



THE

MARSHALL CHRONICLES

MARCH 2007
VOLUME VI, NUMBER 3

The Repeat Filer And The Automatic Stay

§362(c)(3) and §362(c)(4) of the BAPCPA have been the subject of controversy and numerous judicial decisions since the effective date of the 2005 amendments. These provisions limit the application of the automatic stay to debtors in certain instances. §362(c)(3) applies if the debtor had a pending 7, 11 or 13 case that was dismissed during the year preceding the instant filing, other than a Chapter 7 that was dismissed pursuant to §707(b). In this instance, the stay terminates on the thirtieth day after the case was filed, unless the court finds that the case was filed in good faith.

§362(c)(4) applies if the debtor had two or more pending cases that were dismissed during the prior year, other than a Chapter 7 that was dismissed pursuant to §707(b). In this instance, the stay never takes effect and will only be imposed if the debtor proves that the case was filed in good faith.

If certain circumstances are present, a presumption arises that the case was not filed in good faith, see §362(c)(3)(C) and §362(c)(4)(D). The debtor has the burden of rebutting the presumption by clear and convincing evidence. Practitioners should know that there is a procedural difference between the hearings. According to §362(c)(3), the hearing must be **completed** before the thirtieth day after the case was filed. Whereas, if §362(c)(4) applies, the motion to impose the stay must be made, not heard or completed, within thirty days after the filing. There is another difference between §362(c)(3) and §362(c)(4). This difference has caused bankruptcy courts around the country to decide what property is no longer protected if the automatic stay is not extended pursuant to §362(c)(3)(A) of the Bankruptcy Code.

This controversy has arisen due to the differing language in §362(c)(3)(A) and §362(c)(4)(A)(i). §362(c)(4)(A)(i) clearly states that the automatic stay "shall not go into effect" in cases where a debtor has had two or more pending cases in the year preceding the instant case. Conversely, §362(c)(3)(A) states, in part, that the stay "shall terminate with respect to the debtor on the 30th day after the filing of the later case." Practitioners have argued that the differing language supports the notion that, if the

stay terminates under §362(c)(3)(A), it only terminates to property that belongs to the debtor and not the bankruptcy estate. Arguably, the stay would still protect property that has not been abandoned or that is fully exempt. Therefore, property that secures loans, such as vehicles and real estate, would still be protected.

Until recently, this district did not have a published opinion on this matter. However, Bankruptcy Judge Jack B. Schmetterer issued an opinion in the case of *In re Curry*, — B.R. —, 2007 WL 549360 (Bankr. N.D.I.L. 2007). In *Curry*, the debtor had one previous case during the year preceding the subject case, so §362(c)(3) applied. Unfortunately, the debtor never filed a

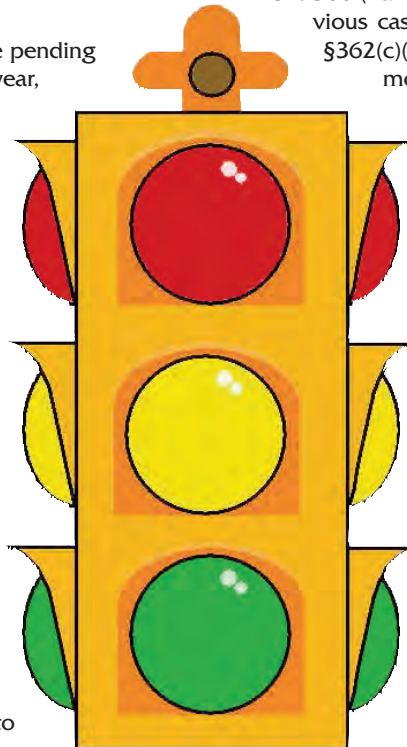
motion to extend the automatic stay. Once the 30-day deadline expired, Ameriquest Mortgage Company (AMC) filed a Motion to Confirm the Termination or Absence of the Stay so that it may safely proceed with the foreclosure of the debtor's real estate. The debtor response was simple – the debtor's real estate was still protected by the stay. The stay only terminated to property that belonged to the debtor. Pursuant to §541 and §1306, the real estate was still property of the estate, and therefore, protected by the automatic stay.

The *Curry* Court rejected this argument and granted AMC's motion. In its decision, the *Curry* Court analyzed the legislative history and other Code provisions, such as §362(j) and §362(c)(3)(C). *Id.* at *6 – *7. Ultimately, the court found that the stay terminates to the debtor and all of her property, irrespective of whether or not it is a part of the estate. *Id.* at *8.

As the *Curry* decision acknowledges, most bankruptcy courts disagree with the *Curry* decision. In fact, the Bankruptcy Appellate Panel of the First Circuit recently joined the majority in *Jumpp v Chase*

Home Finance, 2006 WL 3802702 (1st Cir. BAP 2006). In reversing the lower court's decision, the *Jumpp* Court found that the plain language of the statute is unambiguous, so an examination of the legislative intent was unnecessary. *Id.* at *6. The court also found that the term "with respect to the debtor" has a significant meaning. This term is used frequently in §362 to highlight whether a provision applies to the debtor, property of the

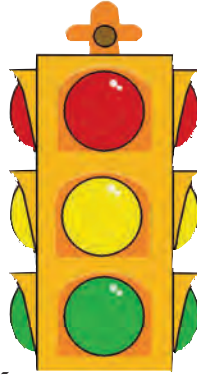
(Continued on page 2.)



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(Continued from page 1.)

debtor, or property belonging to the estate. *Id.* at *5. The court also found the difference in the wording of §362(c)(3)(A) and §362(c)(4)(A)(i) to be persuasive. *Id.* at *6. Congress’s inclusion of the phrase “with respect to the debtor” in §362(c)(3)(A) was done intentionally. Therefore, the court concluded that the stay is not supposed to terminate in its entirety, but only to property belonging to the debtor. *Id.* at *7.



All bankruptcy practitioners should be aware of this split in interpretations. Until we have a binding decision in this jurisdiction, a prudent debtor’s attorney may want to file a motion to extend the stay as a safeguard to protect your client’s property, especially if you are unaware of your judge’s position. In the case where a debtor’s motion to extend the stay is denied, a creditor’s attorney may want to seek relief from the stay because the question of what property the stay protects, if any, is still unresolved.

Keisha Hooks

Case Administration Check Please



Occasionally we have data entry errors, which in a worse case scenario can lead to disbursement errors. If you put incorrect data in the system or fail to do the necessary follow-up, then it is inevitable that the administration of the plan will be adversely affected. In the past, if you found a discrepancy that resulted in a disbursement error, you would write a letter to the creditor requesting the return of the funds and then monitor the case until the funds were received. Depending on how much time you allotted in your schedule for this process and the volume of returns you are dealing with, it could take months to complete a return. Ms. Marshall has developed a new procedure that provides a more uniformed and expedited way for staff to follow when it comes to recovering funds in a case. The first step would be to contact the creditor and find out to whom or where your letter for the return should be sent. The first letter will also be faxed to the creditor the same day that it is mailed. A docket entry will be made in CaseNET and an entry added to the disbursement return database. If the creditor does not respond within two weeks, then a follow-up phone call is made to check the status of the return. If the funds are not received at the end of the thirty-day period, a follow-up form is given to the staff attorney to possibly file an adversary for the return of the funds. Below is a list of some of the issues that cause disbursement errors, and we can probably avoid most of these with a little more attention to detail:

- Same claim was entered twice and missed during verification.
- A claim was entered in the incorrect case.
- Debt was scheduled and paid as secured but claim was filed as unsecured.
- Stay was modified but claim was never turned off.
- Claim amount was adjusted incorrectly.
- Interest was paid but should not have been.
- Claim was amended to a lower amount but the amended claim was never received.
- Claim was late and not entitled to payments.
- Claim was never received, which can result in overpayment to unsecured creditors.

Rosalind Lanier

THE MARSHALL CHRONICLES
The Editorial Staff: Cheryl Jones, Joanne Coshonis, HVB and Dave Latz.
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Newsletter Information: If you would like to contact us or submit ideas or articles for the newsletter, you can do so by: ✓ e-mailing us at newsletter@chi13.com ✓ dropping your submission or idea in the anonymous newsletter folder located in the mail room, or ✓ leaving them with Dave Latz Please remember when making a submission to the newsletter, it must be: ✓ type-written and ✓ submitted by the first Wednesday of the month via e-mail, a Word document or an ASCII file. We also ask that anyone who attends a seminar please be prepared to furnish the committee with a detailed article on its subject. You may also view this edition of THE MARSHALL CHRONICLES , as well as all the previously published issues, on the Chapter 13 Trustee website at http://www.chicago13.com/ .

Motivation

“If you have the will to win, you have achieved half your success; if you don’t, you have achieved half your failure.”
– David Ambrose

“The only way of finding the limits of the possible is by going beyond them into the impossible.” – Arthur C. Clarke

“We are what we repeatedly do. Excellence, therefore, is not an act but a habit.”
– Aristotle

“Take calculated risks. That is quite different from being rash.”
– George S. Patton

Trustee Matters

NACTT Mid-Year Meeting



The winter meeting in Washington, DC, was held January 25-27, 2007. The meeting began with opening remarks from Clifford J. White III, Director of the Executive Office for United States Trustees. Mr. White made it clear that the Chapter 13 Trustees and the USTP are partners and will work together to make the bankruptcy system work. The USTP have core values that it sets out to achieve. In partnership with the USTP, we are committed to observing those values. The values are integrity, fairness, respect, excellence, and accountability. These values are explained on the UST website at www.usdoj.gov/ust/ as: **Integrity** – We will adhere to the highest ethical standards and display professionalism. **Fairness** – We will be impartial and honest in performing our duties and responsibilities. **Respect** – We will treat others with dignity. **Excellence** – We will enhance the effectiveness and efficiency of our service. **Accountability** – We will continuously measure and improve our performance and results. Mr. White’s address on where the program is going and how we can work together was very well received by the audience. Every Standing Trustee should have left this meeting with a renewed commitment to show respect for the new law.

The mid-year meeting is a time to get updates on new forms and process and procedures. There have been some technological updates. Debra Miller, Chapter 13 Trustee, Indiana, showed examples of the new monthly report, annual report and updates on how the budget is submitted. Security issues and safeguards were a huge part of the discussion. Additional information regarding the Final Report, which is not final, was reviewed by Jo-Ann Goldman, Chapter 13 Trustee, Arkansas.

The meeting continued with a discussion of issues identified through the strategic planning process. Leadership was one of the key topics. The NACTT wants each trustee to get involved in committee work and have input on how the organization is run.

Program Chair, Kevin Anderson, Chapter 13 Trustee, Utah, included sessions that focused on BAPCPA evidence issues, basic computer skills and how trustees can deal with declining case loads.

The 2008 mid-year meeting will be held in New Orleans, Louisiana, at the Omni Royal Orleans Hotel. I am looking forward to that meeting.

Case Law Update

In the matter of Laverne Mangum

The decision of the bankruptcy court in adversary Proceeding 06 A 879 was affirmed by the United States District Court for the Northern District of Illinois. This bankruptcy appeal concerned the question of whether a debtor in a Chapter 13 proceeding may sell her personal residence and then discharge her case by using some of the proceeds to make a lump sum payment covering the remaining monthly payments due under the debtor’s confirmed plan. The parties presented the issue to the bankruptcy court on uncontested facts. The bankruptcy court ruled in the debtor’s favor, ordering the trustee to use the proceeds of the sale

to pay off the remaining payments and then release the excess proceeds to the debtor. The bankruptcy court subsequently discharged the debtor and denied a stay. The trustee appealed.

In Re: Georgia Davis Henry

The decision of the bankruptcy court in adversary Proceeding 06 C 4084 was affirmed by the United States District Court for the Northern District of Illinois.

Chapter 13 Trustee moved to dismiss case where debtor would have to continue to make payments beyond five years in order to complete her plan. Held: Although the court cannot confirm or modify a plan which would extend beyond five years, the fact that payments will be made for more than five years does not per se require dismissal under §1307(c). With that in mind, the court considered the particular factual circumstances and determined that cause for dismissal did not exist under §1307(c). Motion to dismiss denied.
Marilyn O. Marshall, Standing Trustee

Case Confirmation To Fee, Or Not To Fee: That Is The Question.



Yes, this title was modified from William Shakespeare’s famous quote, “To be, or not to be: that is the question.”

This play on words was befitting for our situation of cases that have been confirmed, reviewed, verified and ready to disburse funds to creditors but behold, no fee order has been entered for outstanding debtors’ attorney fees. We know the fees are outstanding because according to the disclosure of compensation statement included in the debtor’s petition, a balance owed for services rendered is noted.

Such as they are, these cases are placed on hold because they are BAPCPA cases and our intent is to disburse funds according to the plan distribution order.

A letter is then sent to the debtor’s attorney to inform him that, to date, a fee order has not been entered. The debtor’s attorney is asked to indicate his course of action on the letter by checking one of the lines below and returning it to our office:

- I intend to file with court a Motion for Attorney Fees by _____.
- I do not intend to pursue this matter.

We will keep these cases on hold for only thirty days.

As I’m writing this article, I received one of these letters back in the mail and the debtors’ attorney indicated that he will be filing a motion for fees. I immediately checked PACER’s docket and, behold, the motion has been filed.
Karen Barron

Answers To The Grownup Riddles On Page 6:

1. Round manhole covers cannot be dropped down through the hole. If the cover were square, it could be dropped down the diagonal of the manhole.
2. They were the only ones without navels.
3. It was day time.
4. The surgeon is the boy’s mother.
5. They were two of a set of triplets.

Financial Disbursement Week

Here is a brief overview of what happens during Disbursement Week:

Monday

Cases on Hold – Financial Manager reviews all cases on hold. Cases are reviewed to see if they need to be placed on hold, removed from hold, or disbursements made.

Disbursement Exceptions – Financial Manager reviews any case entered into our Filemaker Pro Database “Disbursement Exception” to process requests not handled in our regular CaseNET processing.

Monday night

Monthly Creditor Interest and Allocation. A member of the Systems Department runs a CaseNET job that creates monthly interest and allocations.

This job selects confirmed cases that have had post-confirmation review completed. The job creates monthly interest and adds it to each claim. It will also create claim allocations, moving money from the case reserves to claim reserves, or creates a set past due amount, if case reserves are not available. This job also creates allocation for any adequate protection payment for PMSI debts.

Tuesday

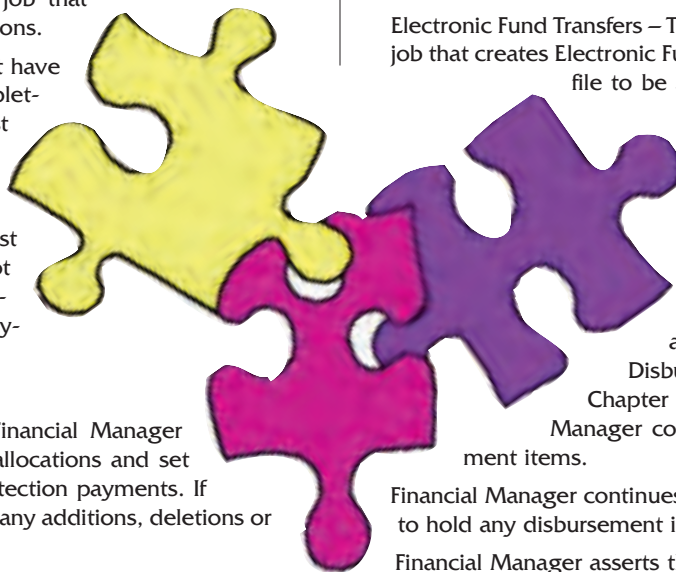
Adequate Protection Payments – Financial Manager and Chapter 13 Trustee review all allocations and set past due amounts for adequate protection payments. If necessary, Financial Manager makes any additions, deletions or changes.

Claim Disbursements on Hold – Chapter 13 Trustee reviews report showing all claims with disbursement on hold due to returned or stale-dated checks. Chapter 13 Trustee communicates with staff regarding claims that need to have disbursements back on. These claims are then reviewed for resolution with Financial Manager.

Note: Changing a case to an inactive status, or turning off claim disbursement, will stop disbursements from going out at this point. These claim reserves are then moved at a later time to case reserves by the Financial Manager after review of Monthly Maintenance Reports.

Tuesday night

A member of the Systems Department runs a CaseNET job that creates disbursement items from claim allocations on active cases with OK to disburse on. Once these disbursement items are



created, the Financial Manager must be directed to hold them by entry into Disbursement Exceptions.

Wednesday

Note: From this point forward to Friday at 8:30 a.m., disbursement items can only be held; they can not be changed.

Disbursement Items over \$2,000 – the Chapter 13 Trustee, Controller and Financial Manager review all these disbursement items to insure these items are accurate and disbursed according to each Chapter 13 plan.

Receipts Review – The Chapter 13 Trustee reviews any receipt over \$5,000 received within the last seven days to determine if we hold them until we are assured that they have cleared through our bank. The Financial Manager reviews any illegible receipt received within the last seven days to determine if we hold case funds until we are assured that they have cleared through our bank.

Electronic Fund Transfers – The Financial Manager runs a CaseNET job that creates Electronic Fund Transfers (EFT) and a transmission file to be sent to our bank. She also transmits the file to the bank.

Note: Disbursement holds must be entered by 2:00 p.m. on Wednesday to stop any EFT disbursement.

Thursday

Electronic Fund Transfer Reports are e-mailed or sent to creditors. Disbursement Items over \$2,000. The Chapter 13 Trustee, Controller, and Financial Manager continue to review all these disbursement items.

Financial Manager continues to review Disbursement Exceptions to hold any disbursement items.

Financial Manager asserts that all disbursements have been satisfied and disbursements held as requested.

Friday

Financial Manager reviews Disbursement Exceptions by 8:30 a.m. to determine if any disbursement item is to be held.

Financial Manager requests check supply from Chapter 13 Trustee. Chapter 13 Trustee obtains check supply from the safe and places them in locked cabinet. Operations Coordinator and Closing Audit Specialist obtain checks under dual controlling for printing.

Operations Coordinator, Closing Audit Specialist and Case Administrator print disbursement checks, insert them in envelopes, place postage on them and mail them. All is done under dual control, with the Chapter 13 Trustee and/or the Controller monitoring the process.

Rita M. Saunders

Chocolate

“My therapist told me the way to achieve true inner peace is to finish what I start. So far I've finished two bags of M&M's and a chocolate cake. I feel better already.”

– Dave Barry



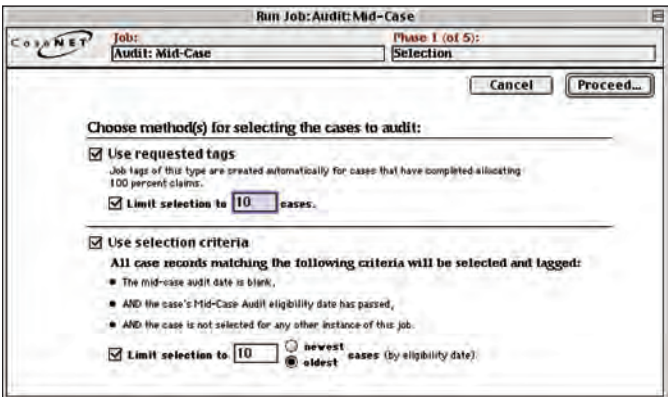
Information Services Revving Up The Mid-Case Audit!

It's coming back and it's going to be better than ever! Announcing the return of the Mid-Case Audit! In conjunction with rolling out the new CashFlow allocation code that has kept Cliff busy all these many months, we will be re-activating the Mid-Case Audit (MCA) job beginning April 1.

The purpose of the MCA is to look at a case and catch any problems about halfway through the life of the plan. We are introducing a new field called Mid-Case Audit Eligibility Date that will be stored in the case record and filled in upon confirmation. It will be set to two months before the halfway point of the case. For example, a 36-month case will be eligible for an audit in month 16, while a 60-month plan will get audited in month 28.

Another way cases will be selected for the MCA is determined by the new CashFlow allocation code. When a case is finished allocating money to its 100% creditors, a job-tag will be written flagging the case for a Mid-Case audit. This will allow us to scrutinize the case and examine that all secured claims have been loaded and paid properly before we begin paying out money to unsecured creditors. In fact, the case will NOT proceed to allocating unsecureds until the Mid-Case Audit is stamped as complete.

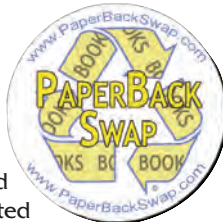
Here's the selection screen for the Mid-Case Audit job. It shows the two ways cases are selected for a Mid-Case Audit.



Sandra Pillar

Internet Tidbit

If you love to read, you know how buying books can add up. There is a solution. Instead of buying more paperbacks, register at PaperBackSwap.com. You simply list nine or more books you'd like to get rid of, and you receive three credits to get you started trading. One credit is good for one book. Any books you order from the list on the website will be sent to you free. When other members order books that you've listed, you mail them out, paying the postage of around \$1.59. Once the member who requested it receives your book, you get another credit to use on the website. The more books you mail to other members, the more credits you'll receive. This is a great way to save a ton on books, and you'll be able to empty your packed shelves.



Legal IRS Uses Re-Computed Census Information



The IRS has recently re-computed national and local figures based on census information. This reevaluation has led to a change in how we determine the Median Income level for debtors again.

These new figures, based on the census, can be found at the United States Trustee's website at <http://www.usdoj.com/ust>. These new sets of census figures should be used in all bankruptcy cases filed on or after February 1, 2007. This new median family income data is necessary in order to accurately complete bankruptcy form B22A for Chapter 7 cases and for B22C for Chapter 13 cases.

Other information that can also be found at the UST's web link is the updated IRS "National Standards for Allowable Living Expenses" and "Allowable Living Expenses" based on local housing and utilities standards. These expense figures are also necessary when completing the B22 forms for "over the median" debtors.

Other adjustments are also taking place in bankruptcy figures. As of April 1, 2007, the dollar limits for eligibility to file a Chapter 13 case is changing. The eligibility debt limits to qualify as a Chapter 13 debtor are found in 11 USC §109(e). Pursuant to that section, debtors may only be Chapter 13 debtors if they have debts that total less than \$1,010,650.00 in secured debt and less than \$336,900.00 in unsecured debts. These numbers are adjusted slightly up from previous figures. So just think, technical even millionaires can now file for Chapter 13.

Anthony Olivadoti

April Birthdays, Anniversaries, And Other Notable Events

- April Fool's Day** on April 1st.
- Happy 7th Anniversary to **Laura Mendoza** on April 3rd!
- Passover** begins on April 2nd at sundown.
- Happy Birthday to **Carolyn Donahue** on April 4th!
- Happy 14th Anniversary to **Dave Latz** on April 5th!
- Happy Birthday to **Rosalind Lanier** on April 6th!
- All Staff Meeting** on April 6th.
- Easter Sunday** on April 8th.
- Friday the Thirteenth** on April 13th.
- Blah Blah Blah Day** on April 17th.



- Happy Birthday to **Angela Davis** on April 20th!
- Earth Day** on April 22nd.
- Staff Symposium – St. Louis** on April 23rd–24th.
- National Arbor Day** on April 27th.
- National Hairball Awareness Day** on April 27th.

NACTT Staff Symposium Snippet

How many of you hate change? How many of you think other people hate change? Traditionally, one is considered to be in denial if he was only in agreement with the second part of this question.

This year's NACTT Staff Symposium held in Atlanta, GA, was by far the best I've experienced. The symposium covered a plethora of topics, however, I was fortunate enough to participate in the leadership session led by Ronnie LeFevers.

Dr. Spencer Johnson's bestseller "Who moved my cheese?" was the conduit of this session discussion and made it very easy for those of us who read it to interact. We understood "cheese" as a metaphor for what you want to have in life and is considered the element that will make you happy.

Four characters (Sniff, Scurry, Hem and Haw) are introduced in the bestseller who represent the way we adapt to change. These characters who consist of mice and little people live in a maze and look for cheese to make them happy, metaphorically. Our maze would be where we spend the most time looking for the element that makes us happy.

Sniff is the character who anticipates change and even sniffs it out; Scurry quickly adapts to change; Hem resists change and Haw learns to adapt in time. There's no doubt that these various characters exist in the workplace. Most people resist change because they are afraid of it, however, change is inevitable and is conducive to business operations. Additionally, leaders are agents of change, but resist change as much as followers. Mr. LeFevers reminded us of an important ideology I learned in Business 101...there is a difference between a leader and a manager. People follow managers because they **have** to, but follow leaders because they **want** to, thus, leaders have the artistic charisma to influence people willingly. Resultantly, an unchanged leader leads to an unchanged organization which will ultimately halt the productivity of any modern operation. Therefore, we can surmise that Hems are not welcomed in the workplace, and it will behoove one to develop into a Sniff or Scurry to survive in today's workforce.

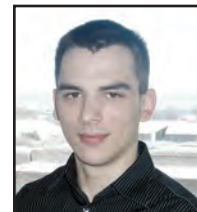
In closing, our contributions to our work environment are imperative. Becoming a "corporate chameleon" positively affects your organization's short and long term goals. As you examine your role in the workplace, it is equally important to discover which characteristics you most identify with. Are you a Sniff, Scurry, Hem or Haw?

Telisha Emerson



20 Questions For: Artur Zadrozny

Office Title: Paralegal



If you could have named yourself, how would your name appear on your birth certificate? Alexander.

If you could build a house anywhere in the U.S., where would it be? Somewhere in northern California.

When you were a kid, what profession or job did you want to have when you grew up? Train Conductor.

If they made a movie about your life, what current actor/actress would play you? Ewan McGregor.

What is your least favorite household chore? Cleaning my room.

What are your favorite books? The Great Gatsby, Catcher in the Rye, The Sun Also Rises, A Moveable Feast.

If you could bring anything back from your childhood, excluding people, what would it be? Endless summers.

When you were growing up what was your favorite...

Hair style/haircut? Buzz Cut.

Cartoon? The Duck Tales.

Cereal? Frosted Flakes.

Sport? Soccer.

Subject in school? Math.

Author? Ernest Hemingway.

Singing group? New Kids on the Block.

Video game? Sonic the Hedgehog.

Family outing? Trips to the Wisconsin Dells.

Movie? Terminator 2: Judgment Day.

If you wanted to be cool: I would dress nice.

I always wanted: To travel the world.

Now that I'm older I wish: I was younger.

Grownup Riddles

Ready to challenge your mental ability? Try your hand at some of these very clever and tricky riddles!



1. Why are manhole covers round?
2. A man went to Heaven. Looking around he noticed that all the people there were about the same age and all were naked. After wandering around for a while, he came upon two people that he recognized as Adam and Eve. How could he tell it was them?
3. A man walking down the street is dressed all in black – black pants, shirt, shoes, socks, and gloves. His head is almost completely covered by a large black rain hat. The street he is walking down has no street lights. The man crosses the street and just at that moment a black car without its lights on turns into the intersection. The car stops short of hitting the man. How did the driver see the man?
4. A man and his son are in a car accident. They are both rushed to the hospital, where the man is taken into surgery. The boy is evaluated and it is decided that he also needs surgery. The surgeon comes into the room and stops, saying, "I can't operate on this boy – he is my son!" How can this be?
5. A woman had two sons who were born on the same hour of the same day of the same year. But they were not twins. How could this be so?

Tackling Your Debt

If you find that you are becoming overwhelmed by your debt, now is the time to take control. The first step is to track your spending. Knowing where your money is going will give you a head start on controlling your expenses. Try recording every last penny you spend for a month. You will get a clearer picture of your current spending status.



You will need to set up a budget. By tracking your expenses, you will now know where your money goes. You can then see better which expenses are easy to eliminate without too much pain. Writing down your budget, posting it where you can see it often, and using it to track future expenses can go a long way towards getting your finances under control.

Your next step will be to develop a debt elimination plan. While it may seem overwhelming at first, coming up with a plan will allow you to see which way you should proceed. Paying off your highest interest debt first is one approach to take. You can also consider eliminating the greatest monthly draw on your available funds. Either way, carefully analyze the costs and benefits of each approach.

If you feel that you cannot eliminate your debt without some help, consider getting credit counseling. This assistance is often low-cost or even free and will give you specific strategies for eliminating your debt. They offer help with budgeting, contacting your creditors, and interest rate reductions.

April Foolery

“The first of April is the day we remember what we are the other 364 days of the year.”
 – Mark Twain

April Fool’s Day is not a national holiday – at least officially. Although the government doesn’t recognize this annual day of fun and pranks, it has found its way into the hearts of people young and old. It is believed to have started in the sixteenth century in France, when Pope Gregory, changing the beginning of the year from April 1st to January 1st, introduced a new calendar to the world. Some people either hadn’t heard of the change or didn’t believe it. When they continued to celebrate New Year’s Day on April 1st, they were called “April Fools.”



The tradition of playing tricks on others became popular in Europe in the eighteenth century, and was brought to the New World by early American settlers. Early pranks in colonial America included pinning signs on people’s backs, putting salt or pepper in candy, telling people they had a hole in their clothes or food on their face, or holding items in place by a string. Teachers in the nineteenth century used to say to pupils, “Look! A flock of geese!” and point up. The prankster would then yell, “April Fool!”

In modern times, April 1st is a day set aside to play small, clever tricks on people. To qualify as a real April Fool’s prank, it should be harmless, in good fun, and completely believable (at least for a while) by your victim. Your trickery should always make your victim smile when you shout “April Fool’s!” So, get creative and go make some “April Fools” out of your friends.

Mistakes Were Made

Allegations have arisen that this column is habitually submitted to the editors only well after the nominal deadline has passed. While it is not my habit to answer trifling accusations, it has become painfully obvious that my staff and I, as producers of this column, have not succeeded in effectively communicating what a swell job we have been doing, and for that we are deeply regretful. There is nothing more important to the mission of this column than to maintain the appearance of integrity, and so I will say it outright: mistakes were made.



Furthermore, as accountability and integrity go hand in hand, I state categorically that I accept full responsibility for those mistakes. Therefore, with sadness but determination, I am announcing that my Chief Executive Underling is now my Former Chief Executive Underling.

There are some who cynically suggest that this unusual change in job title for my Former Chief Executive Underling is merely symbolic and ultimately meaningless. To those critics I say, “How dare you? How would you like to have as your job title Former Chief Executive Underling?” Without walking even one city block in his moccasins, the critics presume to dismiss out of hand the sense of humiliation with which one must cope to have a job title such as that. I find that unconscionable.

Despite the pettiness of the criticisms, I stand tall in holding myself accountable for any and all shortcomings as imagined by the naysayers. In an organization such as this, I may not be privy to every meeting or communication throughout the various departments, but I pledge to you today that I am willing to clean house, and no job title is immune from reform, from the highest Deputy Chief Underling right down to the lowliest Associate Underling Trainee.



“And I, for one, welcome our new insect overlords”

Some have escalated the charges, signaling their intention to engage in a witch-hunt. They have called for greater transparency in the column-writing process. They ask prying questions, such as why do I seem to have a vendetta for the Chicago Transit Authority; is it true that I once accidentally locked my cat in the refrigerator; what’s my all-time favorite color of Crayola crayon? I fully appreciate the sense of curiosity, or nosiness, behind such questions. But I must stand on principle by refusing to expose the column-writing process to undue scrutiny. To do so would compromise my ability to obtain unfettered and meaningful advice from my underlings. If they were concerned that every suggestion might end up in print in this column, surely they would feel constrained in, um, offering suggestions for what to write in the column.

As for the critics, I must take the high road here. I will not get down in the mud to engage in a tit-for-tat exchange of charges and counter-charges, which, frankly, my critics seem to crave. And I will not get bogged down in a paralyzing analysis of the past. In fact, I apologize for taking the time this month to address this distraction from the column’s mission, but I felt it necessary to clear the air. I promise that next month we will put all this behind us and begin anew. Thank you for reading.

Cliff Tarrance

Walk & Roll 2007

Save this date: Sunday, May 20, 2007. Come join the Chapter 13 Trustee team at the lakefront to walk, rollerblade, or bike in the American Cancer Society’s 35th Annual Walk & Roll.



Rita M. Saunders

Did You Know?: Kite Trivia

April is National Kite Month.

In ancient China, it was believed that kites could ward off evil spirits. Today, the kite is regarded as a symbol of good luck.

The first recorded attempt to use kites to obtain scientific data occurred in 1749 when two Scottish scientists, Alexander Wilson and Thomas Melville, fastened thermometers to kites in order to record the temperature of the air at high altitudes.

In 1847, chief engineer T.G. Hulett used a kite to string the first steel cable over the Niagara River in order to continue construction of a suspension bridge over the gorge.

In 1887, E. D. Archibald, an English meteorologist, took the first aerial photograph by attaching a camera to his kite.

In 1898, a modified Hargraves Box Kite rose more than two miles over the Earth's surface to a height of 12,471 feet (3,801 meter) above Milton, Massachusetts. Today's kites are restricted by aviation rules to no more than 300 feet high or within three miles of an airport.

Guglielmo Marconi, inventor of the wireless telegraph, used a hexagon kite in 1901 to lift an antenna four hundred feet in order to receive the first radio signal ever transmitted across the ocean.



During World War II, kites bearing pictures of enemy aircraft were used by the United States Navy for target practice. Huge box kites were also flown above American war ships to ward off attacking enemy aircraft. Long steel wires were suspended from each kite, causing damage to any approaching planes

On April 4, 1975, a world record was set by Kazuhiko Asaba of Kamakura, Japan, for the most kites flown on a single line – 1,050. Since then the record has been broken a number of times. The current record is 11,284 kites on one string.

The largest kite in the world is flown each year in Hoshubana, Japan, a small village near Tokyo. The kite measures 36 feet wide and 48 feet long and weighs nearly a ton. It can take 50 or more men to send the kite aloft.

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What's In A Name?

You may recognize the small fellow surrounding this article. He's appeared in the majority of the 62 issues of the Marshall Chronicles. He's always been known as "the Little Guy." But we think it's time for him to have a proper name.

As you can see, the Little Guy wears many different guises – something for almost every occasion. What's your suggestion for a name? How about Cam, as in chameleon? Or maybe Dave, because he's just a nice guy?

Get your entry to one of the Newsletter Committee members, either by e-mail or just written on a piece of paper. We'll take the five best suggestions and put them up for a vote in the next issue. And who knows, there may even be a prize for the person who comes up with the winning name!

Dave Latz

