

**CHAPTER 7 TRUSTEE PET-PEEVES
AND PRACTICE TIPS**

1. **§341 Financial Documentation** – Pursuant to 11 U.S.C. §521(e)(2)(A) and 11 U.S.C. §521(a)(1)(B)(iv) the Debtor is to provide to the Trustee the 60-day paystubs prior to filing, copy of most recent state and federal tax returns, bank statement(s) to include the balance as of the date of filing.

a. **DOCUMENTS ARE TO BE RECEIVED BY THE CHAPTER 7 TRUSTEE’S OFFICE
NO LATER THAN 7 DAYS PRIOR TO THE §341 MEETING.**

b. If the Debtor does not have copies of any recent tax returns, and cannot obtain any from the IRS, than a Motion to Waive the Requirement must be filed with the U.S. Bankruptcy Court.

2. **Debtor identification** – The Debtor is required to appear at the §341 Meeting and to show a government issued photo ID, as well as to show original proof of the Social Security Number (i.e. Social Security Card or W-2 form).

3. **Local Bankruptcy Form Q –Statement Under Penalty of Perjury Concerning Payment Advices** - Pursuant to 11 U.S.C. §521(a)(1)(B)(iv) - Please file it for anyone who does not have W-2 income (i.e. no paystubs, self-employed, unemployed, 1099 employee, social security income, etc...).

4. **Chapter 7 Conversion Schedules** – Please review and amend any schedules that should be amended when you convert and **ALWAYS** file a Statement of Intent.

5. **Petition and Schedules** – Always review the petition and schedules prior to filing with the Court, in order to save time and effort on all our parts from your having to amend.

a. Do not file Schedule B with words such as “miscellaneous” or repeat the category as a description (i.e. real property, household goods, wearing apparel, or automobiles). You must give specificity to all property. Do not use boilerplate language which is the same for every case you file.

*Practice tip: Use the forms your client has filled out for their personal property and state on Schedule B “see attached list” and don’t forget to attach the list. This protects you from your client claiming that you did not list the property correctly.

b. Schedule C requires proper exemptions. If you are claiming the Tenancy by the Entireties exemption, be sure to provide to the Trustee copies of all Schedule F bills and the Deed.

c. Schedule D requires “all entities holding claims secured by property of the Debtor as of the date of filing”. This includes mortgages even if the Debtor has not signed on the Note.

d. Schedule E if the Debtor is required to pay domestic support put the information on this Schedule, even if money is not owed.

e. Schedule I requires the name and address of the employer to be listed. Please do not leave blank. Be aware that any 401(k) deductions are counted back in as income by the US Trustee.

f. Schedule J if there are unusual expense items, provide documentation to the Trustee. Double check any excess income.

g. Statement of Financial Affairs be sure to fill out all questions completely. If the Debtor is self-employed, or if the Debtor is a business **BE SURE** that Question 18 and its progeny are completed.

6. **Amendments and additional documentation** – If the Trustee requests that you file Amendments and/or provide additional documentation, please file/forward promptly. The filing of a NDR does not mean that they are not required.

7. **Please keep all information current** – The Debtor’s address, the attorney’s address and the attorney’s email address.

8. **Continuance of §341 Meetings** – Please use the standard forms properly filled out, to request a continuance from the Trustee. The Court nor the U.S. Trustee’s Office handles §341 continuances, the individual Chapter 7 Trustee does. In accordance with Local Bankruptcy Rule 9013-4, you must file the Consent Motion to Extend Deadline to File Objections to the Discharge and the Notice of Continued §341 Meeting of Creditors with the Court and serve all creditors and interested parties on the Court’s official mailing matrix.

9. **Creditors Proof of Claim issues** – be careful how you mark the claims as there are various versions of the claim form circulating. In addition, be sure to attach supporting documentation for the claim amount. Always, always, be sure to update information so that when the Trustee is ready to pay claims, sometimes years later, the address is correct.

10. **Creditors Motion for Relief from Stay Consent Orders** – Please be sure to include language that any surplus foreclosure proceeds are to be paid into the bankruptcy estate.