CHAPTER 13

FREQUENTLY ASKED

QUESTIONS
&
ANSWERS

Prepared for _____

_____

Your Case Number is: _____

YOUR FIRST PAYMENT IS DUE ON _____

Payments are due on the _____ day of each month thereafter.

Your Trustee is:

KATHLEEN A. LEAVITT
Chapter 13 Bankruptcy Trustee
for the
United States Bankruptcy Court
District of Nevada

1. I understand that I must make a payment each month to the Trustee. How do I do that?

You must make your payments to the Trustee as described in Paragraph 1.08 of your plan. In most cases you will pay a monthly payment. The amount of your payment may change as the case progresses, so be sure to check your plan.

THE TRUSTEE'S OFFICE CANNOT ACCEPT CASH OR PERSONAL CHECKS, INCLUDING CHECKS FROM COMPANIES YOU OWN.

There are 4 methods by which you can make your plan payments. You may pay:

(1) through one of the Trustee-approved electronic payment processes,
(2) through MoneyGram ExpressPayment powered by TFSBillPay.
(3) directly with MONEY ORDERS or CASHIER'S CHECKS,
(4) eWage by TFS
(5) payroll deduction through your employer.

- **When making your payments electronically** you must use one of the following processes:
  1. **ePay** – Go to www.las13.com and click on the Electronic Plan Payments tab. Then click e-Pay.
  2. **TFS** – Go to www.TFSBillPay.com or call 888-PAY-CH13 (888-729-2413)

- **When making your payments via MoneyGram ExpressPayment:**
  1. Obtain your Trustee name and Chapter 13 Case number
  2. Call TFS at 1-888-739-2749 to provide them with your case information.
  3. Your MoneyGram Payment Card will be mailed to you.

- **When making your payments by MONEY ORDERS or CASHIER'S CHECKS** you MUST include:

  1. Your Name and Address
  2. Most importantly, your CHAPTER 13 CASE NUMBER
  3. Make all payments payable to: Kathleen A. Leavitt, Trustee
  4. Mail them to: P.O. BOX 1453
     Memphis, TN 38101-1453



--- DO NOT SEND MAIL CORRESONDENCE TO THIS ADDRESS ---

- **When making your payments through payroll deduction,** your payment will be taken directly from your payroll check and the court will order your employer to forward your required payments directly from your paycheck to the Trustee. **YOU have the obligation to make sure that the Trustee receives your payments, even if your payments are supposed to be made automatically by your employer.** If you request through your attorney to have your employer make the payments, be sure to watch your pay stub. If your employer does not deduct the payment, you need to make it directly to the Trustee until the paycheck deduction is in effect.

REMEMBER: The Trustee will not send you a monthly reminder. It is up to you to make sure your payments are getting to the Trustee on time.

2. *Who is this Trustee anyway?*



All Chapter 13 cases have a Trustee who is responsible for the overall administration of your case. Kathleen A. Leavitt is one of the Trustees in Las Vegas. Your Trustee's name is on the front of this booklet and her address can be found below. The Trustee has approximately 3,000 active files in addition to yours.

The Trustee's duties are found in the Bankruptcy Code. They include, at a minimum:

- Reviewing your bankruptcy petition to ensure that it is complete and accurate
- Determining your ability to make payments and whether your Chapter 13 plan will be successful as proposed
- Conducting the first meeting of creditors
- Appearing at other hearings in your case
- Monitoring the progress of your case
- Collecting your payments and paying creditors according to your plan
- Recovering improper payments or transfers made before the filing of your bankruptcy petition
- Providing information about your case to those who are authorized and have a need to know
- Most importantly, assisting you in the administration of your plan

Mail correspondence should be addressed to:

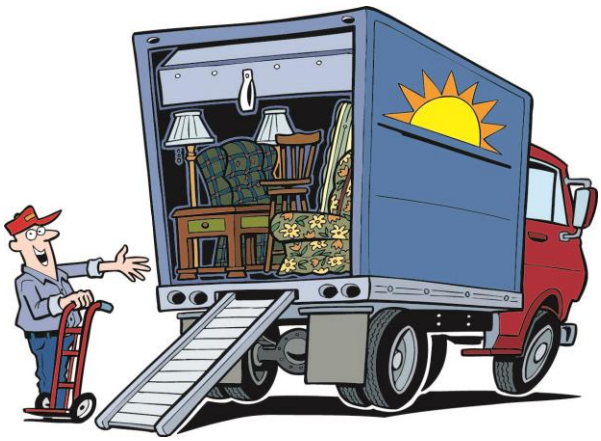


Kathleen A. Leavitt, Trustee
711 S. 4th Street
Las Vegas, NV 89101

The Trustee's phone and fax numbers are: (702) 853-0700 Phone
(702) 853-0713 Fax
kal13mail@las13.com Email

REMEMBER: The Trustee cannot give you any legal advice. If you need legal advice, please contact your attorney. If you are unsure whether or not your question is of a legal nature, please call your attorney first.

3. What if I move?



If, for any reason, you change your address during the life of your bankruptcy, you must file a "Change of Address" form (attached to the back of this booklet) with the Bankruptcy Court at:

Clerk, United States Bankruptcy Court
300 Las Vegas Blvd. South 4th Floor
Las Vegas, NV 89101

Please remember to update any new address and phone number with the Bankruptcy Court and with your attorney's office as this will enable your Trustee to better administer your case in the event that she needs to contact you.

Your Trustee cannot change your address or phone unless you file the "Change of Address" form with the Bankruptcy Court. A Change of Address form has been provided for you in the back of this handbook.

4. ***My plan and confirmation order say I must send copies of my tax returns and any tax refunds to the Trustee while I'm in Chapter 13. Does the Trustee really want those?***

TAX ***RETURNS***



The Judge's Order approving your Chapter 13 plan states that you must submit signed and dated **copies** of your FEDERAL TAX RETURN FORMS (and State Income Tax forms if you move out of Nevada to a state that has income tax) to the Trustee every year whether you get a refund or not.

DO NOT SEND ORIGINALS!

Please send these **copies** to the Trustee immediately after you file your returns to the Las Vegas correspondence address on page 2. You should continue to file your original returns, as usual, with the I.R.S. The Trustee will check the returns to see if your gross income has increased and/or if you are entitled to receive a tax refund.

REMEMBER: You will NOT successfully finish your plan unless you complete this requirement.

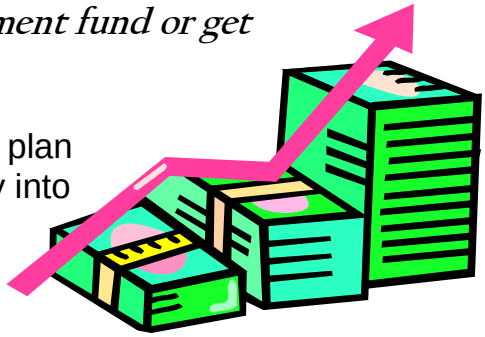
TAX ***REFUNDS***

Your Chapter 13 plan requires you to pay your tax *refunds* each year to the Trustee. (See section 2.8 of your confirmed plan.) If you have a tax *refund,* the non-exempt portion of the *refund* must be sent to the Trustee unless you make application to the Bankruptcy Court for permission to keep the refund. Such applications will be considered on a case-by-case basis. Otherwise, you must send the refund to the Trustee. (Your tax refund amount may be paid via ePay or TFS on-line payment systems. If you receive a refund check, endorse the check over to your Trustee or send a money order or cashier's check for the net amount with a note showing the math.)

You cannot avoid paying your refund to the Trustee by applying your refund to next year's tax obligation, using your refund as a donation, or agreeing that your refund can be kept by the IRS for some reason.

REMEMBER: You will NOT successfully finish your plan unless you complete this requirement.

5. What if I take money from my retirement fund or get extra money that's not from my job?



Taking a retirement distribution during the plan could turn your otherwise exempt property into disposable income. If that happens, the amount of the retirement distribution may have to be paid to your creditors before you get your discharge.

Such a distribution, or income from other sources, may also be taxable. You may therefore owe additional taxes.

BE SURE TO TALK TO YOUR ATTORNEY BEFORE YOU ACT.

REMEMBER: Everyone in Chapter 13 must pay their ongoing tax obligations during the life of the plan. This obligation includes any taxes owed as a result of any increase in income.

6. *Do I have to list all my creditors on my papers? For example, my parents loaned me some money before the bankruptcy. I didn't want to list them because I am embarrassed and don't want them to know this Chapter 13 is happening.*

You are required by law to list all of your liabilities (debts) and assets (your possessions) in your bankruptcy papers. The petition you signed, under oath, says that you have done so. Nobody can pick and choose who gets listed. If you forgot to list someone to whom you owe money, that debt will probably not be eliminated by the bankruptcy. If you forgot to list some property, it could cause big problems for you if you don't change your bankruptcy papers. You can add creditors or property you forgot by amending your schedules. This requires a small fee to the bankruptcy court. If you forgot a creditor or some property, be sure to inform your attorney at once.



REMEMBER: The Bankruptcy code prohibits you from favoring one creditor over another. This means you cannot pay a creditor "on the side" unless it is specifically allowed under your plan. In some cases, your plan may instruct you to pay secured creditors directly (car loans and mortgage payments are good examples). However, under no circumstances should you be paying any creditor unless your plan states you can. If you have any questions about this, talk to your attorney before you make any of this kind of payment.

7. O.K. I added my parents and a couple of other creditors I had forgotten on my bankruptcy papers. But this collection agency that I listed keeps calling and threatens to garnish my wages. I thought this would stop when I filed.
What can I do?



The filing of your bankruptcy papers should automatically stop any collection efforts once the creditor is notified.

Most creditors know this and will stop collection efforts immediately. It usually takes about 30 days for a creditor to get officially notified.

Occasionally, some creditors do not get the word or may still try to muscle their way in for more money than they are allowed to receive. If you are contacted, first check to make sure that creditor has been listed on your bankruptcy papers. If they weren't listed, see Question #6 above. If they were listed, advise your attorney that the creditor has contacted you.

REMEMBER: You do not have to discuss the matter with a creditor who contacts you. It is best to simply tell them you are in Chapter 13, and give them your case number and attorney's name. Then politely tell them not to call you again. If they persist, tell them they are in violation of a court order and you want them to stop calling. Be sure to keep a record of all calls and forward it to your attorney for action.

8. What happens if I miss payments to the Trustee because of an emergency?

You must not miss any payments to the Trustee. When you file your Chapter 13, your creditors are prohibited from taking any action against you. In exchange for that protection, you must complete your obligation under the plan. One of those obligations is making your payments to the Trustee on time. If you miss payments, the Trustee cannot pay your creditors as called for by your plan and the Trustee is obligated to file papers with the Bankruptcy Court asking that your case be dismissed. If your case is dismissed, your creditors will be notified and may resume collection against you.

If you have a change in your circumstances such as an unforeseen emergency or a significant reduction in wages, you should **notify your attorney at once**. Your attorney can re-evaluate your financial situation and, if appropriate, change your plan to reflect the different circumstances. This process can take several weeks, so be sure to contact your attorney immediately if you foresee any problem making your payments.



REMEMBER: The Trustee does not have the authority to excuse any payments. Any change in payments must be approved by your Bankruptcy Judge.

9. May I incur credit during my Chapter 13? What if my car breaks down and I need a new one?

Your Confirmation Order, signed by the Bankruptcy Judge approving your plan, states that you **may not** incur any credit obligations during the life of your plan without the Trustee's written consent. The only time you can act without the Trustee's written consent would be:

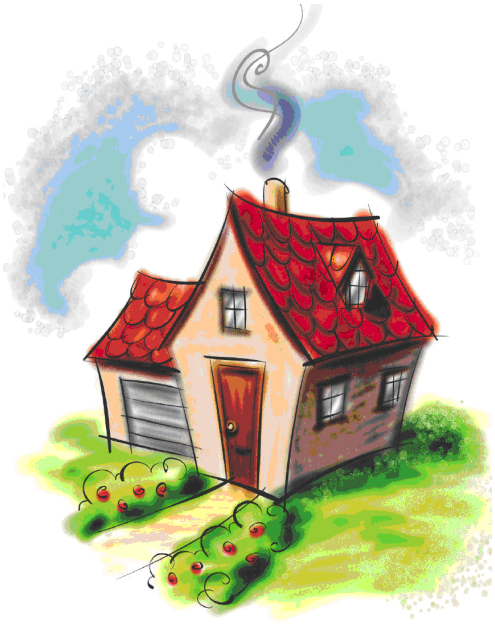
1. an emergency, or
2. ordinary expenses for a business approved in your plan.

Any request for credit must be approved by the Trustee in writing **before** you obligate yourself in any way. The most common credit obligation you may wish to incur is for the purchase of a car. Be sure to contact your attorney if you must buy a car or trade in your old one. Do not let a car dealer talk you into anything before your attorney has had a chance to get involved. The Trustee regularly approves requests to finance new vehicles, so long as you and your attorney follow the proper procedure. That procedure requires that you supply the Trustee with some basic information and that you get Trustee approval **before** you commit to any obligation.



REMEMBER: Taking on any new credit obligations could jeopardize your plan and failure to get permission could result in your case being dismissed. AND, not paying your tax obligations as they become due is considered taking on new credit. Be sure to pay whatever tax obligations you have during your plan.

***10**. My spouse and I have been talking about fixing up and selling our house while we are in our Chapter 13. Is there anything special we must do?*



Your Confirmation Order requires you to obtain Court approval before transferring, encumbering, selling or otherwise disposing of any personal property with a value over $1,000 or real estate with a value over $5,000. Your house will certainly qualify for that requirement. Informing the Trustee and creditors can be tricky and may have unexpected consequences. It is very important you learn and understand all the possibilities **before** you take any steps involving that kind of property. You should contact your attorney well before you list or advertise your property and discuss what you want to do. Selling your property sometimes requires a court order that usually takes about 30-60 days to obtain.



REMEMBER: Selling, buying or improving property is tricky when you are in Chapter 13.

Talk to your attorney first!

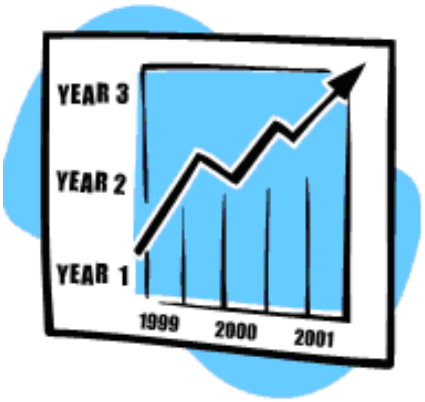
II. How can I find out how my plan is progressing?



You may follow your bankruptcy case online through the National Data Center. The National Data Center is a free, secured website where you can look up information on your case such as if your plan payments have posted, who has filed claims in your case, who the Trustee is sending money to and much more. Register today at www.ndc.org.

Once every year, in January, the Trustee will send you a complete record of all receipts and disbursements. It will tell you exactly how much money the Trustee has received from you and how much and to whom payments have been made.

If you do not have access to the internet, you may also request a progress report from your Trustee. This request must be in writing and sent to the Trustee's office at the address shown in the answer to question #1. It will take approximately a week or less to respond. The progress report will give you a summary of your case to date. If you want to know how much it would take to pay off your case, you should send a request for that information to the Trustee's office in writing.



REMEMBER: You cannot pay off your case before you have been making plan payments for at least 36 months, or the number of months listed in your plan, whichever is greater, and have completed all the requirements in Part 1 of your plan, UNLESS you pay all your creditors 100%.

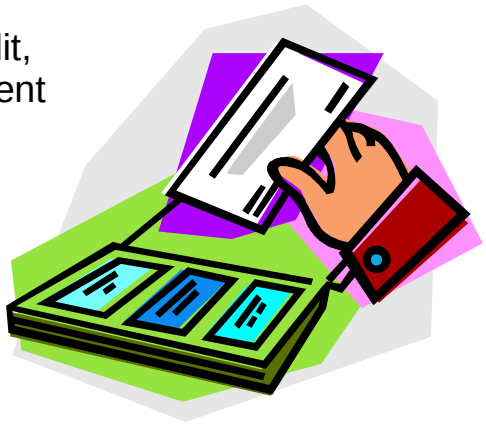
12. My attorney said my plan payments would last for at least 36 months. Should I stop making payments after I've made 36?



You should continue making payments until the Trustee (or your attorney) specifically tells you to stop. There are a number of reasons why a plan may last more than the anticipated 36 months. Your plan may require you to make plan payments for up to 60 months. Your plan states specifically the number of months you are required to make payments.

It can be difficult to predict the exact outcome of your case three years in advance from the date it is filed. Sometimes claims that must be paid in full through the plan are actually higher than originally predicted. Other times you may have forgotten some requirement necessary to complete your plan, i.e., not mailing in your tax refunds.

Don't worry about overpaying. Once your case has undergone its final audit, the Trustee will refund any overpayment you might have made.



It is better to overpay a little than to underpay and risk having your case dismissed when it is nearing completion.

13. May I make larger payments to the Trustee and complete my plan early?



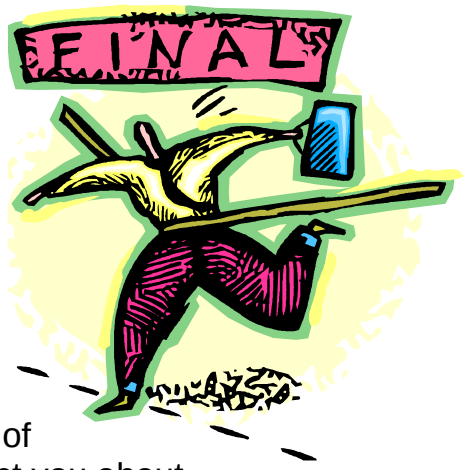
The Bankruptcy Code requires you to send all of your disposable income to the Trustee for at least 3 years or 5 years. Your disposable income is the amount left over after you subtract your reasonable and necessary living expenses from your net income. This amount is shown as your payments set out in paragraph 1.08 of your plan. Sometimes it will take more than three years to complete your plan but your plan may not extend beyond 60 months. You may pay off your plan before the number of months listed in your plan if you pay all creditors 100% of their filed claim. If you can't pay the full 100%, you must make your plan payments for the number of months listed in your plan before you are eligible for discharge. (See question #13.)

Paying off your plan early can be complicated and you should check with your attorney before you contact the Trustee.

Making larger payments to the Trustee is required if your income increases. When the Trustee receives unexpected extra payments, he will wonder where you got the extra money. So, if you want to make larger payments because you got a big raise, you should inform the Trustee of that fact in writing when you begin sending in more money. You will, however, still be required to make payments to the Trustee for the number of months listed in your plan unless you can pay all your creditors 100%.

REMEMBER: *Do not borrow money to make bigger payments to the Trustee hoping that you can complete your plan before three years. You filed a Chapter 13 plan to eliminate your debts and get a "fresh start". Your best bet is to make your scheduled payments, on time, using your disposable income.*

14. Well, I'm about to make my last payment. I heard that now I get a discharge. What does that mean and how long does it take?



A **discharge** is your goal of a Chapter 13 payment plan. The discharge order is a document prepared by the Bankruptcy Court. It means you have completed the requirements under your plan. Most, if not all, of the creditors you listed may never again contact you about those debts. If you have some nondischargeable debts, such as child support or student loans that have not been paid in full during your plan, those creditors may contact you again about payment of those debts.

The Trustee must audit and review your case before the Bankruptcy Court will issue the discharge. This normally takes about 90 – 120 days. During that period the Trustee double checks your payments and reviews your case to ensure that you have done everything required from his standpoint. Then the Trustee notifies your Bankruptcy Judge and the Court will then issue your discharge in approximately thirty days.



After all your hard work to complete your plan, you should now enjoy what has been termed a "fresh start". You should no longer need to endure the credit problems that caused you to seek Chapter 13 relief in the first place.

The Trustee hopes this information has been helpful to you and that it will assist you in avoiding a similar situation in the future.

Congratulations and Good Luck in the future.

PAYMENT RECORD

	DATE	AMOUNT	MONEY ORDER #	ELECTRONIC REF #	TAX REFUND	OTHER
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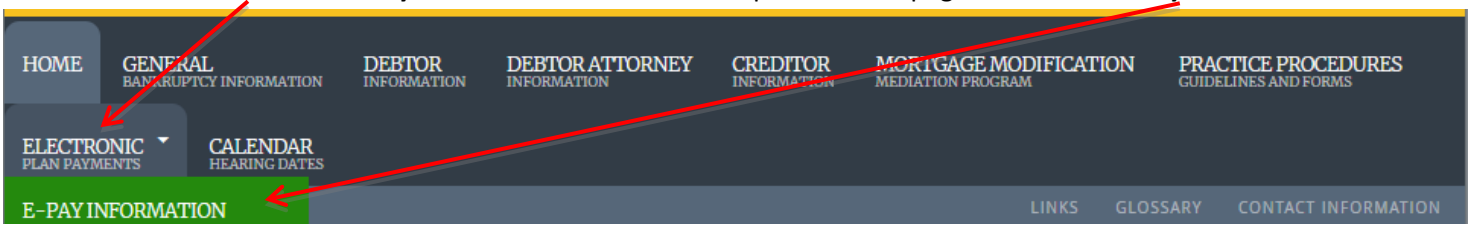
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E-Pay Online Payment System

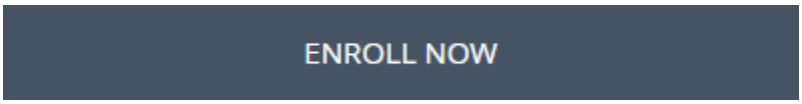
The Online Payment System is an approved alternative to the use of Cashier's Checks and Money Orders by using your Checking or Savings Account to make direct payments to the Trustee. The payment process will take between one to two business days to clear your account. In order to use this payment system, you must have: an ***Internet connection***, know your ***Case Number*** and ***last four digits of your Social Security number***, a ***Checking or Savings Account***, and a ***valid current e-mail address***.

Creating your E-Pay Account

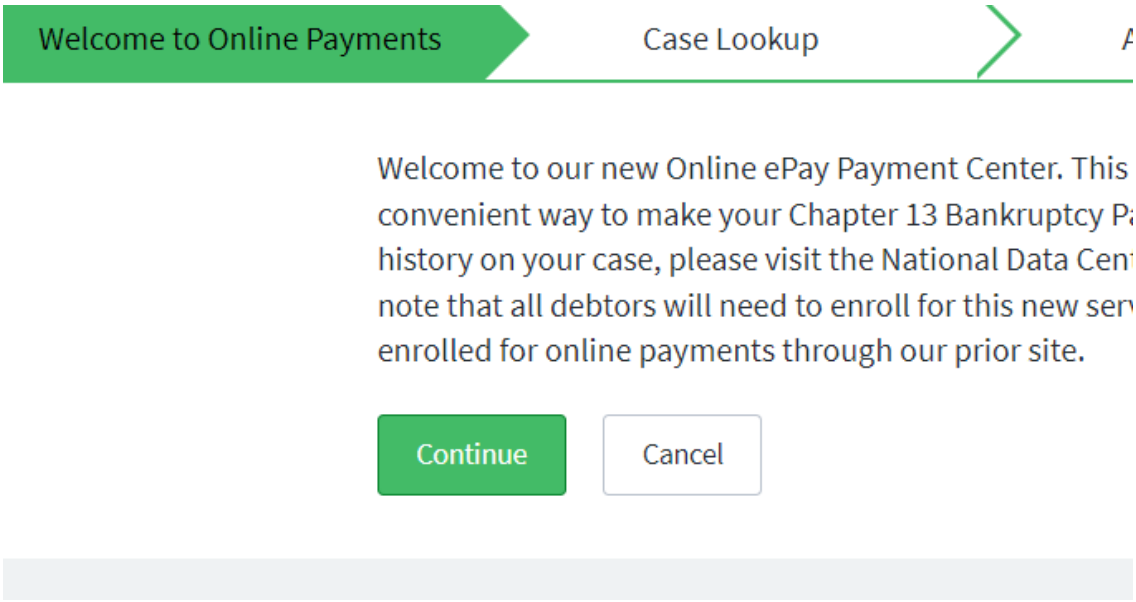
1. Go to: www.las13.com
2. Click: "**Electronic Plan Payments**" link located at the top of the web page and select "**E-Pay Information"**



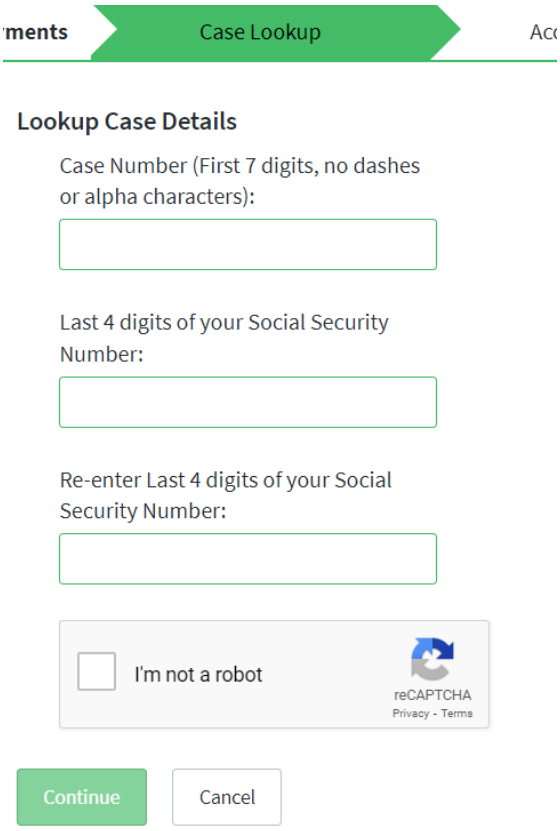
3. Click: "**Enroll Now**"



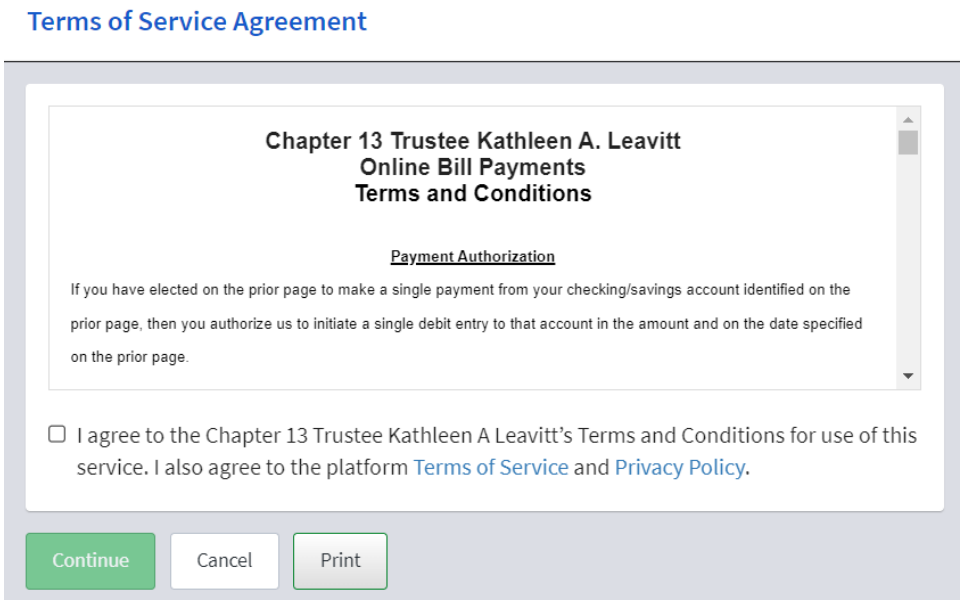
4. Click "Continue"



5. Fill in your "**Case Number**", "**Last 4 digits of your Social Security Number**", and "**Re-enter Last 4 digits of your Social Security Number"** and click **"Continue"**



6. Agree to the Terms of Service Agreement and click **"Continue"**



7. Fill out the **"Account Setup"** information:
    - First & Last Name
    - e-Mail Address
        i. Entered Twice
    - Login ID
        i. Must be 6 to 100 letters and or numbers
    - Password
        i. Can not be the same as the Login ID
        ii. Must be between 12 and 32 characters
        iii. Must contain at least one (1) uppercase letter, one (1) number, and one (1) special character
    - Confirm Password
        i. Re-enter password
    - Security Question
        i. Select a Security Question
    - Payment Setup
        i. Add a new bank account with a routing number and account number for a checking or savings account that allows for ACH transactions
    - Click **"Continue"**

8. Review the information submitted and click **"Continue"**

9. Once submitted, you will be taken to the **"Account Summary"** page where you will be able to make a payment
    - Any further questions on creating your account please contact us at: epayquestions@las13.com

AUTOMATE
YOUR
SUCCESS

www.TFSBillPay.com

The Automated & Online Solution for Chapter 13 Bankruptcy Payments



The challenge to surviving your bankruptcy is making payments on time and keeping accurate records. TFS provides an easy-to-use online payment option for your monthly bankruptcy payments. It's cheaper and hassle-free.

The other options for making your bankruptcy payments would require you to obtain money orders or certified checks ***EVERY*** month. Why wait in line at the bank and pay exorbitant bank fees? Make your payments automatically and from the privacy of your own home.

Bankruptcy Payment Options Compared

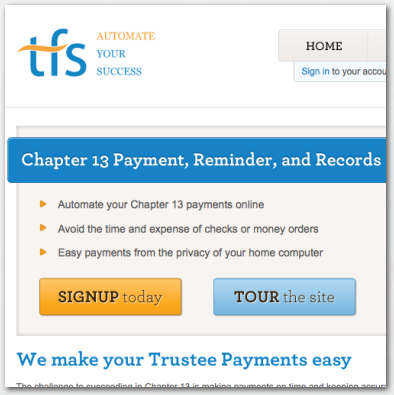
	Cost	Convenient	Automated Payments	Private	Reminders and Notifications	Accurate Recordkeeping
TFS Bill Pay	$	✔	✔	✔	✔	✔
Certified Check	$$	✖	✖	✖	✖	✖
Money Order	$$$	✖	✖	✖	✖	✖

With automated payments, reminders, and the ability to make bankruptcy payments from the comfort and security of your home, TFS Bill Pay is the obvious choice. Visit us today at www.TFSBillPay.com, or call 888-PAY-CH13 (888-729-2413).

SIGN UP FOR TFS IN JUST A FEW SIMPLE STEPS

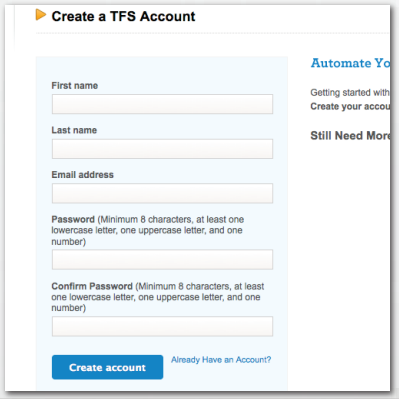
1. LOG ON

Visit tfsbillpay.com and click the orange button labeled “SIGN UP today.”



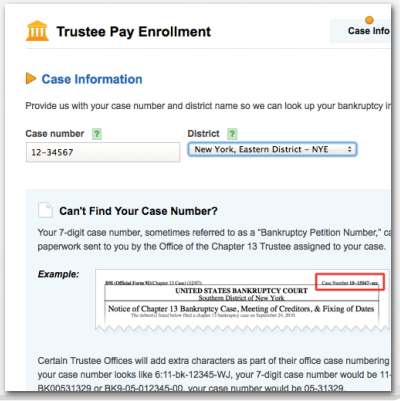
2. CREATE AN ACCOUNT

Enter your name and email address to start setting up your account on TFS. You will receive a verification email that will let you log in.



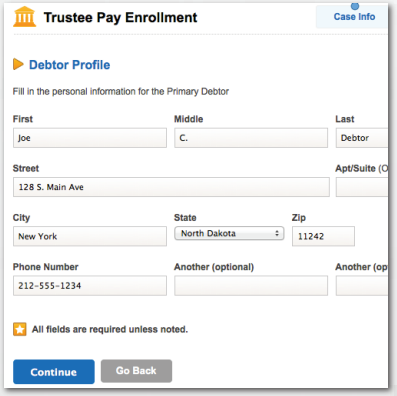
3. CASE INFORMATION

Once you log in, click “Enroll in Trustee Pay” and enter your case number. You can find this information on the official paperwork sent to you by your trustee.



4. PROFILE

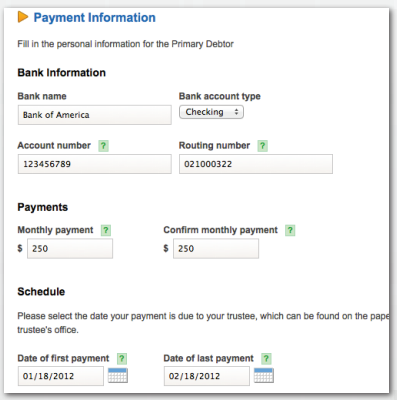
Confirm your personal info. This data is pulled directly from court records, so it should be accurate.



5. ACCOUNT INFO

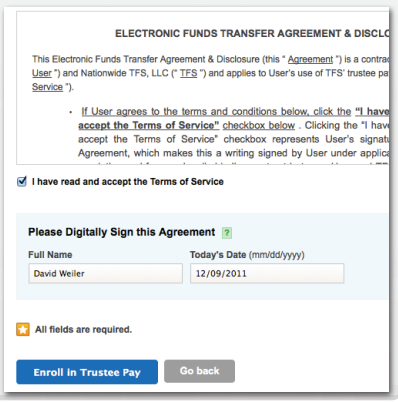
Enter your account info, payment amount, and payment schedule.

Payments take 5 business days to process and arrive at your trustee’s office. Business days don’t include weekends and bank holidays, so please plan accordingly.



6. VERIFICATION

Review your account information, select the check boxes, provide the “digital signature” at the bottom of the page, and click “Enroll in Trustee Pay.”



Take our Video Tour!
Visit www.tfsbillpay.com/about

Have more questions?
Call TFS today at (888) PAY-CH13

MoneyGram®

AUTOMATE YOUR SUCCESS tfs

The Fastest Way to Make Chapter 13 Plan Payments

What is MoneyGram.

How long does it take?
Your Trustee can confirm your MoneyGram payment instantly.

What forms of payment can I use?
Debit cards and cash can be used at Walmart, or cash anywhere else!

What should I bring?
You need your TFS MoneyGram Card, payment & ID. That's it!

How much does it cost?
Every MoneyGram transaction includes a flat fee of $8.99.

Why use MoneyGram.

Fastest Method of Trustee Payment!
Use MoneyGram in time-sensitive situations like a dismissal hearing, before confirmation, or catch-up payment.

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NATIONAL**DATA**CENTER
CHAPTER 13 BANKRUPTCY CASE INFORMATION

Track your Chapter 13 Bankruptcy Case

National Data Center is here to assist you in gaining access to your Chapter 13 Bankruptcy case information securely through the Internet.

Please have your Chapter 13 Bankruptcy documents with you when registering. The validation process is designed to protect your privacy. You must answer the security questions correctly to successfully access and view your case information.

To begin, enter **www.ndc.org** into your Internet Browser and click the "**Get Started**" button.

Get Started. It's Free!

Debtor Support

Monday - Friday	9:00 am to 5:00 pm PST
Phone	1.866.938.3639

ndc.org

READ REVERSE FOR AN IMPORTANT NOTICE TO DEBTOR

Notice to Debtor

Notice Is Hereby Presented and Given to You, The Debtor, That Information Relating To Your Chapter 13 Bankruptcy Case Will Be Made Available On The Internet To Your Creditors And Other Parties In Interest.

Pursuant to 11 U.S.C. §§ 1302(b)(1) and 704(7), your Chapter 13 Trustee has a duty, unless otherwise ordered by the bankruptcy court, to furnish information concerning the administration of your bankruptcy case as is requested by parties in interest. In furtherance of this duty, the Chapter 13 Trustee will make the following information available to parties in interest who request such information.

1. Your name, address, bankruptcy case number, state and district in which your case is pending and the trustee assigned to your case. Your social security number will not be visible to parties in interest, but they will be able to search for your bankruptcy case using the last four digits of your social security number. Furthermore, your employer's name will not be displayed.

2. Information regarding claims filed against your bankruptcy case including the identity of the claimant, the type of claim (e.g., priority taxes, secured, unsecured, etc.), and the amount of the claim.

3. A history of all payments you make to the Chapter 13 Trustee in your bankruptcy case, including the date and amount of each payment.

4. A history of all disbursements made by the Chapter 13 Trustee in your bankruptcy case, including the date of the disbursement, the payee and the amount.

You may review, without charge, the information about your Chapter 13 bankruptcy case that is posted on the Internet. If you believe the information about your bankruptcy case is inaccurate, you can contact your Trustee to report the error. The URL address where your information is posted is www.ndc.org which is operated by the NDC. You can contact the NDC at www.ndc.org/Contact-Us

TO REGISTER TO VIEW YOUR CASE ONLINE GO TO

ndc.org