

# WESTERN DISTRICT PRACTICE POINTERS

08-19-2021

## CLAIMS:

A claim must be timely in order to receive payments. Rule 3004 permits the debtor (or their attorney) to file a claim for a creditor within 30 days after the bar date elapses.

The Plan determines the amount, interest rate, and other terms for secured non-governmental claims. If a secured claim amount is lower than the plan, the trustee will pay the claim amount but look to the plan for other details. You will see the filed amount or claim amount on the NDC website, however, you will need to use the 'balance due' or 'principal owed' to verify the amount that will be paid.

For secured-government debt, priority debt, and unsecured claims we will continue to pay based on the claim.

## PAYMENTS:

The local plan requires employer wage orders if the debtor is employed. Payments generally take 5-7 business days to post when mailing them to our bank lockbox in Chicago, IL. Please do not mail payments 'Priority' as it does not expedite the process.

If the debtor is not employed and wishes to pay online, [tfsbillpay.com](http://tfsbillpay.com) can be used. TFS holds payments for 5 business days.

## PLAN:

You must use the local plan as well as the Request to Amend or Request to Modify. All three documents can be found on the US Bankruptcy Court website under the forms tab. Any request to Amend or Modify must include the revised plan (using the new local form).

Please use 7% (divide by 0.93) as our fee % when calculating plan amounts.

The first plan payment is due 30 days after the petition is filed. The code requires the debtor to remain in the plan for a full 36 months (below median) or 60 months (above median), unless 100% of creditors have been paid. That clock starts ticking with the 1st payment due date.

See the Trustee Plan Tip sheet for other information.

## 341 MEETING:

Debtors must appear by Video with a government issued photo ID (driver's license, Military ID card, passport) & proof of social security number (social security card, W-2, 1099, etc.) If these documents are not presented both at and before the 341 Meeting, the Meeting may be adjourned until both documents can be verified simultaneously. See the AttyFAQ and 341 Meetings pages on the trustee's web site for additional information.

Complete filed tax returns (Federal & State) for the debtor's most recent tax year and above described ID's must be provided to the Trustee at least 10 days prior to the 341 Meeting or the Trustee may adjourn the Meeting pursuant to 11 USC § 521 & § 1308.

An Amended Fee Disclosure must be filed if substitute counsel appears at the 341 Meeting whether additional compensation is paid or not.