
SOME “DO’S” AND “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 “13930 Gold Circle, Omaha, Nebraska 68144.”
- ☺ **Do** make your first payment within 30 days of the plan filing. 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 deductions if you are employed. 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 the 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** list completely and accurately everyone to whom you/your spouse owe money 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. For example, he/she must file with the Clerk of the Bankruptcy Court within 20 days of the first date set for the Meeting of Creditors and mail to all creditors a Motion to Confirm, a copy of the Chapter 13 Plan, and a Resistance Notice. The documents must be in the exact format specified by the Court. The resistance/bar date notice will specify the date by which a creditor must file an objection/resistance to the plan. 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, the Debtors or the Debtor(s)’ attorney must submit a Confirmation Order to the Judge for his signature. After confirmation the Trustee begins to distribute money to the



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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 they have questions or concerns. Twice a year, usually in October and in March, during the time Debtors’ 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 to be paid to the creditor, and the payments the Trustee has made to each creditor. A full explanation of how to read the “Trustee’s Report” is found in *Appendix B of the Trustee’s Booklet*. 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 Motion To Allow 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. A full explanation of how to read the “Trustee’s Motion To Allow Claims” is found in *Appendix C of the Trustee’s Booklet*.
- ☺ **Do** read this document and also the Trustee’s booklet, “What’s Going To Happen Now That I Filed Chapter 13 Bankruptcy?” 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 and upon information you give 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. [For example, it is generally accepted in this jurisdiction that debtors are responsible themselves to make their regularly monthly mortgage payments. The Chapter 13 Trustee’s Office does not make them.]
- ☹ **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.

Dated: _____ Debtor: _____

Bk. No. _____ - _____ CoDebtor: _____