

# The Normal Bankruptcy Process for a Chapter 13

(Your case may vary depending on your particular circumstances)

---

- 1 Initial Consultation** - This is where you and Mr. Casey met and discussed your case in general terms. Mr. Casey explained the Bankruptcy process to you and his process in preparing your case for filing. You also discussed fees and costs and payment arraignments.
- 2 Workbook, Fees & Credit Counseling** - This is where you prepare the Workbook (as best you can) and take the Credit Counseling Course. You will need to return the Workbook, Credit Counseling Certificate and the appropriate fees to Mr. Casey's office.
- 3 Petition Preparation** - Once the items in #2 have been submitted to Mr. Casey's office, he prepares the Bankruptcy Petition and other various documents needed to file your case.
- 4 Petition Signing** - This is where you and Mr. Casey meet to review and sign your Bankruptcy Petition, Plan and other documents. Mr. Casey may have questions for you, as you may have questions for him. Mr. Casey CANNOT FILE your case until you have signed it (If a husband and wife are filing together, both must be present and sign). At the signing, you will need to bring your pay stubs (for the 60 days immediately prior to filing) and a copy of your tax returns for the last 4 years.
- 5 Petition Filing** - Once you have signed the Petition, Plan and other documents, given Mr. Casey the necessary items, corrections and fees, Mr. Casey will make the revisions to your Petition and file it. The "Automatic Stay" goes into effect then. If a notice needs to be sent to a foreclosing attorney or other attorney, he will fax it over to them.
- 6 Payments** - Once your case is filed you will be responsible for making the Plan Payment and, if applicable, "mortgage" and child support payments. These must be paid on time.
  - A Plan Payments** - In most cases, a "Employment Deduction Order" ("EDO") is filed taking your Chapter 13 Plan Payment out of your paycheck before you see it. Until that starts, you are responsible for making that payment to the Trustee. If you do not have an EDO, you must make the Plan Payments on time to the Trustee each and every month.
  - B Mortgage, Child Support & Other Like Payments** - You will be responsible for making your mortgage, child support and the like, you must those payments on time.

- 7 341 Hearing** - About 4 - 6 weeks after filing you will appear at the Bankruptcy Court to allow the Trustee and any creditors (they usually don't show up) to ask questions. The Trustee will state his/her "Objections" (problems with the case). which occur in almost every case.
- 8 Amendments** - After the 341 Hearing, Mr. Casey will prepare one or more "Amendments" to your case. These Amendments will correct the Trustee Objections. He will mail them to you and you need to review, sign and return them to Mr. Casey's office so he can file them.
- 9 Confirmation Hearing** - About 4 - 6 weeks after the 341 Hearing is the "Confirmation Hearing". This is where the Judge approves or disapproves your Bankruptcy. If the Amendments have been filed, your case should be Confirmed (approved). Many times this Hearing is reset to another day due to a variety of reasons.
- 10 Post-Confirmation Matters** - After your case is Confirmed, if you make all your payments then there should be no problems. If you do not make your payments, then problems may arise. They generally take the form of:
  - A Motions for Relief** - If you do not make your mortgage payments for any reason, the mortgage company will file a Motion for Relief from the Automatic Stay (Motion for Relief or MFR). This is where the mortgage company wants to lift the Stay so they can foreclose on your home. Generally, an arrangement can be made, but it is expensive.
  - B Trustee's Motion to Dismiss** - If you do not make your Plan Payment for any reason, the Trustee may file a Trustee's Motion to Dismiss your case (TMTD). Generally, an arrangement can be made, but it costs additional fees.
- 11 Financial Management Course** - You will need to take the Financial Management Course and get the completion Certificate to Mr. Casey. You will not receive a "Discharge" unless your Certificate is filed with the Court.
- 12 Dismissal** - If you do not pay your Plan Payment then your case may end up being Dismissed. This puts you back in the same position as you were the day before you originally filed your Bankruptcy.
- 13 Discharge** - If you make all of your Plan Payments, then you will receive a "Discharge", meaning your case is over and you are no longer obligated for the debts the debts that are dischargeable.