

# OFFICE OF THE CHAPTER 13 TRUSTEE

NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION  
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CHAPTER 13 TRUSTEE

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DATE: Effective on February 4, 2009

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## I. Trustee's Preparation for §341 Meeting of Creditors:

- A. Pursuant to 11 U.S.C. § 521(e)(2)(A)(i) and Fed. R. Bankr. Proc. 4002(b)(3), the Trustee will review, during the § 341 meeting of creditors process or otherwise as appropriate, federal income tax returns and tax transcripts provided by the Debtor, including but not limited to a review of the following:
- Is the Debtor's gross income on the federal income tax return different than the gross income listed on Schedule I and Form B22C? Is there a reasonable basis for this difference?
  - If the Debtor has claimed "Head of Household" on his or her federal income tax return, is he or she married?
  - How much are the itemized deductions? Do they appear to be excessive?
  - Has the Debtor claimed an earned income credit?
  - Did the Debtor receive an income tax refund for the most recent tax year ending before the bankruptcy petition was filed? If so, do the schedules reflect this refund?

Based on a review of the federal income tax returns and other factors, the Trustee attorney will decide whether an objection to confirmation is appropriate.

- B. For all Chapter 13 cases, if the Trustee's attorney cannot recommend confirmation at the meeting of creditors due to problems in the proposed Plan or due to the absence of required documents (tax return, photo ID, verification of Social Security number, etc.), he or she may continue the meeting of creditors until such matters are resolved.
- C. After the completion of the meeting of creditors, the Trustee's office will, if needed, file an objection to confirmation and motion to dismiss regarding any remaining issues. If appropriate, the motion may also contain a recommendation for reduction of the Debtor's attorney fee pursuant to the *Administrative Order on Compensation in Chapter 13 Cases*, No. 06-04 (effective in cases filed on or after August 1, 2006).

## II. Confirmation Hearings

- A. If the Debtor or Debtor's attorney files an amended plan, tax returns, pay stubs, or other documents fewer than 7 days before the confirmation hearing or during the confirmation hearing, the Trustee's attorney may request a continuance of the confirmation hearing for a minimum of 7 days to review the new pleadings and documents. If appropriate, the Trustee's attorney will recommend a reduction of up to \$500.00 in the Debtor's attorney fee pursuant to the *Administrative Order on Compensation in Chapter 13 Cases*, No. 06-04 (effective in cases filed on or after August 1, 2006).
- B. If all matters relating to confirmation are resolved, the Chapter 13 Plan may be recommended at the §341 Meeting of Creditors or the Trustee's office may file a written withdrawal of an Objection to Confirmation and Motion to Dismiss prior to the Court hearing.