

# MESSENGER

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

Edition 4  
October 2012

## CASE LAW UPDATE

*David T. Powell, Staff Attorney for*

*Chapter 13 Trustee Frank M. Pees*

### **Is this a non-dischargeable debt?**

*Ewers v. Cottingham (In re: Cottingham), 2012 Bankr. LEXIS 2717; 56 Bankr. Ct. Dec. 169 (6th Cir. B.A.P.) – filed June 15, 2012*

The bankruptcy court found that the debtor conspired with his wife, the co-debtor, to convert embezzled funds and other property from the wife's employer. The debtor argued on appeal that the bankruptcy court erred when it found that he conspired with his wife and acted willfully and maliciously. The appellate court disagreed. Based on the evidence in the record regarding the debtor's access to and involvement in the family finances, the bankruptcy court's finding that the debtor was an active participant in the conversion of the creditor's assets was adequately supported. The bankruptcy court also found that the debtor had knowledge of and participated in the scheme to convert the pilfered funds for his own benefit. He spent the money from the joint bank accounts to buy things like computers and cars, and was aware of the cost of the household improvements and the debtor's outstanding financial obligations. Debtors' earned income ranged from \$98,600.00 to \$112,600.00; however, in 2006, Debtors spent \$391,731.16. Debtors spent an additional \$460,366.24 in 2007. Therefore, the panel held that Debtor could not reasonably have believed that their lifestyle was supported by their earned income. Thus, the bankruptcy court did not err in finding that the debtor conspired with his wife and that the debt was nondischargeable.

### **Is this treatment unfair discrimination?**

*In re: Renteria, 470 B.R. 838 (9th Cir. B.A.P. 2012) – filed May 4, 2012*

Debtor owed about \$100,000 in unsecured claims. Debtor's proposed plan provided for full payment of \$20,000 in legal fees to her former attorney on which her mother was a co-obligor. Debtor's plan proposed a 0% dividend to all other unsecured creditors. The trustee objected to the

plan as violative of § 1322(b)(1), but the bankruptcy court granted confirmation. The appellate panel, in affirming the bankruptcy court, reviewed the legislative history related to the so-called "however clause" of § 1322(b)(1) and held that Congress had sought to permit a Chapter 13 debtor to separately classify and to prefer a codebtor consumer claim when the facts were similar to those presented in cases referred to in a Senate report relating to the Omnibus Bankruptcy Improvements Act of 1983, a predecessor to the Act. Whatever else the "however clause" may do, a court may not deny plan confirmation under § 1322(b)(1) solely because it preferred a codebtor consumer claim over other unsecured claims.

*In re: Pracht, 464 B.R. 486 (M.D.Ga. 2012) – filed January 10, 2012*

This case presented the question of whether a Chapter 13 plan could be confirmed over the trustee's objection where the plan separately classified a non-dischargeable student loan debt and proposed to pay that debt more than the other general unsecured creditors. The plan did not propose to pay the other unsecured claims in full. Therefore, Debtor's proposed plan could not be confirmed unless it complied with 11 U.S.C.S. § 1325(b)(1)(B). The court stated that § 1325(b)(1)(B) only required that all of debtor's projected disposable income be paid "to unsecured creditors under the plan." In this case, the student loan debt was an unsecured claim. As long as all of debtor's projected disposable income was being paid to creditors with unsecured claims, the plan complied with § 1325(b)(1)(B). Next, the court concluded that 11 U.S.C.S. § 1322(b)(5) did not "trump" § 1322(b)(1). Rather, payments on a long-term debt under § 1322(b)(5) would not be permissible if the payments discriminated unfairly against the other unsecured claims in violation of § 1322(b)(1). In this case, Debtor was a special education teacher with \$115,934.98 in student loan debt who was eligible for a "Public Service Loan Forgiveness." Under the terms of this program, if Debtor made 120 consecutive payments of \$532.12, without default, the balance of

her student loan debt, approximately \$50,000, would be forgiven. Debtor's proposed plan provided a 15% dividend to unsecured creditors while paying the student loans as an unsecured creditor through the plan would have provided a 20% dividend to unsecured creditors. Under these circumstances, the court determined that debtor's proposed plan did not unfairly discriminate.

### **Is this plan filed in good faith?**

*In re: Richall*, 470 B.R. 245 (D.N.H. 2012) – filed May 11, 2012  
The proposed plan payments provided for full payment of unsecured claims over sixty (60) months; however, the plan payments were substantially lower than the debtors' monthly disposable income. The trustee objected arguing that the plan should have provided for payment of all monthly disposable income until the allowed claims were paid in full. Had all of Debtors' disposable income been paid into the plan, Debtors' plan would have a projected length of thirty (30) months. The trustee also argued that the debtors lacked good faith. The court concluded that the plan complied with 11 U.S.C.S. § 1325(b)(1)(A) because it provided for payment of all unsecured claims in full during a five year term through payments of one-half of their disposable income. They were not required to pay off their unsecured creditors in a shorter time by contributing all of their monthly disposable income to payments under the plain unambiguous language of the statute. The trustee failed to show that the debtors did not act in good faith under § 1325(a)(3) because Congress did not indicate that factors such as the time value of money and the risks to creditors in a stretched out plan were to be considered in a "good faith" analysis. See also, *In re: Winn*, 469 B.R. 628 (W.D.N.C.) – filed May 10, 2012.

*In re: Konowicz*, 470 B.R. 725 (D. N.J. 2012) – filed May 17, 2012

Debtor lived alone in a 6,100 square foot, five bedroom home valued at \$425,000 with a mortgage balance of \$800,000. Debtor's monthly housing expense was \$5,857.14. Debtor's proposed Chapter 13 Plan sought to retain the house while paying unsecured creditors a 10% dividend. The court, noting that Debtor was unlikely to ever achieve any significant equity in the property, denied confirmation stating that debtor had not devoted all of his disposable income towards funding his Plan, as required under 11 U.S.C.S. § 1325(b)(1)(B), and that the Plan had not been filed in good faith consistent with 11 U.S.C.S. § 1325(a)(3).

### **Is this a valid mortgage?**

*Rogan v. CitiMortgage, Inc.* (In re: Dilliard), 2012 Bankr. LEXIS 2214 (E.D. Ky. 2012) – filed May 17, 2012

On April 26, 2005, Debtors jointly applied for a loan to finance the purchase of real property. Debtor Husband could not be present at the closing which was scheduled to occur on May 6, 2005. Therefore, Debtors prepared a power of attorney in order for Debtor Wife to act on her

husband's behalf. At the closing, Debtor Wife was informed that the power of attorney was unacceptable but that the closing could be completed on the condition that Debtor Husband return to the office and execute an acceptable power of attorney. Debtor Wife executed all documents on behalf of her husband. On May 9, 2005, Debtor Husband executed a second power of attorney. On June 7, 2010, Debtors filed for bankruptcy protection and the Trustee filed an adversary proceeding seeking to avoid the interest of the bank. The Trustee argued that defendants failed to comply with state law. The Trustee contended that the First Power of Attorney, the only power of attorney in effect at the time debtor wife signed the mortgage on her husband's behalf, had to be recorded to put the Trustee on notice of defendants' interest. Defendants countered that the properly recorded Second Power of Attorney, signed just three days after the mortgage and deed were signed by debtor wife on her husband's behalf, was a ratification of her act in signing as her husband's power of attorney. Defendants further argued that regardless of the ratification, the ultimate recording of the mortgage was sufficient to put the Trustee on constructive notice despite any technical errors. The court agreed with both contentions. As the Second Power of Attorney had been recorded pursuant to Kentucky state law, the Trustee had constructive notice. Also, the applicable state law made it clear that the recording of the mortgage was sufficient notice regardless of any technical defect which would include any defect in recording a power of attorney.

### **Is this a proper claim of an exemption?**

*In re: Whitney*, 459 B.R. 712 (Bky. N.D. Ohio 2012) – filed October 25, 2011

Debtors' claimed a homestead exemption, pursuant to Ohio Revised Code § 2329.66(A)(1), on two contiguous lots based on the assertion that both lots were used as debtors' "residence" and thus were properly treated as components that together constituted a single homestead. The trustee objected, arguing that debtors were entitled to claim an exemption only as to the actual parcel on which the residence was sited and that no exemption protected a contiguous vacant lot. The court sustained the objection. The court found that the property claimed by debtors consisted of two separate lots, that debtors were entitled to an exemption only on the land on which their residence was located, that debtors had failed to provide the court with any facts as to debtors' use of the two parcels that might support their central claim that the two lots in fact were properly considered as one property for the purpose of the homestead exemption, and that vague claims relating to a trailer located somewhere on the land did not authorize a different ruling. Nor did debtors offer any evidence tending to establish that both parcels were devoted to a single use.

*Corcoran v. McDonald* (In re: McDonald), 471 B.R. 194 (E.D. Mich. 2012) – filed March 20, 2012

Debtors claimed a homestead exemption, pursuant to

Michigan state law, on two contiguous lots, a vacant parcel of land and a parcel of land on which their residential home is located. The Trustee objected to the exemption. The Bankruptcy Court overruled the objection. On appeal, the District Court affirmed. In support of its decision, the District Court noted that the Michigan tax authority had granted Debtors a homestead exemption on the vacant property and that nothing in the Bankruptcy Code expressly prohibits exemptions for real property that is adjoining but on separate tax bills.

*In re: Massey*, 465 B.R. 720 (1st Cir. B.A.P 2012) – filed February 27, 2012

Debtors claimed exemptions in their homestead and a vehicle in the amount of “100% of FMV (fair market value).” The Trustee objected to the claimed exemptions. The debtors argued that claiming 100 percent of the fair market value of the residence and the vehicle was an exercise of the debtors’ statutory right to claim in-kind exemptions of property with values which were plainly within the statutory exemption limits. The bankruptcy court held that the debtors’ claimed exemptions were facially invalid since the debtors failed to state values for the residence and the vehicle, and the debtors improperly attempted to exempt the residence and the vehicle rather than the value of the assets. See also, *In re: Messer*, 2012 Bankr. LEXIS 999 (9th Cir. B.A.P. 2012), filed March 9, 2012; and *In re: Luckham*, 464 B.R. 67 (D. Mass 2012), filed January 13, 2012.

### **Is this post-petition asset property of the estate?**

*Geddes v. Watson* (*In re: Watson*), 2012 Bankr. LEXIS 2635 (N.D. Ala. 2012) – filed June 11, 2012

The debtors declared bankruptcy in August 2008 and proposed a plan for repaying their creditors. While the debtors’ case was still open, the trustee learned that the wife’s mother had died and left part of her estate to the wife. The trustee filed an adversary proceeding against the wife and the person appointed to administer the mother’s estate, seeking an order which required the wife to turn over money she had already received from the administrator and requiring the administrator to turn over property he would have transferred to the wife to the trustee. The court granted the trustee’s unopposed motion for summary judgment. The wife’s inheritance became part of the wife’s bankruptcy estate under 11 U.S.C.S. §§ 541 and 1306, the trustee had already obtained an order which modified the debtors’ bankruptcy plan by increasing the amount the debtors had to pay their creditors by the amount of the wife’s inheritance, and the trustee was entitled to take possession of property the wife inherited and use it to pay the debtors’ creditors.

### **EMERGING ISSUES REVISITED – TAKE ONE:**

In the Fall 2011 Edition of *Messenger*, the Emerging Issue involved Debtors who are ineligible for a discharge seeking to treat wholly unsecured junior mortgage holders as general unsecured claims and further stripping the mortgage at the

completion of the plan. Here is an addition to the growing split of cases addressing whether an wholly unsecured mortgage can be stripped when the debtor is not eligible for a discharge pursuant to 11 USC §1328(f)(1).

*In re: Miller and In re: Paulette*, 462 B.R. 421 (E.D. N.Y. 2011) – filed December 15, 2011

In this case, each Debtor filed a Chapter 13 bankruptcy less than four years after receiving a discharge in a Chapter 7. Both debtors had second mortgages on their residential real estate that were wholly unsecured. Debtors sought to treat their respective mortgages as unsecured claims and strip off the mortgages upon completion of their plans. The court found that although neither Debtor was eligible to receive a discharge, they were not either precluded from reclassifying wholly unsecured mortgages on their residences as unsecured claims or stripping off said mortgages at the completion of their plans.

### **EMERGING ISSUES REVISITED – TAKE TWO:**

In the Winter 2012 Edition of *Messenger*, the Emerging Issue asked: What happens when a creditor takes no steps to accept surrender, foreclose or transfer title when a Debtor surrenders real estate? The First Circuit Bankruptcy Appellate Panel addressed one aspect of this issue in the context of a Chapter 7.

*Canning v. Beneficial Maine, Inc. (In re: Canning)*, 462 B.R. 258 (1st Cir. BAP – December 12, 2011)

In a Chapter 7 Proceeding, Debtors surrendered their residence to the mortgagee. Mortgagee refused to take any steps to accept surrender and refused to release the mortgage lien on the property. Debtors re-opened the bankruptcy and sued the mortgagee for violating the discharge injunction. Debtors argued that the mortgagee’s refusal to foreclose effectively eradicated their right to surrender and indefinitely kept them from a fresh start. The Bankruptcy Appellate Panel stated that after debtors surrendered the property, the mortgagee was not required to take possession. Thus, the bankruptcy court correctly concluded that the mortgagee did not violate the discharge injunction when it refused to foreclose. The surviving question was whether the mortgagee improperly failed to discharge its mortgage. Assessing the particular facts, the Panel could not conclude that there was a particular confluence of circumstances that rendered the mortgagee’s refusal to discharge its mortgage tantamount to coercing payment of a discharged prepetition debt. The record reflected that the Property had significant value, that the mortgagee did not suggest it would discharge the mortgage only upon the full payment of the loan, and that debtors were not incurring any attendant costs. Also, 11 U.S.C.S. § 524(a) was not a license for courts to go beyond the particular prohibitions specified in the statute to shield debtors from adverse contingencies.

## A Decision on the Attorney Fee Issue

Finally, in the last Messenger, reference was made to an en banc hearing on the issue of the Trustee's disbursement of post-confirmation attorney fees. In Columbus, the Mandatory Form Plan sets forth the payment structure for both pre- and post-confirmation attorney fees. Specifically, pre-confirmation attorney fees are paid a per month payment concurrently with conduit mortgage payments and secured claims receiving per month distributions. Post-confirmation attorney fees are paid a pro rata distribution concurrently with Priority Claims and Secured Claims that are not receiving a per month distribution.

Columbus Trustees Frank M. Pees and Jeffrey P. Norman began seeing special provision language inserted into the Mandatory Form Plan that, if approved, would require the Trustees to distribute set monthly payments to Debtors' counsel for any attorney fees awarded for post-confirmation work. Such a disbursement would be contradictory to the language of the Mandatory Form Plan. Both Trustees objected to the inclusion of the special provision language.

Counsels' primary arguments in favor of the special provision language were: (1) the different payment structure for pre-confirmation and post-confirmation attorney fees results in the improper splitting of attorney fees into two

separate classes in violation of §1322(a)(3); and (2) §1326(b) mandates that attorney fees, as a §507(a) claim, be paid "before or at the same time as" payments to other creditors. Debtors' counsel also provided practical arguments for providing per month payments on post-confirmation attorney fees.

The Court held that there is no requirement that pre-confirmation and post-confirmation attorney fees be treated identically. In fact, the Court stated that there are valid reasons for treating pre-confirmation and post-confirmation attorney fees differently. Further, the Court found that while §1326(b) requires that §507(a) priority claims be paid in full over the life of the plan, there is no requirement that such claims be paid before or at the same time as other claim. Thus, the Court upheld the Trustees' objections and denied the inclusion of the special provision language.

The full text of the Court's opinion can be found in any of the following cases of the Southern District of Ohio: *In re: Allen*, Case No.: 11-52644 (Doc. 68); *In re: Vernon*, Case No.: 11-57895 (Doc. 54), or *In re: Longstreth*, Case No.: 11-60619 (Doc. 35). Additionally, full texts of the Court's opinion can also be obtained by contacting David Powell, Staff Attorney for Trustee Frank M. Pees, at david@ch13.org.

## Notes from Case Administration:

- ✓ Please be advised that the Trustee will allow cases to pay off early, however, the case must be projecting to meet the Applicable Commitment Period. If you are in doubt as to whether a case is meeting commitment period, please feel free to contact our office.
- ✓ When filing Motions/Orders to Modify, please make sure to use a monthly start date. If a specific monthly start date is not used in the Motion/Order, we will use the date of the Order as the start date.
- ✓ Wage Orders – As a reminder, the initial wage order is to be filed by Debtor's Counsel. Our office will file any post confirmation amended wage orders unless otherwise requested. When filing the initial wage order, please use the employer's corporate address when applicable. We maintain an extensive database of employer addresses. Feel free to contact us if you are in need of an address as we may be able to assist.
- ✓ We are now objecting to many Notices of Post-petition Fees, Expenses and Charges when/if appropriate and also objecting to Notices of Payment Change in which the creditors are attempting to retro-activate a payment increase.

## Notes from the Closing Department:

- ✓ If possible, if a plan calls for an Adversary Proceeding or a Motion to Avoid Lien to be filed, please file prior to the completion of the plan payments to alleviate further delay in closing cases. Please contact our Closing Department with questions or concerns.
- ✓ In an effort to facilitate the closing, please file any necessary Notice of Address Change for your clients as soon as possible.
- ✓ In accordance with Federal Rule of Bankruptcy Procedure 3002.1 (f), we are filing Notices of Final Cure Payment in addition to the Motions to Deem Mortgage Current for all cases in which we've paid a conduit mortgage payment.

# PRE-CONFIRMATION

## Fall Greetings From the Pre-Confirmation Department

### Business Cases

The Trustee is seeing an influx of business cases. To expedite the confirmation of these cases, please note the following:

- Prior to the §341 Meeting of Creditors, please send at least the two most recently filed tax returns to the office. If the tax returns do not support feasibility, an income and expense projection for the business will be required. The gross business income should be on Schedule I if the business is a sole proprietorship or a partnership with the expenses disclosed on Schedule J. A breakdown of income and expenses related to the business is required and can be filed as an addendum to Schedule J.
- In addition to the materials above, this office will also require verification that the debtor maintains:
  - separate business checking and personal checking accounts
  - profit and loss statements
  - monthly reports of expenses and receipts
  - business liability insurance
- Further verification is required regarding:
  - a complete inventory and equipment list
  - timely transmission of withholding taxes
  - amount of trade credit that debtor has, if any
  - inventory (if debtor has significant inventory, we will ask that debtor maintain monthly inventory reports)
  - number of employees (both full-time and part-time), if any
- This information is usually garnered under oath at the §341 Meeting of Creditors.
- If after review of the information provided at §341 Meeting of Creditors, and through the tax returns, income/expense projection, and breakdown of expenses, there are additional questions, this office will request additional information. Such requests are case specific.



- This office strongly encourages the Debtors to purchase, if they have not already done so, a business accounting software program to assist their record keeping.
- A small business handbook will be provided to business debtors at the §341 Meeting of Creditors. This handbook provides information regarding cash receipts journals, cash payments journals, sales journals, purchases journals, and profit and loss statements. The small business handbook is now available on the Trustee's website at [www.ch13.org](http://www.ch13.org).

- Post-confirmation reporting may be required. Debtors engaged in business as defined in §1304 will be required to file periodic reports showing profit and loss. On a case-by-case determination, the frequency of this reporting requirement may be reduced to an annual basis. A copy of such a quarterly report is included in the above-referenced business handbook.

### Pay Advices and Tax Returns

Pursuant to the PII directive, all social security numbers and dependent names must be redacted from pay stubs and tax returns. Please make sure that no documents are sent via email unless these items are properly redacted.

### Means Test

Please note that the Census Bureau State Median Income figures have been updated and will be available on the U.S. Trustee website beginning October 12, 2012 (<http://www.justice.gov/ust/ao/bapcpa/meanstesting.htm>). These figures apply to all cases filed on or after November 1, 2012.

### Docketing Website

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



You can also follow us on Twitter to get up to the minute information. Our Twitter username is @columbusch13. If you need support for 13network or Dockets logins please visit [ch13.org/support](http://ch13.org/support)

## Make a Difference Day

### National Day of Doing Good, October 27, 2012

"Sometimes it's hard stepping outside yourself when you have the weight of the world on your shoulders. You have to pick up the kids from school. You have to cook dinner. You have bills to pay. You have stuff going on and your load is heavy. But you know what? Someone else's load is heavier. Someone needs you right now. And sometimes the way to lighten your load is to try to lighten someone else's."

On Make A Difference Day, Oct. 27, I know you can find even just one hour to reach out and help someone. What you'll get back is immeasurable."

Hoda Kotb  
USA Weekend

Quest Business & Conference Centers  
8405 Pulsar Place  
Columbus, OH 43240

Since January, the officers and the Board of Trustees of the Credit Education Coalition have been diligently planning the Fall Seminar. The following is just a *preview* of what to expect on November 9th. Please take special note of the presenters for the Professionalism session: all three of our local judges!

This course has been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for 6.50 total CLE hours, with 1.0 hour of Ethics, and 1.0 hour of Professionalism instruction. The brochures and registration forms are being finalized and will be distributed *in a few days*! If you have not yet saved the date on your calendar, please do so now!

### **PRELIMINARY SCHEDULE OF SESSIONS & PRESENTERS**

#### **Case Law Update**

- Robert Ellis, Ellis & Ellis, Marietta OH
- John W. Kennedy, Office of Chapter 13 Trustee Jeffrey P. Norman, Columbus OH

#### **Rule 3001/3002 and other Creditor Issues**

- Pamela D. Arndt, US Trustee's Office, Columbus OH
- Kathleen Mills, Office of Chapter 13 Trustee Frank M. Pees, Worthington OH
- Stacey O'Stafy, Manley Deas Kochalski LLC, Cleveland OH

#### **Ethics**

- Pamela D. Arndt, US Trustee's Office, Columbus OH
- Pamela N. Maggied, Pamela N. Maggied Co LPA, Columbus OH

#### **Professionalism**

- Hon. Charles M. Caldwell, US Bankruptcy Judge, Columbus OH
- Hon. John E. Hoffman, Jr., US Bankruptcy Judge, Columbus OH
- Hon. C. Kathryn Preston, US Bankruptcy Judge, Columbus OH
- Melissa Linville, Pro-Bono Program Fellow, US Bankruptcy Court, Columbus OH

#### **Dischargeability of Tax Debt**

- **Moderator**--Matthew Thompson, Nobile & Thompson, Hilliard OH
- Terry Serena, IRS Office of Chief Counsel, Cincinnati OH
- Rebecca Daum, Ohio Department of Taxation, Columbus OH
- Kerrie Ryan, Ohio Department of Taxation, Columbus OH
- Melinda Frank, City of Columbus Division of Income Tax, Columbus OH

#### **Defending Your Case:**

**Objections to Confirmation; Safe Harbor; Best Interest Calculations; 401(k) Contributions; Conduit After Stay Lift; Whole Life Policies; Business Expenses**

- **Moderator**--Christal L. Caudill, The Caudill Law Group LLC, Powell OH
- Michael A. Cox, Guerrieri Cox & Associates, Columbus OH
- John F. Cannizzaro, Cannizzaro Bridges Jillisky & Streng, Marysville, OH
- Jeffrey P. Norman, Chapter 13 Trustee, Columbus OH
- David Powell, Office of Chapter 13 Trustee Frank M. Pees, Worthington OH

# DEBTOR EDUCATION

Thought for the Month:

“The longer we dwell on our misfortunes, the greater their power to harm us.”

## 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.



### 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

- 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 [debtored@ch13.org](mailto:debtored@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

#### OCTOBER

- 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, 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.

### *Hello From the Accounting Department!*

The first six months of 2012 have been a continuing effort to get Trust funds to the correct Trustee. We are making headway. Please ensure that your clients and employers understand their correct Trustee. We continue to receive funds for Trustee Norman on new cases that were not involved in the split last October. 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 persistently 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 April, May and June 2012 was \$8,670,938.19. We will continue to provide you with outstanding service.

If you have any suggestions or comments for the accounting department, please do not hesitate to contact our office.

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



# MESSENGER

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

Edition 4  
October 2012

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).

**Frank M. Pees**

Chapter 13 Trustee

**Mandy Ballinger**

Editor and Designer

**Meg Murphy**

C.E.C. Coordinator

**FRANK M. PEES • CHAPTER 13 TRUSTEE**

*130 E. Wilson Bridge Rd. Suite 200*

*Worthington, Ohio 43085*