

## FAQs

*Please note that the following information is not to be construed to constitute legal advice. Rather, it is intended for general informational purposes only. As each person's situation may be different, you are urged to consult with your attorney or seek competent legal advice from an attorney versed in consumer bankruptcy law on your specific circumstances.*

### **When do my Chapter 13 Plan Payments start and where do I send them?**

The law requires that your Plan payments must begin within thirty (30) days from the date on which your case was filed. If you are unsure of the filing date, please consult your attorney or refer to the electronic receipt or file stamp date located on your copy of your bankruptcy petition. *Please keep in mind that if you entered into a Wage Withholding Order (so that your Plan payments are deducted from your paycheck), it is still your responsibility to make all of your Plan payments until your employer starts deducting them from your paycheck.*

**All** payments must be made payable to Russell C. Simon, Chapter 13 Trustee. Payments are **NOT** accepted at my office, rather, they must be mailed to one of the following addresses – depending on when and where your case filed:

*For all cases filed in the E. St. Louis Division or, if filed AFTER 11/01/15 in either the Benton or Effingham Divisions, send payments to:*

*Russell C. Simon  
Chapter 13 Trustee  
P.O. Box 1898  
Memphis, TN 38101-1898*

*For all cases filed in either the Benton or Effingham Divisions ON or BEFORE 10/31/15, send payments to:*

*Russell C. Simon  
Chapter 13 Trustee  
P.O. Box 2199  
Memphis, TN 38101-2199*

In order to ensure that all payments are properly credited to your account, it is very important that you include your **BANKRUPTCY CASE NUMBER** on all payments. Additionally, keep in mind that all payments must be in the form of (i) a payroll deduction from your employer; (ii) a cashier's check; (iii) money order; or one of my 2 approved electronic methods (contact your attorney to see if you are eligible). Personal checks are not accepted and will be returned upon receipt, thus possibly resulting in you becoming delinquent in your Chapter 13 Plan payments.

### **Do I have to go to the Meeting of Creditors (341(a) Meeting)?**

Yes. You (and your spouse if you filed a joint case) are required to appear for your Meeting of Creditors at the date and time scheduled by the Court. At this meeting, you will be required to (i) provide me with a government issued picture identification (such as a driver's license), original documentation containing proof of your social security number; and (ii) answer questions under oath concerning the information contained in the documents filed in your case. Keep in mind that this is a public hearing and your creditors may also appear to ask you questions.

Failure to appear at this meeting or have both forms of identification may result either in the dismissal of your Bankruptcy proceeding or having your Meeting of Creditors rescheduled for another date and time.

### **What do I need to do if I change my address during the pendency of my case?**

It is crucial that my office and the Court have your current mailing address at all times while your case is pending. We send all notices, correspondence, refunds, and other documents to the address you have on file with the Court (as listed on your Bankruptcy Petition). Thus, if you change your address at any time during the pendency of your case, it is imperative that you (or your attorney if represented) file a *Notice of Change of Address* with the Court. We cannot accept this information by telephone or letter - you must file the appropriate notice with the Court.

### **What happens if I change my job?**

In most circumstances, the Court requires all Chapter 13 Plan payments to be made by your employer through a payroll deduction, commonly referred to as a Wage Withholding Order. Thus, if you have a change of employment, you must notify your attorney and my office, in writing, of this change so that a new Wage Order can be entered. The information required by my office to process this request is (i) the full name of your employer; and (ii) the correct mailing address for the payroll department of your employer. Again, remember that until a new Wage Order takes effect, you are responsible for making your Chapter 13 Plan payments.

### **I recently received the Trustee's Periodic Report from your office. What is this?**

Approximately every six (6) months from the date on which your case was filed, my office sends out this report. It covers the preceding six (6) month period and shows all payments made to my office on your case as well as the monies that we disbursed to your creditors. Also shown on this report are the remaining balances on claims filed. If you have any questions concerning the information contained on this report, you are urged to contact your attorney.

**How long after I have completed all of the payments due under my Chapter 13 Plan will the payroll deductions stop?**

Once my office has received all of the payments due under the terms of your Chapter 13 Plan, the Court will notify your employer of such and request that it cease deducting additional funds from your wages. It has been my experience that, quite often, it takes several paychecks before the information is processed and the payroll deductions actually stop. If this happens in your particular case, the additional monies received by my office will be refunded to you, usually when we do our monthly disbursements which occur near the end of each month.

**What happens if I receive a Motion or Objection and do not understand it?**

If you are represented by counsel, you should contact your attorney immediately upon receipt of the Motion or Objection. My office is prohibited by law from giving legal advice. Thus, if you contact us with questions of a legal nature, you will be referred back to your attorney or advised to seek competent legal counsel if you are not represented.

**How can I check to see if my Plan payment has been received by your office?**

On the left column of my website, you will see a link to the National Data Center. Clicking on this link will bring you to the NDC's website and you merely have to follow the instructions under the "Debtors" box to gain access to your case.

**How do you find my case if I call your office with a question?**

First of all, you must keep in mind that my office is prohibited from giving any type of legal advice. Thus, if your question concerns a legal matter, you will be directed back to your attorney. For general questions, we will need your bankruptcy case number in order to access your case. Your bankruptcy case number is a seven (7) digit number, the first two digits representing the year in which your case was filed, and the last five digits being your actual case number. In the event that you do not have your bankruptcy case number, you may be asked to provide your social security number so that we may access your case.