

*He looks the whole world in the face for he owes not any man.*  
 ~Henry Wadsworth Longfellow

# **HOW TO BE SUCCESSFUL IN YOUR CHAPTER 13 BANKRUPTCY**

**Huon Le, Chapter 13 Trustee-Augusta**



<b>Your Name:</b>
<b>Your Case Number:</b>
<b>Attorney Name:</b>
<b>Attorney Phone Number:</b>

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**IMPORTANT INFORMATION**

**Website: [www.chp13aug.org](http://www.chp13aug.org)**

<b>PAYMENT ADDRESS</b>	
<p><b>Chapter 13 Trustee-Augusta            P.O. Box 102173            Atlanta, GA 30368-2173</b></p>	
	
<p><b>**Note that this is an ATLANTA address.            Payments are ONLY accepted at this            address.**</b></p>	

<b>OTHER ADDRESSES</b>	
<b>Office Address</b>	<b>Correspondence Mailing Address</b>
570 James Brown Blvd. Augusta, GA 30901	P.O. Box 2127 Augusta, GA 30903
<b>***Payments are NOT accepted here.***</b>	

<b>CONTACT INFORMATION</b>	
<b>Phone</b>	<b>E-mail</b>
(706) 724-1039	<a href="mailto:support@chp13aug.org">support@chp13aug.org</a>

- **WEBSITE: [chp13aug.org](http://chp13aug.org)**

- **ePay**- The Online Payment System ePay is an approved alternative to the use of cashier's checks and money orders. This is an online payment system, which allows you to make payments online using your checking or savings account. It is a verifiable, trustworthy, and more convenient payment method.

ePay allows you the ability to authorize payments at your convenience, 24 hours per day, 7 days per week. You can maintain control of the payment transaction until the processing date cutoff and can edit or delete any transaction until 5:00 p.m. ET on the payment date. Previous payments made through ePay can be viewed for up to two (2) years.

In order to use this payment system, you must have an *internet connection*, a *Checking or Savings Account*, and a *valid current e-mail address*. In addition, you must know your *Case Number* and *last four digits of your Social Security number*.

- **NATIONAL DATA CENTER (NDC)**

- You can view information about your Chapter 13 case for FREE through the National Data Center at [www.13datacenter.com](http://www.13datacenter.com). Only Parties of interest can see this information. If you think that your information on this site is not correct, contact the NDC. You will receive a written response within thirty (30) days.





## CHAPTER 1: GETTING STARTED

This booklet will give you many of the answers you need to have a successful bankruptcy. Throughout this book, if you see a word in *bold italics*, this means that a definition for that word can be found in Chapter 9: Definitions. Remember, it is always a good idea to talk to your lawyer if you have any questions about your case.

Chapter 13 is a part of the U.S. Bankruptcy Code. It gives people with steady income a way to get back on their feet financially. Often, Chapter 13 allows you to keep your property, such as a house or a car. You may also be able to change certain contract payments and interest rates, or get rid of late charges and penalties. Your bankruptcy attorney will be able to tell you more about your options.

During your case you must attend several meetings and hearings. You will receive notice of these hearings in advance. Please keep in mind that there is a dress code for these meetings and hearings (See Chapter 7: Frequently Asked Questions).

During your case you will make monthly payments to the bankruptcy Trustee who will distribute the money to your creditors. Your case will only work if you make your monthly payments. Your first payment is due 30 days after you file your case and a payment is due each month thereafter. If you miss a payment or are late with a payment, the Trustee will file a *Motion to Dismiss*. Once a Motion to Dismiss is filed, your case will automatically be dismissed unless you (or your attorney) request a hearing. The easiest way to avoid this is not to fall behind in the first place.

During your case, there are certain things you are not allowed to do without first getting permission from the Court or the Trustee. For details, please read Chapter 4: When to Get Court Approval. In a nutshell, you need to get permission from the Court or the Trustee before taking on any new debt or selling your property. Taking on new debt includes making a credit card purchase, refinancing a mortgage, modifying a mortgage, purchasing a car, incurring student loan debt and more. If you are not sure if something counts as taking on new debt, ask your attorney.



During your case, you need to let your attorney, the Court, and the Trustee know about any changes to your personal information or financial situation. For details, see Chapter 3: Your Other Responsibilities. Examples of changes you need to let us know about are a change of address, job change or loss, and more. This information must be in writing.

By filing your Chapter 13 case you have taken the first step towards a better financial future. If you have any legal questions during your case, speak to your attorney. Please feel free to contact our office if you have any non-legal, administrative questions. Good luck!



## **CHAPTER 2:** **YOUR MONTHLY PAYMENTS**

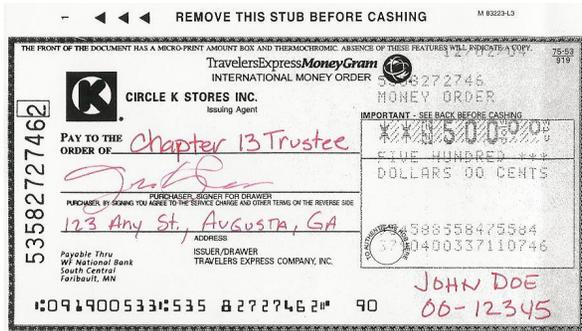
Your Chapter 13 case will only work if you make your monthly payments. Your first payment is due 30 days after you file your case. If you have a job, the Trustee will issue a *Notice to Commence Wage Withholding* to your employer. This means that your payments will be sent straight from your employer to the Trustee. Even if a Wage Withholding is in place, it is your responsibility to make sure payments are being made. If you see that your payments are not being deducted from your paycheck, talk to your attorney or employer. You may need to send in a payment yourself until the issue is resolved.

If you change jobs, you need to let us know so that we can send out a new Notice to Commence Wage Withholding. Remember, you're responsible for sending in your payments until your employer begins to withhold the bankruptcy payment from your paycheck. If you lose your job, you are still responsible for making your payments. In this case, you will need to make your payments directly to the Trustee.

If you are not working or are self employed, you may get permission to **Pay Direct**. See your attorney to make this request. This means that you send in your payments yourself. Cash, personal checks, and credit cards are not accepted—payments must be made by a money order, cashier’s check or through ePay. Payments must also include your full name and case number and should be made out to “CHAPTER 13 TRUSTEE-AUGUSTA”. Make sure to save your receipts, just in case you need to trace or reissue the payment.

If you do not make your payments or are late with a payment, a **Motion to Dismiss** will be filed. You (or your attorney) must ask for a **hearing** on the motion within 21 days or your case will automatically be dismissed. If your case is dismissed, you will no longer be under the protection of the Bankruptcy Court and the creditors will be allowed to pursue their legal remedies against you.

**EXAMPLE:**



Always print your name and your case number.

No payments are accepted in our Augusta office—all payments must be sent to the following address:

**Chapter 13 Trustee-Augusta**  
**P.O. Box 102173**  
**Atlanta, GA 30368-2173**





### **CHAPTER 3:** **YOUR OTHER RESPONSIBILITIES**

Besides making your monthly payments, you have several other responsibilities during your case. Some of your main responsibilities are listed below. Keep in mind that you may have other responsibilities depending on your case. No two cases are alike. Always talk to your attorney if you have any questions about what your responsibilities are during your case.

- **TAXES:**

- All federal and state income tax returns must be filed for the past 4 years or your case cannot be ***confirmed***. You must also show the Trustee your tax return for the previous year or your case cannot be confirmed. This usually happens at the ***341 Meeting***. Let your attorney know if you have not filed tax returns. Talk to your attorney if you have any questions.

- **OPERATING REPORTS:**

- If you are self-employed, you are required to provide the Trustee's office monthly ***Operating Reports***. The Operating Report form can be found on our website under "Forms" and should be mailed to P. O. Box 2127, Augusta, GA 30903. DO NOT send to the payment address in Atlanta. If you do not send in your Operating Report each month, the Trustee may file a ***Motion to Dismiss*** in your case.

- **INSURANCE**

- During your case you must keep insurance on the property that is collateral for your creditors. If you fail to do so, your creditors may file a ***Motion for Relief from Automatic Stay***.

- **INFORMING THE COURT AND TRUSTEE**

- During your case, it is very important to let the Court and Trustee know about any changes to your personal information or financial situation. Some examples include:
  - changing your name,
  - changing jobs,
  - moving,
  - winning the lottery,
  - getting gambling winnings,
  - getting an inheritance,
  - winning a lawsuit,
  - getting money from an insurance claim

- getting money from personal injury or class action settlement,
- and many more.

You also need to inform the Court and Trustee if your car is in an accident and you are going to get insurance money. When in doubt, talk to your attorney.



- **PHOTO ID AND SOCIAL SECURITY CARD**

- Your case can only be confirmed if the Trustee has seen an original, non-expired government-issued photo ID and a government-issued card displaying your social security number. This normally happens at the **341 Meeting**. If you are missing either of these items, let your attorney know right away. You may request a replacement social security card at the Social Security Administration.
- The Social Security Administration address in Dublin is: 919 Hillcrest Parkway, Dublin, GA 31021. The telephone number is 888-655-6438.
- The Social Security Administration address in Augusta is 115 Robert C. Daniel Parkway, Augusta, GA 30909. The telephone number is 877-616-2523.



- **CREDIT COUNSELING**

- You must receive *credit counseling* from an approved *credit counseling agency* within 180 days before filing your case or your case will not be confirmed. At the end of your case, you must receive additional debtor education in order to get your discharge. Official Form 23, Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management must be filed with the Court.

- **DOMESTIC SUPPORT OBLIGATIONS (DSOs)**

- Your case can only be confirmed if you provide the Trustee with a *Domestic Support Obligation Questionnaire (DSO)*, which states whether you owe child support or alimony, and whether you are current in your payments. At the end of your case, you must complete and submit a certificate regarding domestic support obligation verifying that you have stayed current with your child support and/or alimony during your case in order to get a discharge.



## **CHAPTER 4:** **WHEN TO GET COURT APPROVAL**

- **Getting Credit:** During your case, you are not allowed to use credit without permission from the Court or the Trustee. Examples of using credit are using a credit card or charge card, getting a loan, and modifying or renewing a loan you already have. If you do not get permission, your case may get dismissed by the Court. Talk to your attorney if you have any questions.

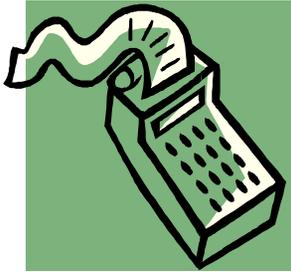
### **Some Examples of Using Credit are:**

- **Credit Cards:** You may not use credit cards or charge cards during your case.
- **Tax Refund Loans:** Getting a tax refund loan is not allowed during your case.
- **Refinancing, Modifying, or Consolidating:** Refinancing or modifying an existing loan to reduce the monthly payments or agreeing to a new loan to consolidate debt counts as using credit.

You must get permission from the Court or the Trustee before doing this.

- **Borrowing money from friends,** family, banks, and finance companies is not allowed without permission from the Court or the Trustee.
- **Buying a vehicle:** Financing the purchase of a vehicle is not allowed without permission from the Court or the Trustee.
- **Buying a home or real estate** is not allowed without permission from the Court or Trustee.
- **Emergencies:** If you have a true financial emergency and feel that you need to get credit, talk to your attorney.
- **Selling Property:** You are not allowed to sell, give away, or otherwise transfer any property without Court permission. If you want to sell your property, talk to your attorney, who will file the proper motion with the Court.





## **CHAPTER 5:** **CREDITORS AND CREDITOR CLAIMS**

When you file your Chapter 13 case, the Court sends a notice that lets all of the creditors you listed in your case know that you have filed for bankruptcy protection.

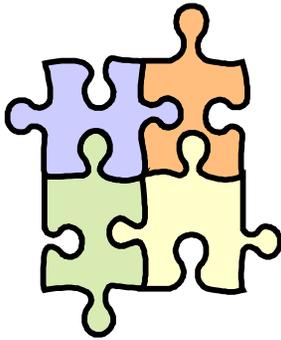
Most creditors have 90 days from your 341 Meeting to file a *claim* in your case. Government creditors have extra time—they have 180 days from the time your petition was filed to file a claim. These deadlines are called the *bar date* because they are not allowed if filed after this date. If your attorney feels that a claim should be paid even though it was not filed by the deadline, your attorney may decide to file a *Motion to Allow a Late Claim*. Talk to your attorney if you have any questions about the claims in your case.

There are many different types of claims which are treated differently in your case. Two basic types of claims are *secured claims* and *unsecured claims*. Secured claims are claims that result when you pledge—

or promise—property in order to get a loan, or take out a loan in order to buy a specific piece of property. The property that is connected to a secured claim is called *collateral*. Some common examples of secured claims are car loans and mortgages. Unsecured claims are claims without collateral. Common examples of unsecured claims are credit card debt and student loans. Another type of claim is a *Priority Claim*, which has special status. Some common examples of priority claims are recent-year tax claims, child support and alimony.

Once your case is *confirmed*, the Trustee will start paying your creditors according to the terms of your plan. Only creditors who have filed claims will get paid. Of course, we cannot send out any money if you do not make your plan payments! Talk to your attorney if you have any questions.





**CHAPTER 6:**  
**PUTTING IT ALL TOGETHER—**  
**A BASIC CHAPTER 13 TIMELINE**

No two Chapter 13 cases are alike. However, there are some basic steps that happen in almost every case. The following is a basic outline of these steps in a successfully completed bankruptcy case with a debtor who is eligible for a discharge. Talk to your attorney if you have any questions.

1. Your case is filed with the Bankruptcy Court.
2. The Court Clerk gives your case a ***Case Number***. Your case number is very important and is used by the Court and Trustee to access your case information.
3. You go to your ***Meeting of Creditors***, also called a ***341 Meeting***. This is where the Trustee and creditors ask you questions about your finances and the information provided in your bankruptcy schedules. You will be placed under oath or asked to affirm that

you will tell the truth under penalty of ***perjury***; perjury is a very serious criminal offense. The Trustee will ask to see your photo ID, Social Security card, and previous year's Federal and State tax returns. These meetings are recorded so it is important that you answer all questions clearly and out loud. Please make sure you follow the dress code when attending the 341 Meeting. (See Chapter 7: Frequently Asked Questions.)

4. Depending on your case, the Trustee and your creditors may file one or more ***Objections to Confirmation*** in your case. Your attorney will be able to explain specific objections to you.
5. A few weeks after your 341 Meeting, you will have a ***Confirmation Hearing***. Once all objections have been resolved and all other requirements have been satisfied, your case will be ***confirmed***. Please make sure you follow the dress code when attending the Confirmation Hearing. (See Chapter 7: Frequently Asked Questions.)
6. Once your case is confirmed, the Trustee's office will make monthly payments to your creditors. Payments, also called ***disbursements***, are made at the beginning of each month by the Trustee's office.
7. Once your case is confirmed and after the Government Bar date has passed, the Trustee's office will mail you a ***Trustee's Report of Confirmation***.

This report lists your confirmation date, your creditors, and the amounts of the claims that have been filed in your case. Read this carefully and if you see creditors to whom you do not owe money or a creditor that is not on the report, talk to your attorney.

8. During your case, different *motions* may be filed for various reasons. These will often be scheduled for a hearing in the courtroom. Your attorney will be able to explain specific motions to you.
9. Once a year, the Trustee's Office will send you the *Periodic Report to the Debtor*. This report includes all payments received by our office within the past twelve (12) months. It also lists each claim in your case and the amount of payments made to date on each claim. The report will also show if you are behind in your payments. You should keep this report for your records and see your attorney with any questions.
10. When you have made all your required plan payments, the Trustee's office will *audit* your case.
11. Once the audit is completed, the Trustee's office will issue a *Release of Wages*. If you have been making your payments through a *Notice to Commence Wage Withholding*, the Release of Wages tells your employer to stop withholding from your paycheck.

12. In addition, after the audit is completed, the Trustee's office will send you and the Court a *Notice of Completion of Plan Payments*. This notice states that you have completed all payments under the confirmed Chapter 13 plan.

13. After the audit is completed and all disbursement checks have cleared the bank, the Trustee's office also will send you and the Court a *Final Report*. This report summarizes all the payments received from you or your employer and all payments made on each claim in the case.
14. Once the Court receives the Trustee's Notice of Completion of Plan Payments, a *Discharge Order* is prepared showing that your case has been completed. A copy of the order will be sent to you and all your creditors. You should keep this order for your records.

15. Your case is closed. Congratulations!





## **CHAPTER 7:** **FREQUENTLY ASKED QUESTIONS**

- **How do I pay my attorney?**
  - You can either pay your attorney directly or inside your Chapter 13 case. Make sure you talk to your attorney about what services are included in his or her fee and whether certain situations may cost extra. All attorney fees must be approved by the Court.
- **How do I find out how much it will take to pay off my case?**
  - All requests for a payoff must be in writing and include your full name and case number. The Payoff Request Form is located at <http://www.chp13aug.org/forms/PayoffRequestForm.pdf>. Incomplete request forms will not be processed.
- **How much longer do I have in my case?**
  - This depends on the type of case that you filed. Unless you pay back all of your unsecured creditors in full (also called a *100% case*), your case must last at least thirty-six (36) months. Depending on your income, you may be required

to stay in your case for sixty (60) months. For more information, talk to your attorney.

- **I am paying back a creditor through my bankruptcy case. Is it ok to also pay them “on the side” so that I can pay them off sooner?**
  - No. You cannot pick and choose certain creditors to pay first. Once your plan is confirmed and set up to pay a certain creditor through the plan, that creditor may only receive money through the plan unless the Court says otherwise.
- **I lost my job and cannot make my payment this month. What should I do?**
  - If you are unable to make your monthly payment, talk to your attorney about your options. Until the Court says otherwise, you still have to make your regular monthly payments. Our office cannot make payment arrangements with you.
- **I no longer want to be in bankruptcy. What do I do?**
  - In most cases you are allowed to dismiss your case voluntarily at any time. If you dismiss your case, you will be responsible for all unpaid debts, including interest, finance charges, and late fees. If you want to dismiss your case, talk to your attorney.

- **How do I find out how much has been paid on each of my claims so far?**
  - You can get a *Status of Claims Report* at any time from the National Data Center at [www.13datacenter.com](http://www.13datacenter.com) or by calling our office. This report is a brief summary of the claims in your case and is similar to the *Trustee's Periodic Report*.
- **I filed a Chapter 13 case but am still being contacted by creditors looking for payments. What can I do?**
  - These creditors may be violating the *Automatic Stay*. Contact your attorney.
- **I have completed my case and received my Discharge Order, but I am still being contacted by my former creditors. What do I do?**
  - These creditors may be violating the *Discharge Injunction*. Contact your attorney.
- **I won the lottery! What does that mean for my case?**
  - Winning the lottery during your case is considered a *windfall*, or an unexpected improvement to your financial situation. You need to immediately tell the Court and the Trustee if you win the lottery or get any other windfall. There may be serious consequences if you do not let the Court and the Trustee know.
- **May I change my attorney?**
  - Yes, but make sure that your new attorney lets the Court and the Trustee know that you have changed your attorney. Your current attorney can withdraw from the case but must first get permission from the Court.
- **My employer is withholding money from my paycheck, but is not sending the money into the Trustee.**
  - Let your attorney know. The Trustee can also send a letter to your employer to remind them of what they are supposed to do.
- **My employer sent too much money to the Trustee. How do I get back the extra money?**
  - Talk to your attorney. He or she will need to file a *Motion for Turnover* with the Court.
- **My employer sent money to the Trustee after my case was dismissed or converted. What happens to the money?**
  - Funds received after the dismissal or conversion date will be refunded to you.
- **What does RAP mean?**
  - During your case, you may notice this abbreviation on some of your case documents. *RAP* stands for *Reduced to the Amount Paid* and means that our office will no longer be paying on a certain claim. Common reasons that we RAP a

claim are that we have heard from the creditor that no more money is owed or that the Court tells us to stop paying on a claim.

- **What do I wear to Court?**

- The dress code for Court is printed below:

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA

STATEMENT OF COURT POLICY REGARDING DRESS  
AND ATTIRE AND GUIDELINES THEREFOR

The Courthouses, Courtrooms, and grounds of the United States District Court for the Southern District of Georgia exist for the purpose of conducting the judicial business of the public in a dignified, orderly, and professional manner. Court facilities provide a locus in which judicial officers, court officers and officials, and other participants in the legal process can resolve civil and criminal disputes in an atmosphere of reverence and respect for the rule of law. This Court Policy is designed to maintain the dignity of all courthouse facilities and the integrity of the legal process taking place therein. Behavior, conditions, or attire not conducive to the dignified and orderly operation of official court business are hereby prohibited. All Court proceedings except those before the Grand Jury or otherwise sealed shall be and remain open to the public.

GENERAL ORDER

Upon the foregoing, **IT IS HEREBY ORDERED** that all persons entering the United States Courtrooms for the Southern District of Georgia shall be dressed and attired as follows:

Attorneys at Law, Jurors, and Employees of the Southern District of Georgia:

1. All male attorneys shall wear professional business attire; i.e., dress pants, coat and tie. Absent sufficient cause, the wearing of athletic type shoes or shoes without socks is not authorized.
2. All female attorneys shall wear professional business attire; i.e., dresses, skirts or pantsuits with appropriate tops and footwear. Absent sufficient cause, athletic type shoes are not authorized.
3. All male jurors are expected to wear slacks, collared shirts, coat and tie.
4. All female jurors are expected to wear business-like dresses, skirts, or pantsuits.
5. Employees of the United States District Court, United States Bankruptcy Court, and

the United States Probation Office for the Southern District of Georgia are expected to dress in a professional, business-like manner and to present themselves in a neat and well-groomed manner whenever they are on Courthouse premises.

Parties, Witnesses, Spectators, Law Enforcement, and other persons (not including persons in custody):

1. All males shall wear trousers, collared shirts, shoes, and socks. Sandals or flip flops are not permitted. Jeans or other denim clothing are not permitted. No clothing shall be worn that reveals undergarments. Hats or headgear worn as apparel or accessory shall be removed and shall remain removed while the individual remains in the building. Sunglasses shall be removed.
2. All females shall wear slacks, dresses, or skirts no more than two inches above the knee in length and appropriate footwear. Sweaters, jackets, and shirts must have at least quarter-length sleeves and have a business-like appearance. Shirts and blouses shall not reveal any undergarments or a bare mid-section. Jeans or other denim clothing are not permitted. Headgear of any kind shall be removed and shall remain removed while the individual remains in the building. However, tasteful formal hats, scarves, or shawls may be worn unless likely to obstruct the vision of others. Sunglasses shall be removed.
3. Any member of the Armed Services of the United States whose presence within any courthouse is necessary or desirable may wear a uniform approved by the command and consonant with the needs of the service. The same shall apply to law enforcement personnel whose presence is necessary. Sunglasses shall be removed.

**IT IS FURTHER ORDERED** that all persons entering the United States Courthouses for the Southern District of Georgia shall adhere to the following general guidelines and prohibitions with regards to appearance and attire:

1. Bare feet, shorts, sleeveless shirts, tank tops, undershirts, or any arrangement of clothing which reveals undergarments or a bare mid-section are prohibited.
2. Clothing or body parts that are dirty, malodorous, greasy, potentially injurious, offensive, or which otherwise adversely affect the orderly conduct of business are not permitted.
3. Pickets, signs, or any clothing which attempts to display any message relating to any pending case or class of cases are prohibited.
4. All clothing, accessories, or tattoos which display writing, script, or images of a profane, sexual, blasphemous, offensive, or infamous nature must be concealed.

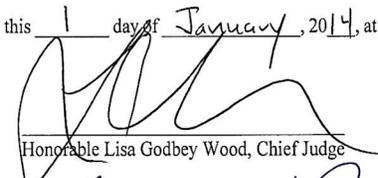
5. The use of chewing gum, toothpicks, and tobacco products is prohibited inside a courthouse.
6. Packs, bags, boxes, suitcases, or other containers containing clothing, bedding, or other such belongings are not permitted; provided, however, that attorneys at law, jurors, witnesses, and others whose presence for court proceedings requires overnight travel may enter with such items, and after inspection, leave such items in an appropriate place provided by Court Security Officers.
7. Weapons, cameras, computers, tablets, and communications and/or electronic devices (such as pagers, cellular telephones, PDAs, recording devices, and computers) are not permitted without prior court approval.

Persons who are incapable of complying with said Order because of religious reasons, indigence, or some mental or physical impairment may be granted an exemption from this Policy upon a satisfactory showing to a presiding judicial officer. Should the United States Attorney or a lead Court Security Officer deem it appropriate to relax any standard herein within the confines of areas of his control, reasonable accommodations may be made for good cause shown.

This Order shall be served upon the United States Marshal and filed in the minutes of each division of the United States Clerk's Office for this District.

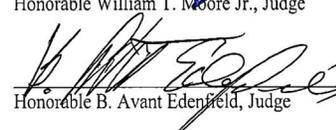
SO ORDERED this 1 day of January, 2014, at Savannah,

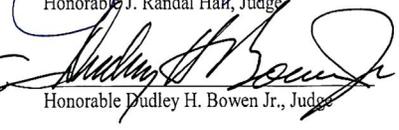
Georgia

  
Honorable Lisa Godbey Wood, Chief Judge

  
Honorable William T. Moore Jr., Judge

  
Honorable J. Randal Hall, Judge

  
Honorable B. Avant Edenfield, Judge

  
Honorable Dudley H. Bowen Jr., Judge

- **What is the difference between discharged and dismissed?**
  - *Discharged* is when you have successfully completed your case. *Dismissed* is when your case is closed prior to discharge at any time.
- **When is my first payment due?**
  - Your first payment is due one month from the date you file your case.
- **When will I get the title to my motor vehicle?**
  - Our office does not hold the title to your car. Once your case has completed, contact your attorney for more information.
- **When will my creditors start getting paid?**
  - Creditors that are allowed *adequate protection payments* will get paid after their claim is filed. Other creditors' claims will not be paid until *court costs* have been paid and your case is confirmed. After that, funds are disbursed to your creditors on the first week of each month.
- **Will my case be reported to the credit bureaus?**
  - Our office does not report your case to the credit bureaus. However, this is public information and creditors may get this information directly from the court. Talk to your attorney for more information. The Trustee has no control over your credit rating.

Each credit bureau looks at your past and present credit practices and rates you according to their standards. It is common for Chapter 13 Bankruptcy to stay on your record for seven to ten years. You may wish to contact the credit bureau to determine the length of time your bankruptcy will be reported.



## CHAPTER 8: CONCLUSION

Completing a Chapter 13 plan is not easy, but it is worth it. We wish you the best of luck in your new start towards financial responsibility and successful money management.



## **CHAPTER 9:** **DEFINITIONS**

- **Adequate Protection Payments:** Payments that certain creditors are entitled to receive before your case is confirmed, depending on what your bankruptcy plan says.
- **Audit:** From time to time throughout your case, the Trustee will do a detailed review of your case to make sure everything is set up properly. This is called an audit.
- **Automatic Stay:** Filing for bankruptcy automatically stays—or stops—your creditors from trying to collect on your debts. The automatic stay also protects cosigners and guarantors. Depending on whether you have filed for bankruptcy before, certain creditors may not be stayed—talk to your attorney if you have any questions.
- **Bankruptcy Code:** The law that applies to bankruptcy cases.
- **Bar date:** This is the deadline for creditors to file claims in your case. Most creditors have ninety (90)

days after the first scheduled 341 Meeting date to file a claim. Government creditors have 180 days.

- **Case number:** This is the number that the Court assigns to your case when you file. It is unique to your case. It is important to keep this number handy when calling the Trustee's office because it will allow us to look up your case.
- **Claim:** A claim is something that a creditor files in your case to show that you owe that creditor a debt.
- **Collateral:** When you take out a loan to buy a certain item of property, that property becomes collateral for that loan. Even if the loan is not being used to purchase the property, you can still pledge—or promise—the property as collateral for a loan. An example of this would be getting a car title loan—you are pledging your car as collateral for the loan.
- **Confirmed:** A plan that has been approved by the Court.
- **Confirmation hearing:** A hearing where the Trustee, your creditors, and your attorney discuss your case and figure out whether it is ready to be confirmed. If the case is ready to be confirmed, the Trustee will recommend confirmation.
- **Conversion:** There are several different types of bankruptcy, including Chapter 13. Conversion is when you change from one chapter to another. A common conversion is from Chapter 13 to Chapter 7, and vice versa.
- **Court costs:** These are costs associated with filing your case. Your case cannot be confirmed until court

costs are paid. These costs can be paid through your plan with permission of the Court.

- **Credit counseling**: Education on credit and financial management that is required by the Bankruptcy Code. You are required to receive counseling within 180 days before filing your case.
- **Credit counseling agency**: A company that provides credit counseling. In order to be an approved credit counseling agency, a company has to meet certain requirements under the Bankruptcy Code.
- **Creditor**: A person or company whom is owed money.
- **Debtor**: A person who files bankruptcy is called a debtor.
- **Debtor Education**: Required training on personal financial management before your case is complete.
- **Delinquency**: The amount of money due when a debtor is behind in payments to the Trustee, in other words, how far behind you are.
- **Disbursement**: A payment made by the Trustee to a creditor listed in your case. Payments are also made to the Court (for filing fees) and to your attorney (for attorney fees).
- **Discharge**: This is one of the main goals of Chapter 13. A discharge means that you have completed all your plan payments and complied with all other requirements in your case. As a result, your creditors are prohibited from trying to collect on claims that were listed in your case. There are certain exceptions and it is important to discuss any questions with your attorney.

- **Discharge injunction**: With certain exceptions, once you have received a discharge in your case, creditors that were listed in your case are subject to the discharge injunction, which means that they are not allowed to try to collect on their debts. Talk to your attorney if you have any questions.
- **Discharge Order**: An order of the Bankruptcy Court showing that the bankruptcy plan has been successfully completed and that, absent certain exceptions, claims properly listed in a bankruptcy proceeding can never be legally collected.
- **Dismissal**: An order terminating a Chapter 13 case. After dismissal, the debtor remains responsible for any money still owed to the creditors.
- **Domestic Support Obligation Questionnaire**: This is also called a DSO. This is a signed form you submit to the Trustee at the beginning of your case that states whether you owe child support or alimony and if so, whether you are current in your payments.
- **Final Report**: A report filed by the Trustee at the end of your case that summarizes all the payments that have been received from you or your employer and all payments that have been made on each claim filed in your case.
- **Hearing**: A scheduled court appearance to resolve a specific issue or issues.
- **Modification After Confirmation (MAC)**: This is a bankruptcy plan that is filed after your case has already been confirmed asking the Court to replace your original plan with a new plan. There are

limitations to when a MAC can be filed—talk to your attorney if you have questions.

- **Motion**: A document filed with the Court that requests a decision or ruling from the Court.
- **Motion for Relief from Automatic Stay**: A motion filed by a creditor to get court permission to proceed with its state law remedies with respect to its collateral. For instance, proceed with foreclosure on real estate or repossessing a vehicle.
- **Motion to Dismiss**: A motion filed by the Trustee or a creditor because you are behind in your payments or are otherwise not fulfilling your obligations. For example, your mortgage holder may file a Motion to Dismiss if you fall behind on your mortgage.
- **Motion to Allow a Late Claim**: This is a motion asking the Trustee to pay a claim even though the claim was filed after the bar date.
- **Motion for Turnover**: A motion filed with the court when the Trustee has received extra money and you would like the money to be returned to you. Whether you are entitled to get the money back depends on many factors—talk to your attorney if you have any questions.
- **Non-dischargeable Debt**: A debt that cannot be discharged in bankruptcy. Examples include student loans, back child support, alimony, and money owed due to a conviction for driving under the influence (DUI).
- **Notice to Commence Wage Withholding**: A notice from the Trustee that tells your employer to deduct

your plan payments from your paycheck and send them to the Trustee.

- **Objection to Confirmation**: An Objection to Confirmation is filed by the Trustee or a Creditor who is opposing confirmation of a plan for various reasons.
- **Operating Reports**: Monthly reports that self-employed debtors are required to provide to the Trustee. Operating Reports show monthly business income and expenses.
- **Order**: A written direction from the Court. An order usually is the result of a motion.
- **Pay Direct**: Certain debtors receive permission to make their plan payments directly instead of through a Notice to Commence Wage Withholding. Some types of debtors who may pay direct are self-employed debtors, debtors whose only income is from Social Security, or debtors who are paid in cash.
- **Perjury**: Criminal offense of lying under oath, whether spoken or in writing. Punishment for perjury under federal law is the imposition of a fine, imprisonment of up to five years or both.
- **Plan**: Your plan is the part of your bankruptcy case that specifies how much you will pay to the Trustee each month and how each creditor in your case will be paid.
- **Priority Claim**: A claim that has special status, such as a recent-year tax claim or a claim for child support.
- **Release of Wages (ROW)**: An order that tells your employer to stop deducting your plan payments from your paycheck.

- **Secured Claim:** Secured claims are created when you pledge—or promise—certain property in exchange for a loan. The loan can either be used to buy the property in question or you can give a creditor a security interest in property you already own.
- **Status of Claims Report:** This is a report you can request from the Trustee. It lists all claims filed in your case and shows how much money has been paid to date on each claim.
- **Trustee’s Periodic Report to Debtor:** This is a report that the Trustee sends out each year on the anniversary of your filing date. It shows all the payments our office has received during the past year. It also lists each claim in your case and the amount of payments that have been made on each claim. The report will show if you are behind in your payments.
- **Trustee’s Report of Confirmation:** This is a report the Trustee sends out once your case has been confirmed. It lists your confirmation date, your creditors, and the amounts of the claims that have been filed in your case.
- **Unsecured Claim:** A claim without collateral.
- **Voucher check:** Some employers have more than one employee in bankruptcy, and may choose to combine their employees’ plan payments into one check. This check is called a voucher check.
- **Windfall:** Any unexpected event that improves your financial situation. Examples are lottery winnings, personal injury settlement, insurance proceeds and receiving an inheritance. If you come into a windfall,

you are required to let the Court and the Trustee know.

- **341 Meeting/Meeting of Creditors:** A required meeting at the beginning of your case where the Trustee and sometimes your creditors ask you questions about your finances.
- **100% Case:** A case that proposes to pay 100% of all claims.