

OFFICE OF THE TRUSTEE

CHAPTER 13

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AUGUSTA STANDING TRUSTEE

You are here today for a Chapter 13 First Meeting of Creditors, also called a 341 Meeting.

Chapter 13 is a part of the United States Bankruptcy Code. It is a way for you to take charge of your personal financial situation, to repay your creditors in an orderly fashion without the loss of any of your property and without creditor collection pressure. What makes it work is your payments into the Trustee's Office for the benefit of your creditors. At the time you filed your petition, you filed a proposed repayment plan which assigns a portion of your earnings to the Trustee for the benefit of your creditors. Based on that wage assignment, we will send a Salary Deduction Order to your employer ordering them to withhold that amount of money from your earnings and to send it directly to the Trustee's Office. Until those deductions begin, it is your responsibility to make the payments to the Trustee's Office. The law requires those payments to begin within 30 days of the date your case was filed. We do not accept cash or personal checks so you must get a cashier's check, a postal money order, a bank money order or some other form of certified payment to pay to the Trustee's Office. You should save all of your receipts and bring them with you to court.

If you suffer any interruption of employment, it is still your responsibility to make the payments to the Trustee's Office. If your case becomes delinquent, we will file a Motion to Dismiss. That motion will be served on you by mail. If you receive a Motion to Dismiss from our office and you want to save your case, first contact your attorney to see what steps are available to you to avoid dismissal.

It is important for you to notify our office if your address changes during the pendency of the case. All notices, such as the Motion to Dismiss and annual statements showing the amount of money that has been received in your case and the amount of money disbursed to your creditors, will be forwarded to the address listed in our records.

If you change employers, you should give us the name and address of the new employer so that a new Salary Deduction Order can be issued.

When you send in payments, be sure to put your name and your case number on the money order. This will assist us in posting the money into the correct case. Also, if you call or write, please give us your case number. Your case number is on the notice that you received which instructed you to be here today.

You have been given a blue booklet which contains general information about the operation of the Chapter 13 program. As questions occur to you during your case, first refer to the blue book. If you are unable to find the answer, call your attorney or our office. The address to which you should send payments or any letters about your case is in the booklet. Please note that there are two different addresses. Payments should be sent to Office of the Chapter 13 Trustee – Augusta, P.O. Box 102173, Atlanta, Georgia, 30368-2173. Letters and correspondence should be sent to Office of the Chapter 13 Trustee, P.O. Box 2127, Augusta, Georgia, 30903.

The phone number where you can reach us with questions is in the booklet. We have an 800 number so that you may call us without long distance charges if you live beyond the Augusta area. I suggest that you write your case number on the blue book. Keep it where you can find it and you will have all of the information together when you need it.

You have also been given a Domestic Support Obligation Questionnaire. Please fill it out completely and accurately, sign it, enter your Social Security number, and give that to me when you come up to the table.

You must come back for a confirmation hearing (the date and time is on the notice you received to be here today). At that time, the Court will consider your plan and make a determination that it is feasible, that you can do it, that it is fair to you and your family, and that it is fair to your creditors. You must be present at that hearing.

The United States District Court has imposed a dress code for appearances in Federal Court in the Southern District of Georgia, which requires men to wear trousers, a dress shirt (with collar), and shoes; ladies are to wear dresses, pants or skirts with blouses, and shoes. If you are inappropriately dressed in the opinion of the court's security officers, you will not be allowed into the court room; your case will be put at the end of the docket and you will stay longer than otherwise would be required. That dress code applies to all appearances before the Bankruptcy Court.

The Bankruptcy Judges for this District have ruled that failure to file a required income tax return may be considered evidence of a bad faith bankruptcy filing and may warrant the dismissal of your case. If you have unfiled tax returns for any year, I suggest that you immediately consult with your attorney to either file your returns or convince the taxing authorities that you are exempt from filing for that period.

At the time you filed your petition, schedules were attached to the petition listing all of your debts, all of your creditors, and all of your assets. You signed those schedules under oath and under penalty of perjury. It is necessary that your petition and schedules be complete and correct at the time you filed, at the time of this meeting, and at the time of your confirmation hearing. If additional debts, additional creditors, or additional assets have occurred to you since you filed your case, you should let me know about that fact today. If additional assets or creditors occur to you after this meeting, you should take steps to see that your schedules are amended. Unless you tell me to the contrary, I will assume that the petition and schedules are complete and correct as filed.

As previously explained, you are protected from creditor collection pressure until your case is dismissed or discharged. In exchange for that protection, you are prohibited from changing your financial position. That is, you cannot create any new debt or sell any of your assets without the Court's permission. You cannot borrow money from banks, finance companies, family members, or anyone else. You cannot sell any real or personal property belonging to you without permission of the Bankruptcy Court. If you feel it is necessary to enter into a credit transaction for emergency medical procedures, car repairs, or some other emergency, you must first seek the Court's approval. You should contact your attorney and discuss the matter with him. He will advise you on whether or not he feels that you will be able to get approval. If he feels that it is possible, he will assist you in getting the credit transaction or the sale of property approved.