The Office of Chapter 13 Trustee, Marilyn O. Marshall is a massive operation. We analyze dozens of Chapter 13 plans each day, we process approximately one thousand proofs of claim every week, and we disburse more than 70 million dollars each year. As much as it pains me to say, we don’t always perform these tasks flawlessly. In order to perform our jobs well, you must have a keen eye and an impeccable attention to detail. Given the sheer volume of our work, the likelihood of making a mistake is magnified. Considering that we are entrusted with the duty of paying creditors for people in financial distress, we make every effort to execute this task carefully. But sometimes, we fall short because perfection is not possible.

Try as we might, it is inevitable that we will make an error when disbursing to creditors. As a result, one of my duties is to monitor the errors, analyze the mistakes, and work to minimize future ones. Since I was assigned this role, I’ve been able to identify patterns, and I have classified our common errors into four categories: 1) processing proofs of claim improperly; 2) linking claims with incorrect plan provisions; 3) disregarding changes in the attorney fee priority level and 4) failing to interpret provisions in plans, orders and notices received by this office.

One of the most common challenges we encounter is when we have to determine if a proof of claim can be linked to a provision in a plan. Because we do not want to incorrectly pay a claim, we have to determine if a particular proof of claim is addressed in the plan already. Otherwise, we run the risk of paying the same debt twice. For example, we routinely see plans that provide for the direct payment of a particular loan. The loan will be listed on the schedules, the schedules may have a redacted account number and the debt basis, and the plan will instruct us not to pay the loan because someone else will be responsible for paying the loan. The challenge arises when that lender files a proof of claim. At that point, we have to figure out if that loan really is entitled to payment from the bankruptcy estate or if that loan is being paid directly by a third party.

If the confirmed plan contains a provision instructing us not pay a particular claim, then we need to be completely certain that the loan represented by the proof of claim can be linked to that plan provision. Connecting the claim to the plan is easy if we the plan contains sufficient details about the loan, the claim’s attachments are legible, and the information reported in the schedules are accurate.

However, when the information is sparse, or when we do not exercise the appropriate care when examining a proof of claim, disbursement mistakes are made. Recently, I encountered a case where a lender filed an unsecured claim for a debt that the plan treated as secured. Because we didn’t link

(Continued on page 2.)
Tax Tips For The New Year

What better New Year’s resolution can you make than getting your finances in order? Take time this January to do a few simple things that can go a long way towards making your tax filing time easier than ever.

Organize Better

Instead of keeping your tax records and receipts stuffed into shoeboxes, take some time this year to organize your records better. A large accordion file may be all you need. Label the slots with different categories, like medical expenses, donations to charity, and other deductions. Every time you pay your bills, drop your receipts into the appropriate slot. When tax time comes around, you’ll have everything at your fingertips.

Learn More About the Tax Laws

You don’t need to make the tax code your bedside reading, but it is helpful to become more knowledgeable about the tax laws that might affect you. If you are unsure about what deductions you may qualify for, or what tax consequences you may incur from investing decisions, consider talking to a qualified accountant.

Look Into Your Tax Saving Opportunities

Ask your employer about ways to maximize your tax-sheltered savings potential. Consider increasing your contribution to your employer’s 401(k) plan to take advantage of all of the tax benefits available to you. Also ask about any “flexible spending arrangements” that you may qualify for to pay for child-care and medical bills.

The Possibility Of Perfection

(Continued from page 1.)

the proof of claim to plan provision, we paid the claim twice—one as an unsecured debt per the proof of claim, and again as a secured debt per the plan. In my opinion, this error could have been avoided.

Admittedly, the creditors’ names were different. But an analysis of the claim’s attachment revealed the original lender’s name, which matched the name of the creditor listed in the plan. In addition, the auto’s collateral description in the plan matched report of sale that the lender filed with the claim. In this particular case, the lender sold the car pre-confirmation. Although the lender liquidated its collateral pre-confirmation, the confirmed plan mistakenly treated the lender’s unsecured claim as secured. We failed to notice the mistake because we didn’t examine the claim and its exhibits carefully. As a result, we overpaid the unsecured claim. Fortunately, due to our auditors, the mistake was caught before the case closed, and we recovered the funds.

This is just one example of the difficulties that arise with working in a high-volume, fast-paced and demanding environment. The bottom line is that we have to exercise extreme care when processing the documents received by this office. Failing to acknowledge a change in a secured creditor’s treatment or to classify a claim properly can result in the incorrect disbursement of funds in the trustee’s possession. Because we are committed to administering plans properly, we also must continue to work diligently, to read documents carefully, to pay attention to details, and to ask for help when necessary.

Keisha Hooks, Staff Attorney
Trustee Matters

Mini Conference on an Official Form Chapter 13 Plan and Related Amended Rules

At our Judge’s/Trustee’s Liaison Meeting, held January 14, 2013, Judge Wedoff extended an invitation to those present to attend the Mini Conference to be held January 18, 2013, on the 25th Floor of the Everett M. Dirksen, U.S. Courthouse. The Mini Conference was a meeting of the Rules Committee and other Panel Members that convened in Chicago to discuss the Official Form Chapter 13 Plan and Related Amended Rules.

I walked in to discover approximately 25 people seated around a huge round table. Those seated around the table were members of the Rules Committee, panelists, Judges, Chapter 13 Trustees, creditor attorneys and debtor attorneys. I immediately recognized Ken Gardner, our Clerk, and, of course, Judge Wedoff, the Rules Committee Chairperson. I was very pleased to see Doreen Solomon, Director for Oversight, Executive Office of the United States Trustees, Washington, DC, in the audience. I was honored to be able to witness this process.

The purpose of this article is to encourage the bankruptcy community in the Northern District of Illinois to review the proposed Official Form Chapter 13 Plan, and send your comments and an example of how the form can be improved or changed to Judge Wedoff at eugene_wedoff@ilnb.uscourts.gov. In the future, we will start to discuss each proposed Part and Paragraph in the newsletter as permitted. I will be happy to include any comments or articles on how a national form plan will affect practice in the Northern District of Illinois in the newsletter. Judge Wedoff and the Chapter 13 Trustees will also initiate a discussion of the proposed plan form at the CBA Meeting on February 20, 2013. Copies of the proposed plan and rule amendments will be available.

From the Agenda, I noticed that there were three Panels:

Panel 1: The Draft Form Plan
Panel 2: Draft Rule Amendments I
Panel 3: Draft Rule Amendments II

Glenn Stearns, Chapter 13 Trustee, Lisle, IL, is an official member of Panel 1 on the Draft Form Plan. He serves along with Judge Connelly, Billy Brewer, Mary Beth Ausbrooks, Kathy Huffman, and Lawrence Friedman. The Committee Liaison of that Panel is John Rao. The opening statement from Judge Rebecca Connelly from the Panel was that “the panel had no opposition to the plan but there were some revisions to the plan.” The revision was discussed and suggestions were made.

The following questions were on the agenda for discussion:

• Is the plan organized in a logical manner?
• Is the length of the plan a concern?
• Does the plan omit provisions that are necessary or frequently used?
• Does the plan include provisions that are unnecessary or infrequently used?
• Does the plan give sufficient guidance as to its operation after confirmation?
• Does the plan appropriately emphasize areas that present key issues in the chapter 13 process?
• Will the plan work in both mortgage conduit and non-conduit jurisdictions?
• Should the plan specify a different treatment of home mortgages and other secured claims if relief from the automatic stay is granted?
• Does the plan appropriately treat the inclusion of non-standard provisions?
• Is it advisable to propose a form dealing with pre-confirmation adequate protection payments? Is the proposed form suitable for this purpose?

I later received a document from Debra Miller, Chapter 13 Trustee, South Bend, IN, with answers and discussions to some of the questions listed above. Also, Debra served as a panelist on Panel 2. In the future, we will review Panel 2 comments and questions as well. Marilyn O. Marshall, Trustee

February’s Notable Events

All Staff Meeting on February 1st.
National Wear Red Day on February 1st.
Groundhog Day on February 2nd.
Happy Birthday to Santricia Fields on February 5th!
Happy 2nd Anniversary to Terry Gallagher on February 8th!
Fat Tuesday – Mardi Gras on February 12th.
Pancake Day on February 12th.
Ash Wednesday on February 13th.

Valentine’s Day on February 14th.
Gumdrop Day on February 15th.
President’s Day on February 18th
(the office will closed).
International Sword Swallower’s Day on February 23rd.
Happy Birthday to Becky Feuerbacher on February 24th!
Happy Birthday to Jay Tribou on February 27th!
National Chili Day on February 28th.
Financial
An Auditor’s Decisions To Keep Or Remove Reserves

Each day we get creditor returns in the mail from creditors. Creditor returns are checks drawn off creditor accounts sent back to the Trustee accompanied by a letter, which states the reason why the money is being returned. The claim is usually paid in full, withdrawn, modified by a stay, or possibly disallowed. These checks must be processed daily, so that when the funds are deposited in our bank, the Receipts Specialist can apply these funds against the appropriate claim. It is the responsibility of the auditors to review the check, prepare the proper creditor return document and use the proper code for that item in BSS-TNG. No Check Codes actually turns off the claim so no funds will continue to be disbursed to that creditor. In BSS-TNG when you apply a creditor return back to a case and post it against a particular claim, the funds go back into the “hard reserve” of that claim. The funds stay in the reserve amount until the auditor goes back and reviews the claim to see if this has been processed correctly. If it was processed, they will remove the reserve amount. The purpose of clearing out the reserve amount is so that the money then becomes part of the case balance on hand and can be used to pay other creditors in the next disbursement cycle.

Other returned creditor checks that we receive are checks that are sent back usually by “Mortgage Companies.” These funds are returned, because they cannot accept the funds because the debt has been service released to a new mortgage company. These checks must be processed daily, but should take a higher level of priority among work tasks to the auditor assigned to process and work the check because these checks must be resolved within 10 days from receipt. Unlike a “Paid In Full” check with a No Check code, these checks will utilize what is called a Reserve Flag Code. Reserve Flag Codes are like putting the claim on a temporary hold status for X number of disbursement cycles. The funds once processed by the Receipts Specialist are put back to the claim and held there until we get a new claim, amended claim or claim transfer filed with the United States Bankruptcy Court. It is the responsibility of the auditor to contact the new mortgage holder to get them to file a claim transfer or a new claim promptly. We cannot issue a mortgage check unless this new information is obtained before the next disbursement cycle. Again, the auditor should be reviewing these debts, instead of removing the reserve amount. The auditor makes the decision to keep the funds in place and remove the Reserve Flag Code when the funds can be issued to the new payee in the next disbursement cycle.

The Trustee reviews reports prior to each new disbursement, namely Claim Reserves: No Check Code and Claim Reserves: Reserves on Hold. The review is to serve as an information tool to know how much money may not be going out during a disbursement cycle, assist the Trustee to direct additional attention to a particular claim or problem, and to inform the appropriate department if a claim should have additional work performed on it prior to the next disbursement cycle. The auditor should monitor the report they can generate from the “In House Receipts Processing” database. We should always attempt to issue all funds available in a case, and perform all due diligence as soon as possible.

Mark Caffarini, Case Analyst Audit/Closing

The Keys To Building Your Savings

When you are faced with paying your bills every month, it can seem hard to think about your savings. Here’s a list of ways you can stretch your budget and start on the road to savings.

- Each time you receive a paycheck, immediately pay yourself first by adding a set amount to savings, even if it is a small amount.
- Keep only the credit cards with the two lowest rates and cut up the rest. To get rid of your loans, pay extra each month on the card or loan with the highest rate.
- Shop around for better values on credit card rates. Consider asking your current card issuer for a lower interest rate, or a reduction of fees.
- If you have the opportunity to contribute to a 401(k) plan at work, take it. Contribute at least up to the amount of the company match.
- Plan ahead and decide how much you can afford to withdraw at the ATM each week. Take only that amount, and decrease it over time if you can.

By the Numbers: Heart Health

- About 600,000 people die of heart disease in the United States each year, making it the leading cause of death for men and women.
- Every year about 935,000 Americans have a heart attack.
- Heart disease costs the U.S. $109 billion each year, including the cost of health care services, medications, and lost productivity.
- Only 27% of people are aware that there are other warning signs of a heart attack besides chest pain.
- About 47% of Americans have at least one of the three major warning signs for heart disease: high blood pressure, high LDL cholesterol, and smoking. Source: The CDC
Case Administration
Patience Is A Virtue

The dictionary has a few definitions of what patience is. One is quite the obvious: the quality of being patient, as the bearing of provocation, annoyance, or misfortune, without complaint or irritation. Another definition has a different connotation, stated as an ability or willingness to suppress restlessness or annoyance when confronted with delay. Patience also has a third definition: a quiet, steady perseverance or diligence.

However we choose to define it, patience is essential in the jobs we do. We interact with a large number of people everyday, including Attorneys, Debtors, Creditors, and co-workers, by one medium or another. We answer phone calls and respond to emails answering various questions, and they’re not always easy. We manage our workloads (which can be quite heavy at times) with a certain degree of finesse. We properly interact with the clients and their attorneys that come through our door. Let’s face it: embedded in every aspect of our work is patience, and it doesn’t matter if you think you’re patient or not— you work with some degree of it every day.

To help us expand (or establish) a sense of patience, here are a few strategies to use when the phone conversation is going nowhere fast, when it seems like the work never slows down, and when things just aren’t going the way they should.

• Take deep, slow breaths and count to 10. It sounds really elementary, but it helps you relax and takes you away from the situation, at least for a bit.

• Learn to manage your emotions. How you react to a situation is up to you – you can choose to be patient or not.

• Slow down. Speak and move more slowly. By “acting” patient, you can often “feel” patient.

• Practice listening. Be attentive to whoever is on the phone or by your desk and plan your response before you say it.

• Keep reminding yourself that impatience rarely gets people to move faster. It only creates more stress, which does nothing for productivity.

The German priest and author Thomas a Kempis said, “All men commend patience, although few are willing to practice it.” Patience is not something we are born with; it is something we are taught through nurture and experience. We know that being patient is possible, like Kempis said, but sometimes it is hard for us to demonstrate it. Hopefully with these tips we will be able to develop a greater sense of patience wherever we are and whatever we’re doing, so as to improve our quality of work and quality of life with the people we interact with everyday.

Stephanie Lillie, Client Services Representative
Sources:

Making Small Spaces Bigger

Living in a small home can be challenging. While you usually cannot make your rooms larger, there are some strategies you can utilize to make them seem bigger than they are. Here are some space-enhancing ideas.

Get rid of any clutter and unnecessary items in your rooms. This is perhaps the best way to make a room feel more spacious. Too many items in a room inhibit the eye from expanding out to the perimeter of the room and make it feel small and too full.

Using a monochromatic color scheme in your room can also make it feel larger. You can use several tints of the same color to add some variety. You can also use your furnishings to enhance the size of your rooms. While you should not fill your room with many large pieces, you don’t have to settle for lots of scaled-down furniture either. One well-designed prominent piece can add character and personality to a room. Try placing it at an angle and allow some space around it. It is not necessary to place all of your furniture along the wall of your room, with each piece touching each other. By emphasizing the spacing between furniture pieces, you can trick the eye into seeing the room as larger.

The creative use of mirrors can also benefit a small room. Place a large mirror across from a window to increase the amount of light in a room. It will also reflect the outdoors into your room. Several mirrors can be placed together in a grouping on one wall, in a random pattern. You can also make use of glass in your furnishings to open up a space. Glass topped dining tables, accent tables, or work desks give an illusion of spaciousness.

Finally, try to buy furniture that is multi-functional. A dining table with fold-away leaves allows you to only use room space when you need it. A tall entertainment center can store home entertainment equipment as well as books, blankets, and more. You can also find headboards that double as bookshelves and ottomans or chests that offer storage space. Remember that it may take several experiments with furniture placement to find the best use of your individual space.
Legal

Time Is Of The Essence

Dealing with your daily task flow can be time consuming and stressful. But if you learn how to manage your time, it will be less stressful and you will be able to complete daily tasks with ease. People fail to realize the importance of time management and how, if used properly, it can lower the amount of time spent on daily tasks and increase productivity.

Time management is the act or process of planning and exercising conscious control over the amount of time spent on specific activities, especially to increase effectiveness, efficiency or productivity. Time management may be aided by a range of skills, tools, and techniques used to manage time when accomplishing specific tasks, projects and goals complying with a due date. This set encompasses a wide scope of activities, and these include planning, allocating, setting goals, analysis of time spent, monitoring, organizing, scheduling, and prioritizing.

Here are a few helpful hints that can be used to help manage your time at work and at the end of the day you will realize that you were able to get more done effectively, efficiently and stress-free:

• Plan your day – Set goals and priorities. This will help you accomplish more when you know what tasks you need to accomplish. Make to-do-lists by putting the most important tasks first.

• Prioritize your tasks – This will allow you more time to do the tasks that are most important. Less important tasks can be time consuming and can take up your day if your tasks are not prioritized.

• Analyze time spent – Keep a log of your daily tasks to see what you spend the most time doing. Analyze this time after a few days to see where you can make adjustments to get more things accomplished.

• Allocate your time – This will help you manage the amount of time spent on different tasks. If you have a large task to complete, try to break the task down into smaller parts to get the task completed.

Keeping these helpful hints in mind will help you to complete your daily tasks more accurately and you will have little to no errors overall. After all, the goal is to complete the task right the first time because it takes more time to correct an error than it does to do it right from the start. Remember “Time is of the Essence” and “Time Lost Can Not Be Regained!” Suszie McKinney, Case Analyst

Quick Tips

Green Living Tips

• Should you turn off your car’s engine when stuck in traffic or at a train crossing? Experts suggest that if you know that you will be stuck for more than a couple of minutes, it is best to turn off your car. A vehicle idling for longer than this will use more gasoline than one that is being restarted.

• Household electronics can use energy even when they are turned off. Leaving an appliance plugged in allows it to draw a small amount of electricity at all times. To eliminate this energy draw, unplug your electronics and appliances when not in use. You can also use a power strip with an on/off switch. Turn the power off at the strip whenever you turn the appliance off.

Car Tip

• If you have a crack in a taillight cover, you may be tempted to leave it until you have time to get it repaired. But left un repaired, a crack can allow in water, which can cause damage to the light’s components. If you don’t have the time or money to get it replaced, purchase some red or orange repair tape at your local automotive supply store. Use this until you are able to get it repaired.

Healthy Living Tip

• Finding a weight loss buddy can give you support and make your effort more fun. But surprisingly, it can also help you lose more weight. A recent study by Brown University showed that those who had a motivated friend lost nearly twice as much as those who were going it alone. Add another friend and you’ll do even better. They can help you watch what you eat, exercise with you, and help you when you are losing focus.

Trivia Quiz Answers:

Super Bowl Firsts

4. 1969. The University of Arizona and Grambling State University Marching Bands, along with entertainer Al Hirt.
8. About $260,000.
9. The University of Arizona.
10. Vince Lombardi coached the Packers, and Hank Stram coached the Chiefs.
In 2013 I Resolve To...

Charlie Ward: My New Year resolution was to eat healthier.

Becky Feuerbacher: My New Year Resolution for 2013 is to embrace life and stop worrying about the little things. :) Also, to eat more veggies and natural foods, and less processed food!

Cheryl Jones: Live life like there’s no tomorrow, because I’ve come to realize tomorrow is not promised. I also resolve to learn how to control the tone of my voice and to stop sweating the small stuff.

Aaron Bowles: I plan to travel some place different once a month.

Sulethé Mason: Here is my New Year Resolution: Not to have a new years resolution.

Donna Eubanks: My resolution is to be a better and thinner person this year than I was last year.

Jay Tribou: I am resolving to eat healthier and to exercise more with the goal in mind to lose some weight.

Joanna Buda: To stay in shape and stay fit.

Mark Caffarinii: To be more organized in 2013.

Dave Latz: After all these years, I’ve come to realize that resolutions don’t need to wait for the New Year to be made. I can make them at any time! Unfortunately, I’ve also realized that I don’t need to wait until January to break them either.

Juliana Dunklin: One of the New Beginnings that I would like to charter for 2013 is to be quicker to discard non beneficial energy in my presence. Letting go and moving on.

Members of the Staff of the Office of the Chapter 13 Trustee

Internet Tidbit

Your actual age may not always be a good indicator of your body’s real age in terms of health. When you visit RealAge.com, you can take the RealAge Test. This combines information about your lifestyle, genetics, and medical history. That combined with other factors, including your attitude toward life and diet, is all combined to give you a picture of your real health status. The researchers behind the RealAge Test have found results ranging from 19 years younger for a person with very healthy habits to 37 years older for someone who smokes with multiple health problems. What can you do with your result? It is a great starting point for discussions with your doctor and is a great motivator to improve your health and lifestyle habits.

Love

“All love that has not friendship for its base is like a mansion built upon sand.”
~ Ella Wheeler Wilcox

“Love is that condition in which the happiness of another person is essential to your own.”
~ Robert A. Heinlein

“To love and be loved is to feel the sun from both sides.”
~ David Viscott
Trivia Quiz: Super Bowl Firsts
This year, the Super Bowl will be played on February 3rd in New Orleans. Test your gridiron knowledge of Super Bowl firsts with this fun trivia quiz. (The answers are on page 6.)
1. In what year was the first Super Bowl played?
2. Who was the first team to score 50 points in a Super Bowl?
3. Which domed stadium was the first to host a Super Bowl?
4. When did the Super Bowl get its name, having previously been called the AFL-NFL World Championship?
5. In 1976, the Dallas Cowboys became the first team to advance to the Super Bowl as what?
6. Which was the first team to lose four Super Bowls?
7. Which Super Bowl was the first to have no cheerleaders at the game?
8. This year, Super Bowl ads will top $3.5 million for a 30-second spot. How much did the first Super Bowl commercials cost, adjusted for inflation?
9. During the first Super Bowl half time, who was the featured performer?
10. Who were the first two coaches leading teams in the Super Bowl?

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The Marshall Chronicles is now available in full color, both in print and on-line at www.chicago13.com

Did You Know: Table Manners
At a formal place setting, the silverware should be placed so that the utensils are used from outside to inside. In other words, the salad fork should be placed farther from the plate than the dessert fork.
When eating bread from a common breadbasket, place your bread on your plate first. Then take some butter and place it on your plate as well. Use this to butter your bread.
Once used, a utensil should not be placed back on the table. It should be laid on a flat dish or plate.
Salt and pepper should always be passed together, even if someone asks only for one.
To indicate that you are finished eating, place your knife and fork on the plate so that they are parallel to each other, at the eleven o’clock position (a diagonal from bottom right to top left) with the points facing away from you. Place your napkin on the table, not on your plate or on your chair.
If you are unsure of what to do next in a formal dinner setting, simply take your cues from your host. You can sit, eat, put your napkin on the table, and leave as soon as your host does so, unless you are asked to do otherwise.