

NANCY CURRY | CHAPTER 13 TRUSTEE

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# CHAPTER 13 GUIDELINES

REVISED | AUGUST 2019

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# OVERVIEW

Bankruptcy proceedings are governed by Title 11 of the United States Code (USC), the Federal Rules of Bankruptcy Procedure (FRBP) and the Local Bankruptcy Rules (LBR) including LBR 3015-1 which governs Chapter 13 cases filed in the Central District of California.

These guidelines contain brief answers to some of the questions you may have about your Chapter 13 bankruptcy case, read them carefully. Please be advised that these guidelines are not a substitute for the advice of an attorney. **The Trustee or her staff cannot give you legal advice.**

## WHAT IS CHAPTER 13?

Chapter 13 is a method to obtain relief from your creditors while at the same time providing a means to pay back as much as you can. Individuals who file Chapter 13 are referred to as “debtors.” Only an individual (or a married couple) with regular income who owes unsecured debt of less than \$383,175 and secured debt of less than \$1,149,525 may be a debtor in Chapter 13. 11 USC §109(e).

## THE CHAPTER 13 STANDING TRUSTEE

Nancy Curry is the Trustee assigned to your case. The Trustee represents the bankruptcy estate. **The Trustee is not your legal representative.** The Trustee administers the bankruptcy estate and also provides information about Chapter 13 cases to you, creditors, and the Court.

The Trustee charges a percentage fee and it may vary during the life of your case. If your case is dismissed or converted to another chapter before your plan is confirmed there is a set fee of \$100. If the case is dismissed or converted after confirmation, the fee is at minimum \$200. **11 USC § 503 (b) and LBR 3015-1.**

# IMPORTANT CONTACT INFORMATION

Listed below is important contact information for the Trustee and other relevant resources related to your case. Please refer to this page when necessary.

## TRUSTEE CONTACT INFORMATION

Your Chapter 13 Trustee is: [Nancy K. Curry](#)

Phone: [\(213\) 689-3014](tel:(213)689-3014) FAX: [\(213\) 689-3055](tel:(213)689-3055)

Email: [inquiries@trusteecurry.com](mailto:inquiries@trusteecurry.com)

Trustee's informational website: <http://curry.trustee13.com>

Payment Mailing Address:

[Nancy Curry](#)  
[Chapter 13 Trustee](#)  
[PO BOX 1403](#)  
[Memphis, TN 38101](#)

Document Mailing address:

[Nancy Curry](#)  
[Chapter 13 Trustee](#)  
[1000 Wilshire Blvd., STE 870](#)  
[Los Angeles, CA 90017](#)

## ONLINE BANKRUPTCY CASE MANAGEMENT

To view all information about your case: <http://www.ndc.org>

To only view receipts and disbursements: <http://www.trustee13.com>

## BANKRUPTCY COURT CONTACT INFORMATION

The Local Bankruptcy Rules and certain Chapter 13 documents are available from the Clerk of the Bankruptcy Court and can be downloaded from the Court's website.

Phone: [\(213\) 894-1565](tel:(213)894-1565) Website: [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)

Mailing Address: Clerk of the Court  
255 East Temple Street  
9<sup>th</sup> Floor  
Los Angeles, CA 90012

California State Bar Association [www.calbar.ca.gov](http://www.calbar.ca.gov)

# YOUR BANKRUPTCY CASE

When the case was filed, it was assigned a number. This number is very important. It identifies your case and you will need it every time you make a bankruptcy payment and/or need to contact the Trustee.

All documentation, plan payments, and tax refunds MUST have your Bankruptcy case number listed on them, regardless of how the documents/refunds are sent (fax, email, regular mail).

Use the following space to write down your Bankruptcy case number and retain this page for your records:

**My bankruptcy case number is (i.e. "2:12-bk-34567 WB"):** \_\_\_\_\_

## OTHER HELPFUL INFORMATION REGARDING YOUR CASE

**My bankruptcy plan payment is \$ \_\_\_\_\_ per month.**

**My plan payments are due on the \_\_\_\_\_ of each month.**

**My attorney's name is:** \_\_\_\_\_

**My attorney's phone number is:** \_\_\_\_\_

## **YOUR CONTACT INFORMATION**

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The Trustee must know your current contact information at all times, especially including your mailing address. The mailing address we have on file for you is known as your “address of record.”

Please note that the Trustee is strictly limited to the information you provide on your Bankruptcy petition. Therefore, should you move or otherwise change your mailing address, you will need to notify the Trustee in writing via a written statement sent to our office or by filing a Notice of Change of Address with the Court.

## **YOUR ATTORNEY**

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When your attorney agreed to represent you the attorney became obligated to appear and represent your interests throughout the life of your case. Your attorney remains your “attorney of record” for as long as your case is active or until the judge permits your attorney to withdraw from your case. LBR 3015-1.

In some cases the attorney may agree to be paid through the Chapter 13 plan. However, all fees charged by the attorney must be reviewed and approved by the court.

## **DEBTORS WITHOUT AN ATTORNEY (IN PRO PER)**

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You may choose to proceed on your own without an attorney’s assistance. You will then be fully responsible for properly completing and filing all documents and motions.

## STATUS OF YOUR CASE

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Most people are very interested to know how much they owe to their creditors and how much they have left to pay. You may check the status of your case online or send our office a written request in writing.

IF YOU WISH TO KNOW THE AMOUNT NECESSARY TO PAY OFF YOUR PLAN YOU SHOULD SUBMIT A REQUEST IN WRITING. IT WILL BE MAILED TO YOU AT YOUR ADDRESS OF RECORD. REMEMBER THAT ANY ESTIMATED PAY OFF WOULD NOT INCLUDE FILED CLAIMS OF WHICH THE TRUSTEE IS NOT AWARE OR ACCRUED INTEREST.

PLEASE ALSO BE ADVISED THAT THE TRUSTEE AND HER STAFF WILL NOT GIVE PAY OFF BALANCES OVER THE PHONE. ALL PAY OFF BALANCE REQUESTS MUST BE SUBMITTED IN WRITING, FAX, OR VIA EMAIL.

## MANAGING YOUR CASE ONLINE

You may view your bankruptcy payments and disbursements to creditors online at [www.trustee13.com](http://www.trustee13.com).

The National Data Center is another resource debtors may use to check the status of their case, view their payments, and Trustee disbursements to creditors.

Debtors are required to create an online account (for free) with the National Data Center in order to view this information. For more information, please visit: [www.ndc.org](http://www.ndc.org).

## OBTAINING BANKRUPTCY CASE DOCUMENTS

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The Trustee is not the official keeper of record in the case and the Trustee does not provide copies of case documents.

To obtain copies of any filed documents, including plans, petitions, claims, orders or pleadings contact the Clerk of the Court.

# THE BANKRUPTCY PROCESS

The first step in the Bankruptcy process after the petition is filed is to attend the meeting of creditors, also known as “341 (a) Meeting.”

At your meeting of creditors, the Trustee or her attorney will ask you questions and will expect you to know the details of your assets, liabilities and the plan to repay your creditors. You will be asked about income, expenses, assets, debts and other matters. Any creditors who attend will also ask questions.

The meeting may be continued (you may have to come back). At the confirmation hearing the judge will decide whether or not your plan is approved.

**Copies of any revised or new documents must be received by the Trustee at least 7 days before the meeting or hearing.**

Your attorney **must** appear at every meeting of creditors and confirmation hearing. If you do not have an attorney, **you** must be present.

The following page contains a comprehensive list of items to be completed during and at the 341 (a) Meeting.



# CHECKLIST FOR THE §341(A) MEETING OF CREDITORS

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You recently filed a Chapter 13 bankruptcy petition and received notice of the date of your creditor meeting pursuant to the provisions of 11 USC §341(a)

- 1. Honestly and accurately answer questions** When you filed your Chapter 13 petition you initiated a federal court case. It is a federal crime to knowingly and fraudulently sign false bankruptcy documents or to commit perjury by testifying falsely at the §341(a) meeting. 18 USC §152. Carefully review your bankruptcy documents and if you find errors **TELL YOUR ATTORNEY AND THE TRUSTEE IMMEDIATELY.**
- 2. Your plan payments** A plan payment is the dollar amount set forth in your plan and is what you propose to pay to the Chapter 13 Trustee each month. Your first plan payment comes due 30 days after the date you filed your bankruptcy petition.  
  
Subsequent payments are due on the same day of each month thereafter. For example, if you filed your petition on April 15 your first payment would be due May 15 and on the 15th of each month thereafter. If your case was converted from Chapter 7 your first plan payment is due 30 days from the date of entry of the conversion order.
- 3. Mortgage payments** All mortgage payments that come due after you file your petition must be made as they come due. These payments must be made by cashier's check, certified check or money order only. **The payments must be made payable to and sent directly to the lender.** Your name and loan number number should be legibly written on each item of payment. The rules require that a declaration be filed stating that these payments have been made.
- 4. Mortgage information** Know the day of the month your payments are due, the length of the grace period, the amount of each payment, the account number and the address to which payments must be sent.

- 5. Proof of Income** Make sure that the Trustee receives evidence of all sources of your current income at least 7 days before the §341(a) meeting.

No later than **7 days prior** to the meeting of creditors you must submit a copy of state and federal income tax returns to the Trustee for the year ending immediately prior to the petition filing date.

*If you operate a business or are self-employed, you must comply with the business reporting requirements. The reporting requirements are quite extensive. For further information, refer to 11 USC §1304, FRBP 2015 (c)(1), and LBR 3015-1.*

- 6. Petition, plan and schedules** You should have filed these documents with the court. Bring copies of a complete set to the meeting.
- 7. Your spouse** Both husband and wife must be present when there is a joint filing.
- 8. Proof of service** Make sure that your attorney (or you) sent a notice and copy of your plan to each of your creditors, and that a proof of service form has been filed with the Court.
- 9. Bring photographic identification** You will be asked to produce a photo ID. A valid California driver's license, California ID card, or a military identification card will be sufficient.
- 10. Proof of Social Security Number** You will be asked to produce proof of your Social Security number.
- 11. Bring a pen** Be prepared to take notes at the meeting.

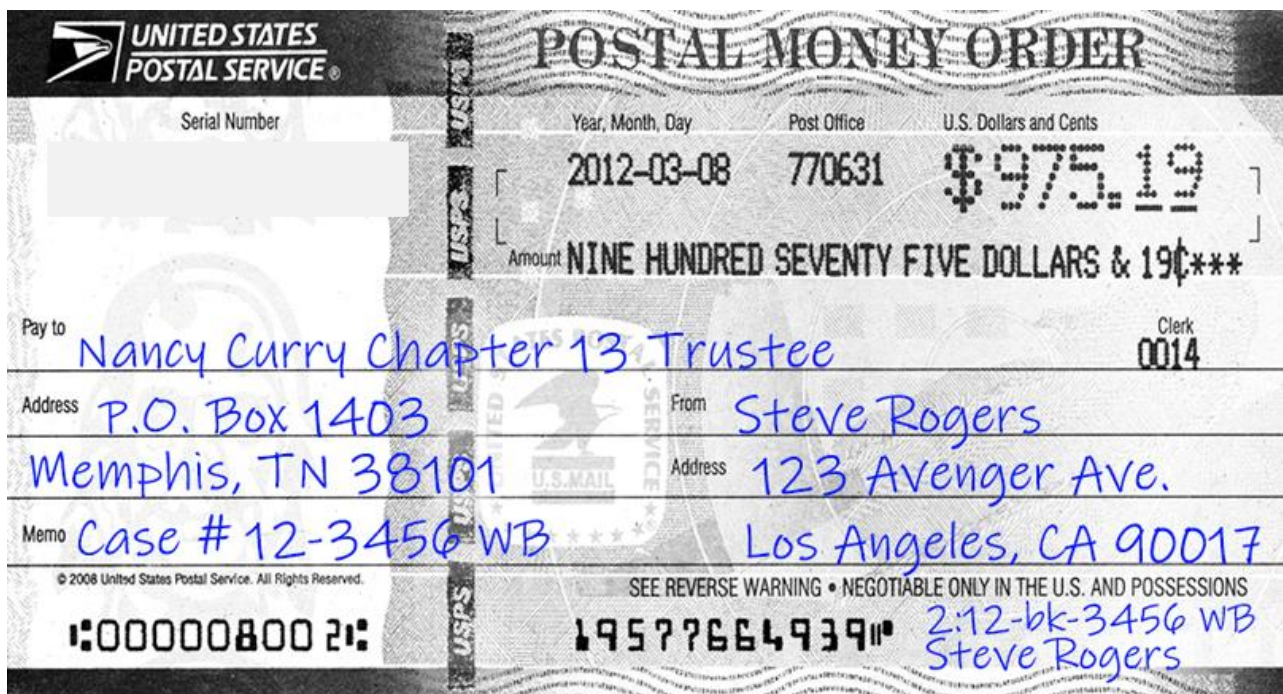
# PLAN PAYMENTS

Making Bankruptcy plan payments is a key component to the Bankruptcy process. Payments may be made via regular mail, online, or via automatic bank account deductions known as "ACH Authorization."

## GUIDELINES FOR SUBMITTING PLAN PAYMENTS VIA REGULAR MAIL

All plan payments must be in the form of cashier's check, certified check or money order. The case will be considered delinquent if the payments are not timely and in the proper form.

All plan payments must be made payable to "Chapter 13 Trustee" and must include your name and bankruptcy case number. See the example below:



**Plan payments sent via regular mail must be sent to:**

NANCY CURRY  
CHAPTER 13 TRUSTEE  
PO BOX 1403  
MEMPHIS, TN 38101

**Plan payments will be returned to you if they are mailed to the Trustee's office in Los Angeles!**

## GUIDELINES FOR SUBMITTING PLAN PAYMENTS ONLINE

Debtors may make their monthly bankruptcy plan payment online via TFS. With TFS, debtors are required to create an account, which will allow them to schedule, view, and manage their bankruptcy plan payments.

TFS is not free; however, the fees are dependent upon the amount of your plan payment:

### Pricing

TFS Bill Pay is cheaper than a certified check or money order. Check out our prices below.

▶ \$100 or less	\$0.99	▶ \$101 - \$250	\$1.99
▶ \$251 - \$500	\$2.99	▶ \$501 - \$750	\$3.99
▶ \$751 - \$1,000	\$4.99	▶ \$1,001 - \$1,500	\$5.99
▶ \$1,501 - \$2,000	\$6.99	▶ \$2,001 or more	\$7.99

*\*Prices shown above are as of May 23<sup>rd</sup>, 2018*

For more information and/or to register with TFS, please visit: [www.TFSbillpay.com](http://www.TFSbillpay.com)

## GUIDELINES FOR SUBMITTING PLAN PAYMENTS VIA AUTOMATIC BANK WITHDRAWALS (“ACH AUTHORIZATION”)

In order to implement an ACH Authorization that will allow you to have your monthly plan payments deducted from your bank account, you must complete an “ACH Authorization form, which may be downloaded from the Trustee’s website here: <http://curry.trustee13.com/payments.html>

Complete the form, the send it, along with a **VOIDED** check to our office here:

**Nancy Curry, Chapter 13 Trustee**  
**1000 Wilshire Blvd., STE 870**  
**Los Angeles, CA 90017**

# BANKRUPTCY CREDITORS

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Unsecured creditors must file claims with the court no later than 90 days after the date first set for the meeting of creditors (government agencies have 180 days). Priority creditors and holders of claims secured by real or personal property are paid in accordance with your plan until a proof of claim is filed.

IT IS NOT PERMITTED TO PICK AND CHOOSE A PARTICULAR CREDITOR WHICH YOU WISH TO PAY "ON THE SIDE" OR OUTSIDE OF THE PLAN. ALL DEBTS MUST BE DEALT WITH IN YOUR CHAPTER 13 PLAN.

## NOTICE OF INTENT TO PAY CLAIMS

After the claims bar period expires a Notice of Intent to Pay Claims (NIPC) will be sent by the Trustee to you and your attorney. It will be based on the claims filed with the court. The NIPC will list all creditors who have filed claims and the amount of each claim. You should review the NIPC promptly and carefully. The Trustee is required to pay all filed claims. **All claims listed on the NIPC; including duplicate claims, late-filed claims or claims which were discharged in a prior Chapter 7 case; will be paid by the Trustee unless you successfully object in court or the creditor amends or withdraws the claim.**

*If you feel you do not owe certain debts listed **contact your attorney.** The claims will be paid as filed unless there is a formal court order to the contrary. The Trustee has no authority to withhold payments to a creditor who has filed a claim.*

## SALE OR REFINANCE OF PROPERTY AND INCURRING NEW DEBT

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Court permission is required to sell or refinance any of your property including your residence or other real estate. It is also required to incur additional debt; for example, to purchase or lease an automobile.

If you proceed without this permission the transaction may be set aside and your case may be dismissed.

## TRUSTEE'S MOTION TO DISMISS (TMD)

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As a Chapter 13 debtor you have many legal obligations. The Trustee has an obligation to monitor your compliance with your plan and failure to perform your obligations may result in dismissal of your case.

Your obligations are set forth by statute, rules and in court orders. If you violate them, or a court order, the law requires that your case be dismissed and you may be prohibited from filing again under any chapter of the Bankruptcy Code. 11 USC §109(g) and §349.

## TAXES AND TAX RETURNS

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You are required to file income tax returns each year as they come due and to pay any taxes that are owed. If you fail to file any tax returns, your case may be dismissed. You can FAX, email, or mail a copies of your federal and state tax returns to the Trustee each year within ten days after it is due. For more information on how to submit your tax returns and refunds, please visit our website at: <http://curry.trustee13.com/taxreturns.html>

## **FINAL REPORTS**

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After you have successfully completed your Chapter 13 plan, you and your attorney will receive a copy of the final report of the Trustee. The final report is an accounting of all money received and all payments made by the Trustee during the term of the plan.

## **DISCHARGE**

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The court will issue an “order of discharge” which is an order discharging your debts. When you receive it keep a copy in a safe place as you may need it if you are ever required to prove that you have successfully completed your Chapter 13 plan and discharged your debts.

# AFTER BANKRUPTCY

Once your case has been discharged from the Court, you have officially completed your Bankruptcy case. If you receive a creditor request for payment after the case is completed do not pay it without first contacting your attorney.

## ESTABLISHING NEW CREDIT

Your credit rating during and after completion of the Chapter 13 plan will be based on information provided by individual creditors. Your credit history is made available to creditors who then make independent determinations whether or not to grant credit to you.

Debtors who complete their plans may be able to improve their credit profile by informing the credit reporting agencies that they have received a discharge. You should send a copy of your final report and discharge order to them.

The three major credit reporting agencies are

1. Experian PO Box 4500 Allen, TX 75013 (888) EXPERIAN <a href="http://www.experian.com">www.experian.com</a>	2. Equifax Credit Services, Inc. PO Box 740241 Atlanta, GA 30374 (800) 685-1111 <a href="http://www.equifax.com">www.equifax.com</a>	3. TransUnion Consumer Dept. PO Box 2000 Chester, PA 19022-2000 (800) 888-4213 <a href="http://www.transunion.com">www.transunion.com</a>
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## ONE FINAL WORD

Complying with a Chapter 13 plan is not easy. You will have to make a real sacrifice to meet the obligations that you have specified in your plan and still live within your Chapter 13 budget.



# FREQUENTLY ASKED QUESTIONS

**Q Where do I send my plan payments?**

A *Plan payments are accepted only online via TFS or at PO Box 1403, Memphis, TN 38101. Only cashier's checks, certified checks or money orders are accepted. They must be made payable to "Chapter 13 Trustee" and must have your case number and last name on the item.*

**Q What happens if I make the payment out incorrectly or forget to include my case number or last name?**

A *The payment may be returned and you will be considered delinquent.*

**Q Can I make my payments in person or mail them to the office address?**

A *No. Funds are not accepted at the Trustee's office in Los Angeles. If you mail payments to the office address they will be voided and returned and you will be considered delinquent.*

**Q Can I change the due date for my plan payments?**

A *No.*

**Q I will not be able to pay my plan payment this month. What should I do?**

A *Call your attorney immediately. The Trustee cannot make any payment arrangements.*

**Q I'm late with my plan payments. Can I make them up at the end?**

A *No. The Trustee does not make payment arrangements and the Trustee does not have the authority to change your confirmed plan. Contact your attorney if you are not able to make your plan payments as they come due. Only a court order will change the plan to repay your debts.*

**Q I'm late with my plan payments. Can I make a payment arrangement with the Trustee?**

A No. The Trustee does not make payment arrangements.

**Q I received a Trustee's Motion to Dismiss (TMD) my case for delinquency. What does that mean?**

A You are behind in making your plan payments to the Trustee and the motion asks the court to dismiss your case. You have 14 days from the date the TMD was mailed to file an objection with the Court.

*If you do not file a formal objection, your case will be dismissed. You will no longer have the protection of the bankruptcy court and your creditors will be free to seek repayment of the debts you owe them. Contact your attorney as soon as you receive a TMD.*

**The Trustee does not give extensions or enter into payment arrangements.**

**Q I mailed the full amount of the delinquency on the "action date." Will my case still be dismissed?**

A Yes.

**Q Who will the Trustee pay?**

A The Trustee will pay all secured and priority creditors based on the confirmed plan until the creditor files a claim. Once a claim is filed the Trustee will pay the creditor based on the claim. If you disagree with the amount of the creditor's claim, contact your attorney.

**Q As a creditor I want to file a claim. Where do I get the form?**

A A blank "Proof of Claim" form is available from the Clerk of the Court at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov).

**Q I don't have an attorney, but I think I need one. Can you suggest an attorney?**

A The Trustee is not permitted to recommend specific attorneys. You may contact the California State Bar Association and request a list of attorneys who are certified to practice consumer bankruptcy law. Phone: (213) 765-1000

**Q How do I find out the balance left to pay?**

A *Write to the Trustee and ask for an estimate of the amount of the balance. A report will be mailed to you at your address of record. Any pay off figure from the Trustee is an estimate. It will not include any filed claims of which the Trustee is not aware and it will not include any interest that may accrue.*

**Q. Can I get a status report?**

A *Yes. It is available online at [www.trustee13.com](http://www.trustee13.com). Or, if you send a written request, one will be mailed to you at your address of record.*