

# MESSENGER

FRANK M. PEES • CHAPTER 13 TRUSTEE  
*Southern District of Ohio, Eastern Division*

Edition 3  
May 2012

## CASE LAW UPDATE

David T. Powell, Staff Attorney for  
Chapter 13 Trustee Frank M. Pees

### Sixth Circuit Court of Appeals

*In re: Seafort, et. al.; Deborah Seafort, et. al. v. Beverly M. Burden*,  
669 F.3d 662 (6th Cir.) – Filed February 15, 2012

Debtors, at the time of the filing of their petitions, were not making any contributions to their employers' 401(k) retirement plans. Debtors were in the process of repaying a 401(k) loan to their employer's 401(k) retirement plans. Debtors were scheduled to repay their 401(k) loans in full prior to the completion of their respective applicable commitment periods. Debtors proposed using the income available after the repayment of the 401(k) loans was completed to begin funding their retirement accounts. The Sixth Circuit, adopting an interpretation of §§541(a)(1), 541(b)(7), and 1325 that is not only "consistent with the language of the statutes...but is also consistent with the legislative history and the overriding purpose of BAPCPA [to ensure that Debtors devote their full disposable income to repaying creditors]..." held that the income made available once Debtors have fully repaid their 401(k) loans must be committed to their Chapter 13 plans for distribution to unsecured creditors and may not be used to make voluntary retirement contributions.

*United States of America v. Krispen S. Carroll, et. al.*, 667 F.3d 742 (6th Cir.) – Filed January 30, 2012

In an effort to increase the number of successfully completed Chapter 13 bankruptcy cases, the bankruptcy judges of the Eastern District of Michigan began entering orders in Chapter 13 plans that required the IRS to send individual tax refunds directly to the Chapter 13 Trustees. When the burden of administering the increased number of affected returns became too great, the United States filed a lawsuit against all of the standing Chapter 13 Trustees of the Eastern District of Michigan, in their official capacities, seeking a declaratory judgment preventing the trustees from enforcing the refund-redirection provisions and a writ of mandamus prohibiting the bankruptcy court from including these provisions in future Chapter 13 plans. The district court granted the requested relief. On appeal, the

Sixth Circuit Court of Appeals determined that the United States lacked standing to seek the requested relief as the harm suffered by the Plaintiff, the administrative burden of processing the affected returns, was not caused by the Trustees' actions, but rather by the order of the Court. Further, the requested relief would not resolve the issue raised by the IRS as other interested parties, debtors and creditors, could request similar refund redirection orders from the Court. Case was remanded for an order dismissing the action for lack of jurisdiction.

*In re: Hight; Michigan Department of Treasury v. Hight*, 670 F.3d 699 (6th Cir.) – Filed March 5, 2012

Debtor filed a voluntary bankruptcy petition under Chapter 13 of the Bankruptcy Code on January 28, 2009. Subsequently, Debtor filed her Michigan state income tax return, which indicated that she owed the state \$4,900 for income taxes for the 2008 tax year. Debtor filed a proof of claim on behalf of the Michigan Department of Treasury so that the tax debt would be treated through her Chapter 13 plan. The Michigan Department of Treasury objected arguing that the debt was post-petition debt causing the debt to fall under 11 U.S.C. §1305. The Sixth Circuit, in reviewing 11 U.S.C. §507(a)(8)(A)(i) determined that the phrase "after three years before the date of filing the petition" includes all dates that occur after the date set three years before the filing of the bankruptcy petition, including those dates that occur after the filing of the petition. Because the subject tax debt was a tax measured by income for a taxable year ending before the date of the filing of the petition and the return as due "after three years before the date of the filing of the petition", said tax debt was entitled to priority treatment pursuant to 11 U.S.C. §507(a)(8). Therefore, Debtor could, pursuant to 11 U.S.C. §502(i), file the post-petition protective proof of claim, allowing the tax debt to be treated as if it were a prepetition claim.

### District Courts Within the Sixth Circuit

*In re: Wilson; State of Michigan, Department of Treasury v. James and Renay Wilson*, 2012 U.S. Dist. LEXIS 16670 (W.D.

*Mich. 2012) – Filed February 10, 2012*

Debtors filed a voluntary bankruptcy petition under Chapter 13 of the Bankruptcy Code on February 26, 2010. Subsequently, Debtor filed their Michigan state income tax return, which indicated that they owed the state \$1,576 for income taxes for the 2009 tax year. Debtor filed a proof of claim on behalf of the Michigan Department of Treasury so that the tax debt would be treated through her Chapter 13 plan. The Michigan Department of Treasury objected arguing that the debt was post-petition debt causing the debt to fall under 11 U.S.C. §1305. The District Court determined that income taxes become payable at the close of the tax year. Therefore, any income taxes due for the 2009 tax year were a pre-petition debt entitled to priority status, obliging Debtors to include said debt in their Chapter 13 plan.

### **Bankruptcy Courts Within the Sixth Circuit**

*In re: Goheen; Burks v. Deutsche Bank National Trust Company, 2012 Bankr. LEXIS 879 (S.D. Ohio, 2012) – Filed March 2, 2012 (J. Buchanan)*

Debtor granted a mortgage to a bank in 2006. The mortgage was filed with the Hamilton County, Ohio, Recorder; however, the last several pages of the mortgage, including the notary acknowledgement clause and the legal description of the property, were not included with the filed mortgage. After Debtor filed his bankruptcy petition, Trustee filed an adversary proceeding seeking to avoid the bank's mortgage. The bank attempted to remedy the erroneously filed mortgage by submitting the missing pages to the court; however, doing so would have "impaired the Trustee's rights under 11 U.S.C. §544 as a hypothetical bona fide purchaser." Because the mortgage as filed was not properly executed, the Court granted the Trustee's Motion for Summary Judgment.

*In re: Abbott, 466 B.R. 118 (S.D. Ohio 2012) – Filed March 2, 2012 (J. Preston)*

As part of a structured settlement for the wrongful death of her spouse, Debtor received, as the beneficiary of an annuity owned by a third-party, \$2000.00 per month until her death. Additionally, Debtor is to receive a lump-sum payment of \$200,000.00 on October 29, 2014. The Chapter 7 Trustee filed a motion for turnover and an objection to Debtor's claimed exemption. The court found that annuities can be exempt when they are in the nature of life insurance or to actually compensate for loss, rather than purchased as an investment vehicle. However, such annuities are exempt only to the extent that they are reasonably necessary for Debtor's support. In determining the level of exemption, the Court reviewed the eleven factors of *In re: Hamo, 233 B.R. 718, 723 (B.A.P. 6th Cir. 1999)*, and ultimately ordered Debtor to turn over \$143,552.00 from the lump-sum payment of October 29, 2014 plus Debtor's excess monthly income of \$494.45 from the Petition Date up to the date of her retirement.

### **Bankruptcy Courts Outside the Sixth Circuit**

*In re: Kirby, 2012 Bankr. LEXIS 903 (Bk. Neb. 2012) – Filed March 6, 2012*

Post-confirmation, Debtors sought approval for the settlement of a personal injury claim in the amount of \$495,785.15. The Chapter 13 Trustee objected asserting that less than \$45,000.00 was necessary to pay all remaining unsecured claims in full. The parties agreed that the personal injury settlement was property of the estate and that Debtors properly claimed an exemption in such proceeds. The parties disagreed on whether the exempt funds can be treated as disposable income that is required to be paid into the Chapter 13 Plan for the benefit of unsecured creditors. The Court, citing the Eighth Circuit Court of Appeals case of *In re: Koch, 109 F.3d 1285, 1289-90 (8th Cir. 1997)*, followed the majority view that exempt property can be disposable income in a Chapter 13 case and required that Debtors modify their Chapter 13 plan to pay the additional \$45,000.00 to pay all claims in full.

*Michael L. Jones v. Wells Fargo Home Mortgage, Inc., 2012 Bankr. LEXIS 1450 (E.D. La. 2012) – Filed April 5, 2012*

The Court determined that Creditor, Wells Fargo Home Mortgage, Inc., violated the automatic stay by misapplying post-petition payments to post-petition fees and costs that had not been authorized by the court or disclosed to the debtors. Such behavior was admitted to be standard procedure by the bank and likely occurred in hundreds, if not thousands, of cases. The creditor violated the stay through numerous affirmative acts of misconduct and engaged in "particularly vexing litigation" concerning its own conduct. As a result, the court ordered a punitive damage award of \$3,171,154.00.

### **Emerging Issue:**

Federal Rule of Bankruptcy Procedure 3002.1 became effective December 1, 2011. Since that date, there has been much debate amongst Bankruptcy Judges, Trustees, Debtors' counsel, and Creditors' counsel as to what this new rule means and how it will affect the bankruptcy practice. Included below are some of the early decisions that have been written on the effects of Federal Rule 3002.1.

*In re: Laurie Ann Kraksa, 2012 Bankr. LEXIS 1647 (N.D. Ohio 2012) – Filed April 13, 2012*

Pursuant to the terms of Debtor's confirmed Chapter 13 plan, Debtor was surrendering her interest in her residential real estate. The bank, Aurora Bank, F.S.B., filed a Motion for Relief and Motion for Co-Debtor Relief so that it could proceed with foreclosure in state court. Along with its Motions for Relief, Aurora Bank requested that the court waive any requirements that may arise pursuant to Fed. R. Bankr. P. 3002.1. The requested waiver would have applied to both the bank and the Chapter 13 Trustee. The court, noting that the part of the purpose of the rule is to ensure the filing of an accurate mortgage claim, refused to waive the requirements of Rule 3002.1.



*In re: Sandra D. Carr, 2012 Bankr. LEXIS 1161 (E.D. Va. 2012) – Filed March 19, 2012*

After the successful completion of Debtor's Chapter 13 Plan, the Chapter 13 Trustee filed a Notice of Final Cure Payment pursuant to Federal Rule of Bankruptcy Procedure 3002.1(f). Creditor filed a response to the Trustee's notice as required by Rule 3002.1(g). Creditor's notice indicated that the pre-petition default on Debtor's mortgage had been cured. The creditor then filed a Notice of Post-Petition Mortgage Fees, Expenses and Charges asserting attorney fees in the amount of \$150.00 for preparation of the response to the Trustee's notice. The court disallowed the fee stating that the response was a business function that could have been done by an administrator without any legal analysis, and that it was unnecessary for an attorney to file the response.

*In re: Johnny L. Sheppard and Christina A. Sheppard, 2012 Bankr. LEXIS 1696 (E.D. Va. 2012) – Filed April 18, 2012*

Debtors owned their residential real estate subject to two mortgages held by SunTrust Mortgage, Inc. Pursuant to the terms of Debtors' confirmed Chapter 13 Plan, Debtors were to make direct payments on both mortgages to SunTrust. Debtors became delinquent in their post-petition mortgage payments and SunTrust filed a Motion for Relief from Stay. SunTrust's Motion for Relief was resolved through an Agreed Order providing that Debtors would resume regular monthly payments and file a Motion to Modify Chapter 13 Plan to cure the post-petition arrearage. The amount of arrearage provided in the Agreed Order specifically included "late charges, deferred late charges, filing fees and attorney's fees." The Agreed Order also permitted SunTrust to file an amended proof of claim for the post-petition arrearages. The parties complied with all terms of the Agreed Order. Following the confirmation of Debtors' modified plan, SunTrust filed a Notice of Post-Petition

Mortgage Fees, Expenses and Charges pursuant to Federal Rule of Bankruptcy Procedure 3002.1(c) asserting \$800.00 in attorney fees and \$150.00 in filing fees incurred as a result of the Motion for Relief. The Court found that the fees, expenses and charges had already been adjudicated in the Agreed Order resolving the Motion for Relief and should not have been included in the Notice filed pursuant to Rule 3002.1(c).

### What They're Talking About in Columbus

Chapter 13 Trustees Frank M. Pees and Jeffrey P. Norman began seeing the introduction of certain language in the Special Provision section of a number of Chapter 13 plans. The language required the Trustee to disburse set monthly payments to debtors' counsel for post-confirmation attorney fees that are awarded pursuant to Local Bankruptcy Rule 2016-1(c). Both Trustee Pees and Trustee Norman objected to the special provision language; however, those cases in which the special provision language was the only impediment to confirmation were conditionally confirmed.

Because of the significance of this issue on the administration of Chapter 13 cases, an *en banc* hearing was held in front of all three judges of the Southern District of Ohio, Eastern Division on March 23, 2012. Chapter 13 Trustee Pees was represented by Attorney David Powell. Trustee Norman represented himself. The position of Debtors' counsel was represented by Attorney Nannette J.B. Dean and Attorney James E. Nobile.

After hearing oral arguments, the Court took the matter under advisement. At this time, a decision has not been rendered by the Court. The cases called at the *en banc* hearing were *In re: Allen*, Case No.: 11-52644 (J. Hoffman); *In re: Vernon*, Case No.: 11-57895 (J. Caldwell); and *In re: Longstreth*, Case No.: 11-60619 (J. Preston).

## ORLANDO, FLORIDA STAFF SYMPOSIUM

"We all had such a nice time and we learned a lot from the symposium classes. During the trip, we met Ron Klein, who is the inventor of the magnetic strip on the back of the credit cards." -Pam Harper



Middle picture, from left to right, Kathy Mills, Cathy Matthews, Demita Williams, Pam Harper, Betsy Weber & Angela Chiles



# PRE-CONFIRMATION

## *Spring Greetings From the Pre-Confirmation Department*

### Plan Language

Pursuant to the Baud decision, Above Median Income debtors are required to propose a 60 month plan. In order to address the concerns of the bar in formulating a dividend plan projecting to exactly 60 months, Mr. Pees will accept the following language in the special provision section of the plan:

**“Debtors shall make plan payments in the amount set forth in this Plan for no less than the applicable commitment period, but not to exceed 60 months. The dividend to be paid to unsecured creditors shall be no less than the dividend set forth on page one of the plan.”**

- This language does not alter the requirement for the plan to run at least 54 months at the time it is confirmed.
- This language is acceptable to Mr. Norman and to Mr. Pees.
- If you choose to insert this language, it must be exact. Effective for all plans filed on or after May 15, 2012 any variation of this language will not be accepted.
- The inclusion of said language does not make the plan a “pot” plan.

If you choose to file a “pot” plan, please do not include this language. The requirements for a “pot” plan are set out in LBR 3015-1(b)(2):

- A “pot” plan must include the total amount of money to be paid through the plan (the “pot”) or the specific number of payments to be made by the debtor.
- “If the plan calls for a specific amount to be paid, an estimated percentage shall be set forth which assumes all claims will be filed as scheduled or estimated by the debtor.”
- Although the local rules call for an estimated percentage to be set forth in the plan, Mr. Pees prefers that the dividend set forth be a minimum dividend.

### Pay Advices and Tax Returns

Please verify the particular Chapter 13 Trustee assigned to each case before sending pay advices and tax returns to the Trustees’ offices. There has been some confusion regarding the submission of these documents. If your debtor is assigned to Mr. Pees, please send these items to Angela@ch13.org or the case administrator noted on your pre-341 recommendation (“pink”) sheet. Pursuant to the Code and Local Bankruptcy Rules, these documents are due prior to the §341 Meeting of Creditors. [LBR 4002(1)(b)(1), 11 USC 1308(a), 11 USC 521(e)(2)(A)]

### Appraisals

Appraisals should be filed on or before the §341 Meeting of Creditors. (LBR 4002-1(a)(8), LBR 3015-3(e)(3)).

### Chapter 13 Plan Payments

Please verify that your debtors have a clear understanding as to where he/she is to send their payments. Many debtors are sending their direct payments to the wrong Trustee. Such misdirected payments result in a delay of confirmation and a possible dismissal of the case.

During debtor orientation, the debtors receive information tailor made to each Trustee including the lockbox information. Debtors are also given envelopes pre-addressed with the lockbox address of their Trustee. However, they usually send their first payment prior to the orientation meeting.

### Docketing Website

Please remember to check the docketing website (<http://dockets.ch13.org>) for the most up to date information about your case.

*-Connie, Tessa, Danielle, Amanda, Matt & Angela*



# CREDIT EDUCATION COALITION

On March 2, 2012, the Credit Education Coalition (CEC) held its Annual Membership Meeting in conjunction with the Winter Seminar. As usual, the primary purpose of the meeting was to elect Officers and Trustees for the upcoming year. Many thanks to the returning Officers and Trustees, and a special welcome to the most recent initiates! Your dedication to CEC is truly appreciated.

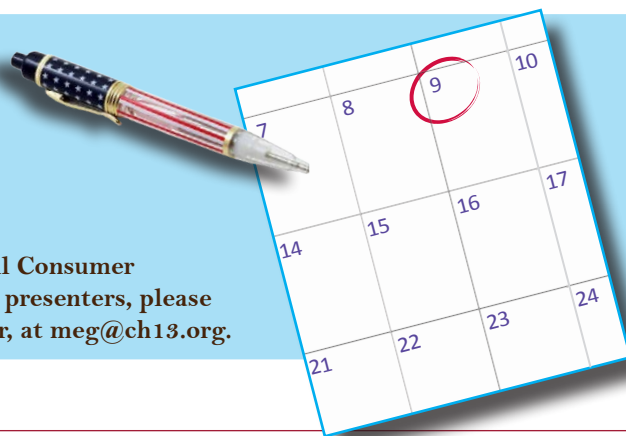
## The 2012 Board is as follows:

<b>PRESIDENT:</b>	<b>Holly Wolf,</b> Manley Deas Kochalski	<b>TRUSTEES:</b> <b>Robert Bergman,</b> Bergman & Yiangou <b>Sam Calig,</b> The Calig Law Firm <b>Joseph Castner,</b> Attorney at Law <b>Christal Caudill,</b> The Caudill Law Group, LLC <b>Michael Cox,</b> Guerrieri, Cox & Associates <b>Robert Ellis,</b> Ellis & Ellis <b>Michael Gunner,</b> Attorney at Law <b>Bethany Hamilton,</b> U.S. Attorney's Office <b>Athena Inembolidis,</b> Athena Legal, LLC <b>Mark Jump,</b> Jump Legal Group LLC <b>Amy Levine,</b> Amy M. Levine & Associates <b>Kathy Mills,</b> Office of Chapter 13 Trustee, Frank M. Pees <b>James Mong,</b> Attorney at Law <b>Richard Palmer,</b> Richard D. Palmer Co. LPA <b>David Powell,</b> Office of Chapter 13 Trustee, Frank M. Pees <b>Christopher Spiroff,</b> Spiroff Law Office <b>Crystal Zellar,</b> Zellar & Barclay Attorneys at Law Inc.
<b>PRESIDENT-ELECT:</b>	<b>Matt Thompson,</b> Nobile & Thompson	
<b>SECRETARY:</b>	<b>Eden Sarver,</b> Attorney at Law	
<b>TREASURER:</b>	<b>Nannette Dean,</b> Dean Law Co., LPA	
<b>HONORARY TRUSTEE:</b>	<b>Don Mains,</b> Office of Chapter 13 Trustee, Frank M. Pees	
<b>TRUSTEE EMERITUS:</b>	<b>Frank Pees,</b> Chapter 13 Trustee	

## Mark Your Calendars!

CEC Fall Seminar  
November 9, 2012  
Quest Business Centers  
8405 Pulsar Place, Columbus, OH 43240

The CEC Board Members are still in the planning stages for the Fall Consumer Bankruptcy Seminar. If you have any suggestions for topics and/or presenters, please contact any Board Member, or email Meg Murphy, CEC Coordinator, at [meg@ch13.org](mailto:meg@ch13.org).



## ACCOUNTING

### Hello From the Accounting Department!

The first three months of 2012 have been a continuing effort to get Trust funds to the correct Trustee. We are making headway. Please ensure your clients understand which Trustee is theirs. We continue to receive funds for Mr. Norman that are even new cases and were not involved in the split. As a reminder those funds are being returned to the sender for correction. This increases time by at least one month for payments to be reflected on cases. We continue to work diligently to notify employers and debtors of address corrections for Trustee payments.

Please remember that the Lockbox address for Frank M. Pees Trustee, where all of his Trust funds should be mailed, is as follows:

**Chapter 13 Trustee**  
**P.O. Box 710795**  
**Columbus, OH 43271-0795**



The average monthly disbursement for Jan, Feb and Mar. 2012 was \$8,609,793.21. We will continue to provide you with outstanding service.

If you have any suggestions or comments for the accounting department, please let us know.

--Sandra Hootman, Pamela Harper, Marla Schmidt, and Pansy Stephenson



# DEBTOR EDUCATION

## THOUGHT FOR THE MONTH:

**“**Always bear in mind that your own resolution to succeed is more important than any other one thing.  
-Abraham Lincoln, 1855**”**

### New Addition to the Debtor Education Department

Patricia Milligan joined the Trustee's Office in February as a part-time Assistant to the Trustee. She grew up in the Columbus area but lived in Denver for 7 years. After returning to Columbus, she completed two undergraduate degrees from The Ohio State University. She also earned a Master's degree with an additional 40 credit hours from the University of Dayton. She is a retired teacher holding licensure in Social Studies, Reading, and Special Education. Trish says she is delighted to be working in such a worthwhile organization and feels privileged to be part of the process. We enjoy her good-natured wisdom and gentle humor and are pleased that she retired just in time to join our staff. She can be reached at 614.436.6700 ext. 162 or [patricia@ch13.org](mailto:patricia@ch13.org).

## 2012 Macer Seminars

- Free seminars provide information to help you during your plan and after discharge.
- Email registration to [debtored@ch13.org](mailto:debtored@ch13.org) or call (614) 436-6700 ext. 112 with your name, case number, phone number and date of seminar. Dates and times are subject to change.
- Light refreshments are provided.



### Building a Spending Plan

Learn the basics of cash flow and how to track your spending. We provide pencils, calculators and quiet time; bring a list of your monthly expenses and pay stubs or income statements.

#### Dates and Times

- Wednesday, Aug. 15 : 7:00-9:00 p.m.
- Saturday, Aug. 25 : 9:00-11:00 a.m.



### Buyer Beware: Your Rights Under Ohio Consumer Laws

Learn about your rights under Ohio consumer laws, current scams to avoid, how to research companies before hiring them, work-at-home opportunities and much more.

#### Dates and Times

- Thursday, Oct. 11 : 7:00-9:00 p.m.
- Saturday, Oct. 13 : 9:00-11:00 a.m.



### Credit Reports & Re-Establishing Credit

Learn how to obtain, read and dispute credit reports. Guest speakers from credit lending community will share information about lending practices and what to expect now and after bankruptcy.

#### Dates and Times

- Thursday, Jun. 7 : 7:00-9:00 p.m.
- Saturday, Jun. 9 : 9:00-11:00 a.m.
- Wednesday, Dec. 5 : 7:00-9:00 p.m.
- Saturday, Dec. 8 : 9:00-11:00 a.m.

# 2012 Financial Management Seminar



- **Must bring picture ID and case number.**
- Seminar is free. You are required to complete this course one time only.
- Email registration to [debtor@ch13.org](mailto:debtor@ch13.org) or call (614) 436-6700 ext. 112 with your name, case number, phone number, date of seminar and attorney's last name.
- Light refreshments are provided at the Columbus location.

## Dates & Location - Columbus

Chapter 13 Trustee's Office  
130 E. Wilson Bridge Rd., Suite 100  
Worthington, OH 43085

### JUNE

- Thursday, Jun. 14 : 6:30-9:00 p.m.
- Saturday, Jun. 16 : 9:00-11:30 a.m.
- Tuesday, Jun. 19 : 9:00-11:30 a.m.

### JULY

- Tuesday, Jul. 24 : 9:00-11:30 a.m.
- Thursday, Jul. 26 : 6:30-9:00 p.m.
- Saturday, Jul. 28 : 9:00-11:30 a.m.

### AUGUST

- Saturday, Aug. 18 : 9:00-11:30 a.m.
- Tuesday, Aug. 21 : 9:00-11:30 a.m.
- Thursday, Aug. 30 : 6:30-9:00 p.m.

### SEPTEMBER

- Tuesday, Sep. 25 : 9:00-11:30 a.m.
- Thursday, Sep. 27 : 6:30-9:00 p.m.
- Saturday, Sep. 29 : 9:00-11:30 a.m.

### OCTOBER

- Thursday, Oct. 4 : 6:30-9:00 p.m.
- Tuesday, Oct. 23 : 9:00-11:30 a.m.
- Saturday, Oct. 27 : 9:00-11:30 a.m.

### NOVEMBER

- Thursday, Nov. 1 : 6:30-9:00 p.m.
- Saturday, Nov. 3 : 9:00-11:30 a.m.
- Tuesday, Nov. 20 : 9:00-11:30 a.m.

### DECEMBER

- Saturday, Dec. 1 : 9:00-11:30 a.m.
- Tuesday, Dec. 11 : 9:00-11:30 a.m.
- Thursday, Dec. 13 : 6:30-9:00 p.m.

## Dates & Location - Zanesville

Muskingum County Library Auditorium  
220 North 5th Street  
Zanesville, OH 43701

- Thursday, Jun. 21 : 1:45-4:15 p.m.
- Thursday, Jul. 19 : 1:45-4:15 p.m.
- Thursday, Aug. 16 : 1:45-4:15 p.m.
- Thursday, Sep. 20 : 1:45-4:15 p.m.
- Thursday, Oct. 18 : 1:45-4:15 p.m.
- Thursday, Nov. 15 : 1:45-4:15 p.m.
- Thursday, Dec. 20 : 1:45-4:15 p.m.

## Dates & Location - St. Clairsville

Ohio Valley Mall Community Room  
St. Clairsville, OH 43950

- Friday, Jun. 22 : 1:45-4:15 p.m.
- Friday, Aug. 24 : 1:45-4:15 p.m.
- Additional dates to be determined.

## Post-Confirmation Inquiries:

*All inquiries relating to case management, arrears and wage orders should be directed as follows:*

*Cases ending in...*

- 0 & 1 - Mandy Ballinger - [mandy@ch13.org](mailto:mandy@ch13.org)
- 2 & 3 - Betsy Weber - [betsy@ch13.org](mailto:betsy@ch13.org)
- 4 & 5 - Cindy Livingston - [cindy@ch13.org](mailto:cindy@ch13.org)
- 6 & 7 - Cathy Matthews - [cathy@ch13.org](mailto:cathy@ch13.org)
- 8 & 9 - Lucy Thomas - [lucy@ch13.org](mailto:lucy@ch13.org)
- Supervisor - Shelley Haydock - [shelley@ch13.org](mailto:shelley@ch13.org)

*Questions regarding other post-confirmation matters will be managed as follows:*

- Applications to Incur Debt & Debtor's Motion to Modify/Motions to Sell, etc. - Susan Cockerill - [susan@ch13.org](mailto:susan@ch13.org)
- Notice of Intention to Pay Claims & Trustee's Motion to Modify - Stacie Roberts - [stacie@ch13.org](mailto:stacie@ch13.org)
- Supervisor - Don Mains - [don@ch13.org](mailto:don@ch13.org)

*Pursuant to Federal Rule of Bankruptcy Procedure 3002.1(f), our office will file a Notice of Final Cure Payment for all successfully completed cases in which pre-petition mortgage arrears are paid through the plan and the mortgage is paid as a conduit. We will continue to file Motions to Deem Mortgages Current. All inquiries regarding cases about to complete, paid in full, dismissed or converted should be directed as follows:*

*Case numbers ending in...*

- 1 through 5 - Marje Armstrong - [marje@ch13.org](mailto:marje@ch13.org)
- 6 through 9 & 0 - Andrea Speelman - [andrea@ch13.org](mailto:andrea@ch13.org)
- Supervisor - Shelley Haydock - [shelley@ch13.org](mailto:shelley@ch13.org)

## Remember:

*As a reminder, our office has combined three departments to form the Post-Confirmation Case Administration Department. Our Case Administrators manage the cases, including **arrears** and **wage order** matters.*





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*Southern District of Ohio, Eastern Division*

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Messenger is a quarterly publication of the Chapter 13 Trustee's Office. Submissions for possible publication in Messenger can be emailed to Mandy Ballinger, [mandy@ch13.org](mailto:mandy@ch13.org).

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Chapter 13 Trustee

**Mandy Ballinger**

Editor and Designer

**Meg Murphy**

C.E.C. Coordinator

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