

Chapter 13

Trustees' Memo

To: All debtor attorneys in Phoenix, Prescott, Bullhead City, and Yuma cases

From: Russell Brown and Edward Maney, Trustees

Subjects: Form plan, order confirming plan, property claimed as exempt

Date: February 10, 2010

(1) Form Plan. On January 1, 2010, the Bankruptcy Court entered General Order 104 that mandates the use of the model Chapter 13 plan form. See the Court's website at: http://www.azb.uscourts.gov/Documents/GO_104.pdf. Therefore, if you filed a plan on or after that date that does not conform to the required format, then you must file an amended plan. If you already were using the model plan form, you should replace it with the latest form due to minor changes in the official form.

Ed Maney has the plan form in WordPerfect and Word formats on his website: <http://www.maney13trustee.com/mcforms2.htm#>.

(2) Order Confirming Plan. Effective on the date of this Memo, both Chapter 13 trustees now mandate the use of the model order confirming plan. See Ed's website at the same address as above. Also, both Trustees require you to provide a cover letter with each SOC that goes over each paragraph of the Recommendation in detail. If documents are provided with the SOC, then the cover letter must explain the documents as well.

If you submit a proposed order confirming plan that is not the model form or without a complete cover letter, the Trustees will reject and return the orders. The time period specified in the Recommendation is not extended by a failure to follow these instructions.

(3) Schedule C, Property Claimed as Exempt. Due to recurring problems with Schedule C, such as exemptions claimed clearly that are improper as to the type of property or the amount, both Trustees intend to seek a reduction of attorney fees where the claim clearly is improper.