may pay the claim, even though it was filed late.

Any claim which is not allowed by the Court will not be paid. If you complete your plan, most claims (except some taxes) that are not allowed or not filed will be discharged upon the completion of your plan. However, speak with your attorney if you have questions regarding certain unfiled or unpaid claims.

CREDITORS NOT LISTED: Not listing all Creditors when you file for Chapter 13 can cause a lot of problems. There are two kinds of creditors who are absent from the original list: 1) those creditors whom you owed money before filing but forgot to list in your petition (*unlisted creditors*), and 2) those creditors who lent you money after you filed (*post-petition creditors*).

If you discover an unlisted creditor after filing, you must let your attorney know the details of the debt **immediately.**

Your attorney can include this *unlisted creditor* in your plan to protect you from collection procedures. Time is very important in terms of protecting you, so **do not delay** if you discover one.

Post-petition creditors are rare because you are not allowed to accumulate a debt over \$1000 while under Chapter 13 unless you have gotten Court permission to do so. (Contact your attorney if you have a need to borrow money over \$1000--see provisions below.) Occasionally, however, unusual or emergency situations may arise.

Post-petition debts should be brought to the attention of your attorney so that a review of your plan can be made.

If extra debts are added to your original plan, the Trustee may request that your plan payments be adjusted to handle the addition.

CREDIT CARDS AND POST-PETITION DEBTS: Once your plan is confirmed, the judge will prohibit you from acquiring any debt greater than \$1,000 for as long as you are under Chapter 13.

This means that you cannot: charge anything that costs more than \$1000, run up a bill over \$1000, sign an installment note for over \$1000 or use a credit card over \$1000.

This applies to any member of the family that is supported by the debtor under Chapter 13, whether or not they themselves are under the jurisdiction of the court. This is because the person under Chapter 13 may be responsible for any debts the dependent acquires. **The only exception to this rule is for medical or other emergencies.** The Court will permit you to incur a bill to a doctor or a pharmacist during your plan.

If you ever feel that it is important for you to buy something in installments that costs more than \$1000, you must obtain the Judge's permission to do so.

The Judge will generally grant you permission if: you are paying regularly into your plan, there is a good reason to incur the debt and your ability to make plan payments is not threatened by the additional debt. **Remember: you must first contact your attorney, if you need to incur additional debts.**

OBTAINING CREDIT WITHOUT PERMISSION: Obtaining credit without permission of the Court is a violation of the Court's rules and is, therefore, subject to reversal by the Court.

Any credit purchase you make without the approval of the Court might be illegal. The goods may have to be returned to the original owner and you probably would lose any payment you made on the purchase.

You would also place your plan in serious jeopardy if you obtained credit without approval and it may even be dismissed.

HOW CREDITORS ARE PAID: The money which you pay to the Trustee is used to pay all the expenses of administering your case, including any attorney fees to be paid through the plan, and the debts to all your creditors. After you have filed a Chapter 13, you cannot choose some particular creditor and pay him “on the side” because all of your debts must be dealt with through the Court.

Any payment you make independently to a creditor may be illegal. By law, all creditors must be paid under the authority of the Court.

Payments from the Trustee are typically disbursed to creditors on the first Wednesday of each month.

There are four basic types of claims: 1) administrative, 2) secured, 3) priority and 4) unsecured.

Generally, we pay administrative costs first: the Trustee’s fee and any attorney fees to be paid through the plan. Next, we pay all creditors with liens on your property (secured claims). Then we pay any taxes that you owe (priority claims) and all remaining creditors (unsecured claims).

Confirmed plans often require that the Trustee begin paying priority and unsecured creditors *only after* administrative and secured claims are paid. For this reason, it could be several months before the first payment is made on priority and unsecured claims.

You may decide, however, that you want priority and/or unsecured creditors to also receive payments simultaneously with secured creditors. If you choose this option, please discuss it with your attorney.

Remember: secured claims may accumulate interest under Chapter 13, but unsecured creditors are not allowed to grow interest after the date you filed your petition (except for unusual circumstances). Thus, it may be more advantageous for you to pay off the debts accumulating interest first, rather than trying to pay all your creditors at once.

COSIGNERS AND CO-MAKER: A cosigner, co-maker or guarantor on any of your consumer debts is generally protected from contact by the creditor as long as you remain under Chapter 13. This automatic protection applies only in Chapter 13 cases. If the cosigner, co-maker, or guarantor has given collateral for the loan, the creditor must request a hearing before the Judge in order to reclaim the property. *However, this co-debtor protection will only protect cosigners, co-makers, and guarantors for the amount of debt which your plan proposes to pay.*

I *If your plan is not scheduled to pay the creditor in full, the creditor may obtain permission to collect the percentage of the debt that your plan is not going to pay from the co-debtor.*

SELLING PROPERTY: You cannot dispose of any of your property, including land, without Court approval while you are under Chapter 13. **If the Court allows you to sell any of your property for a profit, the Court will decide where the profit will go.** Some or all of it may have to be applied to your Chapter 13 debts.

I *If you sell your property without permission from the Judge, the transaction may be revoked and your case could be dismissed. This includes re-financing your home or other property.*

See your attorney for exact details.

CREDIT RATING: Your credit rating during and after completion of Chapter 13 will be, as it always has been, the personal opinion of any credit grantor who looks at your record. A credit rating is not a rank or a number; it is a record of all your past credit performances. This record is made available to credit grantors who make up their own minds, using their own standards, whether or not they will grant credit to you. Lawsuits, collections, attachments or garnishments, straight bankruptcies (Chapter 7) and Chapter 13 bankruptcies are all indications of credit problems. However, after a number of years of operation and a number of successfully paid-in-full Chapter 13 cases, we find that many credit grantors look with respect upon those who have paid their debts in full under the Chapter 13 plan. Of course, any credit record that has been blemished by any problem must be gradually rebuilt. The Trustee does not provide any information to the credit reporting agencies before or after your Chapter 13.

INCOME TAX INFORMATION: The Trustee's office is not in a position to advise you on how to file your income tax return, or the amount of interest paid to creditors. We will, upon written request, provide you with a copy of a report which will include the names of creditors that received money. We will automatically send you reports annually, but you may wish to know if any additional creditors were paid during the latter part of the year. Normally creditors to whom we paid interest will send you a statement of how much interest was paid to them on your behalf. **Unfortunately, the expenses of your Chapter 13 plan are not deductible for Federal Income Tax Purposes.**

INCOME TAX RETURNS AND REFUNDS: A different office of the Internal Revenue Service, called *Special Procedures Section*, processes Federal tax returns filed by Chapter 13 debtors. The IRS does this to help them avoid accidentally issuing notices in violation of the automatic restraining order. However, it often results in tax refunds being delayed. To be certain that you receive any refund in a timely manner, you should file your tax returns each year as early as you possibly can. If you owe any taxes for prior years, the refund may be kept by the IRS. If this happens, discuss it with your attorney immediately.

Also, your plan might include paying tax refunds into your plan. Ask your attorney for which tax years you are to pay your refunds into your plan. If the IRS keeps your refund to apply to others taxes you owe, or another creditor (for example, Friend of the Court) takes your refund, you may still be responsible for paying the refund amount to the Trustee--contact your attorney!

If your plan includes all or a portion of your tax refunds to be paid to creditors you will be required to sign IRS Form 2848. If you receive your refund directly from the IRS, you are responsible for making the refund payment to the Trustee yourself. Regardless of whether you receive a refund or have a liability, if tax refunds are included in your plan you must send a copy of your tax return directly to the Trustee's office (Chapter 13 Trustee, 719 Griswold St., 1100 Dime Building, Detroit, MI 48226).

Send the amount you are obligated to pay into your plan in a personal check, cashier's check or money order to the payment address for the Trustee (Chapter 13 Trustee, P.O. Box 2018, Memphis, TN, 38101-2018.) Include your name, case number and tax year on the check. If, for any year, you owe money to the IRS instead of getting a refund, send a copy of your tax return to the Trustee's office showing this. If you are not sure regarding your tax refund obligation, contact your attorney.

STOPPING PAYROLL DEDUCTIONS: It is the Trustee's policy to cease payroll deductions as quickly as possible when a plan is completed, converted or dismissed. As soon as all claims are paid in full, or a case is converted or dismissed, the Trustee will notify your employer to stop the payroll deduction. It often takes some time for employers to process these instructions so your employer may make one or two extra payments. These funds will be returned to you in full, without deduction of the normal Trustee's fee. It generally takes six to eight weeks for completion of closing out cases. Any funds on hand after the case is closed will be returned to the debtor once the closing process is completed.

DISCHARGE: The Trustee compiles a monthly list of cases that appear ready for discharge (i.e., all plan terms have been successfully completed). A review of the Court's records is performed to ensure that the Trustee has paid all claims filed by creditors. Occasionally the Court may have received a claim which the Trustee did not. Consequently, the Trustee did not pay that creditor. If this happens, these claims will be scheduled for payment according to the terms of the Order Confirming Plan. When it appears that your case is completed, the Trustee's office will send a Notice of Completion to you, your attorney, your creditors and file a copy with the court. After the 28-day objection period has expired, a "Final Account and Report" will be issued as well as a debtor refund check to you if there is money left over. The entire process usually takes about three to five months. A discharge means that your case has been closed because it has been completed and all creditors have been paid. You will be required to complete a personal financial management class prior to receiving your discharge. The Court, *not the Trustee's office*, will issue a Discharge Order approximately 30 days AFTER receiving the Notice of Completion and a certificate of completion of the financial management class. **This discharge also acts as an injunction against**

your creditors, prohibiting them from taking unauthorized action against you after your case has ended.

CONTACT BY CREDITOR AFTER COMPLETION OF A CHAPTER 13: When a creditor has had his claim paid by Chapter 13, he should send the paid-in-full papers to you. If the creditor fails to do this, it is not necessarily a problem; the official Court records show that your plan is completely paid and would overrule most claims the creditor might make for additional money. **If you receive any request for additional money after your plan is completed, contact your attorney!**

REQUEST FOR DISMISSAL BY YOU: Federal Bankruptcy law allows you to request that your Chapter 13 case be dismissed at any time. No one can force you to remain under a Chapter 13 plan.

I *If you desire to dismiss your case, contact your attorney. Understand, however, that a dismissal will reactivate all: unpaid or disputed debts, interest, finance charges, late filed charges which the Court did not recognize and debts to creditors who did not file their claims.*

You will be forced to deal with these creditors on their own terms, not yours or the Court's. **The request for dismissal of your plan must be in writing.** We urge you to give careful consideration to such a decision, and discuss it with your attorney.

