

**CHAPTER 13 QUARTERLY NEWSLETTER  
DECEMBER 2023****1. SEASONS GREETINGS AND BEST WISHES FOR A HAPPY NEW YEAR!**

During 2023, the country and local community continued to make strides to return to normal in the post COVID-19 era.

Nevertheless, challenges remain for the bankruptcy community including a continued low rate of bankruptcy filings (compared to pre COVID-19 era), and emphasis on technology to allow parties to continue to work from home and conduct 341 meetings from their offices across multiple jurisdictions. As always, the bankruptcy community in Northeast Ohio has risen to those challenges and will continue to meet new challenges that 2024 may bring.

The Chapter 13 office wishes everyone a safe and Happy New Year!

To allow the Chapter 13 staff to spend time with their families please note that the Chapter 13 office will be closed on December 25, December 26, January 1, and January 2, 2024.

**2. ADMINISTRATIVE ORDER 19-4, REFINANCE OF MORTGAGES**

Please note that the original administrative order covering Akron's motion and order to refinance mortgages was referenced as 16-1.

However, in the preceding years some of the documents attached to the motion were updated by the Courts and the Administrative Order 16-1 was reissued as Administrative Order 19-4.

The Chapter 13 office is currently working on the template pleadings on our website to change the reference from 16-1 to 19-4 in all templates which reference the refinance of mortgages.

For counsel who are drafting motions and orders to refinance, please refer to the refinance of mortgage pursuant to Administrative Order 19-4.

**3. WHEN CREDITORS DO NOT FILE CLAIMS**

In the post COVID-19 era, it seems that some creditors are not filing claims in a timely manner or not filing claims at all. The failure to file a claim late or not file a claim at all can hinder the main purpose of the plan as often times these claims represent automobiles and houses that the debtor is seeking to maintain in a Chapter 13 plan.

Bankruptcy Rule 3004 allows the debtor (and their counsel) to file claims on behalf of the creditor if the creditor has not filed a proof of claim by the claims bar date. Debtors (and their counsel) have 30 days from the bar date to file a claim on behalf of the creditor pursuant to Rule 3004.

Given that the late filed and non-filed claims appear to be an ongoing issue, the Trustee recommends that counsel follow up on their cases to make sure that creditors properly filed claims in the case, especially when the claim is for an automobile or house the debtor is seeking to maintain. Debtors (and their counsel) should file the claim within 30 days of the claims bar date if the creditor has not filed a claim or has filed a claim past the claims bar date.

Given recent Court decisions, the Trustee will process payment on claims filed by debtors and their counsel.

#### **4. OBJECTION TO TRUSTEE'S REQUEST FOR DISCHARGE**

When it appears that a case has completed payments to all creditors, the Chapter 13 Trustee files a motion requesting the Court to issue a discharge in a case. The request gives a 30-day notice period to all parties so that said parties can review their records and file a response to the Trustee's Request for Discharge if creditors do not believe that they have been paid in full.

If a creditor believes they have not been paid the correct amount under the Chapter 13 plan, the creditor cannot simply respond to the Trustee's Request for Discharge or file a new proof of claim in response to the Trustee's request.

Please note, if a party in interest believes that they have a valid reason to oppose the Trustee's Request for Discharge, said party must file an **Objection** to the Trustee's request and file said pleading with the US Bankruptcy Court.

#### **5. WALK-IN WEDNESDAYS**

For the past several years, the Chapter 13 office has had a "Walk-In Wednesday" program where counsel may contact the Chapter 13 office (without an appointment) and discuss issues that counsel would like to resolve in their cases.

Recently, with the transition to Zoom 341's, the Akron Chapter 13 office now conducts its meetings on Wednesday.

Further, most counsel who have questions on their cases have taken advantage of the program but have done so through email or telephone calls. Given the success of this program, the Chapter 13 office will extend the Walk-In Wednesday to any day that counsel would like to discuss issues regarding their cases.

To help cases move to confirmation, the Trustee welcomes all counsel to reach out to discuss their cases and any pending issues that require resolution.

## **6. PERSONAL FINANCIAL MANAGEMENT COURSE**

The Chapter 13 office will continue to sponsor an on-line Personal Financial Management Course through the Trustee Education Network. Information regarding the online program is available on the Chapter 13 website at [www.chapter13info.com](http://www.chapter13info.com). There is no charge to take the course online for Chapter 13 debtors who have filed in Akron, Ohio.

Please note: in a joint case, each debtor must take the on-line course separately and use two different e-mails. The software program generates the required certificates of completion partly based on e-mails to keep track of who has taken the required course.

Please find attached to this newsletter, a flyer for the on-line course that counsel may share with their clients in Chapter 13 cases.

## **7. EMAILS IN RESPONSE TO 341 ISSUES MUST BE SENT THROUGH CHAPTER 13 PORTAL**

Many times, questions arise during the 341 meeting which the parties later supplement by emails and supporting documentation. Given the volume of emails it is more efficient to have said information contained in one place. Furthermore, some of the responses to questions raised at 341 contain personal identity information and should not be sent through unsecure email.

Effective January 1, 2024, the Chapter 13 office will not respond or read emails with attachments and other information (without attachments) in response to 341 issues. In essence, said emails will be deleted.

Information which is in response to 341 issues should be sent through the Chapter 13 portal which provides encryption and other security. Although no encryption is full proof this is an added protection for both counsel and their clients. In the portal system there will be a new Document Type titled “**Debtor Email Response to 341 Meetings**”.

By placing all of the information in one place, it will allow Chapter 13 staff to respond more timely to questions. Furthermore, having information sent through the Chapter 13 portal will provide additional security for all parties.

## **8. CHAPTER 13 DEBT LIMIT**

Please be advised that the current Chapter 13 debt limit is 2.75 million in total debt without the need for secured and unsecured debt limits.

This debt limit is set to expire in June 2024 unless extended. Therefore, if counsel have clients that may benefit from this increased debt limit, please be advised that the time limit to do so is starting to expire.

**9. PICTURE IDENTIFICATION AND SOCIAL SECURITY  
CONFIRMATION REQUIRED PRIOR TO 341 MEETINGS**

As the 341 meetings will be conducted by Zoom, it is imperative that counsel supply the Chapter 13 Trusteeship information regarding the debtor's identification, including picture identification and proof of social security number.

This identification information must be provided to the Chapter 13 Trustee by using the portal system as it provides enhanced security and encryption. Any such information provided by email will be deleted and not read.

If identification information is not provided prior to the 341 meeting, the parties will be required to have their 341 meeting rescheduled. Therefore, parties cannot be supplying information the day of the 341 meeting.

***Practice Tip- Many counsel supply the Trustee the 341 information within five business days of the case filing (to allow time for case to be set up in the portal system). Therefore, as a way of best practice, counsel should consider uploading the picture identification and social security information to the portal system five business days after the case is filed.***

# Personal Financial Management Course

# **THIS COURSE IS REQUIRED TO EARN YOUR DISCHARGE !**

## **Online Chapter 13 Bankruptcy Course Finally Financial Freedom!**

\*\* The Trustees' Education Network (TEN) – an affiliate of the National Association of Chapter 13 Trustees – has created an online financial management course for the benefit and financial education of Chapter 13 debtors. This course is approved by the United States Trustee Program. \*\*

# **THIS COURSE IS FREE!**

***\*\*THIS COURSE IS ABLE TO BE COMPLETED PRIOR TO YOUR 341 HEARING WITH THE TRUSTEE\*\****

**SIGN UP ONLINE AT [WWW.13CLASS.COM](http://WWW.13CLASS.COM)**

### **WHAT YOU WILL NEED TO SIGN UP**

- Unique Trustee Identifier Number
  - **TEN13010**
- Bankruptcy Case Number
- Your full Name “exactly” as shown on bankruptcy petition
- A valid email address (each debtor will need a separate email address)
- Your bankruptcy Schedules A/B, D, and E/F for Lesson 1 and Schedules I and J for Lesson 3.



You must complete the entire course (all lessons and quizzes) to receive a Certificate of Completion from the Trustees' Education Network. Once you complete all coursework, the Trustees' Education Network will send a Certificate of Completion to you and to your Bankruptcy Court.

***\*\*Course satisfies legal requirements for debtors' Certificate of Completion and to gain a discharge of their bankruptcy case.***

***\*Other course providers may charge you a fee for this course.***