# WHAT YOU SHOULD KNOW ABOUT YOUR CHAPTER 13 CASE

Please read this booklet at the beginning of your case. It will help you understand how your case works and answer most questions that come up during a Chapter 13 case.


***Your Trustee***

Albert J. Mogavero
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Buffalo, New York 14202
Phone: (716) 854-5636
Fax: (716) 854-0806


**Office Hours**

**8:30am - 4:30pm Mon-Fri**

**Your Chapter 13 Case Number**

**BK:**_____

*(Ask your attorney or refer to your bankruptcy papers or notice)*

*This number is important and should appear on any Correspondence or payments. It should be used any time you Contact the Chapter 13 Office.*

12/05

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## 1. INTRODUCTION

Chapter 13 is one of the methods provided by the federal Bankruptcy Code to enable persons to obtain relief from those to whom they owe money (creditors) while at the same time retaining all of their possessions and repaying as much as the law requires.

After a careful discussion of your financial situation, your attorney presented a "Chapter 13 Plan" to the Bankruptcy Court. This plan listed all of your creditors and stated how you propose to deal with each of them. It requires you to make a set payment to the Chapter 13 Trustee on a regular basis for a period of time up to five years. The Chapter 13 Trustee will use the money collected from you to pay your creditors in the proportions and manner determined in your Plan.

When your Plan was presented to (filed with) the Bankruptcy Court, your case was assigned to the local Chapter 13 Trustee, Albert J. Mogavero (see name and address above.) The Trustee is the person who "manages" your plan by collecting money from you and paying your creditors. He is also the person who questions you at the "First Meeting of Creditors", presents you and your Chapter 13 Plan to the Bankruptcy Judge and is required to be certain that you fulfill your obligations under the plan (especially making payments to the Trustee).

Complying with your 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 plan in the Western District of New York. 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 work only if you work very hard at meeting your obligations under your plan. ***Good luck!***

## 2. FEES CHARGED IN CHAPTER 13

There is a filing fee charged by the Bankruptcy Court at the time your petition to enter Chapter 13 is filed. The Chapter 13 Trustee receives a commission of up to ten percent (10%) of any amount paid to creditors under the Plan. 9% interest is paid on all secured claims.

You can also expect to pay to your attorney the legal fees you agreed upon. Some, or all, of your attorney's legal fees can be paid through your Chapter 13 plan. There may be additional costs for amendments to schedules, etc., which should be discussed directly with your attorney. All fees must be reviewed and approved by the Bankruptcy Judge.

## 3. YOUR CHAPTER 13 CASE NUMBER

At the time your Chapter 13 petition is filed, the Bankruptcy Court assigns your case a number. This number is very important and should be used whenever you make a payment to the trustee, on any correspondence and when calling the Chapter 13 Office.

You will also be able to locate your case number on the ***upper right hand corner*** labeled "***court case no.***" of the "Trustee's Report of Receipts and Disbursements", which you will receive twice a year from the Trustee's office.

## 4. WHEN WILL I HAVE TO APPEAR IN COURT?

You will be notified, along with your attorney and the creditors listed on your petition of the date set for the hearing known as the First Meeting. At that time, with your attorney present, you will be examined by the trustee and any creditors that choose to appear at the meeting. After the initial hearing before the trustee, you will then proceed to a Confirmation Hearing before the Bankruptcy Judge. These two hearings generally do not take a long time to conduct. If the Bankruptcy Judge confirms (accepts) your Plan at this time, additional Court appearances should not be necessary.

## 5. CALLS TO THE TRUSTEE'S OFFICE

The Chapter 13 Office phone number is 716-854-5636. The office is open Monday through Friday from 8:30 a.m. to 4:30 p.m. You may contact the office to discuss any non-legal problems or questions you may have. **HAVE YOUR BANKRUPTCY CASE NUMBER READY**. The staff is not qualified to give legal advice, but is very familiar with most common questions and general policies under Chapter 13. Your call will not be given to the Trustee personally unless it involves the rare matter that a member of the staff is not fully equipped to handle. You must contact your own attorney directly for any purely legal advice.

## 6. YOUR ADDRESS

It is very important that you notify the Trustee's office of any change of address in order that records may be kept current.

You should notify the Trustee's office in writing regarding any change of address. A copy must also be sent to the Bankruptcy Court.



## 7. YOUR PLAN PAYMENTS

### *A. When to Send Payments*

Your first plan payment must be made to the Trustee's office within 30 days from the date of filing. (Normally, payment to the Trustee should be made on the next payday following receipt of the "Order to Pay".) An "Order to Pay" (referred to as "wage order") will be sent to you shortly after filing your case with the Court. The Wage Order will direct either your employer, or you personally, to make payments to the Trustee. The Wage Order will specify the amount and frequency of the payments that are due.

### *B. Order to Pay or "Wage Order" - Employer Payments*

This order will give the name and address of your employer and specify the amount and frequency of the payment to be deducted from your pay and to be remitted to the Chapter 13 Trustee. We require that the payments be sent at least once a month and not be held for any longer period. If your employer fails to begin the deductions promptly after the receipt of the Wage Order, it is suggested that you make the payments directly to the Trustee until such time as the deductions are made by your employer. If your employer fails to make the wage deductions for several pay periods, please take a copy of the Wage Order to the payroll office or call the Chapter 13 office to "resend" the order.

### *C. Order to Pay - Direct Payments by the Debtor*

If you have decided to make the payments yourself, it is important that you make the payments at approximately the same time each month. The Chapter 13 office does not provide a "specific" date for such payment. Rather we leave it up to you to decide which day (or days) in the month work best for your budget to ensure that the payments are made in a timely and regular fashion.

Payments should be made in the form of money order, personal check or bank checks. ***This office will not accept cash payments.***

Please be certain that your name, address and ***case number*** appear on each payment in a clear, legible manner. All payments should be made payable to ***Albert J. Mogavero, Trustee*** and sent to the address on the Wage Order.

### *D. Insufficient Funds*

Please note that checks written on accounts with "insufficient funds" will be voided by this office and not resubmitted for payment. However, you must

immediately replace the "bounced" check with a replacement payment. In the event that you make several such bad payments, you will receive a notice from this office to remit only money orders or certified bank checks.

***E. Failure to Make Plan Payments***

Failure to make two payments, or payment of only partial payments, may result in a motion to dismiss your case (see "Failure to Pay" section). At that time, the Trustee may require that you agree to have a Wage Order sent to your employer so that payments can be deducted from your pay and sent to the Trustee on a regular basis.

## 8. CONTACT BY CREDITORS

All creditors that were listed in your Chapter 13 petition are under a Restraining Order (the **"Automatic Stay"**) which forbids any attempt by them to collect money directly from you while your Chapter 13 Plan is in effect. The Automatic Stay is enforced by the Bankruptcy Court in accordance with applicable provisions and limitations. You should discuss with your attorney any limitations upon the Automatic Stay in your particular case.

If you receive notices (bills) in the mail from your creditors after you have filed for bankruptcy, please write your bankruptcy case number, date of filing and your attorney's name and/or the trustee's name and address on the notice and send it back to the creditor. Should subsequent notices be received from that creditor, advise your attorney at once.

If a creditor calls or visits you in person, you are not to discuss any matters with them. Be sure to get the name of the individual who contacted you and notify your attorney at once.

## 9. CATEGORIES OF CREDITORS

There are three (3) categories of creditors under your plan: **secured, priority and unsecured**. Secured creditors (creditors with liens on your property) will be paid first, then priority creditors (such as taxes) will be paid and, finally, the general unsecured creditors. The Chapter 13 Trustee sometimes does not pay unsecured creditors until the secured and priority creditors are first paid in full. It is possible 2 - 3 years may pass before any unsecured creditor receives payment. (The



balance of the legal fees owed to your Bankruptcy attorney is paid separately by setting aside a fixed amount each month from the very beginning of your Plan.)

## 10. PAYMENT TO CREDITORS UNDER THE CHAPTER 13

Creditors listed on your Chapter 13 Petition have ninety (90) days after the First Meeting of Creditors within which to file their claims for inclusion under the plan. Unsecured creditors who fail to file a claim within this time period will not be allowed to file a claim unless you specifically agree to allow their claim. Upon the successful completion of your plan, these debts will be discharged without any payment being made to them. In the event you wish a certain creditor who has not filed a claim to be paid under your plan (usually a secured creditor who has a lien on some item of your property), you may file a claim on that creditor's behalf.

**While your Chapter 13 plan is in effect, you are responsible for paying your current mortgage, utility and tax debts.** These payments should be made directly to the creditor on a regular basis and in a timely fashion so as not to fall into default or arrears. **All other pre-petition creditors must be paid through your plan by the Trustee.** Any unauthorized payments to creditors outside your plan are illegal, as you are bound by the terms of the Bankruptcy Code.

***Present Value Factor***

You should be aware that some Chapter 13 plans may require the imposition of a **9% "present value factor"** on the allowed claims of unsecured creditors. The local Bankruptcy Judges have determined that in certain cases unsecured creditors must be compensated (at the rate of 9% per annum) for having to wait 3 to 5 years to receive the appropriate dividend on their claims rather than receiving such amount immediately in a lump sum, as would be the case in a Chapter 7 liquidation.

The computer printout, which you will receive every six months during the course of your Chapter 13 case (see fold out) will indicate whether the 9% present value factor has been added to your particular case. If you have any questions regarding

whether, how or why the present value factor is being applied to your case, you should consult your Bankruptcy Attorney.

## 11. MOTIONS TO ALLOW CLAIMS MOTIONS TO ALLOW ADDITIONAL CLAIMS

After the ninety (90) days that were allowed to your creditors to file claims has elapsed, you will be sent a Motion to Allow Claims. This will reflect the creditors that have timely filed claims along with the amount they are claiming. **It is at this point that you have the initial responsibility to object to the allowance of any claim which you feel was wrongly filed. You should contact your attorney and/or the trustee's office at once if this is the case.** It is also possible that creditors that were not listed on your Chapter 13 Petition (creditors mistakenly omitted or post-petition debts) will file claims to be included in your plan. You will then receive an **Motion to Allow Additional Claims.** Again, it is your responsibility to notify the trustee or your attorney of any dispute.

## 12. CREDITORS NOT LISTED ON THE ORIGINAL CHAPTER 13 PETITION

It is possible that a pre-petition creditor was omitted from your petition. If this occurs, you need to contact your attorney at once so that the original petition may be amended to include this creditor.

## 13. CREDIT WHILE IN CHAPTER 13

### *A: What Form and Repayment*

You are prohibited from incurring any new debts while under your Chapter 13 Plan. All of your living expenses must be paid for with cash. The use of credit cards is prohibited. Exceptions will be made with the prior written permission of the Trustee only. Circumstances which might allow for an exception to be made include medical bills and other unavoidable expenses (home repair emergencies, emergency car repairs, etc.). If you are given permission to use credit, you must pay these bills outside the Plan. Under extreme circumstances it may be possible to amend your plan to include such a debt. Generally, any post-petition debt (one that was incurred with permission after you have already filed Chapter 13) must be paid 100%. This is also a matter that should be discussed with your attorney.



### *B: Emergency Credit*

Obtaining credit without the prior written permission of the trustee is a violation of the Court's order. However, it is possible to receive permission from the trustee for a large purchase such as an auto or a mortgage loan. Permission to obtain such a loan will be based upon whether or not the trustee feels that your budget will allow for such a new debt and whether or not the payments on your plan are current. You will need to supply the trustee with proof that any such debt is a necessity along with specifics such as the total amount of the loan, the exact payments required and exactly how you will be able to afford the new debt.

Any request for new indebtedness will automatically prompt a careful review of debtor's Chapter 13 case. The Trustee will weigh the request for new indebtedness against the rights of creditors to receive proper payment under debtor's plan of reorganization. Consequently, the information provided to the Trustee (such as increase in income, reduced living expenses, new employment) may be used as a guide to seek modification of the terms of the original Chapter 13 plan, such as the percentage of repayment to creditors and/or payments to the Trustee. Any information about increased income which you send to the Trustee within the first 3 years of your case as part of the proposal to incur new debt could also result in an increased monthly payments to the Trustee's office and a greater percentage of distribution to unsecured creditors. ***Because these are serious matters, it is often advisable for debtors to consult their bankruptcy attorney prior to making requests for new indebtedness.***

## 14. CO-SIGNED AND GUARANTEED DEBTS

If a consumer debt which has been co-signed or guaranteed by another person (a "co-maker") is being paid in full under the plan, the automatic stay that was entered when the case was filed will prevent the creditor from collecting the debt from the other person. However, the Court will permit the creditor to collect from the co-maker any portion of the debt that is not being paid under the plan.

## 15. SELLING PROPERTY

You must obtain permission from the Court in order to dispose of any of your property. In the event that you wish to sell your home, your attorney will need to obtain an Order of Abandonment from the Bankruptcy Court. A call to the Trustee's office will advise your attorney of the procedures to be followed.

## 16. FAILURE TO PAY

Plan payments are monitored on a regular basis. If the Trustee's records indicate that you are not making the proposed payments, you will be sent a **delinquency letter.** You will have 10 days following the receipt of that letter to explain why the payments are not being made (loss of employment, illness etc.). If you do not respond to the delinquency letter, or if payments do not resume, a **Motion to Dismiss** you from Chapter 13 protection will be scheduled before the Bankruptcy Court. You will be notified at least ten (10) days prior to the hearing date on the motion. Your case may be dismissed by the Court at that time if payments have not resumed. **A dismissal from Chapter 13 means that the automatic stay protecting you is removed. Moreover, any unpaid debts will be reinstated in full.**

## 17. DEBTOR'S INCOME

***A. Unexpected Loss of Income***

In the event that you lose your job, become disabled or get laid off, please contact your attorney and the trustee's office at once. The trustee will usually allow a short suspension in payments or may accept modified payments for a brief time period. However, the Trustee does not have the authority to allow you to continue in Chapter 13 for any extensive time period if your are not making the required payments. It is imperative that you keep the trustee's office informed of your current financial situation. Be sure that you notify the trustee's office once you have returned to work. It is also important that you advise the trustee's office of the name and address of any new employer.

***B. Increase of Income***

The "Order of Confirmation" which the Bankruptcy Judge will sign in your case requires that you report to the Trustee - usually through your attorney - any substantial increases in income which you receive during the first three years of your plan. Consequently, it is your obligation to inform the Trustee when your disposable income has increased. At that time the Trustee will consult with you and/or your attorney as to what portion of that increase might be required to be given to unsecured creditors via your Chapter 13 plan.

You should be aware, however, that the Trustee will not require ALL of your increased income to be so applied. The Bankruptcy Court feels strongly that debtors are to be encouraged to seek to better themselves and that to require the payment of all of any increases in income into a Chapter 13 plan would work to discourage debtors from attempting to increase their income by better and/or additional jobs. The exact portion that may be required to be contributed will be a matter to be discussed by the Chapter 13 Trustee with you and/or your attorney and mutually determined thereafter.

***C. Lottery Winnings, Inheritances and other "Windfalls" during your Plan***

If your receive a "windfall" (lottery, inheritance or other unexpected lump sum of money) during your Chapter 13 plan, you have a legal obligation to contact your attorney for instruction before spending any of the funds. If you cannot reach your attorney, contact the Trustee's Office.

## 18. MODIFICATION OF THE CHAPTER 13 PLAN AFTER IT HAS BEEN CONFIRMED

If you are finding the proposed payments impossible to make, it may be possible to lower the plan payments. This is a matter best discussed with your attorney.

## 19. PAYING MORE THAN REQUIRED

If you are ever in a position where you wish to increase plan payments or make a large lump-sum payment on your plan, it is advisable first to consult your bankruptcy attorney. Such payments often indicate excess disposable (surplus) income available to a debtor, which could have a direct impact on the Chapter 13 plan and require a higher percentage of repayment to unsecured creditors and/or higher payments to the Trustee. Moreover, the source of such increase in payments or lump sum payment must be fully explained to the Trustee. Consequently, although it is every debtor's duty to disclose to the Trustee a substantial increase in income received during the first three years of the plan (see 17 B. above), nonetheless it is always advisable before making increased payments or large lump sum payments to the plan to discuss the matter first with your bankruptcy attorney.

## 20. JUDGMENTS

As a general rule creditors who have taken judgments against you have a lien against your **real estate** and must be paid in full to be discharged upon

the completion of your plan. However, it is sometimes possible for your attorney to use **Section 522 (f) (1)** of the Bankruptcy Code to **avoid the lien and permit partial payment of the debt.** You should discuss this possibility with your attorney. Whether the lien is paid in full or avoided, your attorney will have to take additional steps to record the satisfaction or avoidance of the lien in County Hall in order **to clear the title to your real estate.**

## 21. LENGTH OF PLAN

Every Chapter 13 Plan should last for a minimum period of 3 years. However the plan must be completed within 5 years. It is possible for a plan to be completed inside of three years. For instance a lump sum payment will always be accepted regardless of its impact upon the duration of your plan. **Furthermore, the length of time your plan is projected to last at the first meeting of creditors is only an approximation.** The actual duration may vary depending upon the **regularity of your payments** and the number and **amount of claims actually filed.**

***Five Year Maximum Duration***

The Bankruptcy Law provides that a Chapter 13 plan should last between three and five years. In no event may a plan last more than five years (60 months) from the date of confirmation. At the time your plan was confirmed it was thought by all parties, including your attorney and the Trustee, that the plan would complete within five years. Sometimes, however, unforeseen events change that prediction. On occasion creditors file claims in excess of your estimated amount at the time your bankruptcy petition was filed. At other times, interest accumulating at the rate of 9% per year on large secured debts adds more to the duration of the plan than was anticipated. Finally, when the debtor fails to make regular payments as called for by the original plan, the length of his plan correspondingly increases. When such events occur and a plan is forecast to last beyond 60 months, there must be alteration to the plan in order to shorten its duration.

You should also be aware that the 5 year period is a maximum period under the law. This means that ***your plan must be completed within 5 years from the date it was confirmed*** by the Court. If the Trustee or a creditor motions your case for dismissal because it has lasted more than 5 years, the Bankruptcy Judge is not permitted to give you an extension of time that will take the case beyond 5 years. He must follow the requirements of the law; and the law is clear that the case is supposed to finish within 60 months or 5 years.

While the Trustee and his staff try to assist in the monitoring of the duration of plan to be certain that over-long plans are found and debtors alerted as soon as possible, **it is the debtor's primary responsibility to monitor the duration of his/her own plan.** As can be seen in Item No. 25 - Statement of Account - every six months you will receive a report showing how your plan is progressing. One of the items on this report, No. 26 shows the number of months it will take to complete the remaining balance of your plan. If the months shown on this part of the report, when added together with the months already passed since your plan was confirmed, exceed 60 months, then your plan is too long. If you notice that your plan is going to last beyond the maximum 60-month duration period, it is your responsibility to contact your attorney and/or the Trustee to discuss the steps that must be taken to shorten the duration of your plan.

## 22. SETTLEMENT OF LAWSUITS

As you will note in the Order of Confirmation for your case, the Bankruptcy Court is also interested in any ***inheritances*** or bequests you may receive, as well as any ***judgments***, resulting from, or settlements of, ***legal actions*** in which you are a party. Although some of the money to be received in these actions will be exempt and therefore beyond the reach of your creditors, some of the money may have to be paid into your Chapter 13 plan, and may even result in a higher percentage of repayment to your creditors.

***Each case must be determined individually.*** Therefore it is **your** obligation to inform your attorney if money is received from an inheritance, or bequest, or if you are offered a settlement or obtain a judgment in a legal action you have started. ***The Trustee must approve any such settlement before it can be finalized.*** Additionally, as noted above, since some of the money may have to be paid into your Chapter

13 plan, you should not spend any portion of such funds until your attorney and the Trustee have advised you that it is permissible to do so.

***The general rule to follow is:*** advise your attorney immediately if any of the situations discussed in this section occur, and do not spend any monies until your attorney has discussed the matter with the Chapter 13 Trustee.

## 23. COMPLETION OF PLAN

After you have completed all payments to the Trustee required by your Plan, you will be granted a discharge by the Bankruptcy Court. A discharge gives you a fresh start, free from claims of former creditors. After your case is completed, you will be sent a **Trustee's Final Report and Account** which will indicate what each creditor was paid, the amount of interest paid and the amount of the trustee's commission. It is your obligation to notify the Trustee's office and/or your attorney if you feel there are any discrepancies. You will also receive an **Order of Discharge**. The Order of Discharge may be a significant factor in obtaining future credit. **It is your responsibility to provide the various credit services with a copy of your Order of Discharge, or whatever is needed to update your credit records.**

## 24. CREDIT RATING

Your credit rating during and after completion of your Chapter 13 will be based upon the opinion of any creditor who reviews 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 it is up to him to determine whether or not to grant credit to you. Remember that any credit record that has been blemished by a payment problem must be gradually rebuilt.

**The Chapter 13 office does not contact a credit bureau at any time regarding your Chapter 13 case.** After completion of your case, therefore, it is suggested that you personally contact TRW, or any other credit rating organization, relative to what they need to "update" your credit record to reflect the proper status of your case and the payment of debts owed.



## 25. STATEMENTS OF ACCOUNT
**(see attached foldout sheet)**

Each January and June you will be sent a six-month report which will reflect any activity on your plan during that period. You must review this report and notify the Trustee's office at once if you believe there to be any discrepancies. To interpret the six-month report, you should be aware of the following:

#1 Debtor's name and address
Note: you are responsible for notifying the Chapter 13 office (in writing) regarding any change of address. Our records must always have a current address. Include your name and address on any correspondence to this office.

#2 Debtor's Social Security number

#A Joint debtor's name and address

#B Joint debtor's Social Security number

#3 The date/period covered by the report. Each report covers a six (6) month period. Statements twice a year cover the full year.

#4 Your Trustee's name

#5 Important dates to remember for your case: when it was filed; First Meeting of Creditors (341) meeting dates; date case confirmed (accepted) by the Court.

#6 Percentage of repayment you are paying to unsecured creditors

#7 Your bankruptcy case number. This is important and should be used when calling or writ ing the Chapter 13 office.

#8 Plan payments to be paid to the Trustee's office effective 30 days from filing. The "TO" date is a flexible computer field to keep the case open as needed.

#9 Plan payment amount and type of payment: monthly; weekly; bi-weekly

#10 Your case number

#11 Trustee's current percentage of fees - man dated by the United States Trustee

#12 Amount of delinquent (missed) plan payments and number of months behind as a result

#13 All funds received during this six-month period. Specific date posted in this office; source of payment - either from you personally or from your employer; amount of payment

#14 Claim numbers for all creditors listed in your plan

#15 Class of each claim: "1" - secured claims (with liens on personal or real property); "2" - priority claims (taxes); "3" - unsecured claims (credit card, services not secured by any collateral, lien or judgment)

#16 Creditor who originally filed claim for payment or recent creditor who purchased loan (assignee) from original creditor

#17 Payment "codes" for each claim - designates order of payment. The computer is programmed to pay the lowest code first. Hence, the "attorney" code of "13" will be paid $75.00 per month before any other credi tor. Secured creditor claims (24) will be paid first; priority claims (28) will be paid after all secured indebtedness; unsecured claims (33) will be paid after all secured and priority claims. Note: a code "50" indicates claim has been adjusted and reduced because of outside payment; foreclosure, etc.

#18 Interest paid on any claim - 9% is amount approved by the Court for the WDNY. Simple 9% per annum paid on the declining balance

#19 Claimed amount represents either the amount of claim actually filed by the creditor; or, if not filed, the "estimated" amount listed in your bankruptcy schedules. Pay % represents percentage of claim to be paid: secured and priority claims receive 100% and unsecured receive percentage proposed by plan. If any unsecured claim is to receive a different percentage of repayment than that proposed for plan, this different percentage will be listed.



#20 Total amount of principle and interest paid to date on actual amount of claim

#21 Total amount of principle and interest still due on actual amount of claim after payments made

#22 Payments sent to each creditor during the accounting period, giving date of payment, check number and amount. (Note: any special notations "P" "C", etc. refer to top of this column of explanation

#23 Summary to date - since plan filed through current account period. Note: read this column from left to right

#24 Total payments received from debtor since case was filed.

#25 Clearly shows how Chapter 13 office PAID OUT (applied or paid) all monies received to date in each specific category

#26 Monies still in account, set aside for future payment of claims

#27 Total amounts still due and owing. (Note: read this column from left to right) Shows what amount is still owed in each category

#28 The total amount needed to complete your case.

#29 The total amount of months needed to complete the total balance due at the present rate of plan payment. Note: this is an indication if there is any "duration" problem with the case. By law a Chapter 13 case must complete within 60 months from the date of Confirmation. Therefore, the estimated months left combined with the months already elapsed provide the total length of the plan. If over 60 months, there is a duration problem and you may wish to consult your attorney.

## SOME TERMS WHICH MAY APPEAR ON YOUR STATEMENT

***Scheduled*** A creditor was listed in your bankruptcy schedules but prior to the last date for filing claims still has not filed a proof of claim with the Court or the Chapter 13 office.

***Not Filed*** A creditor has failed to file a proof of claim in a timely fashion (the last date for filing claims has now passed) for payment in your plan and, therefore, cannot be paid by your plan. If the debt represents a "secured" or "priority" debt which is secured by collateral (personal or real property) and if a lien or judgment is involved, it is important that such type of claim be filed. Contact your attorney for assistance. If an "unsecured" creditor fails to file a claim, and there is no collateral, lien or judgment involved, the creditor has forfeited his rights to collection, will not be paid by your plan and cannot pursue you for payment after you successfully complete your plan.

***Direct Pay*** Debt is being paid outside the plan (not through the Chapter 13 office) either directly by debtor or another party. Usually indicates mortgage creditor.



6

UNSECURED PAID AT .%
BASE AMOUNT NONE
PLAN UNSECURED NONE
MONTHLY BASE NONE

CASE #: 9
PRINTED #: 9

7

10 * * *

11 COMP% 2.5000 EXP% 2.5000 MIN BALANCE 5.00 DELINQ 12 Months

| | Funds In | Funds Out | Trans Type |
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| | | | |

22 R DISBURSEMENTS: P/Prewrite,C/Cancel,R/Return,I/Xfr In,O/Xfr Out

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| TORS REST | REFUND CLOSING | BAL-ANCE | UNALLOCATED FUNDS 26 | FUNDS ON HAND |
|---|---|---|---|---|
| PAID EXP | NEEDED TO COMPLETE BASE | | NEEDED TO COMPLETE CLAIMS 28 | EST PAYOFF LEFT (MONTHS) 29 |

PAGE 1

(1) (A)

SS#: (2) SS#: (B)

(3) PERIOD COVERED THIS REPORT 07-16-99 TO 11-24-99

(4) TRUSTEE 0U Albert J. Mogavero

(5) DATE FILED: 10/01/98 LATEST 341: 11/18/98 ORIGINAL 341: 11/18/98 CONFIRMED: 12/01/98

(6) UNSECURED PAID AT .% BASE AMOUNT NONE PLAN UNSECURED NONE MONTHLY BASE NONE

(7) CASE #: 9 PRINTED #: 9

PLAN PAYMTS (8) 11-1998 TO 12-2099 (9) 204.00 BIWEEKLY

(10) * * * * * *

(11) COMP% 2.5000 EXP% 2.5000 MIN BALANCE 5.00 DELINQ (12) Months

PLAN RECEIPTS (13)

| Period | Tran Date | Source | Funds In | Funds Out | Trans Type |
|---|---|---|---|---|---|
| 99 07 | 06-18-99 | Security | 204.00 | | Receipt |
| | 07-02-99 | Security | 204.00 | | Receipt |
| | 07-16-99 | Security | 204.00 | | Receipt |
| 99 08 | 08-02-99 | Security | 204.00 | | Receipt |
| | 08-13-99 | Security | 204.00 | | Receipt |
| 99 09 | 08-30-99 | Security | 204.00 | | Receipt |
| | 09-10-99 | Security | 204.00 | | Receipt |
| 99 10 | 10-01-99 | Security | 204.00 | | Receipt |
| | 10-12-99 | Security | 204.00 | | Receipt |
| 99 11 | 10-22-99 | Security | 204.00 | | Receipt |
| | 11-05-99 | Security | 204.00 | | Receipt |
| 99 12 | 11-22-99 | Security | 204.00 | | Receipt |

| Period | Tran date | Source | Funds In | Funds Out | Trans Type |
|---|---|---|---|---|---|
| | | | | | |

| CLAIM REF (14) | CLASS (15) | CREDITOR'S NAME (16) | AMOUNT EARMARK(@) SCHED(*) OR LIMIT(#) (17) | PAY SEQ/ METHOD | FIXED PAYMENT | INTEREST (18) | CLAIMED (PAY %) (19) | PRIN PAID INT PAID (20) | PRIN DUE INT DUE (21) | CREDITOR DISBURSEMENTS: P/Prewrite,C/Cancel,R/Return,I/Xfr In,O/Xfr Out (22) MO CHECK# AMOUNT | MO CHECK# AMOUNT | MO CHECK# AMOUNT |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 001 1 | 1 | BANKER'S TRUST | | 24 PR | | | 0.00 | 0.00 | Not Filed | | | |
| 002 2 | 1 | ADVANTA MORTGAGE CORP | | 24 PR | | | 28,252.40 | 0.00 | Direct Pay | | | |
| 003 3 | 1 | ADVANTA MORTGAGE CORP FORECLOSURE 3-99 | | 50 PR | | | 102.74 | 102.74 48.63 | Paid 02-01-99 | | | |
| 004 4 | 1 | BANKERS TRUST CO. | | 24 PR | | | 0.00 | 0.00 | Not Filed | | | |
| 005 5 | 1 | CITY OF BUFFALO FORECLOSURE 3-99 | | 50 PR | | | 0.00 | 0.00 | 0.00 | | | |
| 006 6 | 1 | CITY OF BUFFALO | | 24 PR | | | 1,206.00 | 0.00 | Not Filed | | | |
| 007 7 | 3 | CITY OF BUFFALO DEPT. | | 33 PR | | | 1,604.00 | 0.00 | Not Filed | | | |
| 008 8 | 1 | ERIE COUNTY DEPT OF F | | 24 PR | | | 250.00 | 0.00 | Not Filed | | | |
| 008 9 | 3 | ERIE COUNTY DEPT OF F FORECLOSURE 3-99 | | 50 PR | | | 0.00 100.0000% | 0.00 | 0.00 | | | |
| 009 10 | 3 | ERIE COUNTY MEDICAL C | | 33 PR | | | 3,304.00 | 0.00 | Not Filed | | | |
| 010 11 | 1 | LEASE AND RENTAL MANA | | 24 PR | | 09.0000% 11-02-98 | 10,674.89 | 3,834.54 901.85 | 6,840.35 51.30 | 99-07 377201 580.80 99-10 428510 387.61 | 99-08 394385 413.90 99-11 446317 387.60 | 99-09 411616 387.19 |
| 011 12 | 3 | MERCY HOSPITAL | | 33 PR | | | 0.00 | 0.00 | Not Filed | | | |
| 012 13 | 3 | MERCY HOSPITAL OF BUF | | 33 PR | | | 3,000.00 | 0.00 | Not Filed | | | |

(23) (25)

| SUMMARY TO DATE | PAID IN | RECEIPTS TO DATE (24) | PAID OUT | REFUND RECEIPTS | FILING FEES | CLERK'S FEES | OTHER COSTS | TRUSTEE COMP | TRUSTEE EXP | DEBTOR ATTY | CREDITORS PRINCIPAL | CREDITORS INTEREST | REFUND CLOSING | BAL-ANCE | UNALLOCATED FUNDS (26) | FUNDS ON HAND |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | | |

| BALANCES STILL DUE (27) | SECURED (CLASS 1) | PRIORITY (CLASS 2 & 4) | UNSECURED (CLASS 3,5,6,7,8) | ADMINISTRATIVE (CLASS A) | ATTORNEY (CLASS 9) | EST. INT. DUE ALL CLASSES | EST. UNPAID TRUSTEE COMP | EST. UNPAID TRUSTEE EXP | NEEDED TO COMPLETE BASE | NEEDED TO COMPLETE CLAIMS (28) | EST PAYOFF LEFT (MONTHS) (29) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |