

**WHAT YOU SHOULD KNOW ABOUT
YOUR CHAPTER 13 CASE**

THIS BOOKLET CONTAINS ANSWERS TO MOST OF THE QUESTIONS YOU WILL HAVE WHILE UNDER CHAPTER 13. READ IT COMPLETELY WHEN YOU BEGIN YOUR CASE AND REFER TO IT WHENEVER YOU NEED AN ANSWER.

**Put your Chapter 13 Case Number on all payments
and correspondence with the Trustee**

Case Number: _____

Attorney: _____

Mail your payments to:

**Jeffrey M. Kellner, Chapter 13 Trustee
1722 Solutions Center
Chicago, IL 60677-1007**

Your Trustee's name, correspondence address and office
telephone number is:

**Jeffrey M. Kellner, Chapter 13 Trustee
131 N. Ludlow Street, Suite 900
Dayton, Ohio 45402-1161
(937) 222-7600**

August, 2011

Meeting of Creditors are held:
U.S. Trustee's Office
Bankruptcy Court Bldg.
Suite 309, 120 West Third Street
Dayton, OH 45402

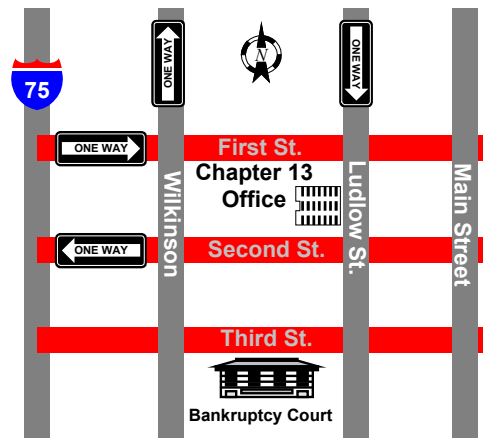
Objections to Valuation and/or Confirmation held:
East or West Courtroom
Bankruptcy Court Bldg.
120 West Third Street
Dayton, OH 45402

Interpreter for 341 Meeting

If you have limited English skills or are hearing impaired, please contact your attorney immediately. Your attorney will then need to contact the Chapter 13 Office and advise the office of the language that will need to be interpreted.

You must have a photo I.D. with you for entrance to the Chapter 13 Office or Courthouse.

Debtor Education classes are held in the conference room in the Chapter 13 Trustee's Office at: 131 N. Ludlow Street, 9th Floor, Dayton, Ohio 45402.



Cell phones are prohibited in the Courthouse.

**If you have a question on
your plan or a problem
with a creditor,
your first phone call
should be to your
attorney.**

**Your attorney's phone
number
is _____.**

**The Office of the Chapter
13 Trustee cannot give
legal advice.**

INTRODUCTION. Chapter 13 is one method under the Bankruptcy Code to obtain relief from your creditors while at the same time providing a fair means to pay them back as much as you can. It allows you to keep some or all of your property during the time you are paying creditors back and it permits you to modify some contract payments and interest rates. Your plan may eliminate late charges and penalties and allows you to extend payments on some of your debts. Chapter 13 has gained widespread acceptance across the country as an attractive alternative to a straight bankruptcy.

YOUR NUMBER. At the time your Chapter 13 petition was filed, the Bankruptcy Clerk assigned the case a number. This number is very important. You will need it whenever you write to the Trustee's office or when you make a payment to the Trustee. Your case number has been printed on the cover of this booklet. **ALWAYS PUT YOUR CASE NUMBER ON ANY PAYMENTS OR LETTERS TO THE CHAPTER 13 OFFICE.**

CHAPTER 13 COSTS. The costs for Chapter 13 are paid by each case. There are basically two types of costs in each case. They are the fee for your attorney and the Trustee's administrative expense fee. The fee for your attorney is set by the Court and the order confirming your plan covers this item. Costs associated with filing the case include Court costs, title exams, credit reports, etc. are generally paid through your attorney fees. The United States Bankruptcy Code states that the Chapter 13 Trustee is to charge an expense and compensation sum. The percentage is established by the United States Trustee from the United States Department of Justice.

YOUR ATTORNEY. When your attorney agreed to represent you and signed your petition with you, your attorney became obligated to appear and

represent your interests throughout your Chapter 13. Your attorney must continue to appear on your behalf as long as your case is active or until the judge permits your attorney to withdraw from your case. **If you ever have any questions concerning your case, your creditors, your rights under the Bankruptcy Code or your options under Chapter 13, make it a rule to ask your attorney first.**

Your attorney should have explained to you how much the legal fee would be and how it will be paid. Be sure that you have specifically discussed fully whether additional legal services during your plan will cost you more money or whether the initial fee will cover all legal services. Your attorney will be paid the allowed fee through the Chapter 13 plan. All fees charged by your attorney must be reviewed and approved by the Bankruptcy Judge, even if you agree to pay more.

If you decide that you must change attorneys during your Chapter 13, there are local bankruptcy rules which tell how the change is to be made.

When you need advice or assistance, you should be able to get help from your attorney. Although the Chapter 13 Office is able to answer many questions, the law prohibits the Trustee or the Trustee's staff from giving you any legal advice. If you have a problem, a question or need advice, please call your lawyer's office first.

You should contact your attorney when:

- You change jobs;
- Something happens that interferes with you making your payments; it is important that you contact your attorney before you miss a plan payment;
- You move;
- You are offered a buyout or early retirement

at work (**Make sure you talk to your attorney before accepting**);

YOUR ADDRESS. We need to know your exact mailing address for as long as you are under Chapter 13. We have the address which you put on your petition and we will send all notices to that address until you or your attorney tell us to send them somewhere else. If you ever move or change your mailing address, you **must** inform your attorney of your new address. Your attorney must file your new address with Court before we can make the change.

CALLS TO THE TRUSTEE'S OFFICE. The Chapter 13 Trustee's phone number is (937) 222-7600. The office is open for phone calls five days a week from 9:00 a.m. to 3:00 p.m. If you have a question which your attorney cannot answer, you may wish to ask the Trustee by writing a letter with your case number and your question. If you cannot wait for a written response, you may call the Chapter 13 Office during the office hours. Do not feel that you have to talk personally with the Trustee; the staff is familiar with the policies and guidelines under Chapter 13 and is well qualified to discuss with you any problems or questions that may arise. The Trustee and the Trustee's staff cannot give any legal advice, however, and we encourage you to direct all legal questions to your attorney.

YOUR FIRST FULL PLAN PAYMENT must be made payable to: Jeffrey M. Kellner, Chapter 13 Trustee, in good funds (money order, certified check or cashier's check) and sent with your name and case number in the memo, by standard mail to the Trustee's lockbox to: 1722 Solutions Center, Chicago, IL 60677-1007, **no later than ten (10) days PRIOR to your §341 Meeting of Creditors.** Payments are **NOT** accepted at the Trustee's Office or at the §341 Meeting of Creditors. If the payment

is not received by your §341 Meeting of Creditors, the Trustee will file a Motion to Dismiss for non-payment.

PAYMENTS. Pursuant to Local Bankruptcy Rules, Chapter 13 payments are made through a payroll deduction at your place of employment. Only in unusual circumstances will the Court allow plan payments to be made by you directly to the Trustee instead of by payroll deduction order or by deduction from your checking account. Should you make a plan payment, do so by money order, postal order or cashier's check, and be sure to include your **NAME**, address and your **CHAPTER 13 CASE NUMBER** on the check. **DO NOT SEND CASH - THE TRUSTEE CANNOT ACCEPT CASH.** The Trustee does not accept third party checks. These are checks for plan payments from a person other than the debtor. **PAYMENTS MUST BE SENT BY STANDARD MAIL TO THE CHAPTER 13 TRUSTEE'S LOCK BOX. CHECKS SHOULD BE MADE PAYABLE TO: JEFFREY M. KELLNER, CHAPTER 13 TRUSTEE AND MAILED TO 1722 SOLUTIONS CENTER, CHICAGO, IL 60677-1007.**

PAYROLL DEDUCTION ORDERS. If your plan payments are to be made by payroll deduction, your counsel or the Trustee will file a motion to notify your employer after the Meeting of Creditors to deduct your plan payment from your paycheck and send it to the Chapter 13 Trustee. It is important that both you and your employer understand that such an order is not a garnishment. A garnishment or attachment can come only from someone to whom you owe money, and you do not owe the Court or the Trustee any money. The Court is just carrying out its duty to administer the plan you voluntarily filed and in which you gave the Court exclusive jurisdiction over your future pay as long as you are subject to a Chapter 13 plan. Most employers understand that you are making a serious effort to repay your debts instead of avoiding them and think more highly of an employee who

seeks to pay his debts. If your employer has any questions, they may call the Chapter 13 Office for an explanation.

OBLIGATION TO PAY. Even though your employer may have been notified to deduct plan payments and send them to the Trustee, you must remember that **you** have the obligation to make sure payments are made. If your employer ever fails to make a plan payment deduction, you must tell your lawyer that the deduction was not made **and** you must send the needed plan payment to the Trustee's lock box at: 1722 Solutions Center, Chicago, IL 60677-1007. Payments must be made by money order, postal order or cashier's check. It is a good idea to keep your pay stubs to demonstrate that the deductions are taking place. If a payment is not received by the Trustee as required by your plan, any creditor in your case may ask the Court to dismiss the case. The Trustee **will** ask the Court to dismiss your case if you fail to make the required payments.

DISMISSAL. If you fail to make the payments to the Trustee as required by your plan, the Trustee will ask the Court to dismiss your case. It is very important to contact your attorney if you ever expect to miss a payment for any reason, including being laid off, being medically disabled or because you have changed jobs. If your case is dismissed, you might not be eligible for any kind of bankruptcy relief for six months and it may affect the automatic stay in subsequent filings so it is important to talk to your attorney if you know of any reason why the Trustee would not receive a payment. Remember, the Trustee's office has no authority to let you miss a payment or allow you to pay less than your plan requires. Only the Judge can make such a decision, and you should contact your lawyer as soon as possible so your lawyer can file a motion requesting the Judge to change the requirements of your plan if you feel you cannot meet the obligations of your plan.

CONTACTS BY CREDITORS. All the creditors that you listed on your Chapter 13 petition may be subject to an automatic restraining order which prohibits them from bothering you in any way. The automatic stay may be affected by the timing of prior bankruptcy cases. If you get notices in the mail from your creditors, send them to your attorney. Delinquent notices need not cause any great concern, but if you get a more personal, direct contact from a creditor, such as a telephone call, a personal letter, a summons, or a visit in person, you should immediately inform them that you are under Chapter 13 and give them your case number, and your attorney's name and address. Under no circumstances should you discuss the debt with them in any manner. Be sure you tell your lawyer the name of the person who contacted you. Your lawyer will want to follow up on such a call and the name of the person calling you is very important.

DEALING WITH CREDITORS. You may **not** deal with a creditor, just as a creditor may not deal with you. You cannot pick and choose some particular creditor and pay him "on the side," because **all** of your debts must be dealt with through the Court. All creditors must be paid under the authority of the Court, by the terms of the law, and not by any personal desires. If you want to pay creditors, you must do so through your Chapter 13 plan.

MORTGAGE. If the Chapter 13 Trustee is paying your mortgage through the plan, it is important that we always know the correct mortgage amount, including any changes, to pay your mortgage lender. If you received a notice or letter from your mortgage company that your mortgage amount is changing, i.e., variable interest rate or your escrow is increasing due to a tax increase, you **MUST** send a copy to your attorney. Do not assume that the mortgage company will provide us with a copy of the change. You want to complete your Chapter 13 case and

have the mortgage current when you receive your discharge.

INSURANCE. In order for you to retain your property, even though your creditors must wait to be paid through your Chapter 13 plan, you must make certain that your property is insured. This is especially true of motor vehicles. If you ever let insurance lapse on your car, truck, van or motorcycle, any creditor with a lien on it can ask the Court to let the creditor repossess the vehicle. It is a good idea to keep your insurance policies handy should any creditor ever believe that your insurance has lapsed. You are required to provide reasonable evidence of any required insurance coverage within sixty (60) days of filing your case to any lessor or secured creditor with respect to the use or ownership of that property. You must continue to carry this coverage as long as you have possession of that property.

BALANCE DUE CREDITORS. Most people are very interested in knowing how much they owe to their creditors and how much they have left to pay on their Chapter 13 plan. If you want to find out what your payoff balance is on your Chapter 13 plan, you should contact your attorney. Any payoff letter issued by your attorney is only an **approximate** figure as the actual payoff may vary depending on claims which have been filed, interest to be paid, additional funds to be paid and the base amount of your case.

The Trustee will send you a report every twelve months of the receipts and disbursements in your case for the last twelve months. This report is issued in April of each year. You should review this report.

PLAN COMPLETION. In every case in which a debtor is unable to repay all of their debts in full, the confirmation order provides that the debtor must pay no less than three years or longer than five years of plan payments. This is known as the "base" minimum total amount of money that you will pay into the Chapter 13 plan - the sum of all of your payments to the Trustee. The confirmation order sets forth the minimum payment (20%, 70%, etc.) which will be paid to the general unsecured creditors. Your plan will not be completed until your plan pays a "base" to the Trustee or the minimum percentage payment, whichever is greater. In no event will you have to pay more to the Trustee than is necessary to pay all your debts in full.

CLAIMS OF CREDITORS. While every creditor which you list on your Chapter 13 petition is given the opportunity to file a claim for payment, most creditors are allowed only 90 days from the Meeting of Creditors to file their claim. Governmental agencies have 180 days from the filing of your case to file their claim. After you have been under the plan for about ten months, the Chapter 13 Office will send you a complete list of every creditor who has filed a claim in your case and the amount which they claim you owe them. You should read and examine this list, called a "Notice of Allowance of Claims and Notice of Opportunity to Object," very carefully. If a creditor is listed incorrectly or any amount claimed does not appear correct, you should contact your lawyer at once. Unless your lawyer objects to a claim, we will pay the amount the creditor requests, not the amount listed on your schedules. If a creditor does not file a claim, their name and address will appear with the notation "NOT FILED" or "CLAIM NOT FILED." This means the creditor has not filed a proof of claim in your case.

LATE CLAIMS. As noted above, creditors have a limited time to file their claims for payment. Generally, they are not entitled to payment if they file after that date. If we receive a claim after that time, we will send you a notice called "Notice of Allowance of Claim and Notice of Opportunity to Object". If you do not want the Trustee to pay the claim, your attorney **must** object to its payment. Generally, any claim which is not allowed will not be paid and, if you complete your plan, any claim that is not allowed or not filed will be discharged except alimony, child support, certain long term debts, criminal restitution, DWI claims, criminal fines and student loan obligations.

HOW CREDITORS ARE PAID. The money which you pay to the Trustee is used to pay expenses of administration, including payments to your attorney, and your creditors. So that you will have some idea as to how the creditors are paid, you should know that there are three basic types of claims: priority, secured, and unsecured. Generally, administrative costs (such as attorney fees) and domestic support obligations are paid first. Next, creditors with claims on your property (secured claims) followed by creditors holding claims such as certain taxes (priority), and then everyone else (unsecured claims). Generally, no payments are made to unsecured creditors until the priority claims and the secured claims are paid current. Due to this, it could be some time before the first payment is made on the unsecured claims.

THE DIVIDEND TO CREDITORS. When your plan was proposed, you and your lawyer calculated what minimum payment would be paid to your unsecured creditors and this "dividend" was included on the order which confirmed your Chapter 13 plan. Because your plan may also include a "base," you could wind up paying your creditors more than the minimum which you promised in your plan. The amount and size of the dividend is

important to you and the effect which this Chapter 13 will have in the future.

If your Chapter 13 does not pay at least a seventy percent (70%) dividend, you will not be able to obtain a discharge under Chapter 7 (straight bankruptcy) for six years after your Chapter 13. Although you may feel that this is not important, giving up the right to full bankruptcy relief is significant and could work to your disadvantage if, in the future you were faced with a catastrophic financial problem.

CO-SIGNERS AND CO-MAKERS. A co-signer, co-maker or guarantor on any of your consumer debts is generally protected from contact by the creditor by something called the "Co-debtor stay." This automatic protection applies in Chapter 13 cases. If the co-signer, co-maker or guarantor has put up property to secure the loan, the creditor must request a hearing before the Judge in order to proceed against that property. The co-debtor stay will only protect co-signers, co-makers or guarantors for the amount of debt your plan proposes to pay. If your plan is not scheduled to pay all of the cosigned debt in full, a creditor may obtain permission to collect from the co-signer, co-maker or guarantor, that portion of the debt that your plan is not going to pay.

CREDIT CARDS AND POST PETITION DEBT. When your plan is confirmed, the Judge will prohibit you from incurring debt for as long as you are under Chapter 13. This prohibits you from borrowing any money from a finance company or bank or your credit union. You cannot receive an advance of your salary or advance loans on your paycheck or checking account. You cannot buy anything over time, like a car or an appliance, and you cannot run up a bill to anyone. You cannot sign, co-sign or guarantee an installment note and you can use a credit card as long as you pay it off at the end of each bill-

ing cycle. This applies to any member of your family that is supported by the debtor under Chapter 13, whether they themselves are under the jurisdiction of the Court or not, as long as the party under Chapter 13 may be responsible for the debts. The only exception to this is for medical emergencies. If for some reason you feel that it is important for you to be able to buy something in installments, or to be able to borrow money, your attorney must obtain either the Trustee's or the Judge's permission. If you are paying regularly into your Chapter 13 plan, there is a good reason to incur the debt, and your ability to pay your plan payments is not threatened, the Judge or the Trustee may grant you permission. You must contact your attorney on this matter.

OBTAINING CREDIT WITHOUT PERMISSION. Obtaining credit without permission of the Court is not only a violation of the Court's order it is subject to reversal by the Court. Any credit purchase you make without approval of the Court may not be legal, the goods have to be returned and you very likely could be out any payment you had made. You would also place your plan in serious jeopardy if you obtain credit without approval.

SELLING PROPERTY. You cannot dispose of any of your property, including real estate, without Court or Trustee approval. If you dispose of your property without permission, the transaction may be set aside. If you want to sell your property, trade in a car or sell your home, be sure to discuss it with your attorney.

WHEN YOU'RE THROUGH. After you have successfully completed your plan and you have filed any necessary certifications to verify you are current on any Domestic Support Obligations and you have completed the Debtor Education requirement, you will receive a "Certification of Final Payment and Chapter 13 Case History" from the Trustee. If there is no objection to that

"Certification of Final Payment and Chapter 13 Case History" by you, your attorney, or any creditor, then the Court will issue a discharge.

After you receive your discharge, you will generally not owe any debts, other than the following:

- domestic support obligations such as spousal and child support and some property settlement;
- mortgages;
- certain taxes;
- claims for DWI or death or personal injury caused by operation of a motor vehicle due to intoxication;
- criminal restitution;
- damages awarded in a civil action against you as a result of willful or malicious injury by you that causes personal injury or death to another;
- criminal fines;
- fraud; and
- student loans.

If you are not sure which of your debts will be discharged, you should discuss that with your lawyer.

After your case is discharged, you may receive a small refund check from the Trustee which is the amount of your last few payments not needed to pay your creditors.

REQUEST FOR DISMISSAL BY YOU. Federal Bankruptcy law allows you to request by motion that your Chapter 13 case be dismissed at any time. No one can force you to remain under a Chapter 13 plan if you do not wish to remain. If you desire to stop your case, contact your attorney. However, you should understand that a dismissal will reactivate all unpaid or disputed debts, all

interest, finance charges, all late charges not allowed by the Bankruptcy Court, and all debts of creditors who did not file their claims. In addition, you will be forced to deal with those creditors on their terms, not yours or the Courts. Be aware that a dismissal may also have an impact on any subsequent bankruptcy filings. The request for dismissal of your plan must be in writing and filed with the Bankruptcy Court by your attorney.

CREDIT RATING. Your credit rating during and after completion of Chapter 13 will be, as it is now and was in the past, the personal opinion of any credit grantor who looks at your credit record. A credit rating is not A, B, or C, or 1, 2, or 3. It is a record of all your past credit performances. This record is made available to a creditor and they make up their own mind, by their own standards, as to whether or not they want to grant credit to you. Suits, collections, attachments, straight bankruptcies and Chapter 13 are indications, in one degree or another, of credit problems. After many years and hundreds of paid in full Chapter 13 cases in this area, we find a good many knowledgeable creditors looking with respect upon those who have paid debts in full under a Chapter 13 plan. Any credit record that has been blemished by a payment problem must be gradually rebuilt. Remember, though, that 13 is a good place to start.

CONTACT BY CREDITOR AFTER COMPLETION OF CHAPTER 13. When a creditor has had its claim paid by Chapter 13, whether partially or in full, they should send the paid in full papers to you. Even if the creditor fails to do this, it may not be too important because the official records of the Court shows your plan has been completed and you received your discharge. Should you receive any request for additional money after your plan is completed, do not pay without first talking to your lawyer.

PAYING MORE THAN REQUIRED. If you are ever in a position where you wish to increase your payments to the Trustee, even if only by a few dollars a week, this will have a big impact on finishing your plan ahead of time. Paying a little more than required will reduce interest costs, administrative expenses and cause the payroll deduction to stop that much sooner.

If you ever wish to increase your plan payments, contact your lawyer. If you wish to make a single extra payment, you may do that by sending a money order or a cashier's check to the Trustee's lock box, but you must notify the Trustee that an extra payment is being made so that the Trustee can properly allocate that extra payment to the appropriate creditors. Be sure to put your case number on any payment you send to the Trustee. Even if you pay more than a monthly payment one month, you are still required to make the regular payments each month thereafter.

TAX RETURNS. At the same time you file your taxes with the Internal Revenue Service, you may be required to file a copy with the Chapter 13 Trustee. Your attorney will advise you of your requirement. To be certain that you receive any refund in a timely manner, you must file your tax return no later than April 15th of each year and provide your attorney with a copy. If your plan requires your tax refund to be a payment to the plan, your attorney will forward a copy of your tax return to the Chapter 13 Trustee within 7 days of filing your return. You and your attorney will be advised by the Chapter 13 Office as to what to do with the refund. Any refund must be submitted to the Trustee by June 1st of each required year. In some cases, you may be allowed to retain all or part of the refund.

OTHER PROPERTY. If you should receive funds from any source, i.e. lottery winnings, inheritances, personal injury, buyouts, severance packages, etc., you must first consult with your attorney before spending any of the money.

DEBTOR EDUCATION REQUIREMENT. In order to complete your plan and be eligible for a discharge, you must complete a Debtor Education class prior to your last payment required under your plan. Contact your attorney for a list of approved Debtor Education providers. The Chapter 13 Trustee will normally offer the Debtor Education class on the same Tuesday as your Meeting of Creditors and generally one Saturday a month free of charge. For more information or to schedule your class, contact the Trustee's Debtor Education Coordinator at: (937)222-7600, ext. 112 or DebtorEducation@Dayton13.com. Debtor Education classes are held in the conference room in the Chapter 13 Office at: 131 N. Ludlow St., 9th Floor, Dayton, Ohio 45402.

PRIVACY STATEMENT. Notice is Hereby Given That Information Relating To Your Chapter 13 Bankruptcy Case Will Be Made Available On The Internet To Your Creditors And Other Parties In Interest.

Pursuant to 11 U.S.C. §1302(b)(1) and §704(7), your Chapter 13 Trustee has a duty, unless otherwise ordered by the Bankruptcy Court, to furnish information concerning the administration of your bankruptcy case as is requested by creditors.

In furtherance of this duty, the Chapter 13 Trustee will make the following information available to creditors who request such information:

1) Your name, bankruptcy case number, and district in which your case is pending and the Trustee assigned to your case. Your social security number will not be visible to parties in interest, but they will be able to search for your bankruptcy case using your social security number.

Furthermore, your employer's name will not be displayed.

2) Information regarding claims filed against your bankruptcy case including the identity of the claimant, the type of claim (e.g. priority taxes, secured, unsecured, etc.), and the amount of the claim.

3) A history of all payments you make to the Chapter 13 Trustee in your bankruptcy case including the date and amount of each payment.

4) A history of all disbursements made by the Chapter 13 Trustee in your bankruptcy case including the date of the disbursement, the payee, and the amount.

NATIONAL DATA CENTER. The National Data Center is a website provided by your Chapter 13 Trustee to give you the latest information as you carry out your Chapter 13 payment plan. This website is the site in the above mentioned "Privacy Statement". The service is free to Debtors to help you clearly monitor the progress you are making toward your financial recovery.

The website address is either **www.13datacenter.com** or **www.ndc13.com**.

To access this website you will need to enter your social security number, case number and your e-mail

address. For verification you will need to verify a creditor from your case, your Chapter 13 Trustee and your address.

You will be issued a “User ID “ and “Password” for future use. Be sure to write these down for future reference.

Any questions concerning this website **MUST BE DIRECTED TO THE WEBSITE**. The Chapter 13 Office cannot assist you with technical questions or problems with this site. You may also contact the National Data Center at (866) 938-3639.

You have been provided a sheet for Registration for this website. Please refer to the 3 step process for Registration.

Once you have access to this website you will be able to see all creditors who have filed claims in your case. You will also be able to see the amount of the claim. If you disagree with any information regarding your case, contact your Attorney.

Please be aware that the information concerning payoff of the plan as shown on this site cannot always be relied upon. Many factors impact your case and payoff. A payoff should be calculated by your attorney.

SERVICEMEMBERS CIVIL RELIEF ACT
(SOLDIERS AND SAILORS)

If you or a dependent are called to active military duty, you may be entitled to relief under the Act. The Act applies to all Courts (including bankruptcy) and all administrative agencies.

If you feel the Act should protect you, you will need to contact your attorney to ensure that your rights are protected. You have the right to appoint a legal representative who may be either your attorney or a representative through a power of attorney, who can take the same actions as you can as a service member.

Note that you must affirmatively exercise your rights under the Act by notifying our office (or other creditors) in writing and attaching a copy of your orders to the written request. The advantages are that you can cap interest rates, protect against evictions/foreclosures and the loss of your property, as well as, stay many Court actions. **HOWEVER, YOU** or your legal representative must make the request as outlined above. Remember, if you have any questions about whether you qualify for relief or to what protections you may be entitled, please contact your attorney.

ONE FINAL WORD. Complying with a Chapter 13 plan is not easy. You may have to make a real sacrifice to meet the obligations which you have specified in your plan and still live within your Chapter 13 budget. Thousands of families have successfully completed their Chapter 13 plans and know that they have resolved their debt problems without filing straight bankruptcy and have paid most, if not all, of their obligations to their creditors. Chapter 13 will only work for you if you work very hard at meeting your obligations under your plan.

PLEASE SEND PAYMENTS TO:

**Jeffrey M. Kellner, Chapter 13 Trustee
1722 Solutions Center
Chicago, IL 60677-1007
(include your name and case number)**

PLEASE SEND CORRESPONDENCE TO:

**Jeffrey M. Kellner, Chapter 13 Trustee
131 N. Ludlow St.
Suite 900
Dayton, OH 45402-1161**

August, 2011

