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# 13 NEWS<sup>®</sup>

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## ***EDITOR'S COMMENTS:***

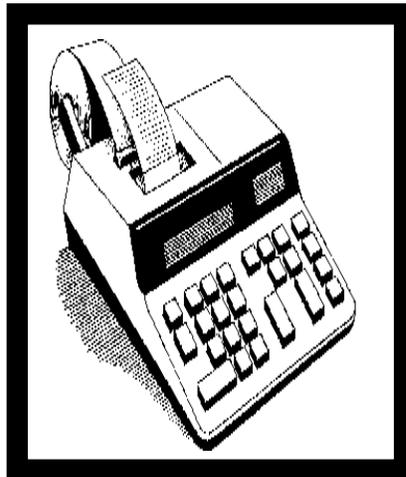
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***Q: What is a "Trustee's Motion to Allow Claims" form?***

***A:***

After the claims bar date and the mailing of the creditors' "Acknowledgment of Claim" forms, the Chapter 13 Trustee's staff forwards to the debtor and debtor's counsel a complete listing of creditors who have filed a "Proof of Claim" form. The debtor and the debtor's lawyer must read and examine this list, called the "Trustee's Motion to Allow Claims" form very carefully.



Unless the debtor or the debtor's attorney objects to a claim within thirty (30) days after the "Trustee's Motion to Allow Claims," the amount the creditor requested on the "Proof of Claim" is paid. **See In Re: Stein**, 63 B.R. 140 (Bankr. D. Neb. 1985), Neb. Bkr. 85:104. **See also** Neb. R. Bankr. P. 3007.

If the debtor's lawyer has objected to the claim, the objection may be set for a hearing before the U.S. Bankruptcy Judge. When the objections have been settled, and the claims have been allowed by the Court, the Chapter 13 Trustee will pay the claims as allowed and approved by the Court.

A sample "Trustee's Motion to Allow Claims" form is prepared on ***page 3***.

It is a four part form with copies sent to the Clerk of the U.S. Bankruptcy Court (color: original, white), the Chapter 13 Trustee (color: green), the debtor (color: yellow), and the debtor's attorney (color: blue). It is prepared in the month following the last day for creditors to file claims or

approximately one hundred and twenty (120) days after the first date set for the meeting of creditors.

The top section of the form includes the debtor's name, the co-debtor's name, the debtor's address, the co-debtor's address, the bankruptcy case number, the debtor's social security number, and the co-debtor's social security number.

The middle section of the form lists creditors by claim number, name and address, amount of each claim as filed with the Clerk by the creditor, and the manner in which the claims have been classified (i.e., secured, unsecured, priority, etc.) The name and address of the debtor's attorney is also listed, together with the amount of the attorney fee that is to be paid through the plan.

Creditors who were listed but for whom no "filed" claim has been recorded will be listed with a remark "NOT FILED" in the classification column. The amount scheduled will be shown in the classification column along

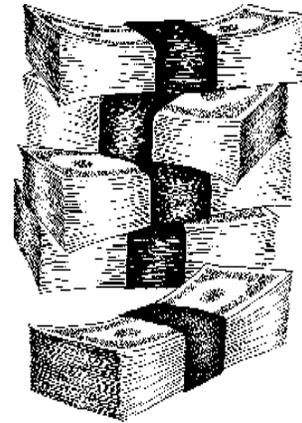
with the "NOT FILED" comment.

At the time that this report is prepared, each item is checked by the Chapter 13 Trustee staff to verify that each claim filed against the debtor has been properly recorded. Since the Chapter 13 Trustee database is currently comprised of one hundred sixty-eight thousand thirty-four claims (168,304), verification is a time-consuming but necessary operation.

A notification of how interest is handled appears thereafter. This is the same language that appeared on the "Acknowledgment of Claim" forms which were previously mailed by the Chapter 13 Trustee to all creditors who filed proofs of claims.

Note that subtotal amounts are delineated for claims to be paid through the plan (Trustee's office) and to be paid directly along with the total amounts for the case.

The name and address of the debtor's counsel, and total amount of attorney fees are also reflected.



**Processing cutoff for checks in May will be the third (3rd) Friday of the month or May 17, 1996. Checks will be mailed on the fourth (4th) Friday of the month or **May 24, 1996.****

**The cutoff for confirmation orders is Wednesday, May 15, 1996.**

#### **EDITOR'S COMMENT**

*This newsletter is being published to facilitate communication between the Chapter 13 Trustee's Office and the many people we serve. The information is not meant to constitute legal advice or recommendations to individuals. If you would like to contribute an article, conference or program information, law review article, book review, comment, or question for further feedback from others, please call me directly or mail your item to:*

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