

Mark Harring

Standing Chapter 12 & 13 Trustee

Mail CORRESPONDENCE to:

131 W Wilson St. Ste 1000
Madison, WI 53703-3260
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Website: <http://www.ch13wdw.org>

Mail Chapter 13 PAYMENTS to :

Please write case # on all payments
Office of Chapter 13 Trustee
PO Box 8825
Carol Stream, IL 60197-8825
Email: info@ch13wdw.org

Chapter 13 Plan Introduction Letter

1. Introduction

You have just filed a Chapter 13 Bankruptcy. The following information is provided to introduce you to some of the important concepts and provide information about common questions that arise in Chapter 13 Bankruptcy.

2. Your Case Number

XX-XXXXX

When your Chapter 13 Bankruptcy was filed, the Clerk assigned it the above listed case number. Your case number must be on all payments and correspondence mailed in connection with your case. If you call our office in connection with your case, please have this number available.

3. Plan Payments

Plan payments will be made through a payroll deduction at your place of employment and only in unusual circumstances will the Court allow plan payments to be made by you directly instead of an employer payroll deduction. If you are allowed to make a plan payment personally, it must be by money order, cashier's check, or automated payments set up through <https://www.tfsbillpay.com> TFS Bill pay is an online option that allows you to set up payments to be pulled from your bank account and made directly to our office. There is a five day waiting period in the posting of the payment, so please allow enough time for the payments to post on your account by the Plan payment due date. TFS does charge a small fee for the service, but can be comparable to the cost of money orders or cashier's checks. You will need your case number, district and payment information to set up the payments. All questions regarding this service should be directed to TFS through their website or by calling 888-PAY-CH13.

You must include your name, address and case number. **DO NOT SEND PERSONAL CHECKS.** Personal checks will not be processed by our bank and will be returned to you voided.

As soon as your plan is filed, an Employer Wage Order will be sent. However, the law requires that your first payment be made within 30 days of filing your Chapter 13 Petition; or in converted cases, 30 days from the filing date of a plan or the date converted, whichever comes first. A wage order will be sent to your employer and your **first payment must be received within 30 days**. You should be prepared to make the first monthly plan payment yourself. In most cases this means the first payment is due before your chapter 13 meeting of creditors hearing date. We have included payment coupons with this letter for you to use in the event your employer will not be able to make the first payment by the above due date. Any payments sent by you should be made payable to **Mark Harring, Standing Chapter 13 Trustee** and sent to the payment address above .

Save all receipts from all payments that you send or your paycheck stubs (if the payments are being deducted). If there is any discrepancy in the future, you will have a record of your payments and there will be a method to trace them.

4. Your Attorney

The scope of your attorney's representation will be governed by whatever agreement the two of you have made. Make sure that you discuss whether additional legal services, which may be required during your plan, will be at an additional cost to you. Your attorney will be your resource for any individual concerns, legal rights, or specific questions about your particular situation. The Trustee's office will attempt to assist you with your plan but **the Trustee's office is prohibited by law from giving you legal advice**.

5. Creditors

The filing of a Chapter 13 imposes a stay upon your creditors from collecting from you directly. If any creditor attempts to contact you directly, inform them that you have filed a Chapter 13 Bankruptcy and refer them to your attorney.

All creditors must file a proof of claim with the Bankruptcy Clerk in order to receive distributions from your Chapter 13 plan. Unless a claim is properly objected to, the amount on the claim will be paid. If you find a creditor that you forgot to include in your Bankruptcy, contact your attorney immediately. If you disagree with the amount claimed, you must notify your attorney and an objection must be filed with the court.

6. Change of Address

If your **address changes** you **must notify in writing**;

the **Trustee**:
Mark Harring Standing Trustee
131 W Wilson St. Ste 1000
Madison, WI 53703-3260

your **attorney**

and the Bankruptcy Clerk
US Bankruptcy Court Clerk
120 N. Henry Street Room 340
Madison, WI 53703

7. Encountering Problems/Unforeseen Events

Unexpected situations such as illness, loss of wages or unexpected expenses can affect your ability to comply with your plan. If you experience a problem making your plan payments, you must contact your attorney immediately. It may be possible for your attorney to make adjustments to your plan. It is important to remember that the Trustee's office has no authority to allow you to miss a payment or to let you pay less than what your plan provides. An order confirming your plan binds you to make all required payments. If you simply stop making payments, the Trustee will seek dismissal of your case.

8. Unforeseen Events / Income Increase

If you experience an increase in income – new job, inheritance, win the lottery, insurance settlement, etc., you must contact our office with the information. We also recommend you contact your attorney.

9. Sale of Property

If you wish to sell your home or any other property, contact your attorney.

10. Obtaining New Credit

The Trustee must review and approve any request for additional credit for a general loan, to purchase a vehicle, to refinance real estate or to purchase real estate. If you wish to do so, contact your attorney. If there is a situation in which you need to incur additional credit, which is necessary for your performance under the plan, contact the Trustee's office to obtain a credit approval form.

11. Direct Payments to Creditors

In addition to your Chapter 13 payments to the trustee, your plan may provide for you to make payments directly to a creditor (such as a current mortgage payment). These payments must be paid directly to the creditor as they come due. **It is important that you keep receipts for all direct payments you make.**

12. Property Insurance

The agreements that you have with your secured creditors (such as for a home or a car) require you to maintain full coverage insurance for that property. If you fail to maintain insurance, that creditor may be able to take that property away from you.

13. Motions to Dismiss

If you fail to make timely payments under your plan or other substantial problems arise, the Trustee will seek dismissal of your case. If your case is dismissed, your creditors will be able to pursue you directly for payment of your debts. If you receive a motion to dismiss from our office, contact your attorney immediately to discuss the situation.

14. Summary of Your Case

The trustee will periodically send you a summary of your case. The summary will reflect the payments that you have sent in, the amounts that your creditors are claiming, and how much they have received. Please review the summary carefully for any discrepancies.

15. Domestic Support Obligations

If you have ongoing child support and/or maintenance payment obligations, you must stay current on those obligations. You must provide certification that you have made support payments due from the date your Chapter 13 is filed up to the time your case is confirmed. Also you will need to provide certification that you are current with your support obligations at the time plan payments are completed. This second certification must be obtained from the State Child Support Agency. Please contact your attorney for additional information regarding these two certifications.

16. Debtor Education

You must complete an instructional course in personal financial management in order to receive a discharge under Chapter 13 (11 U.S.C. § 1328). Pursuant to Rule 1007(b)(7) you must file a statement regarding completion of a course in personal financial management as described in 11 U.S.C. § 111. A certificate of completion from the provider will satisfy this requirement. **Contact your attorney regarding this matter.**

17. Discharge

Once you have completed the payments under your plan, the Trustee's office will begin to close your case. A completion letter will be issued to you, your employer and the court advising that your case has been completed and no further payments are required. Upon receiving this, the bankruptcy court will issue discharge papers if you are eligible.

The Trustee will not obtain a release of title to any secured property paid through the plan. If the creditor does not send it to you directly, you may need to personally contact them.

18. Submitting Documents to Trustee

Our office is a paperless office and any tax returns or other documentation you forward to the Trustee should be in .pdf form by e-mail to info@ch13wdw.org. Also, if you file a document in Court, it'll be electronically sent to us by the Court, so don't forward a copy to our office.

19. Government Policy regarding Bankruptcy

Information that you disclosed in your petitions and schedules may be disclosed to the general public. Consistent with the current law, all information may be disclosed to parties in interest, law enforcement and other governmental entities. Our office will attempt to provide you reasonable access to the information about you maintained by private entities. Further, in instances where your information is used to facilitate decisions, you will have the right to request correction of that information.

20. Web access to your case information

The trustee keeps a web site with general bankruptcy information along with current information about your case at www.ch13wdw.org. Additionally your case information is listed nationally at www.ndc.org. You can monitor your case and progress on either site.