

I Got Something in the Mail

Many clients call our office to inform us that they have received "something in the mail". That's great! We are happy that you are receiving notices from your creditors, attorney, trustee, and bankruptcy court, AND that you are reading your mail. Most of the mail you will receive is standard practice and requires no further action. Our office also gets a copy of everything sent to you from the Bankruptcy Court.

Please read the caption on the piece of mail and then find it on this page. Underneath each caption on this page will be a brief description of the document and any action that is necessary on your part, if any.

Notice of Chapter 7 or 13 Bankruptcy Case, Meeting of Creditors, & Deadlines

This form shows the date your case was filed, when you have to appear in Tampa, as well as an explanation to your creditors of their rights. You must appear at the Trustee meeting listed on this form with your drivers' license and social security card, or your case will be dismissed. For Chapter 13 clients: this has the day your case is filed, your first payment to your Trustee is due 30 days from the date listed on this form. You should now take your second credit counseling course.

NOTICE OF INITIAL CHAPTER 13 CONFIRMATION HEARING (Also for "CONTINUED CONFIRMATION HEARING")

Only the attorney attends this hearing. Please note that it is standard practice for this hearing to be continued more than once. It will not affect your case in any way if it is continued. Keep making your regular monthly payments until you hear otherwise.

ORDER ESTABLISHING (1) DUTIES OF TRUSTEE AND DEBTOR, (2) PLAN CONFIRMATION PROCEDURE, (3) REQUIREMENTS FOR DEBTORS COMPLIANCE, (4) PROCEDURE FOR ALLOWANCE OF ADMINISTRATIVE EXPENSES, AND (5) PROCEDURE FOR ADEQUATE PROTECTION PAYMENTS TO SECURED CREDITORS

This is for Chapter 13 cases only. It's basically a "contract" between you and your trustee outlining what your responsibilities are. All information on here should be read. Paragraph number 5 tells you when and where your payments should be made and they should be paid with certified funds (money order, cashiers check, or direct withdrawal). Please contact your trustee directly (phone number is listed on the "Meeting of Creditors") if you wish to have them automatically withdraw funds from your account.

ORDER DETERMINING DEBTOR'S COMPLIANCE WITH FILING REQUIREMENTS OF SECTION 521(a)

If paragraph #1 states "This case is not subject to automatic dismissal" then you have done everything thus far you needed to. If it states you need to file a "Certificate of Domestic Support Obligation", "Certificate of Credit Counseling", or a "Certificate of Debtor Education" then please contact our office via email or phone to let us know of the deficiency.

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PAYMENTS

Have you been making your monthly trustee payment? If yes, fax, email, or drop off proof of your payments. If no, catch up on your payments. If no, and you can't catch up on your payments; make an appointment to see the attorney about your options.

MOTION/ORDER TO MAKE DIRECT PAYMENTS TO SECURED CREDITOR

A form that we have to file with the Bankruptcy Court that states that you wish to keep the property and keeping paying the creditor listed in the Motion. Please note that you must make an attempt to contact the creditor and have them directly withdraw your payments from your checking/savings/etc account.

NOTICE OF REQUIREMENT TO FILE A STATEMENT OF COMPLETION OF COURSE IN PERSONAL FINANCIAL MANAGEMENT

This is in reference to the second course you need to take after your case is filed, but before you meet with your trustee.

Have you taken your second course? If not, take it and contact the office so we can file it ASAP. If you have taken the course, but you took it through another agency than the one we registered you with, please provide a copy to our office and contact us. If you have taken the course through Springboard/BK Navigator, then there is no need to contact our office. We receive the same notice as you do and we will file the certificate with the court ASAP.

NOTICE OF TRANSFER/ASSIGNMENT OF CLAIM

This is just the legal title that states your debt has been sold and the new creditor is now responsible for the debt. This is purely informative; no action required on your part.

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

This requires no action on your part if you are surrendering the property listed in the motion. The creditor is removing the debt from the Federal Bankruptcy Court to (1) County/Circuit Court to foreclose, for real estate property (2) Will reposes the property once they receive an order, if they haven't already. If you wish to keep this property, please contact our office via e-mail or phone and let us know the title of the document and your intention to keep the property.

LIS PENDENS/COMPLAINT/SUMMONS

If this comes from the Circuit/County Court, is for property you are surrendering, AND you have already filed bankruptcy, there is nothing you need to do. This is standard procedure. The creditor must file a foreclosure or complete a deed in lieu of foreclosure to remove your name from the deed. If it is from the Bankruptcy Court, on property you are keeping, OR you have not yet filed bankruptcy, please contact our office.

PROOF OF CLAIM (OFFICIAL FORM B10)

This was filed in the Bankruptcy Court by your creditor to show how much you owe and what type of debt you owe to the creditor listed on the Proof of Claim. For chapter 13 cases, creditors must file a proof of claim if they want to be paid any funds by the Trustee, failure to file a claim simply means the debt will be discharged but they won't receive any funds. Please contact our office if you feel that the information listed on the Proof of Claim is incorrect.

If you've received any other notices not listed in this section you feel need to be addressed, please e-mail kate@bankruptcyfitzhugh.com with the title of the document.