

SOME "DO'S" & "DON'T'S" FOR NEBRASKA CHAPTER 13 DEBTORS

- Do pay timely according to your plan.
- Do make your plan payments payable to “**Kathleen Laughlin, Chapter 13 Trustee,**” and mail them to her at “**P. O. Box 3287, Omaha, NE 68103-0287.**”
- Do make your “first payment to the Trustee immediately if your plan proposes pre-confirmation payments. In all other cases, a payment must be received by our office within 30 days after the filing of your bankruptcy. **See** 11 U.S.C. § 1326(a)(1).
- Do pay by the payment due date recorded on the Court’s Order & Initial Memo sent by the Trustee. No coupons or other reminders will be sent.
- Do pay through an employer deduction as this is required by the Bankruptcy Court unless the Court grants you special permission. Consider that the Bankruptcy Code prohibits all private and public employers from terminating employees or otherwise discriminating against employees solely because they filed for bankruptcy. **See** 11 U.S.C. §§ 525(a), 525(b).
- Do make your payments in certified funds – i.e., money order, postal order, cashier’s check, or certified check – if you are unable to make them through an employer deduction. The Trustee will not accept cash, personal checks, or a check from a Debtor’s business account.
- Do write the Debtor(s)’ name(s) and their Chapter 13 bankruptcy case number on all payments.
- Do remember that it’s always the Debtor(s)’ responsibility to make certain payments are made even when the Court orders an employer deduction.
- Do make it your practice to keep pay stubs and receipts to prove payments were made.
- Do notify immediately your attorney, the Chapter 13 Trustee (in writing), and the Clerk whenever you change your addresses, telephone numbers, or employment.
- Do read, review, and keep a copy of your bankruptcy schedules, statement of affairs, plan(s), and other documents filed on your behalf; and be able to explain what is said and what is expected of you.
- Do list completely and accurately everything you/your spouse own on the bankruptcy schedules, statement of affairs, plan, and other documents filed with the Bankruptcy Court under penalty of perjury.
- Do cooperate with your attorney so that he/she can protect your interests by timely complying with all of the requirements of the Bankruptcy Code and local Bankruptcy Rules. An objection to the Chapter 13 plan does not relieve Debtor(s) of their responsibility to make regular payments according to the terms of an original or a subsequently amended plan. If the Trustee or a creditor files an objection, the Court will schedule a hearing on the plan objection. If no objections are filed, or after the resolution of all objections, a confirmation order will be entered by the Clerk. After



confirmation the Trustee begins to distribute money to the creditors based upon the plan provisions and the claims allowance process.

- ☑ Do thoroughly read and review the “Trustee’s Reports,” and contact your attorney or the Trustee’s office if you have questions or concerns. Twice a year, usually in October and in March, during the time Debtor(s) Chapter 13 bankruptcy is active, the Trustee will send a “Trustee’s Report” which shows the payments the Trustee has received from Debtors, a list of their creditors, the amount the creditors have indicated is owed to them, the amount that is still be paid to the creditor, and payments the Trustee has made to each creditor. A full explanation of how to read the “Trustee’s Report” is found on Trustee’s website, 13law.com under Debtor Information. The Trustee will assume that the report is correct if the Debtor(s) or the Debtor(s)’ attorney do not contact her about problems or questions with the Trustee’s Report.
- ☑ Do read and examine carefully the “Trustee’s Notice Concerning Claims.” After the claims bar date, the Trustee sends the Debtor(s) and the Debtor(s)’ attorney this complete listing of creditors who have filed claims in the case and the amount which they claim is owed by the Debtor(s). The Debtors/Debtors’ attorney must object to any objectionable claims within 30 days of the report date or the claims are allowed as filed by the Court. Your payments may need then to be increased to pay larger amounts.
- ☑ Do read this document. It was provided to you only for purposes of general orientation and is not meant to be legal advice or a substitute for your attorney’s personal, individualized legal advice after his/her thorough analysis of your specific factual and legal situation based upon information you gave him/her.



- Do not expect the Trustee to give you permission to miss your payments. The Trustee does not have authority under any circumstances to allow Debtor(s) to miss a payment or pay less than the plan requires. Trustee will file a motion to dismiss and may request an employer deduction whenever a regular payment has not been made.
- Do not make any payments to creditors unless the plan(s) say that Debtor(s) are expected to pay a particular creditor directly and not through the Trustee’s office.
- Do not expect the Trustee to make any payments to creditors until the Chapter 13 plan is confirmed (approved) by the Court. **See** 11 U.S.C. § 1326(a)(2).
- Do not buy anything on credit or use credit cards without your attorney’s advice and court permission while in a Chapter 13 bankruptcy.
- Do not sell or dispose of any of your property – i.e., like a car or a house – without contacting your attorney and obtaining court permission during the course of a Chapter 13 bankruptcy.
- Do not contact the Trustee’s office to obtain your titles as this is not within her authority under the Bankruptcy Code. Debtor(s) must contact the creditor holding title to obtain titles.
- Do not put your social security number on payments you send us. Trustee’s office does not accept bill pay services offered through your bank or credit union.