

D. SIMS CRAWFORD
CHAPTER 13 STANDING TRUSTEE

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TRUSTEE'S CONFIRMATION REVIEW PROCESS FOR CASES ASSIGNED TO
THE HONORABLE THOMAS B. BENNETT, CHIEF U.S. BANKRUPTCY JUDGE

I. Effective Date: This process applies to all unconfirmed Chapter 13 cases assigned to Chief Judge Bennett where the confirmation hearings are scheduled on or after July 1, 2012.

II. Purpose: To preserve judicial economy in unconfirmed Chapter 13 cases assigned to Chief Judge Bennett by resolving administrative or procedural issues between the Trustee and the Debtor's attorney related to plan confirmation so that the Court is able to focus its hearings on substantive legal issues.

III. Applies: When the Chapter 13 Trustee has filed a written objection to confirmation of the debtor's plan or amended plan and the objection is still pending before the Bankruptcy Court at least 10 days before the confirmation hearing. Examples of Trustee objections include but are not limited to:

- The proposed plan payments or fixed payments are mathematically insufficient to satisfy the required amounts during the term of the plan.
- The composition percentage or unsecured pot amount proposed in the plan or amended plan does not agree with the amount recommended by the Chapter 13 Trustee.
- The proposed plan payments are not feasible as required by 11 U.S.C. § 1325(a)(6).
- The Trustee has not received tax returns timely as required by § 521(e)(2)(A)(i) or payment advices as required by § 521(a)(1)(B)(iv).
- The Trustee and the Debtor's attorney reached an agreement regarding plan terms during the § 341 meeting of creditors, but afterwards the Debtor's attorney filed an amended plan with terms that contradicted the agreement made for matters such as plan payments, fixed payments, or the proposed attorney fee.

IV. When: The Debtor's attorney must contact and hold substantive communications with a Trustee attorney or a Trustee paralegal (see the list below) by telephone or email on a designated settlement day at least 10 days before the scheduled confirmation hearing. Until further notice, the designated settlement day will be Fridays between the hours of 8:00 a.m. and 2:00 p.m.

V. Who: The Debtor's attorney (not clerical staff or support staff) must contact one of the following attorneys or paralegals in the Trustee's office to discuss an unconfirmed Chapter 13 case that is assigned to Chief Judge Bennett and that meets the criteria above:

D. Sims Crawford, Trustee
Charles E. King, Assistant Trustee
Mary Frances Fallaw, Staff Attorney
Kristie Mitchell, Paralegal
Jennifer Howell, Paralegal

VI. How: A. If the Trustee attorney or paralegal and the Debtor's attorney reach an agreement timely, the Trustee's office will prepare an amended Chapter 13 bench sheet that reflects the agreed terms and the withdrawal of the Trustee's objection to confirmation/motion to dismiss. The Trustee's office will email the amended bench sheet to the Debtor's attorney for his or her approval. The Debtor's attorney must provide his or her approval in writing to the designated Trustee attorney or paralegal within 24 hours. After receiving said approval timely from the Debtor's attorney, the Trustee will submit the amended bench sheet to Court chambers no less than 7 days before the scheduled confirmation hearing.

B. If a settlement is not reached timely and the agreed terms are not provided to chambers for the Court's consideration at least 7 days before the scheduled confirmation hearing, then the Trustee will consider his objection to confirmation unresolved and recommends that all parties attend the scheduled confirmation hearing. Nothing in this Memo will excuse any party from appearing before the Court for a scheduled hearing.

C. If the Debtor's attorney files an objection to claim or motion to value prior to the conclusion of the Section § 341 meeting of creditors, the Trustee will not oppose a continuance of the confirmation hearing so that the objection to claim, the motion to value, and the confirmation hearing may be heard contemporaneously by the Court.

D. If the Trustee and the Debtor's attorney successfully reach an agreement on the matters above and communicate that agreement to the Court in a timely fashion, the Trustee will, in most instances, agree to recommend the full amount of the attorney fee requested by the Debtor's attorney. However, the Trustee may still request a different fee distribution than proposed by the Debtor if needed.

E. In an unconfirmed Chapter 13 case where this process applies, if the Debtor's attorney does not contact the Trustee's office and hold substantive communications as required, the Trustee may object to the compensation requested by the Debtor's attorney and seek a reduction in the proposed attorney fee pursuant to Local Rule 2016-1(o) for the U.S. Bankruptcy Court for the Northern District of Alabama.

F. The Trustee will conduct a training session for this process on **Friday, June 15, 2012 at 10:00 a.m.** in Room 448 of the Financial Center, 505 20th Street North, Birmingham, AL 35203. If you have any questions, please contact Sims Crawford, Charles King, or Mary Frances Fallaw.