

Office of the Chapter 13 Standing Trustee
190 N. Independence Mall West, Suite 701
Philadelphia PA 19106
215-627-1377
info@ph13trustee.com
www.ph13trustee.com



Kenneth E. West, Esq., Standing Trustee
LeeAne Huggins, Esq., Staff Attorney
Jack Miller, Esq., Staff Attorney

ATTORNEY BEST PRACTICES FOR CHAPTER 13 PRACTITIONERS

- Personally meet with the debtor and introduce them to any staff attorney that may assist with their case.
- Execute a formal retainer agreement with the debtor. Specify what is covered under the “flat fee” or “hourly fee” and clarify what may be billed separately.
- Educate the debtor. Explain what they should expect at various stages of the case. ***Reiterate to the debtor that plan payments commence 30 days after filing, and that mortgage payments commence with the NEXT payment due after filing.***
- Encourage the debtor to review the information on the Trustee’s website (www.ph13trustee.com). Especially the “341(a)” and For Debtor” sections which include the standard 341 questions and 341 Meeting Preparation Videos.
- ***As a part of your intake process***, obtain color copies of the debtor’s identification (for your review before filing): both a government issued form of photo identification and proof of social security number. These documents are mandatory and required to be uploaded before the 341 (a) Meeting of Creditors.
- Run a credit report and a judgment lien search to ensure you have complete information on creditors and potential liens (**prior to filing**).
- Specifically inquire about prior cases and run U.S. PACER Query to confirm. **Review prior cases for bar orders** (**prior to filing**).
- Verify that all tax returns have been filed (**prior to filing**).
- Obtain proof of insurance as required.
- Provide to the Trustee’s Office, debtor(s)’ email address and phone number to assist with case processing. Encourage the Debtor to register with the National Data Center (www.NDC.org). QR code for assistance in registration is available on our website: www.ph13trustee.com
- Encourage debtor(s) to make plan payments to the Trustee electronically via TFS (www.TFSbillpay.com). If debtor(s) cannot make electronic payments, advise them to mail plan payments to Trustee’s lockbox (Kenneth West, Ch 13 Trustee, PO Box 1799, Memphis, TN 38101-1799). Ensure the Chapter 13 case number and debtor are included, and remind them that all payments must be made by certified check or money order.

- Obtain from debtor, all documents required by the Trustee prior to the 341(a) Meeting and timely file on the docket or submit them to the Trustee's office (Via Upload to www.bkdocs.us).

Mandatory Doc(s) must be submitted at least 7 days prior to the 341 date. **Additional Doc(s)** must be submitted no later than 14 days after the 341 date.

§341(a) Mandatory Documents (1) **Statements, Schedules and Plan** (*remember the plan must be properly served and a certificate of service docketed*), ***filed on the docket***. (2) copy of most recent tax **Federal tax return** (or an Affidavit of No Tax Returns) including any attachments, or a transcript of the return, ***uploaded***, (3) **Acceptable Photo ID & Social Security Number Documents** ***uploaded***, (4) **Pay advices** (or an Affidavit of no Pay Advices) ***filed on the docket*** and for self-employed debtors, and (5) Completed **Business Questionnaire** and copies of tax returns for the past 2 years ***uploaded***.

THE 341 HEARING WILL NOT BE HELD IF THE MANDATORY DOCUMENTS ARE NOT SUBMITTED PRIOR TO THE 7 DAY DEADLINE at 10:00 a.m.

The Trustee's preference is to have all documents (Via Upload to www.bkdocs.us) at least 7 days prior to the 341 hearing. However, the below documents, that are required to process the case must be submitted at **least fourteen (14) days** after the meeting of creditors.

§341(a)/Confirmation/Additional Documents

- Evidence of current income, such as most recent pay stubs.....;
- Statements for each depository and investment account, including checking, savings, and money market accounts, mutual funds and brokerage accounts for the time period that includes the filing of the petition
- Documentation *[if requested]* of certain expenses
- Fair market value evidence for all real property and vehicles
- Proof of all mortgages or liens against real estate and car loan balances; and
- Proof of insurance for all real property owned (ONLY if the property is a rental or if the case has been classified as a business case)

Non-Business Debtor(s):

- If there is a Domestic Support Obligation, provide recipient(s)' name, current address (es), and case number(s);
- Property Valuation (Comparative Market Analysis, Broker's Price Opinion (BPO), Appraisal, Zillow, Redfin, Bank of America, Kelly Blue Book, NADA,..... on all property owned by Debtor(s), along with payoff statements for all liens on each property;
- All information on any pending lawsuit(s) (including, but not limited to, attorney's name, nature of lawsuit, and the current status of the lawsuit); and
- HUD-1 for property sold within the two (2) years pre-petition or transferred within the six (6) years pre-petition.

- Upon receiving the 341(a) Meeting of Creditor scheduling, test remote procedures with your clients to ensure their technical capability to conduct the hearing remotely. Notify Trustee's Office of any inability to conduct the 341(a) Meeting of Creditors remotely.
- Provide the debtor with copies of the signed petition, statements, schedules and plan **and review these documents with the Debtor just prior to the 341 meeting.**

- Instruct the client to have the petition, schedules statements and plan with them at the time of the 341 hearing.
- Instruct the Debtor to read the (1) *Zoom 341 Meeting General Announcement*, (2) the sample 341(a) questions to reduce anxiety prior to that meeting, and encourage the Debtor to visit the updated UST Program's website and watch the 341-related videos – the link can be found on our website under 341(a), 341 Meeting Prep.
- Verify that all tax returns have been filed.
- If the Chapter 13 Plan contains a cram down or motions, proper service to those affected creditors must be served in accordance with the Rules and a Certification of Service must be filed with the Court.
- Advise client regarding the Certification in Support of Discharge and Completion of Financial Mgmt. Course.
- Verify the clients pay schedule and properly calculate monthly income based upon payment frequency.
- Advise client to review the Trustee Annual Reports and Trustee's Report of Receipts and Disbursements.
- Debtor's counsel should review the case report and NDC records periodically to ***ensure that creditors are being paid as expected. If amended Proof of Claims (POCs) are filed after confirmation (unsecured or not), the claim should reviewed as to its impact on the existing plan. Alert our office immediately if there are any errors or concerns.***
- Inform client of the information available on the Trustee's website: www.ph13trustee.com
- If the debtor owns real estate, advise them in writing that the property cannot be sold, refinanced or (mortgage) modified, without notice to the Trustee and/or court approval of the sale.
- Advise debtor of the consequences of not doing certain things. Do not just tell them just to pay their mortgage, rather, advise them of what will happen if they fail to pay their mortgage. Suggest that they keep a separate file of all payments to the Trustee as well as post-petition payments to secured creditors.
- Advise debtor to inform you of any inability to make required payments or substantial changes in financial position.
- Review Court Claims Register immediately upon the expiration of applicable Bar Dates. Object to claims if necessary, and file proof of claims for any creditors, that must be paid under the plan, within the 30 day period provided for under the Rules.
- File/Docket the **Pre-confirmation Certification** when, in your opinion, plan is ready to confirm.
- Review the Trustee's Matters Calendar www.bkdocs.us/pub/calendar/ **frequently** for updates as to case status (both pre and post hearing dispositions).
- Review the case report periodically to ***ensure creditors are being paid as expected.***
- Prior to close of the case: Ensure that the **Financial Management Course** and **Chapter 13 Debtor's Certification Regarding Domestic Support Obligations** are completed and properly docketed.
- ***Communicate – early and often - preferably via email – about your cases.*** To improve our efficiency and communication we encourage earlier communication and request that any contact for the weekly list be made at least 48 (business) hours before the list's date/time. If we receive such a timely request, will commit to replying no later than noon on the (business) day before the hearing. If a timely request is made and we fail to reply as agreed, please notify the **Trustee**. If a timely request is not made, and you receive no reply from us, then you should appear at the hearing.